

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01771/FULM	
Proposal:	Proposed Residential Development for 80 Dwellings (Re-submission 18/01363/FULM)	
Location:	Land Off Lower Kirklington Road, Southwell	
Applicant:	Christopher Richardson - Capla Developments Ltd	
Agent:	None	
Registered:	27 September 2019	Target Date: 27 December 2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Members may recall that a previous application on this site was refused by the Planning Committee in June this year. Given previous Member involvement, this application is brought before the Committee at the discretion of the Business Manager as the scheme is considered to warrant Member debate.

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 Maltkiln 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 (PROW) 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 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 Halloughton 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 application site), beyond which is open countryside and the River Greet, along with two large open water bodies to the north-west within 500m of the site. Within 500m to the south-west of the site are two smaller open water bodies. 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 Malkitln and Hopkln 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

18/01363/FULM - Proposed residential development for 80 dwellings was considered by the Planning Committee in June this year and contrary to the officer recommendation was refused planning permission for the following reasons:

1. 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.

2. 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.
3. 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.

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, 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.

The applicant has since submitted an appeal to the Planning Inspectorate which was until very recently waiting for a suitable Inspector to be allocated. The appeal is valid and has an official start date of 21st November 2019. Public notification of this is underway. Whilst the appellant requested a Public Inquiry route, the Council disputed the need for this and the appeal will be dealt with via an informal Hearing upon agreement by the Inspectorate.

In July this year, the applicant/appellant submitted a Revised Plan to the Authority in order to seek to resolve as many issues with the scheme as possible (save for the retention of the traffic light signaled junction) with the intention of submitting the amended plan to the Planning Inspectorate for consideration at the appeal. At the Planning Committee held on 10th September this year, Members considered this Revised Plan and felt that there was no need for traffic lights at this site and that this would be detrimental to the town and they resolved that:-

- (a) in the event that the Inspector refuses to accept the amendments shown on the Revised Plan, the Council should defend all the existing reasons for refusal set out on the existing decision notice; and
- (b) in the event that the Inspector accepts the amendments on Revised Plan, then the Council should defend 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, but it should also be made clear as part of the appeal process that the view of Members is that the revised scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.

Other site 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.

The Proposal

This application represents an amended scheme of 80 dwellings that seeks to respond to the concerns previously raised by the Planning Committee. The previous reasons for refusal are set out in the planning history above and this section will deal with each issue in turn and how it has sought to be addressed.

The previously proposed traffic light controlled junction to provide access to the site from the main road that was a concern for Members but supported by the Highway Authority, has been replaced by a four-arm roundabout, comprising two arms off Lower Kirklington Road, one arm serving Kirklington Road and the final arm serving the application site. This was submitted as part of the original scheme, however, due to an objection from the Highway Authority on highway safety grounds, the roundabout was removed and replaced with traffic lights. This submission has brought back a roundabout junction and seeks to argue that it would be safe and would be the most appropriate junction method given the sensitive location as a gateway to the town and adjacent to open countryside.

The number of dwellings proposed remains the same as does the proportion of market (70%) and affordable (30%) units, however, contrary to the previous scheme and as the schedule of accommodation set out below shows, it also includes 4 affordable and 12 market, 1 and 2 bed bungalows, which together represent 20% of the development.

Affordable	Tenure	No of Beds	No of storeys	No provided
Type D	Rent	1	2	4
Type F	Rent	2	2	6
Type F	Shared Ownership	2	2	4
Type G	Shared Ownership	2	2	2
Type H	Rent	3	2.5	2
Type H	Shared Ownership	3	2.5	2
1B Bung	Rent	1	1	2
2B Bung	Shared Ownership	2	1	2
Total				24
Market				
Type A		1	2	2
Type D		1	2	4
Type F		2	2	5
Type G*		2	2	5
Type H*		3	2.5	11
Type I		4	2	4
Type K		6	2.5	6
Type L		5	2.5	5
Type M		4	2.5	2
1B Bung		1	1	4
2B Bung		2	1	8
Total				56

*dwelling has upstairs 'study' capable of use as bedroom so this has been counted as a bedroom.

The 24 affordable housing units (providing a mix of 1, 2 and 3 bed properties; 14 (58%) units for rent and 10 (42%) for shared ownership products) are now pepper-potted through the development, rather than being concentrated within the central court-yard area of the development.

The proposed development is now served by car parking, none of which are laid out in a triple tandem arrangement. Whilst the children's play space is located in the same position on the site, it can now be accessed from the central court-yard area via the insertion of a new public footpath.

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, with the 2.5 storey dwellings positioned at the northern end of the site, where ground levels are lower. 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/cycle link directly from the site to the Southwell Trail at the north western corner of the site.

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 Right of Way across the site would lie alongside the proposed road, so the site layout proposes to re-direct this footpath within the proposed open space.

Submitted Documents

- Site Location Plan (Drawing No: 618-2-000 Rev A) received 26.09.2019;
- Proposed Site Layout Plan (Drawing No: 816-2-001 Rev M) received 03.10.2019;
- Proposed Site Layout Plan – Materials (Drawing No: 618-2-003 Rev D) received 26.09.2019;
- Type A – 1B 2P – Plans (Drawing No: 618-2-A01 Rev B) received 26.09.2019;
- Type A – 1B 2P – Elevations (Drawing No: 618-2-A02 Rev B) received 26.09.2019;
- 1 Bed Bung – 1B 2P Bungalow – Plan and Elevations (Drawing No: 618-2-B01) received 26.09.2019;
- 2 Bed Bung – 2B 3P Bungalow – Plan and Elevations (Drawing No: 618-2-B02 Rev A) received 03.10.2019;
- Type D – 1B 2P Quarter House – Plans (Drawing No: 618-2-D01 Rev A) received 26.09.2019;
- Type D – 1B 2P Quarter House – Elevations (Drawing No: 618-2-D02 Rev A) received 26.09.2019;
- Type F – 2B 4P House – Plans (Drawing No: 618-2-F01 Rev B) received 26.09.2019;
- Type F – 2B 4P House – Elevations (Drawing No: 618-2-F02 Rev B) received 26.09.2019;
- Type G – 2B 4P House – Plans (Drawing No: 618-2-G01 Rev D) received 26.09.2019;
- Type G – 2B 4P House – Elevations (Drawing No: 618-2-G02 Rev E) received 26.09.2019;
- Type H – 3B 6P House – Plans (Drawing No: 618-2-H01 Rev B) received 26.09.2019;
- Type H – 3B 6P House – Elevations (Drawing No: 618-2-H02 Rev C) received 26.09.2019;
- Type I – 4B 7P House – Plans (Drawing No: 618-2-101 Rev B) received 26.09.2019;
- Type I – 4B 7P House – Elevations (Drawing No: 618-2-102 Rev B) received 26.09.2019;
- Type K – 6B 9P House – Plans (Drawing No: 618-2-K01 Rev B) received 26.09.2019;
- Type K – 6B 9P House – Elevations (Drawing No: 618-2-K02 Rev B) received 26.09.2019;
- Type L – 5B 9P House – Plans (Drawing No: 618-2-L01 Rev B) received 26.09.2019;
- Type L – 5B 9P House – Elevations (Drawing No: 618-2-L02 Rev C) received 26.09.2019;
- Type M – 4B 7P House – Plans (Drawing No: 618-2-M01 Rev C) received 26.09.2019;
- Type M – 4B 7P House – Elevations (Drawing No: 618-2-M02 Rev C) received 26.09.2019;
- Single Garage – Plan and Elevations (Drawing No: 618-2-001) received 27.09.2019;
- Double Garage – Plan and Elevations (Drawing No: 618-2-002) received 27.09.2019;
- Proposed Street Elevations (Drawing No: 618-2-200 Rev A) received 30.09.2019;
- Illustrative Masterplan Final (Drawing No: INF_N0490(03)001) received 26.09.2019;
- Western Buffer Strip Planting Plan Sheet 1 of 2 (Drawing No: (96)001 Rev G) received 26.09.2019;
- Western Buffer Strip Planting Plan Sheet 2 of 2 (Drawing No: (96)002 Rev G) received

26.09.2019;

- Proposed Tree and Hedgerow Works (Drawing No: 618-2-004 Rev A) received 26.09.2019;
- Proposed Planted Buffer Sections (Drawing No: 618-2-005 Rev A) received 25.10.2019;
- Covering letter from Capla Developments Ltd received 26.09.2019;
- Affordable Housing Statement by Capla Development Ltd received 26.09.2019;
- Design and Access Statement by Core Architects received 26.09.2019;
- Archaeological Desk Based Assessment by M&M Archaeological Services dated April 2018;
- Response to NCC Highway Comments received 20.11.2019;
- Response to NCC Highway Comments 27.09.2019 – Technical Note 3 by Armstrong Stokes & Clayton dated October 2019;
- Flood Risk – Technical Note 2 by Armstrong Stokes & Clayton Ltd dated April 2019;
- Transport Assessment by Armstrong Stokes & Clayton Ltd dated September 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 September 2019;
- Geophysical Survey by Sumos Surveys dated September 2018;
- Spatial Planning Statement by Capla Developments Ltd received 26.09.2019;
- Desk Based Assessments for the Historic Environment by Pre-Construct Archaeology dated July 2014;
- Arboricultural Survey by Welch Design dated April 2018;
- Ecology and Protected Species Surveys by Scarborough Nixon Associates Ltd dated March 2018 and May 2018 received 26.09.2019;
- Letter dated 21 October 2019 from Inspired Ecology Ltd;
- Letter dated 25 October 2019 from Inspired Ecology Ltd.

