

PLANNING COMMITTEE – 4 JUNE 2019

Application No:	18/01363/FULM	
Proposal:	Proposed residential development for 80 dwellings	
Location:	Land Off Lower Kirklington Road, Southwell	
Applicant:	CAPLA Developments Ltd	
Registered:	18 July 2018	Target Date: 17 October 2018
	Extension of Time Agreed Until 6 June 2019	

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 site comprises approx. 2.76 hectares of land on the northern side of Lower Kirklington Road, opposite its junction with Kirklington Road and to the west of the residential development centred around Orchard Close at the north-western edge of Southwell, forming the very edge of the defined urban boundary. The site forms a narrow strip leading from Lower Kirklington Road which then widens considerably to the rear of existing houses fronting the road (namely Pear Tree Cottage, The Beacon, Red Roof and High Gables). The site then widens slightly again adjacent to its rear boundary. The site is low lying, relatively flat, although gently sloping and enclosed by substantial planting to the north and west. Pear Tree Cottage, fronting Lower Kirklington Road is considered to be a non-designated heritage asset.

Currently a mix of fields, some more open, some overgrown with vegetation bounded by hedgerows, the site also accommodates a private access road that serves Malkiln Cottage and Hopkiln Cottage, which are located between the rear of the houses in Orchard Close and the Southwell Trail. The site is gently sloping with higher levels adjacent to the road and levels reducing towards the northern part of the site, with ranges from 35.5m AOD at the southern end to 27.89m AOD at the north-western corner. There is a Public Right Of Way that runs along the private right of way from Kirklington Road. Two thirds of the way into the site, the right of way divides into two, one forks heads eastwards and one heads westwards but they both link up with the Southwell Trail. These PROWs are also identified as Ramblers Rights of Way (Southwell FP57 and Southwell FP58). The Southwell Trail is defined as a local nature reserve, and is a narrow footpath and Bridle Way 78 which at this point is fully enclosed by mature hedgerow on either side. There are currently two openings close to the application site that allow pedestrian access onto the Trail, one to the west of the site (Footpath 58) and one to the east of the site, although the position of the latter one is shown incorrectly on the proposed site plan which is in fact is much further to the east (Footpath 57) close to the open space and children’s play area to the rear of Ridgeway. There is therefore no existing link directly to the Southwell Trail from the application site.

Located within Hallouhgton Village Farmlands of the wider Mid-Nottinghamshire farmlands regional character, the site is bound to the west by a continuous mature native hedgerow, beyond which are allotments and agricultural fields in the open countryside. There is an existing residential property known as Meadow Cottage that is situated approx. 260m to the north-west of the application boundary. The northern boundary also comprises hedgerow which divides the site from the Southwell Trail (which is set approx. 1 above the ground level of the site), beyond which is open countryside and the River Greet. The eastern boundary at its northern end is defined again by hedgerow, beyond which are smaller open fields which are mown and managed and appear to be used as open space being used by the occupiers of Malktiln and Hopkiln Cottages. However, the majority of the eastern boundary is formed by the rear gardens of the two storey dwellings fronting Orchard Close. The southern boundary is formed by the rear gardens of houses fronting Lower Kirklington Road with a slim section of managed hedgerow, which is interrupted by the current private road that forms the current vehicular access to the site. There are two deep but narrow water ditches that run along field boundaries in a south-western to north-eastern direction towards the Southwell Trail.

The application site is within the defined urban boundary of Southwell and along with a triangular shaped area to the east (northern end) and a narrow strip of land that runs towards Lower Kirklington Road on the current residential curtilage of the property known as High Gables is allocated for residential development for around 60 dwellings under Policy So/Ho/5.

The site is within Flood Zone 1, which means it is at low risk of fluvial flooding although it is prone to surface water flooding.

Relevant Planning History

On the central part of the application site, with access through the demolition of High Gables fronting Lower Kirklington Road:-

15/00475/OUTM - Site for a maximum of 12 dwellings with point of access onto Lower Kirklington Road to be determined, approved 27.10.2016, not implemented.

On land within the highway at the junction of Lower Kirklington Road and Kirklington Road T-junction:-

13/00823/FUL - Formation of New Vehicular Access and Mini Roundabout with Associated Highway Works, approved 20.08.2013, not implemented and has now lapsed. The plans showed a 3-arm roundabout between Lower Kirklington Road and Kirklington Road and a separate T-junction created to serve the allocated to the south of Lower Kirklington Road known as So/Ho/4.

On land to the west of the application site:-

14/01237/FUL - Create a new vehicular access to proposed allotments with associated gate and fencing, approved 1.12.2014, which has been implemented.

16/00581/FUL - Application to vary condition 8 in relation to landscaping, attached to planning permission 14/01237/FUL for Create a new vehicular access to proposed allotments with associated gate and fencing, approved 9.06.2016

16/00591/FUL - Application to remove condition 5 in relation to provision of footway,

attached to planning permission 14/01237/FUL for Create a new vehicular access to proposed allotments with associated gate and fencing, refused 3.06.2016

The Proposal

The application was originally submitted with a proposal for 105 dwellings on this site. Through months of negotiation, when the quantum of development was slowly reduced, a scheme for 80 dwellings was finally arrived at as the minimum amount of development to make the scheme financially viable, although no evidence has been submitted by the applicant to demonstrate this. The applicant has also stated that as result of reducing the number of units on the site, the sizes of units has had to be increased to enable the scheme to stack up in viability terms although again no evidence has been submitted to this effect. Officers have not requested viability evidence on the basis that the scheme is 'developer contributions compliant'.

As originally submitted the access to the application site was provided by a 4-arm roundabout comprising two arms on Lower Kirklington Road, one arm serving Kirklington Road and the final arm serving the application site. The submission sought to demonstrate that a roundabout junction would be safe and would be the most appropriate method given its sensitive position on the outskirts of the town and adjacent to open countryside. However, the Highway Authority made it clear in their first consultee comments (set out below) that a 4-arm roundabout would, in their option, be a dangerous feature in highway safety terms. On the knowledge that the planning officer would not recommend approval of the scheme contrary to the views of the Highway Authority, the applicant reluctantly submitted an alternative traffic light-controlled junction to provide access to the site. This has been submitted recently and at the time of print has been agreed as acceptable in principle by the highway authority.

The scheme currently seeks approval of 80 dwellings of both market (70%) and affordable (30%) accommodation with associated infrastructure and open space. The application has been amended during its lifetime through negotiations such that the schedule of accommodation sought for approval is set out below.

Affordable	Tenure	No of Beds	No of storeys	No provided
Type A	Rent	1	2	2
Type B	Rent	2	2	10
Type B	Shared Ownership	2	2	7
Type C	Rent	3	2	2
Type C	Shared Ownership	3	2	3
Total				24
Market				
Type D		1	2	8
Type F		2	2	4
Type G		2	2	7
Type H		3	2.5	12
Type I		4	2	4
Type K		6	2.5	6
Type L		5	2.5	7
Type M		4	2.5	8
Total				56

The properties within the site would be delivered through a series of different house types, with brick being the predominant material (two houses have rendered frontages). The two storey properties vary in height from approx. 8.23m to the ridge, rising to a maximum of 9.7m, within the 2.5 storey dwellings positioned towards the northern part of the site. The site layout plan demonstrates a foul and surface water pumping station in the north-western corner of the site (required to pump drainage from the new development to Lower Kirklington Road), and children's play area that sits at the northern end of an area of open space (which includes an attenuation pond) that runs along the western boundary of the site. The plan indicates a new pedestrian and cycle link from the site to the Southwell Trail (although no details have been submitted) but incorrectly identifies an existing link at the north-eastern corner of the site.

The affordable housing element of the scheme is located adjacent to the eastern boundary of the site in a courtyard formation, but also includes 3 market units in the north-eastern corner. The vehicular access to serve Malkiln and Hopkiln Cottages is maintained as well as the potential to access the remainder of the allocated site to the north-east of the site.

The site is served by one access point from Lower Kirklington Road and the layout therefore centres around a number of cul-de-sacs and courtyards. Strategic landscaping strips are identified along the western and northern boundaries of the site which are to be reinforced and managed by a future Management Company. Existing hedgerows along the other boundaries of the site are to be retained and reinforced, as well as the majority of hedgerows within the site itself. The existing FP57 Right of Way in its current position would lie alongside the proposed road, so the site layout proposes to re-direct this footpath to run within the proposed open space. The existing FP58 would continue in its existing position and runs along a new road for a short section.

The Submission (as currently amended)

- Revised Figure 3.5 Traffic Signals received 20 May 2019;
 - Revised Figure 3.6 Artic Swept received 20 May 2019;
 - Revised Figure 3.7 RCV Swepts received 20 May 2019;
 - Safety Audit 2179B Stage 1 Feedback Form, Version 2 dated 20 May 2019, received 21 May 2019.
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- Site Location Plan (Drawing No: 618-2-000 Rev A) received 29.04.2019;
 - Proposed Site Layout Plan (Drawing No: 816-2-001 Rev F) received 7 May 2019;
 - Proposed Site Layout Plan – Materials (Drawing No: 618-2-003 Rev C) received 7 May 2019;
 - Plots 54-61 Plans (Drawing No: 618-2-100 Rev A) received 21.05.2019;
 - Plots 54-61 Elevations (Drawing No: 618-2-101 Rev A) received 21.05.2019;
 - Plots 62-66 Plans (Drawing No: 618-2-102 Rev A) received 21.05.2019;
 - Plots 62-66 Elevations (Drawing No: 618-2-103 Rev A) received 21.05.2019;
 - Plots 67-76 – Plans (Drawing No: 618-2-104) received 29.04.2019;
 - Plots 67-76 – Elevations (Drawing No: 618-2-105) received 29.04.2019;
 - Plots 77-80 – Plans (Drawing No: 618-2-106) received 29.04.2019;
 - Plots 77-80 – Elevations (Drawing No: 618-2-107) received 29.04.2019;
 - Type A – 1B 2P – Plans (Drawing No: 618-2-A01 Rev A) received 29.04.2019;
 - Type A – 1B 2P – Elevations (Drawing No: 618-2-A02 Rev A) received 29.04.2019;
 - Type B – 2B 4P House – Plans (Drawing No: 618-2-B01 Rev C) received 29.04.2019;
 - Type B – 2B 4P House – Elevations (Drawing No: 618-2-B02 Rev C) received 29.04.2019;

- Type C – 3B 5P House – Plans (Drawing No: 618-2-C01 Rev B) received 29.04.2019;
 - Type C – 3B 5P House – Elevations (Drawing No: 618-2-C02 Rev C) received 29.04.2019;
 - Type D – 1B 2P Quarter House – Plans (Drawing No: 618-2-D01 Rev A) received 29.04.2019;
 - Type D – 1B 2P Quarter House – Elevations (Drawing No: 618-2-D02 Rev A) received 29.04.2019;
 - Type F – 2B 4P House – Plans (Drawing No: 618-2-F01 Rev A) received 29.04.2019;
 - Type F – 2B 4P House – Elevations (Drawing No: 618-2-F02 Rev A) received 29.04.2019;
 - Type G – 2B 4P House – Plans (Drawing No: 618-2-G01 Rev C) received 29.04.2019;
 - Type G – 2B 4P House – Elevations (Drawing No: 618-2-G02 Rev C) received 29.04.2019;
 - Type H – 3B 6P House – Plans (Drawing No: 618-2-H01 Rev A) received 29.04.2019;
 - Type H – 3B 6P House – Elevations (Drawing No: 618-2-H02 Rev B) received 29.04.2019;
 - Type I - 4B 7P House – Plans (Drawing No: 618-2-101 Rev A) received 29.04.2019;
 - Type I - 4B 7P House – Elevations (Drawing No: 618-2-102 Rev A) received 29.04.2019;
 - Type K - 6B 9P House – Plans (Drawing No: 618-2-K01 Rev B) received 29.04.2019;
 - Type K - 6B 9P House – Elevations (Drawing No: 618-2-K02 Rev B) received 29.04.2019;
 - Type L - 5B 9P House – Plans (Drawing No: 618-2-L01 Rev A) received 29.04.2019;
 - Type L - 5B 9P House – Elevations (Drawing No: 618-2-L02 Rev B) received 29.04.2019;
 - Type L v 1 – 5B 9P House – Elevations (Drawing No: 618-2-L03 Rev A) received 29.04.2019;
 - Type M - 4B 7P House – Plans (Drawing No: 618-2-M01 Rev B) received 29.04.2019;
 - Type M – 4B 7P House – Elevations (Drawing No: 618-2-M02 Rev B) received 29.04.2019;
 - Proposed Street Elevations (Drawing No: 618-2-300) received 29.04.2019;
 - Landscape and Visual Impact Assessment Addendum by Influence Environmental Ltd dated May 2019 received 29.04.2019;
 - Illustrative Masterplan Final (Drawing No: INF_N0490(03)001A) received 29.04.2019;
 - Western Buffer Strip Planting Plan Sheet 1 of 2 (Drawing No: (96)001 Rev F) received 29.04.2019;
 - Western Buffer Strip Planting Plan Sheet 2 of 2 (Drawing No: (96)002 Rev F) received 29.04.2019;
 - Proposed Tree and Hedgerow Works (Drawing No: 618-2-004 Rev B) received 29.04.2019;
 - Proposed Planted Buffer Sections (Drawing No: 618-2-005) received 29.04.2019;
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- Covering letter from Aspbury Planning Ltd dated 29 April 2019;
 - Revised Access Proposals – Technical Note 1 by Armstrong Stokes & Clayton dated April 2019;
 - Flood Risk – Technical Note 2 by Armstrong Stokes & Clayton Ltd dated April 2019;
 - Matrix of Consultee Comments by Aspbury Planning Ltd received 29 April 2019;
 - Design Statement v2 by Core Architects received 29 April 2019;
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- Design Statement by Core Architects received 17 January 2019;
 - Outline Travel Plan by Armstrong Stokes & Clayton Ltd dated January 2019;
 - Flood Risk Assessment by Armstrong Stokes & Clayton Ltd dated January 2019;
 - Landscape and Visual Assessment by Influence Environmental Ltd dated January 2019;
 - Verified Views by RBMP dated January 2019;
 - Transport Assessment by Armstrong Stokes & Clayton Ltd dated January 2019;
 - Affordable Housing Statement by Aspbury Planning Ltd received 17 January 2019;
 - Geophysical Survey by Sumos Surveys received 12 September 2018;
 - Spatial Planning Statement by Aspbury Planning Ltd received 16 July 2018;
 - Desk Based Assessments for the Historic Environment & Archaeology by Pre-Construct

- Archaeology and M&M Archaeological Services received 18 July 2018;
- Arboricultural Survey by Welch Design received 16 July 2018;
 - Ecology and Protected Species Surveys by Scarborough Nixon Associates Ltd dated March 2018 and May 2018 received 16 July 2018.

Departure/Public Advertisement Procedure

Occupiers of 34 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 16 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 E5 – Green Link
Policy DH1 – Sense of Place
Policy DH2 – Public Realm
Policy TA1 – Cycle and Pedestrian routes
Policy TA2 – Public Transport and Connectivity
Policy TA3 – Highways Impact
Policy TA4 – Parking Standards
Policy CF1 – Identified Assets
Policy CF2 – Green and Open Spaces and Burial Grounds
Policy HE1 – Housing Type and Density
Policy SS5 – Lower Kirklington Road (So/Ho/5)

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

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 10A – Local Drainage Designations
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
NAP1 - Newark Urban Area
NAP2A – Land South of Newark
NAP 2B – Land East of Newark

NAP2C – Land around Fernwood
SoAP1 – Role and Setting of Southwell

Allocations & Development Management DPD (adopted July 2013)

Policy So/Ho/5 – Southwell – Housing Site 5
Policy So/Hn/1 – Southwell Housing Need
DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (on-line resource)
- Affordable Housing SPD (June 2013)
- Landscape Character Assessment SPD (Dec 2013)
- Developer Contributions & Planning Obligations SPD (Dec 2013)
- Section 17 of the Crime and Disorder Act 1998

Consultations

Southwell Town Council – (16.05.2019) “Southwell Town Council reconsidered application 18/01363/FULM Land Off Lower Kirklington Road and agreed unanimously to object to this application and to ask a district councillor to ‘call in’ to NSDC for the following reasons:

The council noted that there had been a revision to the layout of the social housing, but this had not addressed the original objections. Therefore, they reiterate the previous comments and offer an alternative solution to the traffic lights.

This application is in contravention of the Southwell Neighbourhood plan 2016. It also contravenes the NSDC Local Development Framework which incorporates the above plan and the Statement of Community involvement.

HE1 – Housing Type and Density. The number of houses has been reduced from the original application but as this development is only using 70% of the allocated site then the numbers of houses is still too high. The proportion of social housing is very welcome, but the council objects to the affordable housing being sited in one area which is also contrary to NSDC affordable housing SPD paragraphs 3.14-3.16. This approach does not help to create a sense of integration into the community and in fact creates a separation and isolation between the two groups. It is totally contradictory to British society in the 21st Century. No Bungalows are in the housing mix.

The town council supports the police and highway objections regarding the parking court within the affordable housing area of the development.

The inclusion of traffic lights is inappropriate in this rural location, at this important Gateway to Southwell and as an alternative, the town council strongly recommends a traffic calming scheme on the approach to the town from the Maythorne direction, which includes a chicane on Lower Kirklington Road. With traffic calming in place the Council cannot see the need for either traffic

lights or a mini roundabout and considers that a simple cross roads would suffice. The council believes that the simple cross roads at the Newark Road/Lower Kirklington Road/Station Road/Burgage junction is busier than the application site access.

