

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	18/01363/FULM (MAJOR)
Proposal:	Proposed residential development for 80 dwellings
Location:	Land Off Lower Kirklington Road, Southwell
Applicant:	CAPLA Developments Ltd

UPDATE – STATUS – APPEAL SUBMITTED

1.0 Background

- 1.1 Members will recall that an application for the above residential development was presented to the Planning Committee on 4th June 2019 for consideration. Members resolved to refuse the application contrary to officer recommendation for the following 4 reasons:

01

In the opinion of the Local Planning Authority, the proposed traffic light junction design comprises an urbanising feature which, together with its associated highway paraphernalia, represents an intrusive and incongruous form of development that would be harmful to the rural character and visual amenities of the area. As such, the proposal is considered detrimental to the site's gateway location and fails to appropriately manage the transition from open countryside into the built-up area of Southwell.

The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the adopted Amended Core Strategy 2019, Policy So/Ho/5 (Southwell Housing Site 5) of the Newark and Sherwood Allocations and Development Management DPD (2013), Policies DH1 (Sense of Place, DH2 (Public Realm) and Policy SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan which together form the relevant parts of the Development Plan. The proposal is also contrary to the National Planning Policy Framework and Practice Guidance which are material planning considerations.

02

Policy HE1 (Housing Type and Density) of the adopted Southwell Neighbourhood Plan states that on greenfield sites, all schemes of 11 or more dwellings will be required to deliver 20% of 1 or 2 bedroomed bungalows. This policy identifies a clear, unambiguous local need. There is a complete absence of any bungalows within the proposed development. As such, the proposal is therefore contrary to this policy of the up to date Development Plan.

03

The Newark and Sherwood Local Development Framework comprises an Affordable Housing Supplementary Planning Document (July 2013). At paragraph 3.14 this SPD states that the overall design of development should seek to integrate the affordable housing as part of the overall mix of dwellings and the affordable housing must be of the same style and materials so as to appear visually consistent and indistinguishable from the private housing (tenure neutral). The SPD also states that the Council requires that affordable housing should be 'pepper potted' throughout the proposed development to fully integrate the affordable housing with market housing or if completed in groups, they should be in small clusters.

The proposed layout of the development locates all the affordable houses in one area on the site, separated by hedgerow planting which noticeably and harmfully divorces the affordable homes from the market dwellings. In addition, the proposed design and layout of the affordable units themselves are materially different in appearance to the market housing which makes them readily identifiable. As such, the proposal is harmful to social cohesion and fails to promote social interaction and a sense of community contrary to the principles of sustainable development and contrary to Newark and Sherwood Affordable Housing Supplementary Planning Document (July 2013) which forms part of the adopted Development Plan and is contrary to the National Planning Policy Framework and Practice Guidance which are material planning considerations.

04

In the opinion of the Local Planning Authority the proposal represents a poor design and layout. This has led to a number of compromises including car parking layouts for a number of dwellings that are served by triple length perpendicular parking to the highway which is likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements, an over-concentration of affordable housing in one area of the site and an inappropriate location of the children's play space which in the opinion of the Local Planning Authority should be located more centrally as required by the site specific policy. Together these compromises represent an unacceptable level of cumulative harm and unsustainable development that is contrary to the Development Plan, including Policies Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) from the adopted Amended Core Strategy (2019) as well as policies SD1 (Delivering Sustainable Development), E6 (Climate Change and Carbon Emissions) DH1 (Sense of Place), DH2 (Public Realm) and SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan as well as the NPPF, a material planning consideration.

- 1.2 These reasons are set out on the decision notice dated 10 June 2019.
- 1.3 The applicant has since submitted an appeal to the Planning Inspectorate which the appellant have requested be heard by way of a Public Inquiry. This appeal has not yet been given a start date albeit the Inspectorate have advised that the appeal will progress by way of a Hearing. Given it is yet to be allocated an Inspector and formally commenced by the Inspectorate, the appeal is not yet in the public domain. As part of the appeal process, the appellant (or the applicant) intends to submit an amended Proposed Layout Plan (Drawing No: 618-2-001 Rev H) for consideration by the Inspector in an attempt to address Reasons for Refusal 2, 3 and 4 listed above in order to narrow the scope as part of the forth-coming appeal procedure.
- 1.4 The applicant/appellant seeks the views of the Planning Committee, who were the initial decision makers, on the proposed amendments to inform the appeal.

2.0 The Revised Proposals

- 2.1 Following the refusal, in July 2019, the applicant submitted to this Council a covering letter dated 4th and up-dated e-mail sent 16th to accompany the submission of:-
 - (i) a revised Proposed Layout Plan (Drawing No: 618-2-001 Rev H);

- (ii) a schedule showing the dwelling mix for the amended scheme compared to the determined scheme; and
- (iii) a copy of the Building Regulations, Part M, to which attention is drawn to the specification therein for 'Category 2: Accessible and Adaptable Dwellings.'