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
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
- National Design Guide, October 2019

Consultations

Southwell Town Council – “...welcomed the changes to the original application but agreed to unanimously object to the application as it is contravention of the Southwell Neighbourhood Plan 2016. E2 Flood Resilient Design – the flood issue around Hopkilm and Maltkilm Cottages has still not been resolved. The approach to Flood Resilience that is being proposed is the most acceptable; however, because of 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 a fully detailed analysis should be included with the application. The Council also supports the comments of Notts Wildlife Trust. The Council also require clarification on the retention of footpath nos 56 & 57.”

NCC Highways Authority – Object

(22.11.2019) – “The comments offered by Jon Stokes in his email of 20 November 2019, do not address the primary objections expressed in the Highway Authority’s consultation response dated 21 October 2019.

Jon Stokes’s latest comments are a response to concerns about the roundabout design expressed by the Highway Authority on 8 November 2019. As a generalisation Mr Stokes’s comments do not address these concerns but simply suggests that they can be resolved AFTER planning permission has been granted. The Highway Authority view is that it may not be possible to resolve these issues safely within the constraints of the land ownership and public highway boundary.

Therefore, it is imperative that any revised scheme to address the concerns should be submitted and approved PRIOR to planning permission being granted. It is reaffirmed that the mini-roundabout design submitted fails to meet the requirements for the geometric design of roundabouts provided in Highways England document CD116.”

Therefore, this Authority confirms its objection to the proposal on the grounds that it fails to comply with Spatial Policy 7 in that it does not ensure the safety, convenience and free flow of traffic using the highway are not adversely affected.’

(08.11.2019) “Further to comments dated 21st October 2019, Technical Note 3 dated October 2019 has been received and reviewed, and further assessment by colleagues has been completed. In addition to previous comments, the very small refuge in Kirklington Road, shown in figures 3.2 and 3.3 of the Transport Assessment is unmaintainable and is not acceptable. Any refuge here should break up the sight line from Kirklington Road into the site access (to reduce the risk of overshoots) but it also must be practical to both build and maintain.

Technical Note 3 includes vehicle swept path drawings. The turning movements shown are unsatisfactory. The left hand diagram (turn out of Kirklington Road) shows the HGV encroaching significantly over the site access / exit give way line which is unacceptable. The right hand diagram (left turn into Kirklington Road) shows the HGV encroaching significantly into the approach half of the carriageway on Kirklington Road for some distance which, again, is totally unacceptable.

Should this application be progressed any further, swept path diagrams would also be required to show the turns into and out of the site access road. In this case, however, it would be unreasonable to ask for paths related to articulated lorries (since the development would attract negligible volumes of this type of vehicle) but swept paths for a refuse vehicle, removals lorry and fire appliance could be submitted to assess what level, if any, encroachment there is likely to be.

It is reaffirmed that the mini-roundabout design submitted fails to meet the requirements for the geometric design of roundabouts provided in Highways England document CD116.

Therefore, this Authority confirms its objection to the proposal on the grounds that it fails to comply with Spatial Policy 7 in that it does not ensure the safety, convenience and free flow of traffic using the highway are not adversely affected.”

(21.10.2019) - “This proposal is a resubmission of previous application 18/01363/FULM. That application originally proposed a 4-arm mini-roundabout access arrangement with Lower Kirklington Road. Following strong objections by this Authority to this arrangement, the junction

proposal was changed to offer traffic signals. Whilst this met with Highway Authority approval the Local Planning Authority refused the application stating that:

“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”.

This new proposal reverts to the mini-roundabout arrangement. This Authority remains of the view that a 4-arm mini-roundabout is unacceptable in this circumstance as an appropriate and safe means of access, particularly in light of recommendation 3.2 made within the Road Safety Audit: “A 4 arm mini-roundabout introduces additional conflict and can produce several times more personal injury accidents than predictions or averages would suggest (TD54/07). Confusion can arise as to who has the right of way and collisions can occur between circulating traffic causing injury to vehicle occupants. Recommendation: An alternative junction arrangement should be used such as conventional roundabout or staggered T-junctions”.

The designer’s response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement.

Notwithstanding the above, new Highways England national guidance on the “Geometric design of roundabouts” CD116 was published in July this year, replacing TD54/07. Statements to note from CD116 include:

2.9.1. Mini-roundabouts should not be installed where traffic flows or turning proportions differ significantly between arms.

2.12. 4-arm mini-roundabout shall not be used where the predicted two-way annual average daily traffic flow (AADT) on any arm of a junction is below 500 vehicles a day unless the design incorporates features to encourage vehicles to give way on all approaches.

2.12.1. A 4-arm mini-roundabout should not be used where the sum of the maximum peak hour entry flows for all arms exceeds 500 vehicles per hour.

In the case of the proposal, the traffic flows / turning proportions differ significantly between arms, as shown in Table 1.

ARM	AM peak flow entering junction 2023	AM peak flow expressed as a proportion of all traffic entering junction	PM peak flow entering junction 2023	PM peak flow expressed as a proportion of all traffic entering junction
Lower Kirklington Road (W)	247	48%	251	48%
Site Access	32	6%	21	4%
Lower Kirklington Road (E)	174	34%	192	36%
Kirklington Road	63	12%	64	12%
TOTAL	516		528	

It is concluded that the requirements of paragraph 2.9.1 quoted above are not met.

According to the submitted Transport Assessment, Table 5.2 states that the predicted daily traffic generation of the proposed development will be 446 trips. This is less than the 500 vehicles a day quoted by the CD116 requirement found in paragraph 2.12. quoted above.

Table 1 also shows that in the 'assessment year' of estimated full occupation, 2023, flows entering the junction will exceed 500 in both peak periods and would be expected to steadily increase over time. Therefore, the requirements of paragraph 2.12.1 quoted above are not met.

Other design details are being checked and will be reported on in due course, but it is clear from previous consideration and from the application of the latest guidance that the principle of a 4-arm mini-roundabout in this circumstance is objectionable.

If this proposal is to be pursued then additional information is required:

1. HGV swept path drawings should be submitted to demonstrate how the revised layout with the additional splitter island will function safely.
2. Confirmation is required over whether or not the central white circular road marking will be 'domed' or not. The answer to this may have additional implications.

As it stands, this Authority wishes to raise a holding objection. Whilst this stance is unlikely to change, additional time is required to assess whether or not other details meet design requirements."

NCC, Rights of Way – (18.10.2019) "Just to clarify we would like to see the re-aligned path along the north-western boundary as just incorporating the PRoW on the adopted road is not acceptable as it results in a net loss to the PRoW network. Southwell Public Footpath No.57 is currently a very well walked off-road route so any realigned path would need to be at a width and surface equivalent to that being lost. In this case we would like to see a 2m wide surfaced path (surface material to be agreed with ourselves in advance of construction). Any planting alongside should be such that the path does not end up being encroached upon by overhanging vegetation."

(14.10.2019) "I have checked the Definitive Map for the area and can confirm that the Southwell Public Footpath Nos. 57 and 58 cross the site edged in red on the site location plan. The Southwell Trail (Southwell Public Bridleway No. 78) is adjacent to the site and an important link. We welcome the fact that the applicant has acknowledged these rights of way and accommodated their line on the application plans.