TA3 – Highways Impact. This development has an unsustainable location that is way beyond the 800m/10 minute walk isochrone beyond which D of T research shows that most people would drive a car especially if carrying shopping. It will therefore generate a lot more car journeys thus increasing congestion and parking issues in the town centre.

E2 – Flood Resilient Design. The flood and sewage issue around Hopkilm and Maltkilm Cottages have still not been resolved. The approach to Flood Resilience that is being proposed is the most acceptable however, because some of the assumptions stated in the Analysis are erroneous, it is essential that the figures used are confirmed by the NCC Flood Department and full detailed analysis should be included with the application.

HE3 – Open Space and New Residential Developments. The overall streetscape needs to be improved to generate in sense of place. The play area is very small and situated in a high risk area at the end of a long stretch of road. It is also positioned at the opposite end of the development from the affordable housing with no safe direct route between the two.”

(25.03.2019) “Southwell Town Council reconsidered application 18/01363/FULM Land Off Lower Kirklington Road and agreed unanimously to object to this application and to ask Councillor Bruce Laughton to call in to NSDC for the following reasons:

The objections are as previously submitted with the additional comments regarding the traffic lights at the entrance.

It is in contravention of the neighbourhood plan:

HE1 Housing Type and Density. The number of houses has been reduced from the original application but as this development is only using 70% of the allocated site then the numbers of houses is still too high. The proportion of social housing is very welcome, but the council objects to the affordable housing being sited in one area which is also contrary of NSDC policy. This approach does not help to create a sense of community and in fact creates a separation and isolation between the two styles. It is totally contradictory to British society in the 21st Century. No Bungalows are in the housing mix. The inclusion of traffic lights is inappropriate in this rural location at the Gate to Southwell and as an alternative, the town council strongly recommend a traffic calming scheme on the approach to the town. The town council supports and police and highway objections regarding the parking court within the development and also the proposed access.

TA3 Highways Impact. This development has an unsustainable location that is way beyond the 800m/10 minute walk isochrone beyond which D of T research shows that most people would drive a car especially if carrying shopping. It will therefore generate a lot more car journeys thus increasing congestion and parking issues in the town centre.

E2 Flood Resilient Design. The flood and sewage issue around Hopkilm and Maltkilm Cottages have still not been resolved. The approach to Flood Resilience that is being proposed is the most acceptable however because some of the assumptions stated in the Analysis are erroneous it is essential that the figures used are confirmed by the NCC Flood Department

HE3 Open Space and New Residential Developments. The overall streetscape needs to be improved to generate in sense of place. The play area is very small and situated in a high risk area at the end of a long stretch of road. It is also positioned at the opposite end of the development from the affordable housing with no direct route between the two.”

(07.02.2019) "Southwell Town Council considered application 18/01363/FULM Land Off Lower Kirklington Road and agreed unanimously to object to this application and to ask Councillor Bruce Laughton to call in to NSDC for the following reasons:

It is in contravention of the neighbourhood plan:

HE1 Housing Type and Density. The number of houses has been reduced from the original application but as this development is only using 70% of the allocated site then the numbers of houses is still too high. The proportion of social housing is very welcome, but the council objects to the affordable housing being sited in one area which is also contrary of NSDC policy. This approach does not help to create a sense of community and in fact creates a separation and isolation between the two styles. It is totally contradictory to British society in the 21st Century. No Bungalows are in the housing mix TA3 Highways Impact. This development has an unsustainable location that is way beyond the 800m/10 minute walk isochrone beyond which D of T research shows that most people would drive a car especially if carrying shopping. It will therefore generate a lot more car journeys thus increasing congestion and parking issues in the town centre.

E2 Flood Resilient Design. The flood and sewage issue around Hopkilm and Maltkilm Cottages have still not been resolved. The approach to Flood Resilience that is being proposed is the most acceptable however because some of the assumptions stated in the Analysis are erroneous it is essential that the figures used are confirmed by the NCC Flood Department HE3 Open Space and New Residential Developments. The overall streetscape needs to be improved to generate in sense of place. The play area is very small and situated in a high risk area at the end of a long stretch of road. It is also positioned at the opposite end of the development from the affordable housing with no direct route between the two.

The town council supports and police and highway objections regarding the parking court and access.

The town council are concerned that they have not been involved in any application discussions and would welcome future involvement."

(14.08.2018) "Southwell Town Council considered application 18/01363/FULM Land off Lower Kirklington Rd and agreed unanimously to object to this application and to ask that Cllr Bruce Laughton call in this application for the following reasons:

E1 Flood Risk Assessments and Mitigation and E2 Flood Resilient Design

We find that the Flood Risk Assessment is flawed in the following ways.

The problems inherent within the FRA are exacerbated by the fact that there are over twice the number of dwellings planned compared to the numbers allocated.

With reference to the Paragraph Numbers in the Flood Risk Assessment

3.9 Greenfield water runoff rate. -Penetration tests mentioned as part of the investigations for the suitability for soakaways (as part of the drainage plans) showed that drainage was insufficient for soakaways so it is likely that the runoff rate will be higher than that quoted

4.5 & 4.6 -Mention of the Potwell Dyke and the flood problems associated with this area shows a distinct lack of understanding of the character of the flooding in Southwell. This application is for land on the Northern side of town in the Halam Rd catchment area and is completely separate from the Southern (Potwell Dyke) catchment. In the FRA it was stated that around 100 houses were flooded as a result of the Potwell Dyke flooding. As there were a total of around 250 houses flooded in the town, this means that around 150 houses were flooded as a result of the problems in the Northern (HalamRd) catchment area.

Whilst this site is affected by direct flooding, it also has the potential (if developed without due care) to impact areas further downstream.

4.12 -It is stated that much of the flooding in this area is caused by blocked or ineffective drains/ gullies or blocked/deficient receiving systems, and whilst this is partially true it is not the total picture and much of the flooding in this area can be attributed to historic development without due care to the problems of pluvial water flows, and overstretched drainage systems. Is for example the 225mm combined sewer sufficient to cope with all the sewage outflow from the site as well as future planned development on allocations in the vicinity. In Para 4.16 it is stated that there was sewer/surface water flooding in 2007 and suggested that this was a similar event to that in 2013.

In fact the 2007 event was estimated to have a return rate of 1 in 140 years whereas the 2013 event was greater than 1 in 1000 years 4.15 -The Nottinghamshire County Council surface water flood map (included as Appendix F) shows that approximately 10% of the site is susceptible to surface water flooding. The FRA further suggests that the water in the flood paths would be diverted away from the site by hedgerows and densely wooded areas. This is an assumption that is unjustified and was not the case in 2013 in similar woode areas around Hopkiln Lane

5.5 -In this paragraph it is stated that it is proposed to connect the foul sewer to the 225 mm combined sewer in Lower Kirklington Rd. Is this 225mm combined sewer sufficient to cope with all the sewage outflow from the site as well as all future planned development on allocations in the vicinity?

7.5,7.6,7.7,7.8 & 7.9 -There is certainly anecdotal evidence from the owners of the two adjacent cottages that flooding occurred in 2007 and 2013, and this corroborates the evidence of the NCC Flood map.

In fact at the recent Southwell Town Council Planning committee meeting on the 1st August the owners of the two cottages stated that in times of heavy (but not excessive), rainfall they have flooding and suffer the effects of excess water in their drains (blocked drains and toilets). They further stated that this occurs most years.

Overall the strategy to overcome flooding is the only reasonable solution however because of the inaccuracies and incorrect assumptions used in the FRA there are strong reasons to doubt the figures and sizing of the balancing ponds and underground tanks, as well as the ability of the existing drain network in that area of Southwell to cope with a 1 in 140 year event.

In addition it is imperative that a system for maintenance for the balancing pond, tanks and the permeable paving and driveways is put in place to ensure the continued operation at design levels.

E4 Public Rights of Way -Doesnt conform to NP policy E4 and SS5 vi as the proposed public right of way runs along estate road.

E6 Climate Change and Carbon Emissions -Solar/PV panels would be beneficial

TA1 Cycle and Pedestrian Routes Doesnt conform to NP policy E4 and SS5 vi as runs along estate road.

TA3 Highways Impact- Dismisses extra traffic and says most would not walk to the town Centre. However it is way beyond the 800m/10 minute walk isocrone beyond which D of T research shows that most people would walk especially if carrying shopping.

HE1 Housing Type and Density 38 dph Doesn't quite conform to DC or NP type %ages although the correct proportion of social housing is very welcome.

Dwelling numbers 105 far more than allocated in this unsustainable location which will generate a lot of car journeys with congestion and parking issues in the town centre.

No Bungalows are in the housing mix HE3 Open Space and New Residential Developments Inadequate open space and in the wrong place.. NSDC Green Space Improvement plans show a shortfall of Provision in North Ward amounting to 1.29ha for Children and young people and 1.28ha for parks and gardens. It goes on to say Any significant new housing in the areas may require additional provision considering current deficiency levels.

Site Specific Policy compliance:

SS5 ix Doesn't provide central open space/play area to give a sense of place and focal point for the development. The creation of a central green space in the region of plots 59-72 with houses facing it would give a sense of place, a play area, green space and would result in a less orthogonal plan form giving more interesting rooflines when viewed from outside the site.

SS5 ii & Design Guide doesn't address the transition into the town - lack of variety in roof heights and orientation very orthogonal and high density in regimented rows, contrary to the Design Guide. A lot of very similar house types visually.

SS5 ii doesn't retain hedges H5 & H6 which are on the NP proposals map as important landscape vegetation see SS5 ii Appendix 1 Southwell Design Guide 8m wide maintenance buffer not provided (see design guide Natural Environment) Social housing not mixed in, in contravention of NSDC Affordable Housing SPD paras 3.14-3.16 Blank gable ends at the entrance to the site in contravention of Neighbourhood Plan Design Guide

NCC Highways Authority – (15.05.2019) “I have now noticed that drawing 618/2/001/F shows shared surface roads. If these are intended to be adopted as public highway (as I believe they are) they are inappropriate and unacceptable. By all means different materials may be used for carriageways and footways, but they should be kept separate.

In addition I don't believe my previous comments about parking have been fully addressed i.e.

Parking provision is insufficient in some parts of the development and will lead to onstreet parking. 4 and 5 bedroom dwellings should have at least 3 car spaces each. Also, in these cases, spaces should not be fully in tandem since this also leads to onstreet parking to avoid the shuffle movements when a car furthest away from the road needs to be used.”

(18.03.2019) “Further to comments dated 30 January 2019, I refer to submitted drawing 618-2-001D, there are a number of issues that remain unresolved and lead this Authority to the conclusion that this application should be refused. These issues include:

1. A 4-arm mini-roundabout is not considered an appropriate and safe means of access, particularly in light of recommendation 3.2 made within the Road Safety Audit. The designer's response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement. A traffic signal controlled option was previously recommended to the applicant/agent.

2. Insufficient account has been taken of the access arrangement associated with planning permission 13/00823/FUL and therefore compromises the access arrangement of an allocated strategic housing site within the District Council's Local Development Framework.

3. A footway, rather than a service margin, is required outside plots 28-39.

4. Parking provision is insufficient in some parts of the development and will lead to on-street parking. 4 and 5 bedroom dwellings should have at least 3 car spaces each. Also, in these cases, spaces should not be fully in tandem since this also leads to on-street parking to avoid the shuffle movements when a car furthest away from the road needs to be used.

In conclusion, it is recommended that this application be refused on the grounds that it fails to meet the requirements of Spatial Policy 7 insofar as it:

i) fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;

ii) fails to provide safe access;

iii) fails to ensure new parking problems will not occur.

In addition the proposal compromises the ability to develop Housing Allocated Site So/Ho/4 contained in the Adopted Allocations & Development Management Development Plan Document."

(30.01.2019) "Further to comments dated 15 August 2018, I refer to submitted drawing 618-2-003B, , and Figure 3.2 (contained within the Transport Assessment), there are a number of issues that lead this Authority to the conclusion that this application should be refused. These issues include:

1. A 4-arm mini-roundabout is not considered an appropriate and safe means of access, particularly in light of recommendation 3.2 made within the Road Safety Audit. The designer's response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement. A traffic signal controlled option was previously recommended to the applicant/agent.

2. Insufficient account has been taken of the access arrangement associated with planning permission 13/00823/FUL and therefore compromises the access arrangement of an allocated strategic housing site within the District Council's Local Development Framework.

3. Footway arrangements are unusual, inconsistent and unacceptable for adoption; with missing lengths, and some behind unadoptable parking spaces. Even in the rare locations where a footway could be omitted, no adoptable service margins appear to have been proposed.

4. The parking layout associated with plots 54-80 offer some amenity issues with parking in some instances either being remote or not overlooked. This may lead to random on-street parking and/or neighbour disputes.

5. Some parking spaces are inconvenient and remote from the dwellings they serve and would lead to on-street parking i.e. plots 5 and 24-27.

In conclusion, it is recommended that this application be refused on the grounds that it fails to meet the requirements of Spatial Policy 7 insofar as it:

- i) fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;
- ii) fails to provide safe access;
- iii) fails to ensure new parking problems will not occur.

In addition the proposal compromises the ability to develop Housing Allocated Site So/Ho/4 contained in the Adopted Allocations & Development Management Development Plan Document.”

(15.08.2018) “With regard to submitted drawing 618-2-002A, and Figure 3.2 (contained within the Transport Assessment), there are a number of issues that lead this Authority to the conclusion that this application should be refused. These issues include:

1. A 4-arm mini-roundabout is not considered an appropriate and safe means of access, particularly in light of recommendation 3.2 made within the Road Safety Audit. The designer’s response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement. A traffic signal controlled option was previously recommended to the applicant/agent.
2. Insufficient account has been taken of the access arrangement associated with planning permission 13/00823/FUL and therefore compromises the access arrangement of an allocated strategic housing site within the District Council’s Local Development Framework.
3. The footway on the eastern side of the access is curtailed shortly north of its junction with Lower Kirklington Road. This means that residents of a large proportion of the development would have to walk across the access road twice to travel on the desire line to local facilities/town centre.
4. Road 2 lacks any footway on its western side, and again does not cater for the pedestrian desire line.
5. It is unclear how pedestrian / cycle links are to be fully made with the Southwell Trail, and whether or not these are publicly available or have to cross private land.
6. Some parking spaces are inconvenient and remote from the dwellings they serve and would lead to on-street parking i.e. plots 94, 95, 97.

In conclusion, it is recommended that this application be refused on the grounds that it fails to meet the requirements of Spatial Policy 7 insofar as it:

- i) fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;
- ii) fails to provide safe access;
- iii) fails to ensure new parking problems will not occur.

In addition the proposal compromises the ability to develop Housing Allocated Site So/Ho/4 contained in the Adopted Allocations & Development Management Development Plan Document.”

NCC, Rights of Way – (14.05.2019) “I have no objection to the application. The public rights of way have been accommodated appropriately within the site.”

Environment Agency – (26.07.2018) “The site is within Flood Zone 1 only and so the application does not fall within our remit as a statutory consultee. We therefore have no comments to make on this occasion. Whilst the site is also located within a Source Protection Zone, the proposed use is not considered potentially contaminating.”

NCC, Lead Local Flood Authority – (07.05.2019) “No objections subject to our comments dated 27 March 2019.”

(27.03.2019) “No objections subject to the following requirements:

1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Q_{bar}) from the area.

1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.”

(11.02.2019) “Please refer to our comments dated 6 August 2018.”

(06.08.2018) “No objections in principle subject to the following comments:

1. The application fails to consider and mitigate against the potential for surface water flows across the site sufficiently. It is recommended that further detailed information is provided to either:
 - a. prove the flow path that is shown on the EA Flood Risk from Surface Water map is inaccurate and does not affect the site or

- b. show how the flow path will be integrated into the site layout to ensure it does not put any of the development at risk of flooding nor increases the risk of flowing to the surrounding areas.
2. It is acknowledged that, notwithstanding the points raised in 1 above, the overall strategy to surface water drainage follows the required design standards and further comments on the detailed proposals will be provided once the concerns raised in point 1 are removed. The following points should be adhered to:

1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.

1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.”

Severn Trent Water – (14.12.2018) “Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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.”

Trent Valley Internal Drainage Board – (22.08.2018) “The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

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

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required).

The location of the site is a known flood risk area. The development should not be allowed until the applicant is able to demonstrate that flood risk to surrounding land and / properties is not increased and further that the development itself is safe from flooding.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

Southwell Civic Society – (10.05.2019) “We note that the latest set of revised drawings show minor changes only. The social housing remains as before but the blocks have been shortened which is a slight improvement and there are minor changes to the houses, presumably to give windows to the gable ends as requested by the police.

The most worrying aspect is the introduction of the traffic lights to suit the county highways department. We object in the strongest possible terms. We can see no reason for these so long as traffic calming measures are put in place for either a mini roundabout or even a simple cross roads. This is an important gateway into Southwell and to urbanise the junction in this way is just appalling. There are no other traffic signal controlled junctions in Southwell. We are very surprised the traffic flows meet the criteria to justify their installation. There are hundreds of crossroads throughout the county without signals with far greater traffic flows.

The amended flood report attempts to answer the points raised by Southwell Civic Society. The report does not provide a detail-engineered scheme but simply a generalised and vague statement of intent. The concept that the carriageway of the access road can be used as a conduit without providing any back up is remarkable. Kerb heights are generally 100mm. What happens if these are exceeded? There needs to be a fully engineered drainage scheme put forward before planning permission is granted.”