2.2 The applicant/appellant has summarized the amendments incorporated within the revised plan as follows:

- **Re-distribution/dispersal of affordable houses on site. This does not alter the layout or design of the site since the house types remain as previously submitted;**
- **Provision of 16 dwellings for occupation by householders with at least one member over the age of 55 years only (50 % of which would be DDA – Building Regulations Part M compliant – Category 2: 'Accessible and Adaptable Dwellings' as set out within the documents submitted 16 July 2019), in lieu of the explicit provision of bungalows;**
- **Amendments to the dwelling mix (set out within the submitted table received 16 July 2019);**
- **Amendments to the relevant plots eliminating any triple vehicle tandem parking provision; and**
- **Amendment to the existing Public Right of Way shown to the north-east of the application site which accurately presents the direction of travel of the PROW towards the Southwell Trail.**

2.3 To clarify, there is no change to the layout, design, external appearance, house types, content or description of the development.

2.4 Full details of the revisions can be provided upon request and indeed are available to view on the Council's public access website.

3.0 Departure/Public Advertisement Procedure

3.1 Occupiers of 35 properties have been individually notified by a bespoke letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

3.2 A full re-consultation exercise has been carried out with all relevant consultees and all previous third/interested parties who have been invited to provide further comments on these latest submissions. The responses received are set out below.

4.0 Re-Consultation Responses Received

4.1 **NCC, Highway Authority** - "I refer to revised drawing 618-2-001-H which has been submitted (in part) to address reason for refusal 4: *"In the opinion of the Local Planning Authority the proposal represents a poor design and layout. This has led to a number of compromises including car parking layouts for a number of dwellings that are served by triple length perpendicular parking to the highway which is likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements"*.

It is considered that in terms of the 4 & 5 bed properties at plots 14, 15, 18, 19, 30, 31, 32, 43, 44 there is either insufficient parking provided i.e. 2 car spaces instead of the 3 required, or the 3 spaces remain in a tandem arrangement. This does not, therefore, address the parking issue raised in the reason for refusal.”

4.2 NCC, Lead Local Flood Authority – “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 (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.”

4.3 NSDC, Planning Policy – “The re-distribution of the affordable units on site is to be welcomed. However by amending which plots are given over to affordable housing the total number of bedrooms available has been reduced from 99 to 44 with the number of 1 bed units being increased from 2 to 8, the 2 beds are reduced from 17 to 12 and the 3 bed units have been reduced by 1. I would defer to the views of Strategic Housing on this matter but this would not appear on face value to be a positive move.

The provision of over 55's dwellings does not directly comply with the need to provide bungalows as set out in the Southwell Neighbourhood Plan although it would go some way to addressing the requirements of the ageing population profile of the district.”

4.4 NSDC, Strategic Housing – “I refer to the decision by the planning authority to refuse the above mentioned planning application on the 10th June and the subsequent application to the Planning Inspectorate to appeal the decision.
I address the Reasons for Refusal and comments made in the Statement of Case (undated but received 29/7/19) and amendments by the appellant pertaining to the affordable housing provision. I also address the lack of discussion around the affordable housing types and subsequent changes:-

Item 2 – Lack of Bungalows

- a) The applicant has chosen not to submit an application with the provision of bungalows. The Council's Strategic Housing Section has requested that two of the affordable dwellings are bungalows, contributing towards meeting the evidenced high level of need for supported housing (which generally includes bungalows) in Southwell. There are 131 applicants on the Council's housing register for this type of accommodation ((July 19).
- b) The offer by the appellant to reserve 20% of the development for the elderly (over 55s) in houses does not address the lack of bungalow or ground floor accommodation in the affordable contribution.
- c) The appellant suggests that a Registered Provider is of the opinion that the site is not well suited to bungalows. Given that the Council will have 100% nomination rights on the affordable housing on this site and that the Council receives on average 22 bids for two bedroom bungalows (July 19).
- d) I conclude that the proposed size of development should include bungalow accommodation to create mixed communities where older people are not excluded. It is important to provide accessible accommodation for our ageing population and the application as it stands does not meet the needs of those in retirement or with accessibility issues.

Item 3 – Affordable Housing Distribution

- a) The proposed distribution of the affordable housing is acceptable in 'pepper-potting' terms and aligns with the guidance contained within the Council's Supplementary Affordable Housing Guidance Note (2013).