Public Footpaths provide public rights of way for pedestrians. The two public rights of way which cross the site marked in red carry on outside of the site on the neighbouring land holdings. Both provide pedestrian links to Southwell Trail and beyond. However cycle links cannot be provided along these routes as by doing so would encourage trespass on neighbours land by cyclists.

Southwell Public Footpath No 57 follows the existing track which is planned to be the access estate road. It appears that the applicant plans to accommodate this along the footway of the access road. If the applicant is intending that the estate road and footway be adopted highway the footpath will cease to be necessary. The Proposed site Layout plan show a proposed line of re-route right of way however it's unclear to what extent the existing public footpaths are to be kept or extinguished. The Rights of Way Team require further clarification of this.

The Design and Access Statement states that Pedestrian and Cycle routes will be denoted by surface treatment through greenspaces to make them identifiable to members of the public and ensuring access for all. We are unclear what this refers to - does this refer to the re-routed Public Footpath through the green open space as the Proposed Site Layout Plan does not show any surface treatment? Does this imply that the re-routed Public Footpath will be a grassed/natural surface. We require the applicant to clarify whether this is the case. As the existing path (Public Footpath No. 57) is on a surfaced track any re-routed path needs to be of similar standard ie. A crushed stone surface would be acceptable. We require clarification of where cycle routes are planned.

The Rights of Way Team object to the application as it stands until further clarification of the above is provided by the applicant.

Please also make the applicant aware of the following general Rights of Way points:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route should be provided if possible.
- If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Planning authority and is a separate application to the planning permission.”

Environment Agency – No comments received.

NCC, Lead Local Flood Authority – “Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the *principles* set forward by the approved ASC Flood Risk Assessment (FRA). Dated January 2019 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.
- Show compliance with the drainage hierarchy – infiltration - watercourse – sewer.
- Provide evidence of any third-party agreements necessary to deliver the surface water proposals.
- Ensure that no existing watercourses are modified without consent from the relevant authority.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

Should permission be granted it is recommended the applicant discusses the detailed proposals with the LLFA prior to application for discharge of any conditions to ensure their proposals are acceptable.”

Severn Trent Water – (03.11.2019)

“I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following 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 advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Should you require any further information please contact us on the telephone number or email below.

(15.10.2019) "Foul is proposed to connect into the public sewer, which will be subject to formal a formal section 106 sewer connection approval. Surface water is proposed to discharge to a ditch / watercourse which will outfall to a watercourse, which we have no comment. As a pumped solution is being proposed for some of this site, a sewer modelling assessment may be required to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600)."

Trent Valley Internal Drainage Board – The site is partly within the Trent Valley Internal Drainage Board district. The Board maintained Maythorne Feeder, an open watercourse, is located to the north east of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website - www.wmc-idbs.org.uk/TVIDB

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 applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them.

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

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.

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.”

Notts Wildlife Trust – (25.10.2019) “Thank you for sending me the reports and previous e-mails. You will appreciate that I have only been able to look at this quickly, given the urgency of your deadline and my other work that was already planned for today. Also the **Reports do not appear to contain Phase 1 habitat plans** so I have had to extrapolate from the text and aerial photos, which is not ideal. The inclusion of such a plan in a single report that is available to **consultees is a basic requirement of a proper ecological assessment process**. The following outstanding issues appear to be of greatest concern, **although that does not preclude there being others that I have not had time to investigate properly**:

The Ecological Reports from 2018 state that:

“There are no waterbodies within the proposed development area, but there are two large waterbodies within 500m, to the north-west of the site. Aerial photography suggests these waterbodies are used for fishing and as amenity areas. There are no records of great crested newt *Triturus cristatus* within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report”

I **do not** agree that GCN could have been scoped out of the report, as:

- (a) there are other possibly suitable water bodies in close proximity , eg. what appears to be a small pond immediately NE of the proposed development site in the adjacent field, which should have been checked for signs of amphibians, and therefore;
- (b) it cannot be ruled out that the proposed development area is being used for foraging and /or overwintering by GCN and SN41 priority frogs and toads.
- (c) the fact that the ponds are on private land is irrelevant, the presence or absence of GCN still needs to be investigated, particularly as the often occur in ostensibly sub-optimal habitats;

- (d) the records held by the BRC cannot ever be comprehensive, as most areas of the County have not been surveyed for amphibians, hence the fact that there are no records of GCN nearby does not mean that they do not occur.

There is a wealth of suitable foraging and overwintering habitat for amphibians on site, including the bases of hedgerows/field margins, areas of long grassland, and scrub, a considerable area of which would be lost if this development were to be permitted, and from which virtually no compensatory habitat is being provided: one small pond is proposed and some largely amenity grassland, which will be used for dogwalking and other informal recreational activities that are largely incompatible with foraging amphibians. Your Biodiversity Duty under the NERC Act applies to all Sn 41 species, not just those specially protected by law.

The Letter of the 21st Oct 2019 states that:

“The site does contain features with value for foraging and commuting bats. These features include the site boundary hedgerows and trees. **All these features will be retained.**” They also state that “ We concur with the information provided by the Nottinghamshire Wildlife Trust and wish to convey that we fully support the Local Authorities requirement to adhere to ‘Biodiversity Duty’ and will therefore be retaining all hedgerows and trees,..”

I cannot reconcile these statements with the site plan and aerial photos which clearly show a band of scrub/young woodland habitat, 25 m wide and 105m long, in the centre of the proposed site, which appears to be almost entirely removed as a result of the site layout. This may be an error of mapping, but it does not appear to be retained, in which case both preceding statements are wrong. So in fact habitat suitable for foraging and commuting bats **would** be removed. This habitat is not being replaced by the provision of a few bat boxes.

Had the Phase 1 survey plans been provided, and then the proposed development layout superimposed on top, it would have been far more effective as a means to assess the likely impacts. Other issues which need further investigation are the **assumptions in the Report** that no Schedule 1 or Red or amber list breeding or wintering Birds of Conservation Concern are present, when no bird surveys were undertaken at all. For example you do not know if the semi-improved pasture contains breeding skylark, a red list BoCC, for which the habitat would be eminently suitable, you do not therefore know what the impact would be of the almost complete removal of such habitat to this nationally declining species.

The Reports do not comprise an adequate and comprehensive assessment of the potential impacts of this proposed development on wildlife.

I would also note that whilst this application was submitted possibly prior to the requirement for net gain in the NPPF 2018, **it has not been determined** before the updated NPPF came into force, (and indeed further strengthened through NPPF 2019) and would fail to meet such a requirement for net biodiversity gain.

On the basis of the above NWT **maintain our objection** to this proposed development, as I do not consider that adequate ecological information has been provided to inform a complete and rigorous assessment of impacts,, nor has sufficient mitigation or compensatory habitat for likely losses been proposed

Please do not hesitate to contact me if you require further details, but I would suggest that a proper review of the available information is required, as clearly there must be more that I have not received, as it is incomplete. I would also suggest that if the applicant cannot secure compensatory habitat within the site, then they should provide habitat elsewhere through an offsetting or conservation credits approach, as advocated by NE and MHCLG.

I would also suggest that rushing into determination of this application under these circumstances may leave NSDC open to challenge.”

(16.10.2019) “Thank you for sending over a copy of the ecology reports for this application. We have reviewed both of these reports and the information regarding this application available on the planning page and have the following comments and concerns:

Amphibians

Both reports consider that the site is unsuitable for great crested newts, as the reports state: *There is a small garden pond on site, however this has no potential as habitat for great crested newt Triturus cristatus due to several features: it is walled on all sides and steep sided which makes newt dispersal into the pond highly unlikely. The water surface has 100% duckweed coverage and the water is shaded by semi-mature trees. There are two large waterbodies within 500m of the site, to the north-west, which aerial photography suggests are used for fishing and as amenity areas. There are no records of great crested newt within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report (Scarborough Nixon Associates Ltd, May 2018).*

And: There are no waterbodies within the proposed development area, but there are two large waterbodies within 500m, to the north-west of the site. Aerial photography suggests these waterbodies are used for fishing and as amenity areas. There are no records of great crested newt Triturus cristatus within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report (Scarborough Nixon Associates Ltd, March 2018).

We strongly disagree with these statements within the Ecology reports, as located within 3km from the application site is a significant populations of great crested newts (Brackenhurst) and the application site is also located in very close proximity to Norwood Park Golf Centre (across Lower Kirklington Road on the southern boundary of the site) which contains at least three other ponds all within 250m of the site.