(14.03.2019) “We continue to strongly object to this application. We have examined the amended proposals and are disturbed to find that no significant changes have been made from the previous submission. We are disappointed that none of the objections made by the Civic Society on 11th February 2019 have been addressed.

We note that a narrow footpath has been added to the western edge of the access road. However the only access to the play area remains by climbing over the knee rail unless children walk almost all the way down to Lower Kirklington Road and return by the public right of way along the western edge site, something the residents of houses in the northwest corner certainly won't do.

We also observe that the planting plans are not compatible with the layout drawing, in that trees and shrubs are shown planted in the middle of the right of way.

We also note that police are still not happy with the car parking proposals despite 'surveillance windows' having been added to the layout plan. The affordable homes section of the site is unchanged despite the Conservation Officer's previous comments advocating spreading them around the site.

We also highlight the need for all the issues to be addressed so that the officer presents full information to the councillors at a Planning meeting. This means Councillors have to do their job properly and take full responsibility for their decisions rather than voting on the principle of an application and then leaving any proposed conditions to be resolved by the NSDC at a later date, which is not good practice.

This submission draws attention again to objections against the two important issues of a) Flood Risk and b) Open Space, Buffers and their Management, based on further examination of the application.

Flooding

The amended application for site 18/01363/FULM does not address the earlier objections to the Flood Risk Assessment and flood mitigation measures proposed by the applicant. These included objections from Southwell Town Council with reference to the its Neighbourhood Plan Policies (NP) E1 and E2 which are adopted into the Newark and Sherwood District Council's (NSDC) Core Strategy. For reference these policies are included below :-

Southwell NP POLICY E1 – FLOOD RISK ASSESSMENTS AND MITIGATION

Where proposals are required to submit a Flood Risk Assessment this must take account of the most up to date EA flood mapping, hydraulic modelling and flood mitigation for Southwell.

Specific regard should be had to the NCC Flood Mitigation Plan for Southwell or its most up to date equivalent. Where flows cannot be related to these sources they should be modelled using best practice. The methodology for the modelling, findings, FRAs and flood mitigation recommendations shall be developed in consultation with the Lead Flood Authority.

There should be no development within the flood plain of local watercourses that would result in a loss of flood plain storage without adequate level for level floodplain compensation up to the 1% Annual Exceedance Probability (AEP) flood with an allowance for climate change of 30% or any more current amount.

Proposals for flood mitigation must be designed to meet the requirements of other relevant policies within the NP, particularly those relating to the built and natural environments.

Southwell NP POLICY E2 – FLOOD RESILIENT DESIGN

Development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. Such proposals will be required to demonstrate how they have addressed the following:

- ***That buildings have been placed on site with strict consideration of the sequential test, locating them on land in the area with least likelihood of flooding.***
- ***That any flood mitigation measures to be adopted comply with current Sustainable Drainage Systems best practice, particularly in relation to Greenfield run off rates.***
- ***To prevent run off beyond the relevant Greenfield rate, the drainage system and any attenuated storage should be designed to cover a range of rainfall and storm events, with a mandatory minimum provision to cope with the 1 in 100 year 6 hour duration event and a 30% allowance or more current amount to accommodate climate change with the maximum provision indicated, to demonstrate the level of safety included in the design.***
- ***That the design of buildings and hard standing areas has been considered carefully to reduce the risk of flooding and increased run off.***
- ***Unless impracticable or unviable, to make provision for a minimum 8m wide buffer strip between the boundary of any property and the top of the bank of any water course adjacent to the site, to allow for maintenance of the water course and as a pollution prevention measure. The maintenance of the water course and the buffer strips will be subject to a planning condition or other legal arrangement with the District Council, for the life of the development.***

Planning applications for development not requiring a formal flood risk assessment, but which are likely to affect drainage from the site, should also comply with current Sustainable Drainage Systems best practice.

The Nottinghamshire Flood Risk Management Team on 6th August 2018 asked for the following to be resolved in order for it to give support for the application:-

Application: 18/01363/FULM Kirklington Road, Southwell

Please refer enquires to Ross Marshall, Flood Risk Management Team, Nottinghamshire County Council, ross.marshall@nottscc.gov.uk 0115 9774473

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

1. **The application fails to consider and mitigate against the potential for surface water flows across the site sufficiently. It is recommended that further detailed information is provided to either:**
 - a. **prove the flow path that is shown on the EA Flood Risk from Surface Water map is inaccurate and does not affect the site or**
 - b. **show how the flow path will be integrated into the site layout to ensure it does not put any of the development at risk of flooding nor increases the risk of flowing to the surrounding areas.**

2. It is acknowledged that, notwithstanding the points raised in 1 above, the overall strategy to surface water drainage follows the required design standards and further comments on the detailed proposals will be provided once the concerns raised in point 1 are removed. The following points should be adhered to:

1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.

1.3 The site drainage system should cater for all rainfall events unto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

The Southwell Civic Society also objected to the application on similar grounds see its response In February 2019 and in addition drew attention to the flawed FRA provided by the applicant, which has not been addressed in the amended application.

On closer examination the amended application shows that the watercourse on the western boundary to the site deviates on to a neighbour's property as it turns to the northwest and therefore runs for some distance outside the applicant's control.

There is a need therefore for some arrangement to be made so that this section of the watercourse can be maintained in order that the risk of surface water flooding as identified in the Civic Society's earlier objection based on the Environment Agency's map of Risk of Flooding from Surface Water is mitigated.

This might be resolved by constructing a new open drain on the north side of the hedge to take any overflow from the existing watercourse on the adjoining property. This would need a buffer strip for maintenance as provided up stream in the application.

It is also unclear in the amended application how the flooding risk mitigation and maintenance for the water course on the northern boundary on the site is to be achieved

These issues must be resolved before the application is presented to the NSDC Planning Committee in order that Councillors can take an informed and responsible judgement on the crucial issue of potential flooding on this site.

Open Space, Buffers and their Management.

The amended application fails to address Southwell NP Policy CF 2:-

Southwell NP POLICY CF2 – GREEN AND OPEN SPACES AND BURIAL GROUNDS

Unless it can be shown to be unreasonable to do so, green and open spaces should be provided on new development sites to the area requirements identified in the NSDC

Developer Contributions and Planning Obligations Supplementary Planning Document. Development proposals and/or schemes which help address the deficiency of burial ground facilities within the ecclesiastical parish of Southwell will also be looked upon favourably.

The loss of existing green and open spaces to development, including amenity space such as allotments, sports fields and play areas, will be resisted unless it can be demonstrated that it is no longer required but, if unavoidable, must be replaced by an equal area of at least similar quality situated conveniently in the Parish.

The information provided within the amended application does not adequately address the Southwell NP Policy E3, "Green Infrastructure and Biodiversity", in relation to the following Policies:-

Southwell NP Policy E3 Green Infrastructure and Biodiversity

Unless it can be shown to be impracticable or financially unviable, a buffer strip must be provided between the boundaries of properties or plots within a development and any existing historic, landscape or ecologically valuable hedge row(s) tree(s) and any other features of merit for maintaining effective Blue and Green Infrastructures. The width of the buffer strip should have regard to guidance in the Southwell Design Guide.

As part of development proposals, provision should be made for the long term maintenance of any retained or created habitats, existing historic landscape or ecologically valuable vegetation and buffer strip provisions

The buffers alongside the hedges relevant to the above policies need to be clearly identified by the applicant, especially on the northern and eastern boundaries. Regard should also be taken of Southwell NP Policy E2 for the provision of a maintenance strip for the watercourse on the northern boundary.

We trust the above submissions are useful and look forward to further refinements to the scheme in line with the above comments and those of the Statutory Consultees."

(08.02.2019) "We strongly object to this application. We have examined the amended proposals and are disturbed to find that in many significant ways they are worse than the previous submission. In view of important and extensive objections raised by the statutory consultees including, The Police, the Highways Authority, Southwell Town Council and your own Policy Officer, the applicant should be asked to withdraw the amended proposals and resubmit a scheme which is compliant with the important points raised by the above public bodies and the Southwell Neighbourhood Plan.

The most significant and regrettable change to the previous layout is the siting of the affordable housing. A ghetto has been created which is isolated from the rest of the development rather than being distributed throughout the development in accordance with Paragraphs 3.14 to 3.16 of NSDC Affordable Housing SPD.

The police have raised a significant point about the layout of parking in this area in terms of attracting crime. To quote "

The use of parking courts is accepted as a necessary element of a new development – the size of these parking courts is of significant concern. SBD recommends that whenever courts are designed into a development, then they are capable of being overlooked by the vehicle owner/keeper and are limited to single figures in size. The parking court within the design has in excess of 20 parking

bays and is a proven crime promoter. It is strongly recommended that the applicant be required to amend this element of the site prior to any approval being granted.

In fact there are 40 such spaces in the court area

We welcome the repositioning of the play area away from the edge of the site, however the only safe access is cut off from the housing. The only way to access the play area is from the redirected public footpath; the only access to this is near to the entrance to the site. The north-western edge of the access road is bordered by a knee rail shown hard up against the kerb thus children will have no alternative but to cross the road and climb over the rail. Disabled children will have no access. This aspect of the design has not been thought through and needs a complete rethink.

The play area is at the end of the long straight access road. There is a danger of speeding traffic. In the interest of safety traffic calming measures should be incorporated such as a chicane.

The amended submission continues to contravene the Southwell Neighbourhood Plan (NP) in so many ways. It is worth reminding applicants that the Neighbourhood Plan is not a wish list to be complied with if convenient, but a Statutory Document approved by the Secretary of State and endorsed in a Statutory binding Referendum by the citizens of Southwell.

We have examined the Southwell Neighbourhood Plan (NP) Policies and note below areas of continuing non-compliance: -

Flooding.

Flooding-Southwell Neighbourhood Plan (NP) Policies E1 and E2

The issues around flooding on this site, raised in the Civic Society's letter of 13th August remain unresolved.

The Flood Risk Assessment (FRA) by the applicant continues to describe the flood risk to the site as "low" based on its distance from Potwell Dyke and the Environment Agency's maps for Fluvial and Surface Water flooding.

The comments in para 4.6 in the FRA demonstrates the authors do not have a full understanding of the flood event in Southwell in 2013 when the town was inundated in two distinct zones; the Potwell Dyke area which was unrelated to the application site and a second flood, emanating from Halam Road and the Norwood Park Golf Course which traversed the application site.

Whilst the Environment Agency's Fluvial flood risk map shows no potential flooding for the site, the Surface Water flood risk map shows a real possibility that this will happen. These maps are now dated and do not take account of climate change nor the 2013 Southwell event. The Appendix G for the FRA Flood Level Data map shows only part of the site and excludes significant areas shown to be vulnerable to flooding on the EA Surface Water risk map.

A more convincing flood risk assessment should be agreed with the Local Lead Flood Authority based on its modelling exercise.

The FRA erroneously assumes that all flooding risk will be generated from within the site whereas it is a recipient of flood water from a large catchment off site, including Norwood Park Golf Course, the allocated development sites off Kirklington Road and from land to the north west. In addition, as a result of the on going flood elevation scheme being designed by Nottinghamshire

County Council, there is the possible linking up with the balancing pond off Halam Road with this watercourse.

The FRA refers to the shallow ditch/ watercourse as the main conduit for flood /drainage provision through the site. However, the application fails to make the necessary provisions for the reconstruction and maintenance of this including proposals to direct floodwater around the sharp bends over its full length. This should take account that the flood loading on the watercourse will be increased by the development, the need to accommodate the Local Lead Flood Authority Flood Mitigation strategy for Southwell, and Climate Change.

In relation to the above the FRA does not address the concerns of the Local Lead Authority (see doc from Ross Marshall of Notts County Council of 29 th August 2018), nor the comments from The Trent Valley Internal Drainage Board (see doc from The Board 23 August 2018)

To the Internal Drainage Board's concerns must be added that there are no proposals in the application to address Riparian Rights ownerships within the site, which carry with them responsibilities, for care of the water courses. These should be owned by the management company for the site in order to ensure unimpeded maintenance of the full lengths of watercourses, which in turn requires that a buffer be provided along all of these to allow machine access.

Clearly there is need for an integrated approach to be taken by the applicant to resolve these problems, with proper consultation with the Lead Local Flood Authority and **meeting in total Southwell NP policies E1 and E2, which have been incorporated within the Newark and Sherwood Core Strategy.**

Ecology and Trees – Southwell Neighbourhood Plan Policy E3

The ecology and tree reports are to be welcomed but the buffer strips between the existing, historic and landscape/screening hedges should be clearly identified with a statement as to their width in relation to the Southwell NP Design Guide. Tree planting should take account of the need for machine maintenance alongside watercourses. All ecological and tree commitments in the application need to meet the policies within the Southwell NP Policy E3 and to be referenced directly in any Approval.

Public Rights of Way (PROWs) Southwell NP Policy E4 and Site -Specific Policy SS5 (PARAS (V) and (V1)

Southwell NP Policies E4 and the Site Specific Policy SS5 require that wherever possible a PROW should be routed to avoid the use of estate roads. Whilst it is difficult to see how the footpath to the east on the site can be sited other than on the pavement, if the layout of the site is to be changed, consideration needs to be given to routing this more appropriately. The present route of this path is shown crossing the road onto the play area. This would require users climbing over the knee rail alongside the access road. See our comments on the play area.

In any routing of footpaths the other E3 policies within Southwell NP must be addressed.

Public Open Space Southwell Neighbourhood Plan Policy CF2

The proposals for Open Space in this application are not detailed enough in that there is no statement on the area of Public Open Space required for the development as should be identified by Newark and Sherwood District Council.

Transport and Access.

This site is on the fringe of the town and is the furthest point to the town centre than any other housing development. Only the youngest and fittest will be able to carry their shopping from the retail area. It is therefore essential that a bus-turning circle be incorporated into the road layout so that the bus service can be extended beyond Norwood Gardens.

An increase in traffic is inevitable and we welcome the provision of a roundabout. However this cannot be developed in isolation. On the other side of Lower Kirklington Road a further large-scale development is seeking planning permission and has proposed that their junction with LKR is just approx. 25 metres from the roundabout. There needs to be serious discussion between the parties, Southwell Town Council and the Highway Authority.

Housing

The total number of dwellings at eighty on 70% of a site allocated for sixty far exceeds the allocated provision. The Developer is required under **NP Policy SS5 (So/Ho/5)** to prepare a design brief for the **whole** of the allocated site.

The housing mix does not comply with **NP Policy HE1 table HE1b**. There no provision of bungalows and the other allocated sites cannot be expected to provide the town's total requirement.

We feel that the overall layout is still somewhat regimented and could be improved by creating an open space in the centre of the development in accordance with **NP Policy SS5 (ix)**. It would also assist a bus turning area, which does not need to be a terminus; this could remain at Norwood Gardens.

The entrance to the site is still somewhat cramped and would be helped by eliminating the first three properties to create a more inviting and imposing entrance to the estate. The mini roundabout could be then offset reducing the risk of traffic speeding straight across. The site is a transition from the countryside see **NP Policy SS5 (ii)** and a more open entrance will assist this.

The Neighbourhood Plan design guide calls for an eight metre buffer strip around the edge of the site. More specifically **NP Policy SS5 Para (v)** states "*A buffer strip **must** be left between the north western boundary of the site, the Southwell Trail and the boundary footpath and the boundaries of individual building plots*" this will also help a transition. We welcome the introduction of a green space between the access road and the northwestern boundary.

This is one of the largest developments in Southwell for several decades and as such needs to be right. Many of the houses in the town date back more than two centuries. Building good quality homes needs to be well thought through. Many developments, throughout the country, in the 1960's and 70's were poorly conceived and constructed. It is for this reason the community worked so hard to create the Southwell Neighbourhood Plan. It is regrettable that in this submission so many of the policies have not been complied with either deliberately or from ignorance.

We therefore urge the Planning Authority not to consider this application until the developer and their design team fully review the scheme and bring it into line with the statutory requirements of the official consultees and the wishes of the citizens of Southwell expressed through the Neighbourhood Plan. It was the Government's wish in passing the Localism Act 2011, to give local communities more say in how they wanted their neighbourhoods to be developed."

(13.08.2018) “We object to this application. We have examined the proposals and are disturbed to find that it contravenes the Southwell Neighbourhood Plan (NP) in so many ways especially as the application was subject to pre-application advice from NSDC. It is worth reminding applicants that the Neighbourhood Plan is not a wish list to be complied with if convenient, but a Statutory Document approved by the Secretary of State and endorsed in a Statutory binding Referendum by the citizens of Southwell.

We have examined the Southwell Neighbourhood Plan (NP) Policies and note below areas of non-compliance:-

Flooding.

The Flood Risk assessment is of particular concern; **NP policies E1 and E2** should be applied fully especially in relation to agreement with the Lead Flood Authority now that it has flood mitigation proposals out for consultation.

It is noted that Spatial Planning Statement ignores **NP policy E2** that is also of key relevance to flood mitigation on the site.

The applicant appears to underrate the flooding risk for this site. The application seems to downgrade the watercourse on the western boundary (alongside the new allotments) to a shallow ditch. Most people in Southwell know that it is a continuation of the underground drain which discharges water from Norwood Park Estate (with its golf course and several hectares of polytunnels), which floods as it goes under Lower Kirklington Road.

