

## PLANNING COMMITTEE – 03 NOVEMBER 2020

<b>Application No:</b>	<b>20/01190/OUTM</b>	
<b>Proposal:</b>	<b>Outline application for 45 dwellings</b>	
<b>Location:</b>	<b>Land rear of The Vineries, Lower Kirklington Road, Southwell</b>	
<b>Applicants:</b>	<b>Sir John Starkey, Mr Keith Maxey, Mrs Katherine Maxey, Mr John Judson, Mrs Ann Judson and Mr Richard Mullard</b>	
<b>Agent:</b>	<b>Hannah Price of Fisher Germain LLP</b>	
<b>Website link:</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>Registered:</b>	<b>09.07.2020</b>	<b>Target Date: 08.10.2020</b>
	<b>Extension of time agreed in principle</b>	

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

### The Site

The application site comprises c2.8ha of land containing a mix of agricultural land, grassland, former allotments and former apple orchard to the east of Kirklington Road and to the south of Lower Kirklington Road. There a number of mature trees and hedgerows within the site. The vast majority of this land is allocated for housing in the Council’s Allocations and Development Management DPD albeit the allotments were not included in the allocation.

There are several components to the site including land north of The Vineries which comprises a ploughed field, a protected Walnut tree and informal grassland with a driveway and hardstanding associated with the existing properties, including The Vineries, to its south. It also includes domestic outbuildings located close to the eastern boundary that serve The Vineries.

The site is bound to the west by Kirklington Road with its boundary being a managed native hedgerow along its length, aside from the gap which forms the current existing vehicular access to the site. Beyond this (to the west) is Norwood Golf course.

The site frontage with Lower Kirklington Road is bound with a managed hedgerow. To the north, adjacent to the highway is a grassed verge which contains several acer trees evenly spaced. Towards the northern end of the site, close to the Lower Kirklington Road boundary, positioned centrally is a walnut tree that is subject to a Tree Preservation Order.

A footpath extends along the southern boundary before projecting southwards to link with Kirklington Road and Springfield Road. A local watercourse is located south of the application site.

Three properties lie to the north of the south-eastern section of the site; 'Benaiah', 'Oak Tree House' and 'Oaklands' which are all substantial two storey dwellings. A fourth dwelling (Plot 3 of approved scheme 19/01615/RMA – see history section below) is expected to be constructed on land rear of Brooklyn which will be adjacent to this site.

The site lies in flood zone 1 according to the Environment Agency maps.

### Relevant Planning History

**PREAPP/00086/20** – Positive advice was given in respect of an enquiry regarding a possible outline application (with all matters reserved) for a residential development of 45 dwellings in May 2020.

**17/00605/OUTM** – This application related to part of the wider allocated site (the western part) and was for outline consent (all matters reserved except for the means of access) for up to 18 dwellings including the provision of 5 affordable houses and to include the provision of off-site Highway works including (but not limited to) the provision of a mini roundabout at the junction of Kirklington Road and Lower Kirklington Road Southwell. This application was refused under delegated powers on 12<sup>th</sup> October 2018 for the following summarised reasons:

- 1) *Failure to demonstrate that developing this part of a wider housing site allocation independently would not prejudice the delivery of the remainder of the site in an appropriate way. Specifically the drainage strategy as advanced is not fit for purpose.*
- 2) *Scheme did not secure appropriate range of developer contributions to mitigate the impact of the development.*

**16/01352/OUT** - Construction of 9 no. 4/5 bedroom detached houses - Phase 1 of the proposed development. (Outline application with matters of access and layout for consideration with all other matters reserved). This application was withdrawn prior to a formal decision being made due to various concerns being raised. This related to the western part of the enquiry site owned by the Maxey's.

**16/00007/TPO** - A Tree Preservation Order (no. N362) was made and confirmed on 19<sup>th</sup> October 2017 in relation to the walnut tree on site.

**13/00823/FUL** – 'Formation of new vehicular access and mini-roundabout with associated highway works.' This was a standalone 3 arm roundabout at the junction of where Lower Kirklington Road meets Kirklington Road which was approved 20th August 2013 under delegated powers and has now time expired without a start on site being made. The applicants were the same as this scheme, Mr & Mrs Maxey.