These ponds have not been considered in either of the ecology reports or assessed for their suitability to support great crested newts. Due to a number of water courses and waterbodies located within 500m from the application site, we would consider that it is likely that that terrestrial great crested newts could be present within the site (great crested newts utilise habitats such as grassland, hedgerows for foraging, refuge and hibernation and these habitats are present within the application site and are connected terrestrially to the wider habitats). We are also concerned that no other amphibians species including common toads *Bufo bufo* which are a Species of Principal Importance on Section 41 of the NERC Act have not been considered within these ecology reports, as the pond mentioned within the May 2018 ecology report is suitable habitat for other amphibian species which could also use the other terrestrial habitats on site. We also note the desk study information from Nottinghamshire Biological and Geological Records Centre (NBGRC) provided at the end of these ecology reports has records of both common toad and common frog within 200m of the application site.

We therefore strongly recommend **the planning decision for this application is not determined until further great crested newt and toad surveys have been undertaken** at the site and the waterbodies within 500m of the application site. We also strongly recommend a that a **Reasonable Avoidance Method Statement to be included as part of a Construction Environmental Management Plan (CEMP) for the site is secured through a suitability worded planning condition** (if the application is to be approved at a later date - more details of what the CEMP should include can be found within the various sections below). This Amphibian Method Statement should be produced by a suitability experience and qualified Ecologist and outline a working methodology to avoid any harm to any amphibians during any form of works to the site. For example, it should contain details of vegetation clearance, hand searches, directional stinging and detail the presence of a suitability qualified and experienced ecologist on site during any potentially harming works.

Bats

We are concerned that suitable habitats for foraging and commuting bats are being lost through the development proposals without any further bat surveys to determine the levels of activity and use by bats including species at the site. The two Ecology reports by Scarborough Nixon (March 2019 & May 2019), both assess the application site to have a **high suitability** to support commuting and foraging bats and we would consider that the loss of habitats within the application site could impact these protected species. We therefore recommend **the planning decision is not determined until a full suite of bat activity surveys have been undertaken at the site**. These surveys should be undertaken using the most recent guidelines from the Bat Conservation Trust (Collins, 2016) for a site which a high suitability habitat for bats - *Up to two survey visits per month (April to October) in appropriate weather conditions for bats*.

At least one of the surveys should comprise dusk and pre-dawn (or dusk to dawn) within one 24 hour period (Collins, J. (2016) Bat Surveys for Professional Ecologists Good Practice Guidelines, 3rd Edition, pp.58, Bat Conservation Trust). The results of these surveys should be presented within an appropriate separate report and form a suitable mitigation strategy for the loss of the foraging and commuting habitats on site and should also feature suitable recommendations i.e. an appropriate bat friendly lighting scheme.

We are also concerned that some of the trees on site have been assessed to have a *low potential value for bats* (March 2018) and it is unclear from the plans available to view on the planning page if these are going to be retained. The ecology report does also not provide any recommendation if these trees are to be felled or works undertaken on them. As per the current guidelines (Collins, 2016) we would not expect any further surveys to be undertaken on them, but a precautionary approach should be undertaken and **any works to these trees should be completed by soft felling under the supervision of a bat licenced ecologist**. This ecologist will be able to advice on the most suitable way to soft fell the trees and can check the trees for any bats / remove bats from harm and take suitable next steps (if a bat is found).

Reptiles

The reports state that the habitats on site are suitable for reptiles and that a precautionary approach should be undertaken. Although we agree with the Precautionary Working Practices outlined within the reports, we do not feel these methods are sufficient or detailed enough to protect reptiles during site clearance and development works. We therefore strongly recommend **a Reasonable Avoidance Method Statement is secured through a suitability worded planning condition, as should be part of the CEMP recommendation for the site**. This method statement should detail how to displace reptiles from the site, e.g. site clearance works and vegetation clearance to be completed so that reptiles are displaced to a suitable location habitat (such as

Southwell Trail to the north), rather than becoming isolated e.g. strimming which pushes any reptiles to the residential gardens or the road surrounding the site. It should also include details of when a suitability qualified and experienced Ecologist should be present on site and provide other more detailed methodology to prevent any harm to reptiles.

Southwell Trail LNR/LWS

The application site is located adjacent to Southwell Trail LNR/LWS, the ecology reports state: *None of the above non-statutory sites are within or adjacent to the survey site and their nature conservation interest is not expected to be impacted by the proposed works.* We do not agree with this statement as the Southwell Trail LNR/LWS is directly adjacent to the application site and will be impacted through the development proposals through a number of different ways, for example:

- Increase in visitor numbers/pressure including increase of litter, dog walkers
- Increase in cats in the area preying on ground dwelling mammals and nesting birds
- Impacts from construction e.g. increase of noise, dust, surface water runoff etc.

Please note these are just examples and not an exhaustive list of the impacts this development could have on the LNR/LWS. We therefore strongly recommend all impacts and mitigation measures to the Southwell Trail LNR/LWS are considered and outlined within the recommended CEMP for the site.

General Recommendations and update reports

Both of the ecology reports by Scarborough Nixon (March 2019 & May 2019), outline recommendations in relation to other species, and habitats which are not mentioned in our comments above. We would expect these recommendations to be secured through suitability worded planning conditions, where suitable, for example the recommendations in relation to hedgehogs, nesting birds, bird boxes, enhancements etc.

We also recommend that all potential species are considered within the CEMP general good working practices should be outlined within this document to prevent any injury or killing of other species potentially present within the area, such as a mammals becoming trapping within open excavations or within pipes.

As the recommended above surveys will have to be undertaken during the next survey season (next year 2020) we would also consider that by this time, the Ecology reports will be out of date (two years old) we therefore strongly recommend that an update ecological appraisal survey and a report is undertaken at the site. This survey and report should be undertaken and produced using the latest Guidelines for CIEEM and feature up to date recommendations for the site.

Planning policy

We have made the above recommendations in line with current planning policy. Without our recommendations the application is considered not to meet with some aspects of the National Planning Policy Framework and Circular 06/2005.

National Planning Policy Framework (February 2019):

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) *minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

174. *To protect and enhance biodiversity and geodiversity, plans should:*

a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and **locally designated sites of importance for biodiversity**; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the **protection and recovery of priority species**; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), states that:

- *It is essential that **the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted**, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*

Southwell Civic Society – “We welcome the changes made to the previous submission especially the redistribution of the social housing, the inclusion of more bungalows, the footpath from the courtyard area to the children’s play area and the replacement of the traffic lights by a roundabout.

We have read the Conservation Officer’s report and agree that a courtyard may be acceptable in an urban centre but is out of place on the fringes of a rural town.

The pedestrian and cycle access to Southwell Trail appears to cross private housing plots which would not be acceptable.

The applicant should be applauded for the detail given for the amount of green and open space to be provided on the development but there is a need to reconcile this with the areas required for the site in the Newark and Sherwood District Council’s “Developer Contributions and Planning Obligations Supplementary Planning Document” to meet the Southwell Neighbourhood Plan Policy CF2 – Green and Open Spaces and Burial Grounds.

There remain however, one or two aspects which need to be addressed before planning permission is granted, none more so than the drainage of the site.

There were many objections to the January 2019 Flood Risk Assessment (FRA) submitted by the applicant because drainage and flooding on the site remain a serious issue.

Flood Risk Technical Note 2, produced by the applicant in April 2019 seeks to answer community and the Local Lead Flood Authority (LLFA) concerns about the January FRA.

The Civic Society objected to the original FRA and now the subsequent Technical Note 2 presented in this application for the following reasons:-

1. There is no agreement from the Local Lead Flood Authority (LLFA) that the applicant has met the requirements below.

Newark and Sherwood District Council application 18/01363/FULM Planning comments

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 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.

2. There is no consent (or agreement that none is required) from the Trent Valley Internal Drainage Board (TVIDB) for any increased water volume produced as a result of the development to be discharged into the culvert under the Southwell Trail or the River Greet. See TVIDB response document. The proposal to direct any surface water generated to the dyke on the west of the site will produce an increase in flow to the River Greet.
3. The Environment Agency (EA) map for "*Risk to Southwell from Flooding from Surface Water*" demonstrates clearly that the development site will flood unless mitigation is in place. Unfortunately this map is out of date as it does not take Climate Change into account, which will increase the flood risk for the site.
The LLFA requirements above are concerned with drainage solutions for pluvial inundation to the site itself. There needs to be a separate modelling of future surface water flooding volumes to the site from the surrounding catchment, including Norwood Park golf course, with a viable mitigation attenuation system agreed with the LLFA to deal with these.
4. The applicant's current proposal for dealing with potential surface water generated on the site during flooding is to direct this down its natural flow path (which will be the access road to the site) and then into the dyke running down the western boundary of the development. At a pivotal point where the dyke turns northwest it leaves the site and runs onto a neighbour's land. For the applicant's proposal to be viable either, there must be an agreement in place with the neighbour that the applicant's agents can

maintain the dyke at that location or there will be a need for something like a relief channel on the development site to take any overflow should the existing dyke not be maintained by the neighbour.