If this ditch is asked to take any extra floodwater from developments on Kirklington Road or Halam Road area it will greatly increase flooding risk on the application site. The Historic EA map for Risk of Flooding from Surface Water Flooding shows flooding from this source across the proposed development in this application. If the culvert proposed several years ago to link Starkey's pond with this watercourse was to be revived, as has been proposed as part of the Southwell Flood elevation scheme now being developed, then the drainage of this site needs to be revisited.

It is essential that a buffer strip be provided between this western ditch to allow for machine maintenance to allow it to be retained at a suitable depth.

It will be noted that the ditch takes a couple of right angled bends as it goes to the Greet and the applicants map shows it disappearing at one point and then emerging again.

Members of the Society have walked the route during a flood and unsurprisingly found that floodwater ignores sharp bends and that the flow to the Greet continues over ground.

Ecological Survey

The Ecological Survey is incomplete as it only covers a small part of the site and needs to be extended. Refer to **NP Policy E3**. The tree survey is also inadequate.

Public Rights of Way.

The application needs to address fully **NP policy E4 and the site-specific policy SS5 Paras (v) and (vi)**. The public right of way should avoid following the roads when it can conveniently and more safely follow the north-western boundary.

Transport and Access.

This site is on the fringe of the town and is the furthest point to the town centre than any other housing development. Only the youngest and fittest will be able to carry their shopping from the retail area. It is therefore essential that a bus-turning circle be incorporated into the road layout so that the bus service can be extended beyond Norwood Gardens.

An increase in traffic is inevitable and we welcome the provision of a roundabout. However this cannot be developed in isolation. On the other side of Lower Kirklington Road a further large-scale development is seeking planning permission and has proposed that their junction with LKR is just approx. 25 metres from the Roundabout. There needs to be serious discussion between the parties, Southwell Town Council and the Highway Authority.

Housing

The total number of dwellings at one hundred and five far exceeds the allocated provision of sixty despite not including the entire allocated site.

We welcome the provision of social housing, however the dwellings are concentrated in a ghetto rather than being distributed throughout the development in accordance with Paragraphs 3.14 to 3.16 of NSDC Affordable Housing SPD.

The housing mix does not comply with **NP Policy HE1 table HE1b**. There no provision of bungalows and the other allocated sites cannot be expected to provide the town's total requirement.

We feel that the overall layout is somewhat regimented and could be improved by creating an open space in the centre of the development in accordance with **NP Policy SS5 (ix)**. This will not only open up the site but also would provide a focal point and situate the play area within easy view of many more properties to the reassurance of parents rather than on the corners of the site. It would also assist a bus turning area, which does not need to be a terminus; this could remain at Norwood Gardens. A more varied positioning of houses on the northwestern edge would also improve the transition from countryside to the urban area.

The entrance to the site is somewhat cramped and would be helped by eliminating the first three properties to create a more inviting and imposing entrance to the estate. The mini roundabout could be then offset reducing the risk of traffic speeding straight across. The site is a transition from the countryside see **NP Policy SS5 (ii)** and a more open entrance will assist this.

The Neighbourhood Plan design guide calls for an eight metre buffer strip around the edge of the site. More specifically **NP Policy SS5 Para (v)** states *"A buffer strip **must** be left between the north western boundary of the site, the Southwell Trail and the boundary footpath and the boundaries of individual building plots"* this will also help a transition.

This is the largest development in Southwell for several decades and as such needs to be right. Many of the houses in the town date back more than two centuries. Building good quality homes needs to be well thought through. Many developments, throughout the country, in the 1960's and 70's were poorly conceived and constructed. It is for this reason the community worked so hard to create the Southwell Neighbourhood Plan. It is regrettable that in this submission so many of the policies have not been complied with either deliberately or from ignorance. We therefore urge the Planning Authority not to consider this application until the developer and their design team review the scheme and bring it into line with the expressed wishes of the citizens of Southwell expressed through the Neighbourhood Plan. It was the Government's wish in passing the *???*Act, to give local communities more say in how they wanted their neighbourhoods to be developed."

NCC, Strategic Policy – (01.05.2019) “National Planning Context

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

‘When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.’

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that *‘It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.’*

Paragraph 204 states that planning authorities should:

- ‘safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

- set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’.

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: *‘Local planning authorities should not normally permit other development*

proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working’.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *‘they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’*

Transport

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be *‘supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’*. It also states, in paragraph 108, that it should be ensured that *‘appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its location’* and *‘any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree’*.

Education provision

Paragraph 94 of the NPPF states that:

‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’*

Healthy communities

Paragraph 91 of the NPPF points out that *‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places whichenable and support healthy lifestyles, especially where this would address identified local health and well-being needs...’*

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, *‘including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...’*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals

specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, the site is within a clay Minerals Safeguarding and Consultation Area. Given the location of the site, adjoining the built up area of Southwell and with no proposed or existing extraction sites within the wider area, it is unlikely that this proposed development would pose a sterilisation risk and therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Transport

The County Council does not have any strategic transport planning observations to make.

Developer Contributions

Please see appendix one which details the contribution that would be sought for this application, including Education and Transport and Travel Services.

Where developer contributions are sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

Appendix One, Developer Contribution

The following sets out the developer contributions which will be sought by Nottinghamshire County Council to mitigate the impact of the above development for 80 dwellings.

Education

Primary Education

A development of 80 dwellings would generate 17 primary school places. As can be seen in the table below; based on 2018 projections there is insufficient capacity in the catchment schools to accommodate these pupils. As a result, Nottinghamshire County Council would seek a primary contribution of **£232,152** (17 x £13,656 per place).

Secondary Education

A development of 80 dwellings will generate 13 secondary school places. As can be seen from the table below there is insufficient capacity to accommodate the pupils generated.

Secondary education provision within Newark & Sherwood will be delivered utilising monies collected from the Community Infrastructure Levy (CIL) as set out in the District Councils current Regulation 123 list.

Transport and Travel Services

General Observations

The proposed residential access point appears to be from Lower Kirklington Road. The nearest current bus stop is in excess of 600 metres from the centre of the site on Lower Kirklington Road.

Bus Service Support

It is noted that the Transport Assessment submitted with the application, dated January 2019, includes details of the local bus services at Section 2.15. Section 2.16 erroneously refers to a walking distance to the closest bus stops as within 400 metres. The walking distance from the centre of the site to the nearest bus stop at Norwood Gardens on Lower Kirklington Road is in excess of 600 metres, and therefore exceeds accessibility guidelines. Section 2.16 of the Transport Assessment should be amended accordingly.

Reviews of the Stagecoach bus services in this area are ongoing and due to be completed in April of this year. The current service 29 provides an hourly service from the stop at Norwood Gardens, which is also served by other services. However, it is envisaged that this service will be extended so as to pass the entrance of the development, although the frequency will be reduced to 2 hourly. This service replaces the 28b which was withdrawn in October 2018.

At this time, it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0188 Norwood Gardens – Bus stop pole and flag, bus shelter and bus stop clearway

This stop is situated in excess of 600 metres from the centre of the development which exceeds the accessibility guidelines. Therefore, in light of the fact that Service 29 is to be extended to pass the entrance to the development, Transport and Travel Services request that two new bus stops are installed close to the entrance to the site, subject to a site visit to determine a safe location.

Transport & Travel Services request a contribution via a Section 106 agreement for two new bus stops to the value of £15,000 to promote sustainable travel.

Justification

This closest bus stop is situated in excess of 600 metres from the centre of the development which exceeds the accessibility guidelines. Improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms. The above contribution would fund two new bus stops to be installed close to the entrance to the site and could be used for, but not limited to: Bus stop pole, Bus Shelter, Bus Stop Clearway; Solar Lighting and Raised Boarding Kerbs as appropriate.

The improvements would be for new bus stops close to the site entrance, are related to the development, and are fairly and reasonably related in scale and kind to the development (80 dwellings).

If you have any queries about any of the contributions sought please contact Andrew Norton, Developer Contributions Practitioner on 0115 9939309 or email andrew.norton@nottsc.gov.uk."

(07.03.2019) "The NCC strategic policy team would not have any further comments to make than those provided on 7 February 2019."

(07.02.2019) " National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

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In relation to the Minerals Local Plan, the site is within a clay Minerals Safeguarding and Consultation Area. Given the location of the site, adjoining the built up area of Southwell and with no proposed or existing extraction sites within the wider area, it is unlikely that this proposed development would pose a sterilisation risk and therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

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(09.08.2018) "National Planning Context

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Waste

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- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;

- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

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In relation to the Minerals Local Plan, the site is within a clay Minerals Safeguarding and Consultation Area. Given the location of the site, adjoining the built up area of Southwell and with no proposed or existing extraction sites within the wider area, it is unlikely that this proposed development would pose a sterilisation risk and therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

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In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness,

prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Heritage

The proposal site is situated within the viewshed of Southwell Minster (grade I listed building) as identified in the 2012 document 'Southwell Landscape Setting' jointly produced by Newark and Sherwood and Notts CC. NCC are unsure of the status of this document at present, but would advise that it is appropriate to consider the proposals from the perspective of this document. The 2014 Historic Environment Desk Based Assessment does not consider this issue, of the location of the site within the viewshed of the Minster, nor does it show any evidence of having properly considered any potential impacts on the setting of the designated heritage assets it identifies and lists in Appendix 1. NCC would therefore suggest that the proposals cannot satisfy the requirements of the NPPF and local policies at this time.

Archaeology

The applicant has submitted two Heritage assessments, one from 2014, and an updated one from earlier this year. Both of them conclude that the likely archaeological potential of the site is low for all periods, although the earlier of the two reports also concludes that the level of known archaeological evidence may not reflect reality. Interestingly, neither of the reports has spotted the Roman road which is known leading from the Osmanthorpe Roman Fort to the north west of the site.

Through work by the local community group, NCC have some evidence that the line of this runs parallel with Kirklington Road and the Southwell trail, and potentially runs through the development site. The distribution of Roman material through the Southwell area is very strange, and is largely tightly concentrated around the Minster and old Church School site. Finds beyond that therefore tend to suggest other, small concentrated foci of activity, hence the finds of pottery and coins in the vicinity of the proposed development site seem to reflect a likely Roman presence, possibly connected with the road.

Accordingly the site has an archaeological potential, and NCC recommend that the applicants be asked to provide additional information, in the form of a geophysical survey. Geophysics work variably on the geology here, but a Roman road should leave a fairly clear footprint, unless it is masked by ridge and furrow. Once NCC have the results of this work, NCC should be able to determine the need for and nature of any further work.

Travel and Transport

General Observations

The planning application covers an area of land situated to the North of Lower Kirklington Road in Southwell. This application seeks permission for the development of 105 residential dwellings. The proposed residential access point appears to be from Lower Kirklington Road. The nearest current bus stop is approximately 670 metres from the centre of the site on Lower Kirklington Road.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. The Stagecoach **Service 29** currently provides an hourly service from Norwood Gardens, but this facility is to be replaced from September 2018. A new **Service 28b** will be introduced every 2 hours between Lower Kirklington Road and Mansfield, via the centre of Southwell (for connections to Newark). The new service will pass the entrance to the development. **Service 227** operated by Travel Wright offers a single shopping journey on Wednesday and Friday, and also passes the past the entrance to the development. **Service 100/N100** operates frequently throughout the day giving a direct link to Nottingham from Norwood Gardens, approximately 670 metres from the centre of the site on Lower Kirklington Road, and therefore isn't within the 400m IHT distance threshold from the centre of the site as referred to in Section 2.15 of the Transport Assessment.

The **Service 300** operated by Sharpes of Nottingham and referred to in Table 2.2 of the Travel Plan offers 2 journeys per day and passes along Lower Kirklington Road, but not close to the development.

It is suggested that Section 2.15 of the Transport Assessment is amended to reflect the above information. **At this time it is not envisaged that contributions towards local bus service provision will be sought.**

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0188 Norwood Gardens – Bus stop pole and flag, bus shelter and bus stop clearway

This stop is situated approximately 675 metres from the centre of the development which exceeds the IHT/6Cs accessibility guidelines. Therefore Transport and Travel Services request that two new bus stops are installed close to the entrance to the site, subject to a site visit to determine a safe location.

Transport & Travel Services request a contribution via a Section 106 agreement for two new bus stops to the value of £15,000 to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure nearest to the development and could be used for, but not limited to; Bus stop pole, Bus Shelter, Bus Stop Clearway; Solar Lighting and Raised Boarding Kerbs as appropriate.

The improvements would be for new bus stops close to the site entrance, are related to the development, and are fairly and reasonably related in scale and kind to the development (105 dwellings).

Ecology

NCC cannot see any Preliminary Ecological Appraisal (PEA), or equivalent, on the NSDC website. The need for such a survey was identified by me previously in the pre-app consultation for this site. Given that the proposals will result in the loss of hedgerows, rough grassland and woodland, the site has the potential to support protected species, so such a survey is essential, prior to determination.

- In terms of site layout, it is disappointing to see that internal hedgerows and existing woodland will be lost in their entirety. In the absence of surveys, the significance of this (e.g. for foraging and commuting bats) is unknown.
- Proposed landscaping appears appropriate (notwithstanding any specific mitigation requirements that may emerge from the PEA), and the use of native species of tree and shrub and wildflower seeding in areas of open space and around the site boundaries is welcomed.
- A condition should require the incorporation of integrated bat and bird boxes (the latter targeting house sparrow, starling and swift) into the fabric of around 25% of the dwellings/their garages.

In addition, from a Green Spaces perspective:

- The site abuts the Southwell Trail, which is managed by Nottinghamshire County Council's Green Spaces team, and a pedestrian and cycle link is proposed from the development site, to the boundary of the Southwell Trail.
- The developer must undertake to construct the length of new path required to link their site across NCC land to the existing surfaced path on the Southwell Trail; this can presumably be secured through a S106 agreement, and must also ensure that other requirements (such as bridging the ditch) are met.
- The developer must cover the costs of the installation of additional litter and dog bins at the new path entrance, and the emptying of these bins, plus the costs of additional grass cutting, litter picking and flytipping removal, and cutting back overhanging vegetation on the new link path. A commuted sum for the additional cost that would be incurred by Nottinghamshire County Council should again be secured through a S106, which we have calculated in the attached spreadsheet (Appendix 1) (total sum request = £21,805.42).

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

Should any developer contributions be sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site."

Extract from Appendix 1:- "Education

Secondary

The proposed housing development is within the catchment of The Minster School for which any education requirements would be covered under CIL. As the primary bulge moves through to the secondary phase there is now a requirement in all of Nottinghamshire to increase provision at secondary an indication of the CIL monies required to mitigate the secondary impact of this development is detailed below.

Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development on Land off Lower Kirklington Road Southwell.

A proposed development of 105 dwellings would yield an additional 22 primary places and 17 secondary places.

We would therefore wish to seek an education contribution of £300,432 (22 x £13,656) to provide primary and £301,801 (17 x £17,753) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

Please note the cost per place may change if a number of developments come forward in an area which will require master planning and will result in an extension to an existing school or a complete new school build with land. This would be based on builds cost which would be subject to final confirmation.

The information above is given on the understanding that it is based on the best information available to Nottinghamshire County Council at the time. District Council colleagues are advised to contact the County Council again in the future if they require a 'project' to be named. None of the information above should be used to denote a project."

Notts Wildlife Trust – (08.08.2018) "Further to our comments below regarding this application, we have now been forwarded a second ecological report from Scarborough Nixon which looks at the remainder of the development site. Ideally, we would recommend a single report is produced which considers all of the potential impacts across the site as a whole, however we are satisfied that the entire site has been surveyed and assessed, albeit reported in two separate documents. We recommend that the LPA ensures that all ecological recommendations from both reports are fully incorporated into site plans, including with respect to reptiles, bats, birds, landscaping and hedgehogs.

We note that the ecology reports give the following recommendation with respect to removal of vegetation:

- *The trees, hedgerows and areas of scrub on site have potential to be used for nesting by species of common bird. Any site preparation/clearance work should commence outside the active nesting season which typically runs from March through to late August. If work commences during the active nesting season, a search for nests should be carried out before works begin, and any active nests should be protected until the young fledge.*

We work closely with Nottinghamshire Police, and would have recently reminded both developers and Local Planning Authorities that to damage the nest, eggs or chicks of birds is an offence under the Wildlife and Countryside Act 1981 (as amended) and could result in prosecution. Moreover, to disturb certain species of birds whilst attending their nest is also an offence.

It is the duty of developers to ensure that they rigorously ensure that they do not remove such vegetation in the breeding season without prior checks by a suitably qualified ecologist and the

duty of Planning Authorities to ensure that developers meet conditions imposed to protect breeding birds from disturbance.

We therefore recommend that the LPA requests the above recommendation is amended to ensure that a suitably qualified ecologist carries out the survey work and informs the LPA of the results of such work.

A suitably worded condition could be used to secure this requirement, for example:

- *The trees, hedgerows and areas of scrub on site have potential to be used for nesting by species of common bird. Any site preparation/clearance work should commence outside the active nesting season which typically runs from March through to late August. If work cannot be avoided during the active nesting season, a thorough search for nests should be carried out by a suitably qualified ecologist before works begin, with a written report submitted to the LPA. Any active nests must be protected until the young fledge.*

Given that ecological survey work has been undertaken across the whole development site, and subject to implementation of all recommendations, we are able to remove our objection to this application.”

(06.08.2018) “We are pleased to see that an Ecology and Protected Species Survey (Scarborough Nixon, 2018) has been included with the application documents as this allows an assessment of the potential ecological impacts of the proposal.