**19/01615/RMA** – This application related to land at the rear of Brooklyn on Lower Kirklington Road and related to a reserved matters application for erection of 3 no. dwellings seeking approval of appearance, landscaping, layout and scale (Outline 17/00383/OUT which was allowed on appeal). This reserved matters approval was granted in line with the officer recommendation at planning committee in November 2019, following a series of other applications having been refused (including dismissals on appeal).

*Land to north (part of the Allocated So/Ho/5)*

**18/01363/FULM** – Proposed residential development for 80 dwellings which necessitated highway works in the form of traffic lights was refused by committee on (summarized) grounds;

1. That proposed traffic light junction design was an urbanizing feature which together with associated highway paraphernalia represents an intrusive and incongruous form of development harmful to the character and visual amenities of the area.
2. Failure to provide for 20% bungalows as required by Policy HE1;
3. Concern of layout and disposition of the affordable housing from market dwellings harming social cohesion;
4. Generally a poor layout with a number of compromises representing cumulative harm

This was subject to an appeal APP/B3030/W/20/3234051 which was dismissed.

**19/01771/FULM** - Proposed Residential Development for 80 Dwellings, refused 4 December 2019 by Committee as the 4-arm mini roundabout solution proposed was considered unsafe and detrimental to highway safety. Whilst this was subject of an appeal (APP/B3030/W/19/3244627) the applicant amended the highway solution to the traffic lights and the appeal was dismissed for on the grounds of poor design and visual appearance.

### The Proposal

Outline consent is sought for a development of 45 dwellings along with associated infrastructure. All matters are reserved except for the means of access which would be taken from Lower Kirklington Road via a newly formed vehicular access. This development would also require the provision of a mini roundabout at the junction of Lower Kirklington Road with Kirklington Road.

The schedule of house types indicates the provision of 14 affordable dwellings with 31 market dwellings with a combined mix as follows:

- 8 x 1 bedroom apartments (4 affordable/4 market);
- 5 x 1 bedroom bungalows (2 affordable/3 market);
- 12 x 2 bedroom dwellings (6 affordable/6 market);
- 4 x 2 bedroom bungalows (4 market);
- 7 x 3 bedroom dwellings (2 affordable/5 market); and
- 9 x 4+ bedroom dwellings (market).

The scheme involves the provision of a sustainable urban drainage system, the retention of some trees, the provision of children's play space and on-site amenity green space as well as landscape buffers.

### The Submission

- Drawing no. 001 Rev D - Proposed site access layout (received 04.09.2020)
- Drawing no. 002 Rev B – Proposed mini roundabout layout swept path analysis (received 04.09.2020)
- Drawing no. 003 Rev C – Proposed site access layout swept path analysis (received 04.09.2020)
- Drawing no. 1100 - Topographical Survey
- Drawing no. 1184.94 Rev 1 – Tree Constraints Plan
- Drawing no. 1215 001 rev P1 – Existing site plan

- Drawing no. 1215 100 rev P2 – Proposed site plan (received 18.09.2020)
- Drawing no. 1215 000 rev 02 – Site Location Plan
- Arboricultural Survey by Quants Environmental, March 2020
- Preliminary Ecological Appraisal by Quants Environmental, June 2020
- Reptile Survey Report by Quants Environmental, June 2020
- Badger Survey Report by Quants Environmental, June 2020
- Breeding Bird Survey Report by Quants Environmental, June 2020
- Interim Bat Survey Report by Quants Environmental, June 2020
- Bat Survey Report by Quants Environmental, September 2020 (received 18.09.2020)
- Ecological Impact Assessment, by Quants Environmental, September 2020 (received 18.09.2020)
- Hedgerow Regulations Survey, by Quants Environmental, September 2020 (received 18.09.2020)
- Design and Access Statement, p1 by MBA
- Flood Risk Assessment and Sustainable Drainage Strategy, by Lumax Consulting Civil and Environmental Engineers
- Historic Environment Desk Based Assessment by Lanpro Services, June 2020
- Landscape and Visual Impact Assessment, Aspect Landscape Planning, June 2020
- Planning Statement by Fisher German
- Statement of Community Involvement by Fisher German
- Transport Assessment by HUB Transport Planning Ltd, June 2020