5. In "Technical note 2" the applicant agrees the need for well maintained watercourses but the proposal to include 4.0 m wide maintenance margin along the water course on the western boundary is manifestly insufficient to allow adequate machinery access .The Southwell Neighbourhood Plan (NP) policy E2 – Flood Resilient Design stipulates this should be 8.0m wide, which in itself is less than the statutory width required by the TVIB for watercourses within its responsibility.
6. The watercourse along the western boundary is accepted by the applicant to be key to flood attenuation for the site and by the wider community as essential to carry surface water from a wider catchment. Cross section C-C on dwg. 618-2-005 shows a maintenance zone of approx. 2.5 metres which is totally inadequate and impractical. It is vital therefore that it can be maintained in good condition for its total length on the site with a maintenance margin of at least 8.0m width as above.
The present proposal by the applicant prevents this provision in that it positions dwellings alongside the watercourse at the entrance to the site. The distance between each dwelling and the watercourse is completely inadequate to allow maintenance of the dyke to keep it free flowing at a critical point. (See cross section D-D). At least three dwellings are therefore not viable at that location and should either be removed from the scheme or positioned further down the site as long as an adequate maintenance margin for the watercourse can be provided.
To move or remove these dwellings would also meet the Newark and Sherwood District Council's Conservation Officer's preference that the entrance to the site would be enhanced by their removal from the application.
7. Overall the application does not comply with the Southwell NP to produce a joined up approach to the flood mitigation requirements for the town and there is a need for the proposal to comply with all NP policies E1 and E2. It is essential that the LLFA agrees applicant's drainage /flood alleviation proposals in their totality prior to the submission of the application for planning approval to give the Southwell community assurance that these are viable for both the site and the strategic flood mitigation scheme for the town.

For clarity Policies E1 and E2 are detailed below:-

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.

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.

Public Rights of Way

There are no specifications for the construction of new footpaths across green areas. These footpaths should be provided subject to NP policy E4 Public Rights of Way and Wildlife Corridors-

POLICY E4 – PUBLIC RIGHTS OF WAY AND WILDLIFE CORRIDORS

Developers must ensure that existing and any new PROWs including footpaths, cycle routes and bridle ways, which cross their sites, are retained wherever possible and enhance the Green infrastructure in Southwell parish.

PROWs should be considered to be multifunctional, contributing not only to the Green Infrastructure but also, where relevant, to open spaces including those due under developer contributions.

Unless it can be shown to be impracticable, the minimum total width for a PROW shall be sufficient to allow for machine maintenance, the inclusion of an allowance for hard surface to provide inclusive access for the public and with associated vegetation margins, for it to be effective as a wildlife corridor.

The provision or retention of trees, woody species and hedges along PROWs should have regard to guidance in the Southwell Design Guide.

When a new PROW is to be provided or revisions made to existing PROWs on a development, any alignment should avoid the use of estate roads for the purpose wherever possible, and preference given to estate paths through landscape or open space areas away from vehicle traffic.

Provision should be made for the long term maintenance of any PROWs that are part of development proposals.

There is no requirement for a cycle route along the northern boundary to the site because it would be a dead end and run along a watercourse. The PROW network would be much enhanced if access to the Southwell Trail from the development site could be arranged for cyclists.

Buffers and Margins

The applicant's attempt to provide buffers and maintenance margins for hedges and watercourses are a positive step but fall short of the NP policy requirements In relation to watercourses, as outlined above.

The applicant's maps show that the established hedges on the site are of great antiquity (at least 200 years old) and proper provision for their conservation and maintenance should be incorporated into the scheme for the development to meet the 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.

The provision of non woody herbaceous species to be established on created buffer strips should have regard to guidance in the Southwell Design Guide.

Where the loss of protected trees as a result of a development proposal is unavoidable, appropriate replacement planting should be incorporated as part of the scheme.

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.

Whilst we are pleased that many of our objections have been taken on board in this latest application we remain deeply concerned that insufficient proposals have been put forward to mitigate against flooding on this vulnerable site."

NCC, Strategic Policy –

“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 (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for non-minerals development fall within them.

Minerals

The proposed site at Lower Kirklington Road lies within the MSA/MCA for brick clay. As per National Planning Policy (para. 204), the emerging Publication Version Minerals Local Plan contains a policy (SP7) concerning the safeguarding and consultation areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. Policy SP7 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

In terms of this proposal, the applicant should address policy SP7 and so National Policy and consider if prior extraction is feasible which could form part of the land preparation for the development. This would prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development. The applicant should be able to demonstrate that the feasibility of extracting brick clay prior to development has been considered and if found to be not practical nor viable, the applicant should be able to demonstrate why this is the case.

Overall, considering the proposal is an extension of the Southwell built up area, the County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the non-mineral development and that the practicality of prior extraction has been fully considered.

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 Highways

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

Planning Obligations

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

In relation to bus stop infrastructure, the County Council would request that a planning obligation be added to state the below:

A Bus Stop Infrastructure contribution of £32,100 is paid to provide new bus stops fronting the development and shall include:

- *New Westbound Bus Stop - Install bus stop pole, extended footway/hardstand, polycarbonate bus shelter, solar lighting, raised boarding kerbs and lowered access kerbs.*
- *New Eastbound Bus Stop - Install bus stop pole, raised boarding kerbs and lowered access kerbs.*

Education

In terms of primary, a development of 80 dwellings would generate 17 additional primary school places. Based on current projections there is currently capacity to accommodate to accommodate these places. As a result, the County Council will not be seeking any contributions to mitigate the impact of this development.

In terms of secondary, the development is located in the catchment of the Minster School and would generate 13 additional places. There is currently insufficient capacity to accommodate the additional pupils generated. The delivery of additional secondary education places will be achieved utilising the District Councils Community Infrastructure Levy (CIL).

As developer contributions are being 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."

NSDC, Planning Policy – "The principle of residential development on this site is established through its allocation for around 60 dwellings in the Adopted Allocations & Development Management DPD. Although this application is for 80 dwelling, 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. 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.

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. The housing mix proposed appears to be in line with the requirements of the Development Plan documents and the inclusion of bungalows for both market and affordable housing is particularly welcomed.

The site allocation policy sets 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. I would defer to the views of the highways authority in this regard.

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.

Conclusion

This resubmission of the previously refused application 18/01363/FULM for development on the majority of allocated site So/Ho/5 represents a welcome improvement and subject to the views of the Highways and Lead Local Flood Authorities, I would not raise objection to this proposal."

NSDC, Archaeology Consultant – "No archaeological input required."

NSDC, Conservation – "We raised concerns with the original proposal in terms of urban design, notably layout, density and tenure mix.

The revised scheme follows a similar layout approach to that previously considered, and we therefore refer you to our previous advice.

We recognise that bungalows are now incorporated into the scheme, and that the affordable element is now not concentrated in one area of the site. We still feel that a better layout could be achieved without the courtyard approach, but this would likely require a drop in density. The bungalows help reduce the overall impact of development which is a positive.

We also acknowledge that significant discussions have been held between relevant partners regarding the highway access arrangements, and the issues relating to traffic lights at the entrance to the site. Conservation prefers the roundabout proposal to lights on the basis that this will have a more limited visual impact on the entrance to the town, noting our previous advice regarding the rural landscape context of the proposal site."

NSDC, Tree Consultant – "There still appears to be inconsistencies in the retention/removal options that are to be finalised on trees adjacent to the revised access, tree adjacent to plot 1 and tree adjacent to plot 19. This should be clarified in order to inform a final tree/hedge protection scheme and any further proposed mitigation landscaping.

As noted on the previous application for this site:

The revised/amended layout and proposed landscaping of the buffer zones and proposed POS are acceptable.

The proposed internal species mix is acceptable but final locations for stated trees are still only indicative.

No full tree hedge/tree protection plan is submitted so potential constraints on development or requirement for additional protection beyond fencing cannot be verified.