However, from a comparison of the Aerial View of the Survey Site (Fig 1, p4) and the Site Location Plan as included on the planning portal, the two areas in question appear to differ. In essence, the area surveyed during the ecological work only covers the south eastern corner of the development site. Therefore, **the whole development site has not been assessed for potential impact on protected and priority species and habitats.**

Whilst we are generally satisfied with the methodology and conclusions of the ecology report regarding the south eastern corner of the site, we are concerned that the remainder of the site has not been subject to ecological assessment. We recommend that the LPA requests a full ecological survey and report is produced which considers the whole development area (along with additional zone of influence, if considered appropriate) before this application is determined. The report should detail results of all survey work and bring together all recommendations for avoidance, mitigation and/or compensation of any identified ecological impacts across the whole development site.

In the absence of information with which to assess the potential impact of the proposal on protected species for the whole development site, Nottinghamshire Wildlife Trust **objects** to this application.”

Natural England – (14.05.2019) “The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.”

(08.08.2018), (23.01.2019) & (13.03.2019) “Natural England has no comments to make on this 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>

Ramblers Association – (09.02.2019) “We have no intrinsic objection to this scheme although it does seem to entail a significant loss of green space.

Southwell Footpaths 57 and 58 will be affected and it is important that unfettered access to the Southwell Trail is maintained. The plans involve some realignment of rights of way and it is crucial that correct procedures are followed by consulting the Notts CC Rights of Way Department.”

(12.08.2018) Object to Proposal on behalf of Nottinghamshire Ramblers. “This application affects Southwell Footpaths 57 & 58 which join Lower Kirklington Road to the Southwell Trail. The submitted plans appear to show that walkers will still have clear access along these paths. At present, however, walkers are walking along unmade tracks or grass, and under the proposals they will be walking largely on estate roads and paved footways.

The applicants have made no attempt to comply with Policy E4 in the Southwell Neighbourhood Plan which deals with public rights of way (PROWs) and wildlife corridors. This Plan was adopted by NSDC in October 2016 and states that where possible the use of estate roads to replace PROWs should be avoided and "preference given to estate paths through landscape or open space away from vehicle traffic".

We therefore OBJECT to this development and suggest that it should be redesigned so that the estate roads and paved footways are distinct from the PROWs. This is necessary to increase the safety and preserve the enjoyment of walkers using these two PROWs.”

Notts Police Architect – (07.05.2019) “Support Proposal. The amended plans have dealt with outstanding issues in respect of both safety and security.

The most significant improvement to the design is that of the former parking court – given parking provision has now been amended to provide parking that is within the curtilage of each dwelling greatly improves security of parked vehicles (as evidenced by Safer Places, Manual for Streets, What Works and Crime Prevention through Housing Design publications – to respond to comments made by the Agent).

Amended housing types also provide an increased opportunity for passive surveillance, with active rooms within each housing type overlooking the areas with the greater vehicular movements and footfall.

Defensible space elements of dwellings appear more robust, but there are minor elements that could improve on the sites’ resilience to crime.

The below screenshot indicates, by way of the red marking, the apparent inclusion of a gate adjacent to the front elevation of the row of terraced properties at the end of the terrace, limiting

access to the rear of an 'inner' property. This does not appear to have been replicated on the opposite end of the same terrace row (as highlighted in blue).

It is therefore recommended that the inclusion of additional gates be required at the locations shown below in blue, (as close to the front face as possible given potential meter positions) to further restrict unlawful access to the rear of those properties and thereby reducing vulnerability.



With these minor amendments agreed upon, then Notts Police have no concerns regarding both safety and security issues previously commented upon.”

(11.03.2019) “I have now had the opportunity to review the revised plans.

Notts Police do not wish to add anything further than what was initially submitted. The inclusion of additional gable end windows is seen as a positive, but significant concerns remain in respect of parking court and the potential for crime, particularly against unattended vehicles.

It seems an opportune time to again reinforce the requirements of the planning process to consider crime and disorder as a mandatory element of good design.”

(25.01.2019) "Notts Police have no objections to this application. After having considered all detail within application documentation, it is not apparent that safety and security aspects have been considered. From the submitted documents, there is no mention of resistance to either crime or disorder.

As it is now widely accepted that resistance to both crime and disorder has a positive effect on community cohesion and hence sustainability, it is with this in mind that I offer the below recommendations. These recommendations are made with the sole intention improving both safety and security aspects at this location, with the added benefits that would generate.

Police Crime Prevention Initiatives (the 'parent' company of Secured by Design [SBD]) provide support to any Police Force that is unable to meet demand within the planning process, and as such I have been asked to formally respond to this application on behalf of the Notts Police Service. Should this application obtain approval, it is highly likely that the Notts Police Design Out Crime Officer (DOCO) will deal with any subsequent variation/extension to that approval.

Given the application refers to a development being constructed on previously undeveloped land (with limited crime data to establish risk), it is necessary to use crime data from across the whole of the appropriate Police Safer Neighbourhood Area to identify likely risk at this location.

Those crime statistics indicate that the development will be situated in a lower crime area, particularly when considering offences against property.

Legislation/Guidance.

Section 17 of the 'Crime and Disorder Act 1998' places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

Despite the whole raft of other legislation/guidance surrounding the planning process, there is no exemption from the requirement of Section 17 as above as all departments within a Local Authority fall under the umbrella of the 'responsible authority' status.

PINS 953 confirms the requirement of the Planning Officer to consider the requirements of Section 17, and this requirement has again recently been reinforced by way of letter from the Chief Planning Officer.

Planning Policy now places safety and security at the heart of the planning process.

Specific areas that are relevant to this application under the **National Planning Policy Framework 2** includes;

Section 8 states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion..."

Section 8 also declares "Planning policies and decisions should promote public safety and take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security."

Section 12 reinforces Section 8 content by adding "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Whilst sections of the above obviously cannot be referred to in respect of this application, it does highlight the current level of importance now being placed on a safe and secure design, irrespective of location or use.

Additional guidance can be found in the companion guide to the NPPF, the **National Planning Practice Guidance** document (PPG).

Paragraphs 9, 10 and 11 of the PPG all allude to the requirement of designing out crime. Indeed, paragraph 10 reinforces the need to consider Section 17 of the Crime and Disorder Act as a necessary requirement within the Planning Officers 'everyday business'.

After having examined the documentation submitted under this application, it appears the developer has considered many facets of good design, but resistance to offending has been mysteriously omitted. A system of active frontages is apparent, together with the efforts to improve the informal/passive surveillance opportunities on site. Defensible space elements are evident, but any symbolic barrier between public and private can only be assumed since there is no evidence of this having been designed in.

It should be noted that plan number 618-2-001 has been used for this assessment. That plan has several discrepancies in respect of both plot and house type when assessing against the floor and elevation drawings for the various house types. It is appropriate to reiterate that the resistance to crime and antisocial acts is now recognised as a key element to achieving a sustainable development. Using academic theory contained within 'crime prevention through environmental design', SBD have adopted this theory and provided a successful mechanism to ensure these principles are adopted. SBD developments can be found across the whole of the UK and have been reducing crime for some 30 years with impressive results – several academic studies conclude that crime is significantly reduced; by as much as 75%.

It is with all the above in mind that the following recommendations are made.

Site Observations

1) Documents reveal that the application is essentially an extension to an existing residential area. From both safety and security aspects, there is no reason to suggest the development will be to the detriment of existing properties. The increased number of users (both vehicular and foot traffic) will provide an increased level of passive surveillance - a proven deterrent.

2) The layout of the dwellings is well-designed from the security aspect. The proposed grid formation of the dwellings is another proven positive in respect of design in a residential setting. Restricting access to the rear of dwellings is a key factor of a successful development when considering both safety and security aspects.

3) The use of parking courts is accepted as a necessary element of a new development – the size of these parking courts is of significant concern. SBD recommends that whenever courts are designed into a development, then they are capable of being overlooked by the vehicle owner/keeper and are limited to single figures in size. The parking court within the design has in excess of 20 parking bays and is a proven crime promoter. It is strongly recommended that the applicant is required to amend this element of the site prior to any approval being granted.

4) There is significant gain to the success of a development if 'corner turning' properties are incorporated across the development. 'Wrap around' dwellings are another key consideration for the security consultant. The removal of blank gable ends is advantageous from both security and aesthetic aspects – the installation of non-opaque glazing units across blank gables end elevations is another factor that has been examined (subject of course to complying with your minimum privacy distances).

Review of gable end fenestration is where document inconsistency is evident.

a) House type B – Plots 54, 62 and 77 would benefit from gable end windows

- b) House type C – Documents suggest that a ‘surveillance’ window will be installed in plot 75 – this is a mid terrace property. House type C gable windows should be installed in plots 67 and 76.
- c) House type G – Plots 8 and 67 have been identified by the applicant. This should be plots 8 and 68. Plots 4 and 7 would also benefit from this additional window.
- d) House type H – Plots 20 and 42 are identified. Plots 20, 21, 28 and 45 should have the additional window incorporated.
- e) House type L – the ‘chimney’ elevation is essentially a blank elevation. There appears sufficient space in bedroom 3 to incorporate the additional window.
Plots 13 and 40 apply.
- f) House type M – Plots 14 and 19 should incorporate the additional window.

5) As already alluded to, restricting access to the rear of a property is essential from a security perspective. Rear access points serving plots 55 to 59 and 69 to 73 both provide access to 5 plots; this is excessive – SBD always seeks to achieve a maximum of 3 dwellings per shared access.

Given any redesign would affect either dwelling count or garden space, an alternative is recommended. A ferrous gate, positioned as close as possible to the front elevation of plots 57/58 and plots 70/71 should be installed to remove the likelihood of trespass. Ideally the gate will allow an unrestricted view down the walkway and will have an auto close and auto lock facility installed upon it.

6) Lighting – It is assumed the highway is adopted and will be illuminated by a BS5489 compliant street lighting system.

Private areas – Any shared space (parking court, rear access points) should be illuminated for both safety and security purposes. As a guide, the luminaires should be anti-vandal, provide a light that is ≥ 60 on the Colour Rendering Index (a white light source), should not pollute and should be power efficient (≥ 40 lumens per Watt – energy saving bulbs). Any use of LED luminaires should incorporate warm white bulbs, not cool white (seen by many as having an excessive glare). Luminaires should be positioned a minimum of 2.5m from ground level to reduce attack. Finally, an illumination level of 10 Lux minimum is advised, and in respect of any parking court/courts, achieves a minimum of 25% uniformity.

Residences – all residences should have switchable dusk to dawn fittings installed adjacent to both front and rear doors. Illumination levels and minimum height requirements as above should be compelled.

In conclusion, to condition full SBD compliance would ensure that all the positive aspects in respect of safety and security as above are incorporated to ensure that necessary levels of intervention are adequate to mitigate both current and predicted future risk.

This will ensure the developer must deliver all attributes of a ‘safe environment’. “

NSDC, Archaeology Consultant – (06.02.2019), (14.03.2019) & (13.05.2019) “No further archaeological input required.”

(10.08.2018) “This site lies on the edge of the current settlement of Southwell, a settlement has existed here since at least the early Saxon period and possibly earlier.

The desk based assessment supplied as part of the planning documentation shows a dearth of archaeological records in this area, however it should be remembered that lack of archaeological evidence is not evidence of no archaeology, this dearth may be because of a lack of archaeological survey in this area. This is a large site and further information with regards to any potential archaeology on site should be supplied by the applicant to support this application.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that

further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application.

Recommendation: It is requested that the developer is required to supply more information in the form of an archaeological evaluation to be carried out prior to determination. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'."

NSDC, Conservation – (12.02.2019) “We provided advice on this proposal back in August 2018 and raised no material objection on’ heritage grounds. We did however query the merits of the proposed layout and density of development in the context of the rural transition into the town. Having reviewed the submitted plans and details, we continue to have no fundamental objection to the proposal on heritage grounds. We would have preferred to see less development within the vicinity of Pear Tree Cottage (a non-designated heritage asset), but appreciate that the reduction in development overall and the open space/landscape buffer on the western edge has helped to lessen impact.

From an urban design perspective, the removal of dwellings on the immediate western boundary in favour of a landscape buffer with new units facing the roadway presents a better aspect to the open countryside, particularly when viewed on approach from the west along Kirklington Road. The reduction in units has also improved the layout of the northern part of the site.

The overall scheme would still benefit from a reduction in numbers as was envisaged in the original allocation. Nevertheless, the affordable housing area remains the most problematic aspect of the layout, and I think it is unfortunate that these could not have been distributed evenly around the site rather than concentrated in one area. Building for Life and similar national policy agendas have consistently argued the need to have a wide mix of housing types and tenures, and avoiding creating too many smaller homes from being grouped together. Essentially, new homes should be designed to be tenure blind so that it is not easy to differentiate between homes that are private and those that are shared ownership or rented. Moreover, although terracing is not unusual in the urban context of the town, it is less frequent in the fringes of the settlement, and even less typical as a courtyard arrangement. Car parking is a dominant aspect of this courtyard arrangement, and not positive. I would recommend altering the car park arrangement to a central reservation of herringbone parking in this case.”

(24.08.2018) “The application site is currently open fields on the north western edge of Southwell, outside the historic core of the town. It forms a parcel of land between Kirklington Road and the Southwell Trail to the north. Southwell at this point is comprised of mostly c1970s suburbs, extended around the odd historic farmhouse, giving way to open countryside. Pear Tree Cottage, right next to the application site, is a nice example of an early C19 farmhouse and should be considered a non designated heritage asset.

The land levels here are quite flat, so views are low and limited. I am not aware of any views from the application site directly towards any designated heritage assets. Equally I am not aware of views from any of Southwell’s heritage assets back towards the site. I have considered here the

'view cones' encompassing The Minster, The Workhouse and its Registered Garden and Holy Trinity Church, as well as other listed buildings (including Norwood Park), the Conservation Area and Scheduled Ancient Monuments. I have read the supporting Landscape and Visual Impact Assessment and believe it is accurate that there is no obvious inter-visibility between the site and any designated heritage asset and that there will be a negligible impact on the setting of any designated heritage assets from this proposal.

The nearest designated assets are probably Pedlar's Cottage on Kirklington Road and the cluster at Maythorne. In each case the intervening distance and levels means any visual impact will be negligible, giving glimpses of roof tops at most, which would not in itself be harmful.

The most significant heritage impact will be on the non designated heritage asset of Pear Tree Cottage, which will sit directly next to the new housing. Its currently semi-rural setting, which is attractive and complements its former use, will be harmed by the proposal which will leave it in a suburban setting.

Given that the site will still retain its garden and open southern aspect, and that the fabric itself is not being harm, the impact on this non designated heritage asset will be at the lower end of less than substantial and should be considered in the planning balance.

While in pure design terms I wonder if the proposed planform is too dense for not just this area of Southwell but also for its semi-rural location, these are concerns which would not affect any heritage assets.

As such Conservation has no objection to this application."

NSDC, Planning Policy – (13.03.2019) & (07.05.2019) "No further observations beyond those previously advised."

(05.02.2019) "The comments of 19th September 2018 remain relevant. I would make the following additional observations.

Level of Development: Whilst the proposal has been reduced to 80 dwellings you will still need to be satisfied that this level of development can satisfy the relevant policy requirements. The ability to deliver the remainder of the site at a future date and ensuring there is no impact on the future deliverability of So/Ho/4 with regard to highways issues remain of key importance.

Design and layout: This increased level of open space, and landscaped buffer strip adjacent to the western boundary is to be welcomed and provides a much more appropriate transition in the edge of settlement location.

Housing Mix, Type and Density: The increased proportion of 1 and 2 bed units of affordable housing provision is also welcomed but the absence of bungalows remains contrary to the provision of the Southwell Neighbourhood Plan.

Highways: I note the Highways Authority comments objecting to this proposal and would defer to their comments.

Conclusions: Whilst the reduction in the number of dwellings has allowed for a more appropriate design to the edge of the settlement, concerns remain regarding the need to make provision for a highway solution which allows for the appropriate development of both this site and allocation So/Ho/4.

(19.09.2018) "Planning Policy Context

National Planning Policy

Confirms that the revised Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Requires Authorities to maintain a supply of specific deliverable sites sufficient to deliver a five year housing land supply.

Development Plan

Core Strategy DPD

- 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 12 'Biodiversity & Green Infrastructure'
- SoAP1 'Role and Setting of Southwell'

The main modifications to the Amended Core Strategy were placed on deposit for public consultation on the 8th August. These are the changes which are felt necessary to make the Plan 'sound', and have occurred either as a result of representations made on the draft Amended Core Strategy or from the discussion at the hearings in early February. Emerging policy can be afforded weight, subject to the tests outlined at para 48 of the revised NPPF.

Allocations & Development Management DPD

- Policy So/Ho/5 'Land of Lower Kirklington Road'
- Policy So/HN 'Southwell Housing Need'
- Policy So/PV 'Southwell Protected Views'
- Policy DM3 'Developer Contributions and Planning Obligations'
- Policy DM5 'Design'
- Policy DM7 'Biodiversity and Green Infrastructure'
- Policy DM12 'Presumption in Favour of Sustainable Development'

Southwell 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 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 SS5 'Lower Kirklington Road'

The Southwell Neighbourhood Plan was 'made' on 11th October 2016 and so now forms part of the Development Plan, so you will need to have regard to its content as part of your consideration.

