

## PLANNING COMMITTEE – 4 FEBRUARY 2020

<b>Application No:</b>	<b>19/01771/FULM</b>
<b>Proposal:</b>	<b>Proposed Residential Development for 80 dwellings (resubmission)</b>
<b>Location:</b>	<b>Land off Lower Kirklington Road, Southwell</b>
<b>Applicant:</b>	<b>Christopher Richardson, Capla Developments Ltd</b>
<b>Agent:</b>	<b>Marrons Planning</b>
<b>Link to website:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>
<b>Status:</b>	<b>Currently at appeal (APP/B3030B/W/20/3244627)</b>

### PURPOSE OF REPORT

To ascertain the views of the Planning Committee to inform an appeal.

### INTRODUCTION

Members will recall that a revised scheme relating to residential development of 80 dwellings on part of an allocated site at Lower Kirklington Road in Southwell was presented to the Planning Committee (held at Newark Town Council) in December 2019 for consideration. This followed a previous refusal by the Committee in June 2019 for a similar scheme. Details of the two schemes are set out below.

### BACKGROUND

**18/01363/FULM** - Recently refused application is currently at appeal (**APP/B3030/W/19/3234051**) which will be considered by an informal Hearing in March 2020 (date to be confirmed). It relates to a residential development for 80 dwellings. This scheme was submitted with a 4 arm mini roundabout as the traffic solution to the site access but was amended to a traffic light control signal solution at the request of NCC Highways Authority in order to overcome their highway objections. **The scheme was determined on the basis of traffic lights signals.** The scheme was refused for 4 reasons (1<sup>st</sup> reason set out in full whilst the 2<sup>nd</sup> to 4<sup>th</sup> reasons are summarized) as follows:

- 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. Complete lack of bungalows as required by Policy HE1 (Housing Type and Density) of the adopted Southwell Neighbourhood Plan.
3. Concentration of affordable housing in one area of the site harmful to social cohesion and failure to promote social interaction.
4. Poor design and layout including, over concentration of housing, inconvenience triple length parking arrangements on some plots, inappropriate location of children's play space.

**(19/01771/FULM)** - A revised scheme for residential development for 80 dwellings (resubmission of 18/01363/FULM) was lodged. This scheme sought to address the previous concerns of Members and included a **4 arm mini roundabout**. However Members resolved that whilst all other reasons for refusal were adequately addressed, in light of NCC Highway Authority's objection the application should be **refused on the grounds of highway safety** in line with the officer recommendation and that of the statutory consultee. The decision was issued on 4<sup>th</sup> December 2019.

Since that time the applicant has put this authority on notice of their intention to appeal and this appeal has been received. At the time of print of this report, a start date is awaited. However this appeal is likely to be co-joined with the other appeal and therefore seeking a steer from Members at the earliest opportunity is key to defending this appeal.

### **THE 2<sup>ND</sup> APPEAL (19/01771/FULM)**

Despite Members determining the application on the basis of the 4 arm mini-roundabout, the applicants have set out clearly that they intend to request that the Planning Inspectorate determine the appeal on the basis of amended plans. They intend to **substitute the layout plan to show the omission of the 4 arm mini roundabout and the reintroduction of the traffic light signals (as shown on drawing no 618-2-001 Rev O) which they have provided. This is not what Members based their decision on.**

It will be for the Planning Inspector to determine whether or not they accept the substitution of plans. Ordinarily the local planning authority (LPA) would resist this amendment as we would argue that it hadn't been properly consulted on with members of the public etc. However in this instance, the LPA couldn't reasonably say this to be the case as members of the public and statutory consultees have already commented on this during the first application and appeal. Legal advice has been taken and on the basis of the advice, the LPA will not object to the substitution of plans.

**The LPA will defend the case on the basis of the sole highway reason for refusal (what it was refused for) unless the Inspector advises beforehand that they are prepared to accept the**

**amended plans. The applicant has indicated they do not intend to pursue costs against the Council as part of this new appeal, albeit my view is that the Council has not acted unreasonably in any event and could defend such a claim.**

### **CONSIDERATION FOR MEMBERS**

**Assuming the Inspector accepts the change in plan** which substitutes the 4 arm mini roundabout for traffic lights, what officers are keen to clarify from Members is whether, in the planning balance, the sole issue of visual harm arising from the traffic lights would be fatal to the scheme such that Committee would have recommended refusal if opportunity had been given. This is bearing in mind the harm from the traffic lights and their associated infrastructure had previously been considered alongside 3 other reasons for refusal which have subsequently been addressed.

If your view is that the visual harm from the traffic light junction would in itself amount to unacceptable harm, the LPA will continue to defend appeal 2 on this basis.

However if Members resolve that this is not the case and that the loss of the other reasons for refusal now tips the scheme towards an approval, the LPA would no longer continue to defend this element of the appeal (in the event that the amended plans are accepted). This could mean that the appeal is allowed uncontested subject of course to the provision of a satisfactory s106 agreement to secure the developer contributions set out in the previous report.

### **RECOMMENDATION**

**In light of the above, that Member consider whether the Council should continue to object to the traffic light signal junction on the grounds of its harmful visual impact as a sole reason for objection/refusal.**

### **BACKGROUND PAPERS**

Application case file.

For further information, please contact Clare Walker on ext 5834

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

Lisa Hughes  
Business Manager – Planning Development