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

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 arboricultural method statement and associated 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.”

NSDC, Environmental Health - No objections in principle to the application.

“I would be grateful that if the application is approved the following conditions are applied:

Restriction on hours of operation:

The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Hours of delivery:

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Limit hours of operation of machinery:

No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Dust:

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: In the interests of residential amenity”

NSDC, Environmental Health (Contaminated Land) – “No observations.”

Representations have been received from 7 local residents/interested parties (mostly raising objections/concern) which can be summarised as follows:

- Not against principle or an appropriate quantum of development but this is excessive;
- Concerns related to design and housing mix;
- 4 arm roundabout is unsafe and Council should not risk the safety of its residents;
- The residential square remains incongruous and inappropriate for Southwell and is too urban for rural and historic context; there are no precedents for this in Southwell;
- High density has led to significant level of hard surfacing and will produce car dominated development;
- Page 15 of DAS shows an acceptable layout of this part of the site - the one already approved;
- 2015 scheme showed bungalows would be used to soften impact but this hasn't happened;
- NSDC should be comforted by the new national design guidance and appeal decisions that have dismissed appeals that have had poor design;
- Parking is unsightly and inconvenient likely to result in cars being parked on the pavement which would be unsightly;

- Questionable whether the newly added side windows will provide sufficient surveillance to car park;
- Issues with the site result because of its proposed over-development;
- Concerns that LLFRA should be satisfied with the scheme before permission is granted;
- Issues with surface water run off where this will go, insufficient recognition that outflow of water discharging from 1.2m pipe into ditch which is often blocked;
- No assessment has been made about capacity to handle upstream water;
- Developers should think again about how to deal with a massive flow of water down a ditch incapable of handling it. The proposed plan to divert surface water from the South down the arrowed track back into this ditch will only exacerbate the problem;
- The ditch most certainly requires enlarging and capacity provided for stormwater flows;
- Surprising to find an attenuation pond serving the whole site situated upstream of the greater part of the development;
- Concerned that public right of way may be diverted and that it should be advertised as such;
- Concern there remain ecological issues outstanding;
- Traffic congestion and parking are already issues in Southwell and this development will add to the existing problem, making the roads and environment less safe;
- The roads in the area are already in a state of disrepair and concern that this development would lead to a worsening of this situation;
- Services in the area are already in heavy demand, with oversubscribed schools and only one doctors' surgery;
- The rural location and quiet character of the area makes it an ideal host for wildlife which the development would impact upon in terms of disturbance to the environment during construction and in the increased footfall on the Southwell trail and surrounding area;
- There is a right of way over and along the track crossing the property for the benefit of Pear Tree Cottage. There is an existing double gate to the western boundary of Pear Tree Cottage which currently provides direct access onto the track. This right should be preserved;
- There are rights relating to the use of a water pipe under the property for the benefit of Pear Tree Cottage which should be reserved;
- There are three existing trees and a hedgerow shown as being on land to be developed when they are within the curtilage of Pear Tree Cottage therefore the boundary line is shown incorrectly on the submitted proposal drawings for the development;
- Pear Tree Cottage is a Non-designated Heritage Asset at prominent gateway position to town so its disappointing that this is to be replaced by a new build property;
- Consideration should be given to the location and design of the site compound to avoid overlooking along with construction hours being limited to 8 until 6pm weekdays, 8am to 3pm on Saturdays, and not at all on Sundays.
- Nothing has changed since last comments as regard to the drainage of the site -excess water is still being channelled into surrounding water courses which will increase flooding;
- Concerned about the failure of the test soak away pits as this will negate the value of the attenuation soak away proposed at the north east of the site.
- No provision has been made to maintain the ditch for Lower Kirklington Road; for fencing and hedging the North-west section, no provision has been made to install a steel style across the public footpath to stop livestock from wandering;
- Developers plans talk about a new cycle track going onto the trail but don't show where the access is;
- Before any work can begin the developers will need to move a third party cold water

supply as it runs down the track and enters land by the small bridge.

Comments of the Business Manager

Background

This scheme is essentially a modified version of the refused application which has been amended in an attempt to address the concerns of Members. As the main issues were previously discussed in detail earlier in the year, the assessment below remains largely unchanged and is repeated from the previous scheme. Changes are made in **bold** text for ease of reference. In addition to discussing the impact of the changes it is also necessary to consider any material changes since the previous refusal.

Assessment

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 **within its 'Statement of Five Year Housing Land Supply 1st April 2019' (August 2019)**. 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:

<i>Dwelling Type</i>	<i>Proportion</i>	<i>Density</i>
1 or 2 Bedroom (incl. starter homes)	40%	50 dph
1 or 2 bedroomed bungalows	20%	30 dph
3 Bedroom (Family Homes)	15%	40 dph
4 + Bedroom (Executive Homes)	25%	20 dph

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

The proposed development includes a range of housing sizes and tenure types including 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). The mix **(for the refused scheme and the scheme now before Members)** is shown in the table below:

<i>Dwelling Type</i>	<i>No. Units Refused Scheme</i>	<i>Proportion Refused Scheme</i>	<i>No. of Units Amended Scheme</i>	<i>Proportion Amended Scheme</i>
1 or 2 Bedroom	38	47.5%	41	51.25%
3 Bedroom (Family Homes)	17	21%	7	8.75%
4 + Bedroom (Executive Homes)	25	31.5%	32	40%
	80	100%	80	100%

Compared to the HE1 policy requirement, as can be seen from the table the scheme now has achieved the required 20% bungalows and there is an over-provision of 1 and 2 beds two storey dwelling of 11.25%. There is also an under provision of 3 bed dwellings by 6.25% and an over provision of 4+ bedroom dwellings of 15%. These figures differ from what the applicant has purported because two house types actually contain upstairs study's which are capable of being used as bedrooms (see proposal section) so they have been counted as bedrooms in the appraisal.

Whilst the amended mix does not exactly meet the prescriptive requirements of HE1, I am of the view that the mix of units is acceptable. This is said in the context that Policy So/Hn/1 of the 2013 DPD (albeit less up to date than HE1) also requires that the majority (i.e. greater than 50%) of housing on sites should be 1 or 2 bedroom dwellings. Furthermore I am mindful that the most needed type of units in Southwell are 2 bedroom dwellings (37.9%) followed by 4 bedroom dwellings (33%) according to the DCA Housing Needs Survey from 2014 which adds some support to this mix.

Whilst it is acknowledged that the proposed density is considerably above that referred to in the policy, the density falls below that set out within Core Policy 1 of 30 dph **(at 28.9dph)** 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 which does not strictly reflect policy requirements which will need to be weighed in the 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 breakdown 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.

The Council's Affordable Housing SPD recommends that affordable housing units are pepper potted around sites and should be tenure blind. In terms of the proposed layout, in order to address the concerns of Members, the affordable units have now been dispersed across the site. This now addresses the policy aspiration.

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 **on the previous scheme (refused)**, the 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.

Bungalows (semi-detached pairs) have now been included in place of some previously two storey dwellings. One pair is located adjacent to the western strip of landscaping with the others located more centrally within the site. This represents the introduction of additional built form along the western edge of the development beyond what was previously proposed. Officers had previously sought to omit built form from this strip of land altogether.

It is a shame that these bungalows have not been included to the edge of the development where it would have helped with managing the transition between the town and the rural hinterland. However given that officers previously concluded that the two storey development was acceptable in this regard, it is not felt reasonable to raise objections to this modified element. Whilst noting the newly published National Design Guide is a new material consideration, high quality design was also previously expected by the Council, so in this regard it is not considered reasonable for officers to change position.

In terms of materials the predominant use of brick is acceptable (with just 2 properties proposed to have a rendered finish), however, the proposed use of the stated buff brick (on several plots) is not acceptable (as previously set out) 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 **(in respect of the refused scheme)** submitted a Transport Assessment (TA) by Armstrong Stokes & Clayton Ltd dated July 2018 in support its submission. 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. 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.

It was with extreme reluctance therefore that the applicant amended the access design to a traffic light controlled junction which eventually NCC Highways Authority were able to support (in so far as they removed their objection). However at Planning Committee in June 2019, Members made clear they did not support the traffic light signal solution and resolved to refuse the scheme due to its urbanising visual impact upon the rural character at the edge of the settlement. As such the applicant has reverted back to their own preference of providing a 4 arm mini roundabout.

In their previous comments on the refused scheme, the Highway Authority raised two matters.