The full Neighbourhood Plan can be viewed at-

<http://www.newark-sherwooddc.gov.uk/planningpolicy/southwellneighbourhoodplan/>

Assessment

Level of Development

At 105 dwellings the level of development would be well above the 'around 60 dwellings' anticipated through the site allocation policies (So/Ho/5 and SS5). The capacity of allocated sites was calculated using an average of 30 dwellings per hectare, with necessary adjustments for site characteristics. In the case of So/Ho/5 the sites edge of settlement location was important in setting a notional capacity of 60 dwellings and in turn the policy requirements.

Key to considering a greater level of development is whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental (including design and layout considerations), highway or amenity impacts. In this particular case there is also the impact on the future deliverability of So/Ho/4 to consider – given their mutual dependency on an improved Lower Kirklington / Kirklington Road junction for access. However where policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

Comprehensive Delivery of So/Ho/5 – SS5

I note that the north eastern extent of the allocation (parallel to Hopkiln Cottage) is not included within the proposed development- and I'm unsure of the reasoning behind this. Clearly the starting point is that schemes should provide for the comprehensive and coherent delivery of allocated sites. In some cases parts of allocated sites may become undeliverable over time – but this will require robust demonstration on the part of the applicant. Beyond this we would need to be content that the subsequent comprehensive and coherent delivery of the remaining allocation could be provided for in a policy compliant manner, and that there would be no shortfall in developer contributions. In this particular case we are considering a level of development greatly exceeding that anticipated through the Development Plan, on a lesser site area, so we will need to be convinced that a good standard of design and layout has been provided for (see comments below).

As a starting point I would therefore suggest that we seek input from the applicant to understand why the proposal does not incorporate the allocation as a whole, and from the Highways Authority to establish whether the scale of development and proposed access arrangements would preclude the subsequent delivery of the remaining allocation.

Design, Density and Layout

Given the level of development you will need to be content that a satisfactory design and layout has been provided for, in line with the site allocation policies, CP9 and Policy DM5. Whether the scheme has positively responded to the edge-of-settlement location will need to form an important part of your consideration. I note that in this regard the scheme would provide for landscape buffering to the western boundary and the northern extent (along the Southwell Trail). You will however need to be comfortable that this is consistent with the requirements of the site allocation policies, and that the proposed measures will be effective. Notwithstanding the merits of the proposed landscaping scheme it is still necessary for a good general standard of design and layout to have been provided for. Whilst ultimately design and layout is a matter for your judgement I have significant concerns over whether the proposal meets the standard promoted by the Development Plan, particularly with respect to the suitability of the proposed density and the way in which open space has been integrated. On this matter Policy SS5 of the Neighbourhood Plan carries the additional requirement of provision of an open space/play area to act as a focal point for the development.

Although the application site falls outside of a view cone to the 'Southwell Protected Views' designation (Policy So/PV) you will need to content that the proposal does not have the potential to negatively impact on views of the principal heritage assets. The level of impact will be dependent on factors such as scale, height, location and the scope for mitigation. I would defer to the expertise of colleagues in Conservation for guidance on this aspect.

Housing Mix, Type and Density

Core Policy 3 is proposed for amendment through the review of the Core Strategy and has had main modifications proposed, these are currently subject to public consultation – limiting the weight the emerging policy can be afforded. Nevertheless both the existing and emerging policy carry the expectation that proposed housing mix will respond to the nature of local housing need, subject to site specific and viability considerations. In addition Policy HE1 of the Neighbourhood Plan outlines specific dwelling type proportions and associated densities - except where this is demonstrated as unviable. Where unviable the proposal should seek to get as close to these requirements as is possible. HE1 places an emphasis on 1 and 2 bed units (with an expectation that a significant proportion within this element of the scheme would be devoted to bungalows) with lesser proportions of 3 and 4(+) bed units then sought. Taken together this would reflect the combined market and social sector findings of the Housing Needs and Market Study Sub-Area report.

The proposed mix is not entirely consistent with the specific proportions set out in the Neighbourhood Plan, and notably no provision of bungalows is proposed. I'm not convinced with the argument presented by the applicant that the edge-of-settlement location is by definition unsuitable for this form of dwelling. Nevertheless the proposal would strike me as being broadly consistent with the overall housing mix requirements of the Development Plan, taken as a whole. Where my concerns lay is with the affordable element of the scheme where a quarter of the units would be 3 bed. The Housing Needs and Market Assessment Sub-Area Report only shows demand for 1-2 bed units in the social sector. Consequently I would defer to input from Strategic Housing on this matter.

Highways

The site allocation policies set clear requirements around the impact on Lower Kirklington Road/Kirklington Road junction, the achievement of acceptable visibility and provision of appropriate mitigation measures. Clearly an important additional consideration will be the access requirements of So/Ho/4 'Land East of Kirklington Road'. A proposed scale/form of development or suggested access arrangements which would constrain or prevent the full delivery of So/Ho/4

would be unacceptable. In this respect I note the objection from the Highways Authority, both in terms of the adequacy of the proposed access arrangements for the site itself and over the implications for So/Ho/4. However with respect to So/Ho/4 the objection from the Authority refers to consent for vehicular access, mini roundabout and associated highway works which, as I understand it, has now lapsed. Consequently we will need to seek clarification over whether the proposal would just compromise the delivery of that now lapsed highways scheme, or if the suggested highways arrangements would constrain/prevent the subsequent delivery of So/Ho/4 regardless.

Flood Risk

The application site is located within Flood Zone 1. In terms of flood risk from other sources Core Policy 9, Policy So/Ho/5 and Policy SS5 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. I would defer to the Lead Local Flood Authority for consideration of the FRA and proposed measures – including whether the implications of the July 2013 flood event have been satisfactorily responded to.

Developer Contributions and Infrastructure

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance. Policy So/Ho/5 carries specific requirements around provision of satisfactory drainage arrangements, so we will need to be content that the proposal is appropriate in this regard.

Conclusion

The principle of development has been established through the allocation of the site, and the additional contribution the proposal could make towards the maintenance of a five year housing land supply would be welcomed, as would the quantum of affordable housing. However it remains important that an appropriate design and layout can be provided for at the scale of development proposed – and whilst this is a matter for your judgement I do have significant concerns in this respect. It is also important that the comprehensive and coherent delivery of the allocated site is provided for, and that the access requirements of So/Ho/4 are taken account of. Without resolution of these matters I would be unable to provide support for development as proposed.”

NSDC, Tree Consultant – (03.05.2019) “The revised/amended layout and proposed landscaping of the buffer zones and proposed POS are acceptable.

The propose internal species mix is acceptable but is still only indicative.

No full tree hedge/tree protection plan is submitted.

I would therefore still recommend the use of conditions noted in my previous comments.”

(08.03.2019) “The proposed species/size/proposed planting pits/management and locations of the west boundary soft landscaped areas are acceptable.

Species selection for the central residential development are acceptable. However locations are only currently noted as indicative.

Recommend any approval has attached conditions:

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

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

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. Prohibited activities

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

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

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (and its proposed location,

species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

5. The approved landscaping scheme shall be carried out 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. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.”

(18.01.2019) “Amended proposals will result in the loss of further trees on and adjacent to the site.

The proposed western boundary landscaping takes little advantage of the available area available for planting large species trees (5 oak are proposed).

The remaining tree stock comprises of a limited mix of smaller trees probably more suited for location within the site.

Greater bio diversity should be introduced rather than the heavy reliance on Amelanchier, Betula and Prunus.

No soft landscaping details have been submitted for the remainder of the site.

I would therefore recommend amended and further soft landscaping are considered as a pre commencement condition as well as tree/hedge protection details.

Recommended conditions

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority.

This scheme shall include:

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

- 2.All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3.Prohibited activities

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

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

4.No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

5.The approved landscaping scheme shall be carried out 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. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.”

(27.07.2018) “Although a tree survey has been submitted with this application it does not appear to have been fully acknowledged with regard to the proposed layout.

Only 4 trees are shown to be retained -3 ash and one small damson.

None of the trees have been assessed above C category even though trees T11,12 and 13 Lime and T17,18 Sycamore are likely to have significant landscape value and are all of reasonable condition. Some of these trees are likely to be adversely affected by the proposed highway improvements but no recognition of this has been noted on the layout plan.

Of the 4 retained trees T9 is very close to plot 55. It is unclear why this tree is being retained as it is the only one on the survey with a U category.

There are some indicative landscaping details plotted on the layout plan but no indication of species that would indicate if these proposals are feasible long term plantings.”

NSDC, Strategic Housing – (22.03.2019)

“Summary

- **Acknowledge that the applicant is providing 30% on-site affordable housing.**
- **However, I raise the following concerns:-**
- **The type of affordable housing proposed is, in the main, acceptable; I would, however, wish to see the inclusion of a minimum of 2 bungalows in accordance with the aspirations of the Southwell Neighbourhood Plan and to meet evidenced housing need in this locality. I note that the applicant suggests the site is not suitable for this type of dwelling due to the remoteness from services/facilities. In my view the site is relatively close to a bus stop and local store.**
- **The District Council’s Affordable Housing Supplementary Planning document seeks to ensure that the affordable housing is tenure blind and dispersed across the site. The proposal sites the affordable housing in one location and appears segregated from the market housing. I accept that the site presents some restraints in terms of development but feel that the affordable housing should be clustered in 2 or 3 clusters across the site.**
- **I note that the affordable element of the scheme has been proposed in a courtyard design. This is supported but the density appears very high and the layout of the car parking particularly intense.**

I refer to the above full planning application and make the following observations on behalf of the Council’s Housing Strategy and Development Business Unit.

Affordable Housing Policy

The District Council’s Core Strategy (2011) (Core Policy 1) seeks to secure 30% affordable housing provision as defined in national planning policy, on all new housing development proposals on qualifying sites as (defined in New Planning Policy Framework 2012). The qualifying thresholds for the Southwell area are:-

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

The affordable housing on site requirement on the proposed site of 80 dwellings is 24 dwellings. The district council seeks to secure a tenure mix of affordable housing to reflect local housing need and viability on individual sites. (CP1). Overall the tenure mix in the district should be 60% social rented housing (or affordable rented housing) and 40% intermediate housing (usually shared ownership). The affordable housing should be accessible and affordable to those unable to compete in the general housing market

Southwell Neighbourhood Plan

The Southwell Neighbourhood Plan was adopted in October 2016. The plan seeks to encourage the provision of smaller homes for younger people and families and emphasises the importance of social housing and bungalows in order to diversity the housing mix within the settlement

Design Standards

With regard to the space/design standards the Council encourages developers, as per point 10.7.1 of the Interim Policy Note, and emerging Supplementary Planning document for affordable housing, to meet the Homes and Communities Agency’s Design Standards for the affordable housing units, for reference a link to this document is below, the units should also not be

distinguishable from the open market housing.
<https://www.gov.uk/government/publications/design-and-quality-standards>

Additional Information

In terms of Phasing, ownership and management, occupancy and nominations and a local connection and cascade mechanism reference should be made to point 3.27 – 3.32 of the District Council's Affordable Housing Supplementary Planning Document.

IMPORTANT INFORMATION

Southwell is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will be subject to a staircasing restriction of 80% or 100% providing the Registered Provider has the right to re-purchase. The District Council's Legal Department will provide further details in the Section 106 Agreement."

NSDC, Environmental Health (Contaminated Land) – (17.01.2019) "I have no additional comments in relation to contaminated land. No observations."

(24.07.2018) "No observations."

NSDC, Environmental Health – (10.08.2018) & (05.02.2019) "I have no comments to make."

NSDC, Community Facilities Officer – (05.10.2018) "If this application is approved I would request a full community facility contribution in accordance with the current Supplementary Planning Document-Developer Contributions, such contribution would be utilised to improve and enhance the facilities at Southwell Leisure Centre."

(07.08.2018) "This application if approved would require a Community Facilities contribution in accordance with the current SPD Developer Contribution Policy. Such contribution would be utilised to improve the community infrastructure within the Southwell area."

NSDC, Access and Equality Officer – (17.01.2019) & (07.03.2019) "There are no further observations beyond those previously advised."

(31.07.2018) "As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable dwellings' within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around dwellings be carefully examined together with reference to the topography of the site with accessible facilities and features. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual

impaired people, being required to walk along vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. It is recommended that inclusive access be considered to any open spaces and external features.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.”

32 representations have been received from 20 local residents/interested parties which can be summarised as follows:

Over-development of the site

- Development of 80 represents 40% increase above 60 referred to in the allocation policy;
- 60 dwellings represents 15 dwellings per hectare, the affordable housing element represents 47 dwellings per hectare;
- 20% of allocated site is excluded from this application, and if developed would result in even more numbers;
- Density too high, unsuitable for crucial edge of Southwell position, adjacent to open countryside;
- More like an inner city development not one for a market town;

Layout

- Over concentration of affordable housing in one area creating a ‘ghetto;’ should be clustered in 2 or 3 places around site;
- No bungalows provided to allow down-sizing;
- Lack of open space;
- Relocating footpath is wrong just to suit capitalists making major profit;
- Children’s play area is in dangerous position near the busy road and away from the affordable housing;
- The plan is wrong - there is no access from the Hopyard to the Southwell Trail;

Flooding

- Land to the north of site floods and this development would make it worse;
- Author of the Flood Risk Assessment has no knowledge of local flood circumstances;
- Town flood alleviation scheme plans to divert more water from Halam Road side of town into this ditch which is partially blocked on Greet side of Southwell Trail, preventing flow to river and would cause flooding to surrounding houses;
- There is a headwall in the ditch flanking the western boundary and covers 105mm discharge pipe to direct storm water from fishponds areas of Norwood Park and prevent it adding to flooding on Springfield Road. This ditch is already inadequate and any surge of water would result in the flooding of the development site, so measures must be taken to manage flow from the discharge pipe and balancing pond needs to accommodate surface water run-off from the whole site;
- To use the proposed road to act as a conduit to channel excess water into surrounding watercourses would increase flooding elsewhere (including a septic tank);

Highway concerns

- Traffic congestion is a problem already;
- Existing roads and footpaths inadequate already, this site, the Vineries allocated site and land on Allenby Road will make traffic situation worse;

- Access onto Lower Kirklington Road would be very dangerous;
- Existing roads too narrow and winding and not safe and would be parked up;
- Holpkiln Road is so narrow, 2 cars can hardly pass, with no footpaths and is used as a rat-run which will only get worse as a result of this development, which is dangerous;
- Lack of natural surveillance of parking forecourts;
- Traffic survey focuses on too limited an area;
- Roundabout should be more off-set to prevent cars driving straight through at high speeds;
- Flashing traffic lights would be in close proximity to windows of existing houses causing disturbance;
- Traffic lights would make it more difficult to access their property;
- Traffic lights would encourage people to speed to get through the lights and cause accidents, a roundabout would be better;

Other impacts

- Insufficient infrastructure to serve the town in its current size – medical centre, dentists, schools, car parks are full, this would make things worse;
- Traffic, lights, noise would result in total urbanization of rural approach to the town;
- Loss of trees/hedgerows;
- Detrimental to privacy of existing properties adjacent to the site;
- Overshadowing and loss of light to house and garden;
- Detrimental impact on wildlife – barn owls, bats, wrens, hedgehogs;
- Will have a further negative impact on the town like the Burgage site;
- De-value neighbour's property;

Other matters

- Wrong site to develop;
- Allocated sites SS4 and SS5 must work together;
- The existing hedgerow is jointly owned, concern as to how will it be reinforced and who would maintain going forward;
- Plans don't show neighbour's access to their field;
- The owner of the dyke adjacent to the site needs to keep this maintained given floods of 2007 and 2013;
- Neighbour would like to get Right of Way diverted from his land;
- Need to increase security to their properties given likely increase of people using Rights of Way;
- Private rights of access across the site must be preserved;
- Reserve right to use water pipe across the site;
- Site boundary plan incorrect as it includes trees and hedgerow that are privately owned;
- Substantial return for a few that don't live there;
- What is the point of the Neighbourhood Plan, if it is ignored;
- Will the town circular bus route be extended?
- How does this sit with the long-term tourism vision for the town?

Comments of the 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 residential development

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This site, which is allocated and this part of the Development Plan supply, would clearly contribute to the Council's 5 year land supply if approved. This is a significant material planning consideration to be weighed in a planning balance.

The Core Strategy outlines the settlement hierarchy of the District identifying Southwell as a Service Centre with a function to act as a focus for service provision for a large local population and a rural hinterland. It is intended that Southwell will accommodate 15% of the overall housing growth for Service Centres. The site, located at the northwestern edge of the town, lies within the settlement boundary and forms part of a site that is allocated for around 60 dwellings as part of Policy So/Ho/5 of the Allocations and Development Management DPD. It is therefore considered that the principle of residential development on the site can be supported subject to a site specific assessment.

Policy So/Ho/5 (and Policy SS5 in the Southwell Neighbourhood Plan (SNP)) provides the framework for how development should be brought forward. Whilst the principal of development is acceptable it still remains that the detail of the proposal needs to be carefully assessed, especially given the 'transitional' nature of the site on arrival into the Town.

I therefore consider that a key issue is whether the proposal would prejudice the delivery of the rest of the site allocation. The owner of the north-eastern corner of the site does not wish to dispose of the land at present, a matter which may well need to be considered at the Plan allocation stage. However, the development of this majority part of the allocation site does not prejudice development on the remainder coming forward at some time in the future as there is the ability to provide vehicular access to it via the main part of the site. The agent has stated that the supporting material submitted continues to take into account the cumulative impact of development, for example on the local highway and local flood risk. I am therefore satisfied that the development on the remainder of the allocation would not be prejudiced through any potential approval on this site, but would be assessed on its own merits. There is acknowledgement however, that additional units on this adjacent but allocated site would result in even greater numbers beyond that envisaged by the original allocation.