#### Departure/Public Advertisement Procedure

Occupiers of 29 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. Further public re-consultation has taken place upon receipt of amended/additional submissions.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Southwell Neighbourhood Plan (adopted 2016)**

SD1 – Delivery Sustainable Development  
 E1 – Flood Risk Assessments and Mitigation  
 E2 – Flood Resilient Design  
 E3 – Green Infrastructure and Biodiversity  
 E4 – Public Rights of Way and Wildlife Corridors  
 E5 – Green Link  
 E6 – Climate Change and Carbon Emissions  
 DH1 – Sense of Place  
 DH2 - Public Realm  
 TA1 - Cycle and Pedestrian Routes  
 TA2 – Public Transport Connectivity  
 TA3- Highways Impact  
 TA4 – Parking Standards  
 HE1 – Housing Type and Density  
 Policy SS4 – Land east of Kirklington Road (So/Ho/4)

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 5 – Delivering the Strategy  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
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 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
SoAP1 – Role and Setting of Southwell

## **Allocations & Development Management DPD**

So/Ho/4 – Southwell Housing Site 4  
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  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD 2013

## **Consultations**

**Southwell Town Council** – (03.09.2020) Object on the grounds of that the mini roundabout is unnecessary and will cause problems for the allocated site to the north and due to concerns regarding flooding. Previous comments are available to view on the planning file (dated 06.08.20) but also reference concerns relating to habitat loss, lack of bat surveys, query ownership and management of the land on which footpath 55 runs is required as long term maintenance is in question and cycle provision.

**Southwell Civic Society** – (07.08.2020) Object, whilst they welcome the consortium approach ‘there was no pre-application resolution of highway issues and access is one matter for which detailed approval is sought.’

**NCC Highways Authority** – (12.10.2020) following the submission of revised access and junction details they are satisfied that safe access can be achieved and they don't consider the scheme would prejudice the scheme to the north from being delivered, as access could be achieved another way. The proposed mini-roundabout and other 'gateway' highway works on Lower Kirklington Road are considered to be critical to achieving safe access to the site, due to the siting of the new access in close proximity to the Kirklington Road junction. Conditions are requested which are contained within the recommendation section.

**NCC Rights of Way** – Advise that Southwell Public Footpath No. 55 is adjacent to the site edged in red on the site location plan and note that reference has been made to it in the application. No objection but wish applicant's attention to be drawn to the note to applicant.

**NCC Lead Local Flood Authority** – (20.07.2020) No objection subject to condition which is set out in full within the recommendation section of this report.

**NCC Strategic Policy/Developer Contributions** - (29.07.2020) Provide general comments on minerals and waste, suggest a waste audit would be useful, confirm a travel and travel services contribution is necessary of £7,000 to provide improvements to the bus stop NS0188 Norwood Gardens and confirm that no education contribution is to be sought.

**NHS Clinical Commissioning Group** – (13.10.2020) and (01.09.2020) Request health contribution and provide additional justification, on the basis that the development will place additional demand on health infrastructure already at capacity in the locality.

**Nottinghamshire Wildlife Trust** – (23.09.2020) Confirm that having reviewed additional ecological information they have no objections subject to conditions to secure the following;

- T2 and T5 are inspected by endoscope by a suitably qualified ecologist within 24hrs of removal and this should be secured through a suitably worded planning condition.
- Where suitable root protection zones should be created around all trees/hedgerows within the site and should be included within a CEMP (Construction Environmental Management Plan).
- Variety of bat boxes should be installed within the development following the guidance in para 4.3.2 of the report.
- Sensitive lighting scheme.
- To mitigate for loss of 300m of hedgerow, 90m of new hedgerow to be planted to be as diverse as possible and 15 different hedgerow/tree species will be planted and further hedgerows where possible.
- Deadwood log piles should be created within the site using the trees felled within the Site with stem diameters of at least 100 mm.
- No clearance works should be undertaken on the areas of hedgerow/treelines, semi-improved grassland, scrub, and woodland during the key breeding bird period of 1st March to 31st August i.e. to minimise any risk to breeding birds within the Site. Any active nest found should be left undisturbed until the chicks have fledged or the nest is no longer in use.
- We fully support the site enhancements of bat boxes, bee bricks, permeable fences for hedgehogs, SuDS and the provision of good working practices.
- If development has not commenced on the Site by March 2021, it is recommended that an update badger walkover is undertaken prior to the commencement of any groundworks
- Biodiversity net gain