The first was that on adoptable roads there should be clear physical definition (i.e. a kerb) to differentiate between the carriageway and the footway on safety grounds. This is a matter that could be conditioned for clarity.

Secondly, there was concern that some of the plots relied on 3 deep parking spaces; in a long row behind one another. The Highway Authority were 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. Members also shared this concern and it featured as part of the poor design reason no. 4 for refusal. This amended scheme has addressed this previous issue and none of the plots now have this arrangement with a maximum of two tandem spaces being used, which is acceptable. As such the parking arrangements are considered to be satisfactory.

However Members will note from the consultation section of this report that NCC Highways Authority raise strong objections to the scheme stating that the 4 arm roundabout solution is unacceptable in providing a safe means of access. They comment that the Road Safety Audit they have undertaken concludes that:

“a 4 arm mini-roundabout introduces additional conflict and can produce several times more personal injury accidents than predictions or averages would suggest (TD54/07). Confusion can arise as to who has the right of way and collisions can occur between circulating traffic causing injury to vehicle occupants. Recommendation: An alternative junction arrangement should be used such as conventional roundabout or staggered T-junctions”.

They go on to say that the designer’s response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement. They also quote new national guidance published in July 2019 on the provision of mini-roundabouts which they suggest strengthens their position as the proposal does not meet the guidance, which is material to the consideration of this scheme. They have also noted that if it were to be pursued further additional information would be required in the form of swept path drawings etc. which have to date not been forthcoming. They have also made clear that this additional information would be unlikely to change their views but could raise other issues.

The applicant’s highway engineer has advised that ultimately there would need to be some detailed design work on refuges and horizontal alignment to get all elements to work as highlighted within their text contained within an email of 20 November 2019. They suggest that no further swept paths are undertaken until detailed design is undertaken and that it would need to be conditioned, along with the engineering detail of the mini roundabout. NCC HWA maintain their objection that it is not acceptable and that decision makers need to be satisfied that a safe solution can be found BEFORE development is granted. I agree with this stance.

As things stand therefore there is an outstanding objection in principle to the use of the 4 arm mini roundabout as a solution to site access for this scheme. Giving substantial weight to the views of our statutory technical experts on highway matters as I must, I conclude that the proposal fails to accord with the Development Plan in this regard.

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. The Highways Authority are aware of the issues and have raised no issue that would suggest the scheme would jeopardise the ability of this other site to be delivered.

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 **including a revised version dated September 2019**. The 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 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 sites 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 are 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 conclusions **remain unaltered as follows:**

"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, 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."

The previous application included an Addendum to the LVIA to deal with the then proposed traffic light signal junction to serve the development. This is now largely redundant as a 4 arm mini roundabout is now proposed instead. No specific photomontages have been submitted with the updated LVIA to show the visual impact of the roundabout. However Members will be aware that 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) as it is felt to be more in keeping with the rural context of the site at the edge of the urban area. When allocating the site, it was envisaged that a mini roundabout would be the solution. The visual

impact is therefore considered to be the most appropriate option to serve the allocated development.

Turning now to landscaping 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, 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 **as shown on sectional drawings provided. These strategic landscape buffers 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.

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. **I note that the Council's consultant tree officer has made comment that there appears to be inconsistencies in the retention/removal options adjacent to the access at plots 1 and 19. These matters haven't been clarified but could be subject to condition in the event that the application is approved.**

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 act 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 50m or more between the rear elevations of **Plots 6, 56 to 63** 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 **c18.7m (to garages)** and 22m in a back to back relationship and **14m** 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.

Whilst the same information has been submitted with this application as the last, it should be noted that Nottinghamshire Wildlife Trust have raised object to this scheme. They have raised concerns that the impacts on Great Crested Newts and Bats has not been properly considered by the applicant's ecologist. In response the applicant's ecologist have issued rebuttal letters dated 21 October 2019 and 25 October 2019 who take a different view. Given the disagreement between the two professionals, the Council has sought independent advice from the County Ecologist who is very experienced and highly regarded, who has offered their perspective on the

areas of dispute.

“Great crested newts

It would appear to me that great crested newts are unlikely to be present at this site. Any impact on the known population at Brackenhurst can clearly be discounted given the distance (a figure of 3km is stated by NWT), and the fact that it lies on the opposite site of Southwell from the application site. NWT are therefore focusing on the presence of other waterbodies in the vicinity of the application site, and the applicant’s ecologists have, in a letters dated 21 and 25 October, provided what I consider to be adequate justification as to why no further surveys for this species are required. From my perspective:

- Reference is made by NWT to “a small pond immediately NE of the proposed development site on the adjacent field”, but having closely checked various aerial photography sources, as well as OS mapping, I can see no such feature.*
- Three ponds within Norwood Park Golf Course are stated as all being within 250m of the application site; it is unclear which three ponds NWT are referring to, as there are more than this number of ponds on the golf course and none are within 250m. Looking at the three closest to the application site, I have these located 325m, 370m and 390m away, with a fourth at 495m. Most great crested newts are actually thought to stay within 250m of their breeding ponds, although they will travel further to reach high quality foraging or refuge habitat. In this case, there are areas of suitable terrestrial habitat (woodland, scrub and long grass) on the golf course that any great crested newts potentially breeding in adjacent ponds could use when in their terrestrial phase.*
- I see that the applicant’s ecologists has carried out an assessment with Natural England’s risk assessment tool, which has concluded that the potential for a breach in the legislation occurring is ‘extremely low’; it would be useful to have sight of this, but assuming it has been filled in correctly, it further suggests that impacts on great crested newts arising from this development are unlikely.*

NWT also raise valid concerns about other amphibians. I suspect that further surveys would confirm common toad and/or common frog, and probably also smooth newt as breeding in various of the waterbodies around the application site, and that small numbers of individuals may be using the application site when away from their breeding ponds. On that basis, a precautionary method of working, set out in a Method Statement, and as proposed by the applicant’s ecologist and NWT (in relation to reptiles) would seem to be the most sensible way of dealing with this issue.

Bats

This matter is slightly less clear cut for me, as the applicant’s original ecological surveys identified the site as having ‘high’ suitability for foraging and commuting bats, but no activity surveys have been carried out. NWT’s comments set out the level of survey that they consider to be necessary based on Bat Conservation Trust guidelines. However, I am not sure that the results of these surveys would lead to any mitigation beyond what is being proposed – the retention of boundary hedgerows and trees, new planting, and a bat-sensitive lighting scheme. In addition, it appears that a small block of woodland or mature scrub in the centre of the site, referred to by NWT, was felled in advance of the ecological surveys. Therefore, the main area of habitat of value for foraging bats actually within the site appears no longer to be present. Lengths of hedgerow will be removed to accommodate the new housing, but these are relatively short, and their removal is unlikely to significantly affect local bat populations.

Other

In addition, NWT, with their third set of comments, flag up concerns about potential impacts on birds and the lack of targeted surveys. Given the relatively small size of the site and its urban-edge location, I would not expect that any particularly notable species of bird will be utilising the site, and certainly not in significant numbers. Reference is made to the potential for breeding Skylark, and whilst the largest of the fields may provide suitable habitat for this species, I would only expect a single territory to be present, the loss of which would not in my opinion constitute a significant impact.

Taking all matters into account, I take comfort from the County Ecologists comments and remain satisfied that harm can be adequately mitigated and that 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 District's 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 course 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. **Members may note that NCC Rights of Way have requested clarification that the two existing rights of way FP57 and 58 (which will be slightly re-routed as a result of the new development) would not be encouraged to be used by cyclists. The applicant has since clarified that they are satisfied to do this and in the event that approval were recommended, appropriate signage could be installed. The ROW Officer has requested that the right of way that runs through the open space be a 2m wide hard surfaced footpath. I am satisfied that this could be controlled via condition. In terms of access onto the Southwell Trail, the applicant has clarified that pedestrian access via the existing paths which adjoin their site and go on to join the Southwell Trail would be for pedestrians only. This in my view has addressed the matters raised by NCC Rights of Way officers. With the proposed diversions secured through the correct legal process, it is considered that this element of the scheme is acceptable.**

In terms of providing a new pedestrian/cycle link from the development site itself directly onto the trail, in accordance with the Neighbourhood Plan, the consent of the landowner (NCC) is being sought and if approved, further details can be obtained through condition and its future adoption/maintenance can be secured through the S106 agreement.