Housing Density and Mix

Policy SS5 requires appropriate design, density and layout which addresses the site's gateway location and manages the transition into the main built up area. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

The wider site allocation relates to c3.25ha which would give an average density of 18dph based on around 60 dwellings. This application proposes 80 dwellings on a site area of c2.76 hectares of land equating to an average density of c28.9 dwellings per hectare. Therefore proportionately the site would have a slightly lower density than is envisaged by the policy. The agent states that 18 dph is not considered to represent the best and most effective use of the land and in order to comply with the density requirements set out in Table HE1b of the SNP, the allocation of 60 dwellings on site would be exceeded.

The agent refers to the Allenby Road site, where there was an uplift of units from around 65 to 67 and refers to the report to Members which stated:

“The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD... The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.”

It is certainly true that often housing numbers envisaged can become a minimum delivery figure rather than a maximum. Indeed, in the context of the recently adopted Amended Core Strategy (March 2019) the Inspector was clear that if the document were to be found sound development levels promoted must be viewed as minimums for quantum rather than maximums, subject to the usual assessments on acceptability of layout, scale, and impacts of a particular proposal.

In terms of mix, 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:

Dwelling Type	Proportion	Density
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 1 and 2 bed units; terraces; semi-detached and detached dwellings. As is outlined by the proposal section above, the scheme incorporates 30% affordable housing (and would be secured by a Section 106 agreement). This is shown in the table below:

<i>Dwelling Type</i>	No. Units	<i>Proportion</i>
1 or 2 Bedroom	38	47.5%
3 Bedroom (Family Homes)	17	21%
4 + Bedroom (Executive Homes)	25	31.5%

This shows there is an over-provision of 1 and 2 beds of 7.5%. There is also a marginal over-provision of 3 beds (1%), but also an over-provision of 4+ beds of 6.5%, compared to the policy requirements.

No bungalows are proposed within the development and as such compliance with Policy HE1 (Table HE1b) which requires 20% of any development on Greenfield sites of 11 or more dwellings to comprise 1 or 2 bed bungalows is not achieved. The agent seeks to argue that due to the peripheral location of the site, away from main facilities in the town (600 metres to the nearest small convenience shop, 1200 metres from the Coop supermarket and doctor’s surgery and 1500 metres to the Town Centre), it is not considered to be an appropriate location for the elderly, or those with health or mobility issues who typically occupy bungalows and as such would be more appropriately located closer to facilities. Whilst there is an acknowledgement that there is a demand for bungalows in the town, Nottingham Community Housing Association (NCHA) who would deliver the affordable housing part of this scheme and an experienced provider of specialist housing states bungalows, typically occupied by the elderly or disabled, are not best suited on this site.

To be policy compliant, the scheme would have to provide some 16 bungalows, which the agent argues would be inefficient use of land on a site that is already constrained by the shape of the site and the need for substantial structural landscaping, especially on the north-western and northern boundaries.

Whilst it is acknowledged that the proposed density is considerably above the 60 referred to in the policy, the density falls below that set out within Core Policy 1 of 30 dph and as such this need not be fatal, depending on the detailed impacts which are explored further below. I accept that due to the site’s location on the edge of the settlement, there is a requirement both to provide a substantial landscape buffer to the west and to manage the transition to the countryside beyond – a matter acknowledged in both Policies So/Ho/5 and SS5.

The site secures much needed affordable and smaller dwellings, however it also makes over-provision for larger dwellings and provides no bungalows, which does not reflect policy requirements and as such weighs negatively against the proposal when weighed in the overall planning balance.

Affordable Housing

Core Policy 1 of the Amended Core Strategy states that 30% affordable housing should be provided with a tenure mix to reflect local housing need and a break down of 60% for social rent and 40% affordable home ownership products.

The submitted scheme is policy compliant in terms of quantum of units and reflects the stated tenure mix delivering 24 units, 14 for rent (58%) and 10 (42%) for shared ownership.

In terms of the proposed layout on site, the affordable units are located together in a courtyard arrangement, centrally positioned and adjacent to the eastern boundary of the site. Concern has been raised by the Town Council and third parties regarding this layout and views expressed that it is creating a “ghetto” and such ‘segregation’ should not be supported. The Council’s Affordable Housing SPD recommends that affordable housing units are pepper potted around sites and should be tenure blind and the comments received from the Council’s Strategic Housing have been duly noted. It is acknowledged that this layout does not reflect this policy aspiration, however, I am also aware that registered providers desire close proximities in terms of future management and that such compromises have been accepted on the many other development sites in this regard. Whilst it is acknowledged that the terracing of units (which is not present on the rest of the site) and the cul-de-sac layout enclosed with hedging intensifies the perceived separateness of this area, I do not consider that this necessarily should be fatal to the overall scheme. Indeed, from a design perspective keeping and making features of existing hedgerow is considered appropriate if acceptably managed and designed into a comprehensive scheme.

Layout/Scale/Design

Core Policy 9 and Policy DM5 seek development to reflect its local context in terms of rich local distinctiveness of the District’s landscape and character of built form which should be reflected in the scale, form, mass, layout, design, materials and detailing of new proposals. With a single vehicular point of access to the site, the layout of the development was always going to result in a cul-de-sac design and the limited width of the site has also resulted in a number of smaller cul-de-sac layouts. However, the PRow and the Southwell Trail at the northern end of the site will continue to encourage movement through the site from walkers and cyclists. Through negotiation, the amended layout has sought to reflect its edge of site location with development considerably reduced along the western boundary.

The large properties are positioned towards the rear part of the site and although strictly two storey in appearance, with dormers and rooflights, accommodation is clearly provided at second floor level. This has resulted in ridge levels of over 9m and up to max of 9.7m in height in some house types, which causes some concern given its sensitive position. However, the land levels do reduce and slope downwards towards the northern end of the site and it is also acknowledged that the existing and proposed hedgerow and trees planting would help to provide some mitigate of the impact of this scale. The case officer sought to resist development with dormer windows given that they are not typical of the area but they remain in place on a large number of the units towards the rear, albeit in catslide features that are less prominent than standard dormers with ridged roofs. In terms of other detailing, the scheme presented is appropriate traditional design.

In terms of materials the predominant use of brick is acceptable (with only two properties with a rendered finish, however, the proposed use of the stated buff brick is not acceptable and would be conditioned out on any approval.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport. So/Ho/5 states that development on this site would be subject to *‘the preparation of an appropriate Transport Assessment as part of any planning*

application to identify the impact of the development on the highway network. This assessment should specifically include the impact of the site's access on Lower Kirklington Road and Kirklington Road junction, the achievement of acceptable visibility and the provision of appropriate mitigating measures.' This is echoed by Policy SS5 of the Southwell Neighbourhood Plan (SNP). Policy TA3 of the SNP also looks to ensure that the provision of new highways provide suitable measures to accommodate traffic, improve the safety and attractiveness of the street-scene and integrate traffic calming measures.

The applicant initially submitted a Transport Assessment (TA) by Armstrong Stokes & Clayton Ltd dated July 2018 in support of this application. This assessment set out the provision and design of a 4-armed roundabout to provide access to the application site. However, the Highway Authority objected on a number of grounds, including highway safety, as set out in the consultation section above. The applicant sought to provide additional clarification over the following months in an attempt to demonstrate their opinion that the roundabout was safe and secure the support of the Highway Authority. However, an objection was maintained and much to the frustration of the applicant, the case officer confirmed that any recommendation would not be made contrary to the expert advice of the NCC highway engineers on matters of safety.

With extreme reluctance therefore, the applicant amended the access design to a traffic light controlled junction and re-submitted to that effect and another round of consultation commenced. However, on consideration of the traffic light scheme, the Highway Authority were concerned that the dimensions of the junction needed to be increased and so there was insufficient information to demonstrate that this access design could be accommodated safely. A revised access design has therefore been submitted and been re-consulted upon. At the time of print the highway authority are satisfied with the revised design, subject to planning condition(s) and is currently being assessed. The final comments of the Highway Authority will therefore have to be reported on the Late Items Schedule or verbally at the Planning Committee. As such, officers respectfully request the right to alter the recommendation presented to Members, in the event that the Highway Authority reach the conclusion that the proposed junction design is unacceptable in highway safety terms.

In addition to providing safe access to this allocated site, the junction design must also not prejudice a safe access being provided to serve the allocated housing site on the south side of Lower Kirklington Road (So/Ho/4), known as the Vineries, which appears to have been adequately demonstrated.

In their latest comments received on 15 May 2019, the Highway Authority have raised two matters. The first in relation to the detail of the scheme, firstly that the term "shared surface" should be removed from the plans and on adoptable roads there should be clear physical definition (ie a kerb) to differentiate between the carriageway and the footway on safety grounds. The applicant has requested that this matter be conditioned on any planning consent. Secondly, the scheme continues to rely on 3 tandem parking spaces being provided for the larger houses in the scheme. This matter has been raised previously but the applicant has chosen not to amend the scheme to deal with this concern and clearly matters of layout cannot be conditioned. The Highway Authority is of the view that because such arrangements make parking on the site more difficult, it would result in more cars being parked on the highway. The applicants are not willing to amend parking arrangements and refer to para 7.15, the supporting text of Policy DM5 which states that 'the Council will seek to be flexible and pragmatic towards parking provision in connection with new development.' The applicant states the fact that the site is in a sustainable location with other forms of transport available such as walking/cycling and national and local

planning policy seeks to move away from car dependency. However, they accept that residents will have cars and therefore the scheme provides sufficient off street parking for each dwelling and they state that there will be no displacement of parking onto the wider public highway and so no adverse impact on the free and safe flow of traffic or the amenity of residents outside of the proposed scheme. Whilst this is correct, Members need to consider whether 3 spaces in a tandem arrangement is likely to lead to impacts on the free and safe flow of traffic and residential amenity **within this new development** site and whether this is acceptable.

As the application currently stands, the objection of the Highway Authority remains, principally on the grounds that a safe access to and from the site has not yet be adequately demonstrated, however, this situation will be up-dated at the Committee meeting.

Drainage/Flooding

Policy SS5 of the SNP provides that development of the site should be subject to 'The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;' Policy E1 of the SNP sets out what Flood Risk Assessments should contain and achieve whilst Policy E2 relates to Flood Resilient Design, which seeks to restrict run-off to relevant green field rates, via inclusion of a standard which proposals are expected to meet.

So/Ho/5 provides that development will be subject to the following; 'co-operate with the infrastructure provider to carry out an assessment of the drainage infrastructure required to serve the development, the impact on the local drainage network serving the site and the identification of appropriate mitigating measures to ensure that there is adequate capacity in the local drainage network to serve the development' and 'the positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime'.

Core Policy 9 requires developments to pro-actively manage surface water and DM5 mirrors this.

The site lies within Flood Zone 1 (at lowest risk of fluvial flooding) according to the EA Flood Maps. However, small localized areas of the site are identified as being specific risk of surface water flooding as advised by the EA. It is also noted there are flood sensitivities in the Town following the flooding event that was experienced in July 2013 which arose from surface water flooding.

The application was accompanied by a Flood Risk Assessment and Drainage Strategies dated July 2018 by Armstrong Stokes & Clayton Ltd, which has been up-dated by a further FRA dated January 2019 and a Technical Note dated April 2019.

Paragraph 79 of the NPPG provides that 'New development should only be considered appropriate in areas at risk of flooding [if priority has been given to the use of sustainable drainage systems](#). Additionally, and more widely, when considering major development, as defined in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), sustainable drainage systems should be provided unless demonstrated to be [inappropriate](#).' For the avoidance of doubt this scheme is considered to be a major development and this is the starting point therefore.

Paragraph 80 of the NPPG goes on to say that 'Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The FRA submitted indicates that based on ground conditions infiltration SUDS is not viable in this instance. Thus in line with the hierarchy of drainage options, an attenuation based surface water strategy with restricted discharge (10.3 l/s) to the watercourse running along the western boundary of the site is to be promoted.

Based on the current proposed development layout, the potential impermeable area has been established at approx. 1.29ha. The likely size of balancing pond required (plan area of approx. 976.7 sq metres) and attenuation volume required (700.7 cubic metres) have been calculated. The attenuation pond can accommodate 387.3 cubic metres with an allowance for a 300mm freeboard. Therefore the remaining flows would be attenuated within a permeable paving storage structure situated below the northern most access road and will support the attenuation volume offered by the pond to the total requirement of 700.7 cubic metres.

The FRA states that the drainage system for the site will be designed at detailed stage to not surcharge in a 1 year storm, not to flood in a 30 year storm and not to flood for the 100 year + 30% climate change, which can be conditioned on any planning consent.

The balancing pond would be maintained for the life time of the development by a management company.

NCC Lead Local Flood Authority now raise no objection to the proposal, subject to certain criteria, that can be conditioned as part of any planning approval. Whilst I fully understand the concerns raised by the Town Council, Civic Society and numerous local residents regarding flood risk both on the site and on the surrounding land, (as well as wider concerns regarding surface water that already drains onto this site from higher land closer to Halam Road), the surface water drainage expert at NCC has confirmed that the run-off of surface water from the site could be controlled and would prevent any increase in flood risk on adjoin sites and on this basis, I consider the development accords with the flood risk policies contained within the Development Plan and as such is acceptable.

Landscaping, Visual & Tree/Hedgerow Impacts

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

In respect of managing the sites gateway location at the edge of the settlement So/Ho/5 provides that *'in order to assimilate the development, provision should be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscaping screening.'* This policy also goes on to require that *'provision of appropriate landscape buffering to the Southwell Trail within the design and layout of any planning application.'*

Policy SS5 of the SNP, also sets out clear requirements regarding addressing the gateway location, in order to manage the transition into the main built up area. Central to this is the retention of landscape buffer strips *'between the north western boundary of the site, the Southwell Trail and the boundary footpath and the boundaries of individual building plots and arrangements are to be*

put in place for the maintenance of the strips and hedges for the lifetime of the development.’ SS5 also states that ‘wherever possible, the layout should retain existing mature trees and vegetation on the site, based on a thorough survey of the quality and health of trees within the site.’

The Design Guide attached to the SNP states that “unless it can be shown to be unreasonable, the width of a buffer/standoff should be a minimum of 8m and sufficient to allow for machine maintenance...”

A Landscape and Visual Impact Assessment supports the application, which has been revised and added to through the course of its consideration. The main LVIA concludes that the proposal would result in a loss of current agricultural fields (inevitable given the sites allocation or housing), and some hedgerow and tree cover as well as excavation of earth, minor re-profiling of the site’s topography and introduction of built form and residential land use. However, the site’s boundary features will be protected and enhanced where possible restricting impact both within the site and at its boundary. In general construction and operational activities would have a high impact on existing site character and condition and considered to be a moderate adverse impact. The report states that *“there would be a slight diminution in a sense of openness which will impinge on the semi-rural feel. However, the scale, mass and form of the proposed development is consistent with that present in the immediate area and it will be viewed as part of the existing surrounding landscape fabric. Considering the small proportion of land affected and its contiguity with the existing urban edge impact on this LPZ will be at most low and minor adverse effect....In terms of the wider landscape character of the whole study area, it is assessed that any change resulting from the proposals would be absorbed by and imperceptible against current baseline conditions.”*

In terms of visual assessment, the LVIA considers the perceived visual effects resulting from the development would be very limited in the context of the entire LVIA area. This is due to the site’s low lying, relatively flat landform and enclosed nature, being bounded by substantial vegetation to the north and west. The existing urban edge serves to screen views of the proposed development from the south and east. The report acknowledges that there are several residential receptors located in close proximity to the site (Pear Tree Cottage and properties in Orchard Close) which will be subject to high levels of visual disturbance during construction and operational periods. Mitigation measures include peripheral tree screening along the eastern and southern boundary. The resulting change in character of the view and loss of a sense of openness are assessed as major adverse. Impact on The Beacon, High Gables and Redroof on Lower Kirklington Road and at Maltkilns/Hopkilns Cottages to the north-east are more screened and distant from the development and the impact here is defined as medium in magnitude by the report. However, it concludes that given the high sensitivity of the receptor group this will still constitute a major adverse effect. Users of short sections of PRow FP57 and FP58 will experience high levels of visual disturbance, which will be at close range and represent a complete change to existing character, so magnitude of effect is high resulting in a major adverse effect. Other visual receptors in the wider area include users of Southwell Trail and Robin Hood Way would not be greater than low adverse with a moderate adverse level of effect, according to the report which following full mitigation measures, would expect to decline further in the long term to negligible adverse levels. The LVIA states that the development proposals are considered to not impinge on protected key designations as identified in the SNP nor would they have a significant visual impact on any other landscape or conservation designation in the locality, including Southwell Conservation Area.

The report concludes:-

“The proposals will have some impact on landscape character and degree of openness in the immediate area. However, the effects will be localized and will generally not impinge on the quality and character of the wider landscape. Following the establishment of mitigation measures it is likely that adverse landscape effects will be moderate further. In general, visual effects will also be contained with only a limited number of immediate close range residential receptors using a relative small stretch of local PRow being subject to major adverse levels of effects. In general, the development will be perceived as part of the existing peri-urban, residential land use with the development proposals providing a transition between the countryside and settlement edge. In addition, topography and the presence of built form and tree cover in the wider landscape will serve to limit views from receptors located at over 1km distance. Taking these factors into consideration, it is concluded that the proposed development can be accommodated in the surrounding landscape without unacceptable landscape and visual impact.”