Affordable Housing – Proposed Type

The original submitted plan for the affordable housing did not fully address the evidenced affordable housing needs in the area and requirements of the Southwell Neighbourhood Plan the due to the nonprovision of bungalows. The revised plan increases the number of one bedroom units and reduces the two and three bedroom provision and it would have been helpful if the Council's Strategic Housing Team was part of the wider discussion around this proposal. A revised scheme that will be acceptable is offered:-

Table 1 – original proposal and amended plan provided by the applicant

House Type	Bedrooms	Area (Sq Ft)	Originally Submitted Plan			Amended Plan		
			Affordable Rent Only	Affordable Shared Ownership	Total Affordable Housing	Affordable Rent Only	Affordable Shared Ownership	Total Affordable Housing
D	1	495	2	0	2	4	4	8
F	2	775	11	6	17	9	3	12
H	3	1128	2	3	5	2	2	4
TOTAL			15	9	24	15	9	24

Final Proposed Scheme by the Strategic Housing – Table 2

House Type	Bedrooms	Affordable Rent	Shared Ownership	Total
D	1	4	0	4
F	2	8	5	13
F Bung	2	0	2	2
H	3	3	2	5
Total	-	15	9	24

Location of plots – Table 3

House Type	Rent	Shared Ownership	Total
D - 1 Bed quarter house	Plots 24 – 27	0	4
F – 2 bed house	Plots 54, 55, 64, 65, 66, 74, 75, 76	73, 77, 78, 10, 11	13
F – Bungalow (converted from 2 bed houses subject to planner approval)		Plots 2 & 3	2
H – 3 bed house	16, 17, 46	20, 21	5
	15	9	24

4.5 **NSDC, Environmental Health** – No comments to make.

4.6 One further letter of representation has been received from a third party raising concerns that the revised scheme still does not show the vehicle access which currently exists to maintain the dyke system which is on their side of the development and onto their land. The plans are also not showing the existing post and rail fence of the access gate which currently exists and separates their land from the new development. Their main cold water feed runs through the development which will need to be moved at the expense of the developer as they believe it is illegal to leave a household with no water.

5.0 **Comments of the Business Manager**

5.1 Each reason for refusal will be addressed in turn below.

5.2 Reason 1 (traffic lights) - The revised scheme has retained a traffic light junction design along Lower Kirklington Road. This reason for refusal has not been addressed and is therefore still relevant. It is my view that Members previous concerns have not been overcome.

- 5.3 Reason 2 (no provision of bungalows) – The revised scheme seeks to address this issue through the designation of 16 no. (20%) of the two storey dwellings on the site to be occupied by householders with at least one member over the age of 55 years and 8 no. (50%) of which would be compliant with DDA – Building Regulations Part M – Category 2: ‘Accessible and Adaptable Dwellings.’ Consideration has been given as to whether the new proposal represents an appropriate replacement in lieu of the bungalows required by the Neighbourhood Plan. Taking into account the comments of the Council’s Strategic Housing Officer, and notwithstanding and without prejudice to the previous officer recommendation for approval, this does not overcome the concerns raised and it is recommended that Members continue to object on these grounds with no proposed changes to the wording of Reason for Refusal 2.
- 5.4 Reason 3 (disposition of affordable housing units) – The revised scheme seeks to address this issue through the re-designation of housing between affordable and market units, so that there is a greater dispersal of both types of housing through-out the scheme. It is considered that the amended layout presented represents a significant improvement and does address the previous concerns raised in this regard. However, as identified by the Strategic Housing Officer, there has been a resultant adverse impact on the mix of the affordable housing offer, with an increase of 6 no. 1-bed units and a reduction of 2 bed units (by 5 no.) and three bed units (by 1). In addressing the harm identified regarding the over-concentration of affordable units in one area of the site, it has resulted in a change in the affordable mix provision, and which therefore represents an additional further compromise to the previously considered scheme. Taking into account the comments of the Council’s Strategic Housing Officer, the reason for refusal 3 has been adequately addressed but has resulted in additional, alternative harm. It is recommended that Members consider withdrawing their objection to Reason for Refusal 3, but it should be made clear to the Planning Inspector that deals with the appeal, that should they accept that the revised scheme can form part of the appeal consideration that the Council would object to this scheme on the grounds of inappropriate affordable housing mix instead.
- 5.5 Reason 4 (poor design and layout) – The revised scheme seeks to address this through the stated elimination of any triple vehicle tandem parking provision. However, it is clear from the comments of the Highway Authority that these concerns have not been addressed. The revised plan shows the children’s play space in exactly the same position on the site and so this concern has not been addressed. Whilst the overconcentration of affordable housing element has been addressed, all other elements remain as outstanding concerns.

6.0 Conclusion

- 6.1 Notwithstanding the previous officer recommendation to the Committee, having assessed the changes advanced I would suggest that only one issue that Members previously raised has been successfully addressed (the dispersal of affordable housing) but in amending this element, additional harm (in the form of a less appropriate housing mix) has been identified by officers.
- 6.2 The views of the Planning Committee are therefore sought as to whether their previous concerns set out in Reasons 2, 3 and 4 on the previous refusal notice have been addressed in any way through the submitted amendment.

7.0 RECOMMENDATIONS that:

- (a) in light of the above, notwithstanding and without prejudice to the previous officer recommendation for approval, the recommendation put before Members is that the Council should defend all of the existing Reasons for Refusal, with the exception of Reason 3 and this should be reflected in the narrowing of the scope of Reason 4.**
- (b) however, it is also recommended that should the Planning Inspector dealing with the appeal allow the consideration of these revisions as part of the appeal proposals, then it should be made clear as part of the appeal process, that the view of Members is that this scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.**

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.

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