Minerals Resource

NCC have advised that the site lies within the mineral safeguarding and consultation area for brick clay as shown within the emerging Publication Version Minerals Local Plan. This contains Policy (SP7) concerning the safeguarding and consultation areas and requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

NCC state that the applicant should address policy SP7 and consider if prior extraction is feasible which could form part of the land preparation for the development to prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development.

This new policy SP7 of the County Minerals Plan does not yet attract full weight given it is at publication stage but can be given some weight. The applicant has been made aware of this requirement and they have responded as follows:

“Firstly, the Publication Version Minerals Local Plan Policy (SP7 - safeguarding consultation area) is a draft policy and should have due regard to the adopted Local Plan and the adopted Neighbourhood Plan, both of which allocate the site in question for housing development. It would be completely erroneous for a new draft policy to jeopardise the committed allocations in an adopted plan(s). In the context of the officer’s comments below, our development would not ‘needlessly sterilise minerals’ in the ground, because the housing sites are committed and are needed to deliver the

NSDC's Local Plan commitments and the Parish Council's Neighbourhood Plan commitments – the sterilisation would not therefore be 'needless.'

As to whether the clay could be extracted from the ground prior to building work taking place on the site, this would require a monumental scale 'cut and fill' exercise in a very urbanised area. The clay would need to be worked from the land, which would require a complex County Matter planning application and EIA development; there would be significant objection to the planning application and I am in no doubt that the extent of works would cause subsidence to the immediately abutting existing homes (that's assuming there wouldn't be legislation preventing us from doing it this close to properties in any event)). Furthermore, mineral extraction needs to take place on a large scale in order for it to be viable – it can't be done on an ad hoc basis by individual landowners, because the cost of extraction and plant required to do this would be disproportionate to the receipts gained from selling the clay.

There is no cut and fill operation needed on this site – effectively the ground as it exists will be the ground that we're building on. In the unlikely event that we were able to extract the material, we'd then need to put even more costly soil or inert waste in the ground to bring the levels back up – this would cost a significant amount of money (we'd already be operating at a loss following the clay extraction) and would also need to be the subject of a Waste Application (County Matter again), which would be objected to by locals. In short, there are any number of reasons by this isn't appropriate on this site."

I agree with the response of the applicant on this matter and find that clay mineral extraction from the site would be inappropriate given its context, its allocated status and the likely issues arising from it.

Secured By Design/Crime and Disorder

During the previous refused application, Notts Police Architect had 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 took on board the comments raised and as a result, the amendments they undertook resulted in the issues having been satisfactorily addressed. **These amendments related to a number of other dwellings also have side windows inserted to help provide overlooking where there were/are concentrated expanses of car parking.**

Given the insertion of a new footpath link from the central courtyard area to the on-site public open space has been provided, consideration is required in terms of its impacts upon crime and disorder. The Police Architect has not commented on this amended scheme. Members will note that 'surveillance' windows are positioned in the side elevations of some plots. Plot 15 has its main kitchen window facing the footpath whilst two bungalows (Plots 16 & 17) front onto an area of open space where the footpath is located. A side window (serving a living room) is also proposed to the side elevation of bungalow Plot 76. I am satisfied that given the windows are serving habitable rooms that this approach is adequate to help design out issues that could potentially be vulnerable to crime.

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 the required quantum of space 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 previously 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. Members previously were concerned that its position and lack of footways within the site resulted in it being inaccessible/inconvenient for residents to utilize. This has been addressed with the inclusion of the footway linking the central courtyard area to it. I remain of the view that the public open space is at a focal point 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. **As part of the previous application that was refused, Nottinghamshire County Council confirmed that in order to accommodate the children from this development within primary education, 17 places would be generated equating to a cost of £232,152.00 (17 x £13,656). However since that**

time, primary education is now under capacity and the LEA have now confirmed that they will accordingly not be seeking such a contribution.

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 – Future Maintenance of a pedestrian/cycleway from the development site to the Southwell Trail (precise amount TBC)

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, archaeology, rights of way, design against crime, impact on existing trees and hedgerows and residential amenity. Whilst there is an outstanding ecological objection from NTW, I am satisfied having regard to both the applicants submissions and the independent advice sought that the impacts can be adequately mitigated and that enhancements can be controlled via suitably worded conditions. I am also satisfied that it would not be appropriate to extract clay from the land prior to development as is required to be considered by emerging policy SP7 from the Minerals Plan.

The housing mix does not strictly accord with the prescriptive housing requirements of HE1 of the SNP. It over-provides for larger units (albeit 4 bed dwellings are the second most needed type in this Sub Area) but does provide for the majority of 1 and 2 bedroom dwellings as required by SoHn1 and includes the 20% bungalows required by policy. Overall I find that the mix is adequate and do not consider this should be fatal to the scheme.

Whilst noting the significant concerns of Southwell Town Council, Civic Society and residents regarding flood risk, 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 could be secured and retained.

The applicant has sought to address the specific matters raised by Members in the recent refusal of a similar scheme. Taking these previous reasons for refusal in turn;

- 1) The visual impact of the Traffic Lights Junction has in my view been addressed through omitting this solution and introducing a 4 arm roundabout, which from a visual perspective is considered appropriate;
- 2) The lack of bungalows has been addressed by the inclusion of 20% (16) bungalows in line with Policy HE1 of the SNP;
- 3) The affordable housing has now been dispersed across the site and is tenure blind addressing the concerns of concentrating this in one area and being indistinguishable from other types of housing;
- 4) Finally in terms of the 4th reason for refusal, the applicant has sought to address the poor layout with a range of minimal interventions to the previous refused scheme. The specific ‘compromises’ mentioned within the reason for refusal, were:
 - Triple length parking likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements. This has now been adequately addressed by reducing the parking arrangements to tandem;
 - Over-concentration of affordable housing in one area. This has been addressed by dispersal across the site;
 - Inappropriate location of the children's play space which should be located more centrally. This has not been moved but a footpath link has been provided to allow better access and legibility within the site.

Whilst the specific concerns of reason for refusal no. 4 have been addressed, the reason for refusal stated ‘including’ and did not seek to list every aspect that Members may have found to be at fault. Members will need to consider whether they consider the changes made have adequately addressed the ‘poor design’ and indeed whether the changes made are appropriate for the context.

Importantly however in addressing reason for refusal no. 1, a new issue (cause for concern) has arisen in the form of a highway safety objection from the relevant statutory consultee. This raises strong objections on the grounds of highway safety to the principle of a 4 arm mini-roundabout. NCC as Highway Authority also refer to latest Highways England guidelines that have been published this year that they suggest adds weight to their stance. These are highly technical matters and the applicant's highway consultant disagrees with their objection. In any event the objection represents risk of injury/life and therefore officers must give this significant weight.

The only other alternative access advanced (traffic lights) has already been rejected on visual amenity grounds by this Authority which will ultimately be defended on appeal. It should also be noted that if Members were to refuse this application on the grounds of highway safety the implication would be that the site may not be able to be developed for this quantum in a satisfactory way. A discussion on whether this remains as an allocated site would potentially need to be considered in due course which would have its own implications.

This scheme has clear benefits which weigh in favour of the scheme. However Members will also need to consider whether the 'poor design' has been satisfactorily addressed. Bearing in mind the previous conclusions drawn by officers, I would suggest that this scheme is satisfactory in this regard. Notwithstanding this, the harm to highway safety as advanced by the statutory consultee does weigh heavily against the scheme and therefore I must recommend refusal on that basis.

RECOMMENDATION

That planning permission is refused for the following reason

Reason for Refusal

01

In the opinion of the Local Planning Authority the proposed means of site access for this quantum of development via a four arm mini roundabout would be unsafe and detrimental to highway safety posing an increased risk of personal injury accidents due to the confusion that can arise as to who has right of way. The proposal is considered to be contrary to the new Highways England national guidance on the "Geometric design of roundabouts" CD116 published in July 2019, which is material to the consideration of this application as well as being contrary to Spatial Policy 7 (Sustainable Transport) of the Newark and Sherwood Amended Core Strategy adopted March 2019, Policy DM5 (Design) and Policy So/HO/5 (Southwell Housing Site 5) of the Allocations and Development Management DPD adopted July 2013 and Policy SS5 (Lower Kirklington Road [SoHo5]) and Policy TA3 (Highways Impacts) of the Southwell Neighbourhood Plan adopted October 2016 which together form the relevant parts of the Development Plan. The proposal is also contrary to the National Planning Policy Framework a material planning consideration.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has

been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

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

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.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01771/FULM