View of western boundary of site from the west (within the LVIA)



Indicative visual looking north into site from Lower Kirklington Road (within the LVIA)

The latest Addendum to the LVIA seeks to assess the landscape and visual impact of the new traffic light junction. The document describes the works that would be associated with Appendix B (Possible signalized access junction (Figure 3.5 of the Transport Assessment) carried out by Armstrong Stokes & Clayton Ltd). However, as already indicated in the Highway Safety section of this report, this has raised concerns from the Highway Authority that the junction dimensions are too tight, and so amendments to the junction have been received. The applicants were not

willing, and do not consider it necessary to provide revised visuals to show the revised design. They are firmly of the view that there is sufficient information to assess the scheme. I agree that the principle of a signal control junction and its impacts can be assessed.

The existing Addendum describes the superseded junction as having:-

- a traffic signal post to the left hand side of the carriage way that would equate to a total of 4no. signal posts to the junction;
- 3no. uncontrolled pedestrian crossings, 1 to Kirklington Road and 2no. to Lower Kirklington Road (east and west);
- Existing sign is proposed to be relocated and supported by additional signage;
- Existing footpaths and cycleways are proposed to be widened on the approach to the junction and within the visibility zone of the junction;
- A section of existing hedgerow to the southern boundary of the site, which runs along Lower Kirklington Road is to be removed to form the proposed access into the site;
- A further short section of hedgerow to the west of the proposed access may require additional pruning or removal if required, to accommodate and allow visibility splays for the proposed junction to operate safely.



Indicative photomontage, but it does not reflect the amended junction design and as such it must be given **very limited weight in the determination of this application.**

The report states that largely due to the winding nature of roads, topography and intervening built form and vegetation, potential views of the proposed junction and associated traffic lights would be contained to within 0.3km to the west and 0.2km to the east. The report includes one indicative photomontage (see above) and several existing viewpoints of the extent of the proposed junction area only, however, this has not been amended by the revised access design currently under further consideration.

The summary conclusions of the LVIA Addendum state:

“The introduction of the traffic lights at the western gateway into Southwell will compromise some of the existing character features. Any highway intervention in this location will add an obstruction but as set out in Policy So/HO/5 of the Southwell Neighbourhood Plan;

- *Appropriate design, density and layout which addresses the site’s gateway location and manages the transition into the main built up area.*

With reference to landscape character, the traffic lights introduce a new element more commonly associated with a more suburban environment, into the countryside edge. However, the lights do not break the existing skyline, are located at the existing point of the settlement edge and would not be the dominating feature – the mature trees in this location remain the defining settlement edge feature.

Visually and perceptibly the change is upon the free-flowing nature of the existing transition between the countryside and the settlement. The traffic lights create a definite point of change and will likely result in vehicles stopping or slowing down, altering the experience of the current movement from the countryside into Southwell suburban area. The actual traffic lights and associated road markings introduce a physical and visible change at this point on the road.

It should be noted that the change described is experienced within a short physical and perceptual period.

Should a roundabout have been proposed the movement of the traffic would have been altered, the unrestricted nature of it diluted by a junction solution. The traffic lights are judged overall to have, at worst a medium adverse impact, on the western gateway of Southwell.”

The proposed signalized junction will clearly have a visual impact. However, in attaching weight to the comments of the highway authority this is the only solution which is appropriate to deliver the site allocations. Officers and the applicant have a preference for a roundabout solution at this location (with a 3 arm roundabout on lower Kirklington Road having previously been approved). That said, NCC are clear that this solution is harmful. On this basis, and in attaching weight to the need to deliver site allocations, the proposed solution, in an overall planning balance (and given NCC’s support) is considered acceptable.

Turning now to landscape within the site, the SNP identifies the existing hedges both around and within the site as important landscape vegetation. Whilst there is no definitive width set out within either So/Ho/5 or SS5 for the proposed landscape buffers, however there is reference to buffer widths being a minimum of 8m within the Design Guide of the SNP. I note that the landscape buffer shown on the indicative drawing is shown as being c3m wide along the northern boundary – which excludes the existing tree planting between the site and Southwell Trail. The buffer comprises additional hedgerow planting and a maintenance strip. Along the western boundary of the site the submitted plan show a c5m wide landscape buffer (although the Addendum to the LVIA refers to it being 8m wide) that sits inside the existing hedgerow along this boundary. Both these are considered to be Strategic landscape buffers that need to be conditioned to be retained and appear to be separate from any adjacent garden space which the applicant advises would be maintained by a management company. Whilst not considered to be a Strategic landscape buffer, the existing hedgerow that runs along the eastern boundary of the site is to be preserved and reinforced with a maintenance strip. The existing hedgerow along the southern boundary of the site and existing hedgerows to be retained within the site are also to be preserved and reinforced, although as these form the boundary between private residential gardens, their future maintenance is not proposed to be secured by a management company. This

clearly results in the hedgerows being left vulnerable to new owners on the site that may wish to rip out the hedgerows and replace them with some other form of enclosure. Unfortunately this could not be easily prevented once they fall within the ownership of third parties, but given that the majority of the hedgerow forms the rear boundaries of the affordable housing units, it maybe that Nottinghamshire Community Housing Association may agree to take on its maintenance into the future.

The application is supported by an Arboricultural Survey by Welch Design dated April 2018 which covers the application site.

Whilst there are not numerous trees present, none of the trees surveyed on the site or on the highway close to the proposed site entrance has been classified as a Category A tree and only one tree has been classified as a Category B tree (a sliver birch adjacent to High Gables – which is outlined in blue on the site location plan and so outside the red line plan); all the remaining trees are Category C or lower. The Survey does not identify any Category A hedgerow on the site, but there are a number of Category B hedgerows, the majority of which are located on the outer boundaries of the site with 4 internally within the site and others along both sides of Lower Kirklington Road. The majority of the Category B hedgerows are to be retained and reinforced as part of the proposals. There are smaller sections of hedgerows within the site that are proposed to be removed. As such, it is considered that based on the Arboricultural Survey that has been undertaken has informed the development of the site and largely retained existing significant hedgerows which would be added to by a condition that required additional new soft landscaping and as such, I consider the proposals to be acceptable and accord with the Development Plan.

Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

There would be approx. 21m between the side elevation of Plot 1 and the main side elevation of Pear Tree Cottage and 27m to the side elevation of the rear projection of Pear Tree Cottage. In addition there is a c3.5m high mature hedgerow that runs along the western boundary of Pear Tree Cottage that would acts as a screening feature between these two properties. The privacy of the rear garden of Pear Tree Cottage would also be adequately protected from front elevation window openings within Plots 2 and 3. There are distances of 50 m or more between the rear elevations of Plots 4, 54 to 61 and the rear elevations of properties fronting Lower Kirklington Road which are considered to be ample in amenity terms. Distances from the rear elevations of properties fronting Orchard Close to the east to the proposed new dwellings adjacent to this boundary sit between c19.5m and 22m in a back to back relationship and 15m and 17m in a rear to side blank gable elevation orientation. These separation distances are considered to be acceptable in terms of creating a good standard of amenity for both existing occupiers adjacent to the site and future occupiers on the site. I am therefore satisfied that residential amenity would be safeguarded in line with Policy DM5.

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.

In support of the application, two Ecology and Protected Species Surveys have been submitted, one dated March and one dated May 2018 by Scarborough Nixon Associates which relates to the application site.

With regards to bats the reports concluded that the site has potential to be used by common reptile species and foraging and commuting bats and as such precautionary working practices should be used to ensure that bats are not disturbed, which include appropriate lighting on site and enhancements and roosting provision for bats within the proposed development. The reports recommend a minimum of 10 nesting features should be incorporated into the external fabric of the new buildings across the site. Works should also commence outside the active bird nesting season and precautionary approaches be taken towards possible hedgehogs, badgers, creation of wildlife friendly pond and use of native species and flowering lawn mixture/wildflower areas within any landscaping scheme. All these preventative/precautionary approaches are recommended all of which could be conditioned if the application were to be approved. These would involve the inclusion of an external lighting scheme to avoid harm to bats, covering of trenches and pipes overnight during construction in respect of badgers, clearance works to avoid bird breeding season and an ecologist conducting a search prior to commencement to check the site for reptiles, given surrounding landscape has the potential to support this species.

Both the Development Plan and the NPPF require ecological enhancements and the ecologist recommends enhancements through habitat creation, through an ecological landscape management plan and the provision of artificial roost boxes/bricks for bats. I am satisfied that all of these enhancements could be secured by condition if the application were to be permitted. I am therefore satisfied that the scheme in respect of ecology is acceptable and poses no conflicts with the Development Plan.

Other Matters

Archaeology

CP14 and DM9 seek to secure the preservation and enhancement of the districts heritage assets including archaeology sites. So/Ho/5 also states that development will be subject to *'pre-determination archaeological evaluation and any necessary post determination archaeological mitigation measures secured by condition on any planning consent are likely to be required reflecting the high archaeological potential of the site.'* This is also reflected in Policy SS5 of the SNP.

A Desk Based Assessment was submitted with this application and following the request of the Council's Archaeology Consultant a further Geophysical Survey has been completed and submitted. This concluded: This "detected no anomalies of archaeological potential; however a former field boundary shown on historic mapping was located. Parallel linear anomalies are due to past agricultural activity, either ridge and furrow, orchards, other crops or drainage. Several weak trends are probably due to agricultural or natural effects."

On this basis the Council's Archaeological Consultant was satisfied that there was no archaeology on the site to warrant any further investigation or conditions being imposed on any approval of planning permission. I therefore conclude that there would be no conflict with the identified Development Plan policies.

Rights of Way

Policy So/Ho/5 states that *'development will be required to seek to maintain and enhance the current provision of Right of Ways which transverse the site.'*

SS5 of the SNP states *'development will be required to seek to maintain and enhance the current provision of Rights of Way which transverse the site including avoiding then being diverted into estate roads, but wherever possible routed through landscaped or open space areas, to ensure a contribution to the Green Infrastructure. The scheme must offer pedestrian and cycle access onto the Southwell Trail from both ends and the centre of the site.'*

The existing site is transversed by both FP57 and FP58. The proposal seeks to retain both but FP57 is to be diverted to the west from its current coarse in order to run within the proposed open space adjacent to the western boundary This reflects the aspirations of the SNP. It is accepted however that where FP58 branches away from FP57, it will for a short section run along the proposed estate road. Given that this is an allocated site, it is inevitable that the rural nature of the PRow would be impacted in some way, however, the diversion of FP57 within the open space represents a successful negotiation and given that there is now no objections raised from NCC Rights of Way officers or the Ramblers Association, and with the proposed diversions secured through the correct legal process, it is considered that this element of the scheme is acceptable.

Although no details have been submitted, the proposed site layout shows a new link to be provided between the site and the Southwell Trail. As such this feature, its siting, together with its detail needs to be secured through condition, in order to accord with the Development Plan.

Secured By Design

The Notts Police Architect has been a welcomed contributor within the consultee process and initially concerns were raised regarding the design of parking courts and their lack of natural surveillance in order to provide a secure design. The applicants have taken on board the comments raised and as a result, the last amendment of the scheme submitted has resulted in no further concerns being raised by the Police Architect.

Developer Contributions and Other Infrastructure required for the Wider Site Allocation

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

The applicant has expressed a willingness to enter into a S106 Obligation to secure the required developer contributions which are set out below.

Affordable Housing

Affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development.

Core Policy 1 sets out that qualifying schemes should secure 30% affordable housing on site. The proposal would exceed the revised affordable housing thresholds (11 units or more, or where the combined gross floor space exceeds 1000m²) and thus is a qualifying development.

The scheme proposes 24 of the 80 units to be affordable which equates to the 30% of on-site provision set by the Development Plan policy. The provision can be broken down into 14 units for rent and 10 units for shared ownership which reflects the rough breakdown set out with Core Policy 1 of the Amended Core Strategy of 60% rent; 40% shared ownership.

Public Open Space

The Council's SPD on Developer Contributions states that the scheme would need to provide for open space in the form of provision for children and young people, amenity open space and natural and semi natural green space.

Provision for children and young people

As a development of 80 dwellings, this application should make provision for public open space in the form of space for children and young people which should equate to 1,440sq m based on 18m² per dwelling.

The proposed site layout shows that 1,440m² would be provided on site adjacent to the western boundary. I note that the SNP provides that the public open space should be a focal point for the development under Policy SS5. The Town Council has raised concerns regarding its location on the site stating that it is too close to the busy road and some distance from the affordable housing units. In my opinion the play space is at a focal point at the head of an area of open space and therefore complies with SNP Policy SS5.

Amenity Open Space

As a development of 80 dwellings, this application should make provision for amenity open space which should equate to 1,152sq m based on 14.4sq m per dwelling.

The proposed site layout plan shows that 1,210sq m would be provided adjacent to the western boundary. This area would also be used as an attenuation pond.

The applicant has confirmed that the maintenance of the open space and landscape buffers would be charged to a management company.

Natural and semi-natural green space

The Newark & Sherwood Green Spaces Strategy has set local provision standards for a number of different types of open space. Those of relevance to new housing developments are as follows: Natural and semi-natural green spaces – 10ha per 1,000 population. However in recognition of the difficulty of achieving this standard in urban areas the Strategy recommends that all residents of the district should live within 300m of an area of natural and semi-natural green space. Given that the site is on the edge of the settlement there are fields adjacent to the development which I consider would meet the aspirations of the policy.

Community facilities

Community facilities are defined as including Community Halls; Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself in my view is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site. There are a number of projects that an off-site contribution could be used towards and the applicants have confirmed they are willing to enter into an agreement to secure this.

The contribution would be based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equating to a maximum of £110,725.60.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and their latest comments state that a development of 80 dwellings would yield an additional 17 primary places. Therefore the primary education contribution required would be £232,152.00 (17 x £13,656) to enable primary provision to accommodate the additional pupils projected to arise from the proposed development.

The applicant has agreed in principle to this.

The proposed development is also expected to yield 13 secondary places, NCC as education authority, have confirmed that currently both the primary and secondary schools within the planning area of Southwell are at capacity and unable accommodate the additional pupils generated from this development. Therefore, the County Council would seek both primary and secondary education contributions, although the secondary places would be secured through CIL.

Please note the cost per place may change if a number of developments come forward in an area which will require master planning and will result in an extension to an existing school or a complete new school build with land. This would be based on builds cost which would be subject to final confirmation.

For secondary, to accommodate the additional 13 places, these would be funded by the collection of Community Infrastructure Levy (CIL) operated by NSDC. As a guide, the contribution would be approximately 13 x £17,753 = £230,789.00

Health

£982.62 per dwelling which equates to £78,609.60

Library

£47.54 per dwelling which equates to £3,803.20

NCC - transport

£15,000 for the provision of two new bus stops

NCC – waste

£21,805.42 to cover costs of installation of additional litter and dog bins at the entrance of the new path that links with the Southwell Trail and the emptying of these bins plus the costs of additional grass cutting, litter picking and fly-tipping removal, cutting back overhanging vegetation on the new link path.

The applicant has maintained that this development would be fully compliant in terms of S106 contributions and as such, all the elements set out above would be secured through the Section 106 legal agreement.

Overall Balance and Conclusion

All the material planning considerations raised by local residents during the course of this application have been considered and taken into account in the determination of this application, however, some matters raised are private civil matters that cannot be afforded any weight.

The residential development of the site is clearly, given its allocation, acceptable in principle. This proposal would contribute further to the Council's 5 year housing land supply. The proposal also represents a scheme that is fully compliant with all the S106 developer contribution requirements, and is acceptable with respect to a range of technical and design matters which includes ecology, archaeology, rights of way, design against crime, impact on existing trees and hedgerows and residential amenity. Subject to conditions, surface water drainage engineers at NCC have confirmed that the proposal can adequately deal with surface water from the development without resulting in increased risk of flooding elsewhere. Having regard to the allocation, although considerably higher than the "about 60" quoted within the policy, I have concluded on balance that the quantum of 80 dwellings on this part of the site is acceptable with two strategic landscape buffers along the western and northern boundaries that will be secured and retained by condition.

Weighing negatively against the scheme is the layout and segregation of the affordable housing units, the absence of bungalows, tandem parking layouts of 3 parking spaces and the moderate harm identified by the applicant's consultants to the character and visual amenities of Lower Kirklington Road by the traffic light junction (although it is acknowledged that any alteration to the junction to this allocated site would have some negative impacts on the rural character of the road in this locality), a matter I accept is required if I (as I do) attach weight to NCC highways comments that this is the only acceptable highways solution to serving site allocations and developments to the north and south of Lower Kirklington Road.

As a professional officer one can sometimes refer to a 'balanced' decision. All decisions are certainly balanced in that all matters are considered in coming to a view. That does not always mean however that a decision is finely balanced. In this case, I consider the decision is just that. There are clear benefits and in my submission clear deficiencies. That said, in coming to this fine balance I land on the side of delivery of the allocations in a largely acceptable manor. On this basis,

approval is recommended, subject to conditions.

RECOMMENDATION

That planning permission is approved subject to

- i) S106 legal agreement to secure the required developer contributions and new access onto the Southwell Trail**
- ii) the conditions and reasons to follow in a separate report**

BACKGROUND PAPERS

Application case file.

For further information, please contact **Julia Lockwood** on ext **5902**.

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

Matt Lamb
Director Growth and Regeneration

Committee Plan - 18/01363/FULM