**NSDC Tree Consultant** – (18.09.2020) Indicative layout should be achievable with minimal impact on green infrastructure. Conditions are recommended which are captured within the recommendation section of this report.

**NSDC Parks and Amenities** – The comments provided at pre-application stage remain of relevance which raise no objection to the indicative layout.

**NSDC Environmental Health** – Recommend the use of the standard phased contamination condition given allotments are a potentially contaminative land use.

**NSDC Conservation** – No objections.

**NSDC Archaeological Advisor** – Recommends that the site is subject to archaeological evaluation (which will include but may not be limited to a trial trench) to establish its potential and to develop a mitigation strategy if necessary. This can be secured by condition.

**Trent Valley Internal Drainage Board** – Comment that they support the suggested LLFA condition. They make general observations and advice that a permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses to allow future maintenance works. They also states that all drainage routes through the site should be maintained both during the works on site and after completion of the works and that provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development.

**Representations have been received from 12 local residents/interested parties raising concerns which can be summarised as follows:**

*Principle/ Design/Character of Area*

- This project will undoubtedly spoil possibly the best approach to the historic town of Southwell;
- Development of this site and the associated roundabout and other street features would completely urbanise a very attractive and rural approach to this historic town;
- Single storey properties and retaining the mature hedgerows would help preserve the character of this rural gateway site by following this overriding topography pattern;
- Questions why the site should be developed at all and that it should be kept for open space for wildlife and a cleaner and quieter environment. It is right on the edge of Southwell which would encourage most people to only drive into the town.
- Site is close to the SS5 potential development site and together these would create a hugely disproportionate amount of development and increased traffic on one side of the town.

*Lack of Suitable Infrastructure*

- Schools and medical facilities in Southwell are already near capacity and the transport links to nearby shopping centres are extremely inadequate;
- There are not enough affordable homes being built in the development to keep the younger generation in Southwell - suggest that figure should be at least 50%.

*Trees and Habitat*

- Concern at loss of mature trees and vegetation;
- Adversely impact on wildlife (birds, bats, owls, hedgehogs etc) as new trees will take years to establish and regenerate new habitats;

- Ecology surveys do not take into account the surrounding areas of old orchards and parkland which represent high value and increasingly declining habitat;
- Concerned about the long term maintenance of the landscape buffers and ensuring this is done;
- Tree on boundary with 63 Springfield Bungalow needs to have roots protected

#### *Highways/Traffic*

- 3 arm roundabout is inadequate and insufficient for 13m long vehicle
- Development will increase in traffic when Southwell already struggles to cope;
- Development will produce large volume of vehicles, increased pressure on narrow roads and make roads more congested;
- Roundabout would not deter speeding motorists entering/leaving Southwell;
- The development will add more traffic to the 'rat run' along Kirklington road which is already dangerous due to the inadequate width of the road and the constantly collapsing verges;
- Increased traffic on the winding Kirklington Road which culminates in a complex junction involving many parked vehicles, a school and a pedestrian crossing in order to access the town;
- The development of this site would bring light, noise and vehicle pollution to what is a very rural part of the town;
- Given other site allocations this section of Lower Kirklington Road will be extremely busy;
- Existing access on Kirklington Road should be used;
- A short stretch of road will potentially have 150 - 180 properties exiting and entering here, close to the town's gateway and to the brow of a hill taking into account the existing dwellings and all allocations;
- Traffic management plan needs to be put in place;
- This public footpath will be a real asset to these homeowners but it is currently impassable in wet weather and needs fully resurfacing;
- Similarly the footpaths into town from this site are in need of resurfacing as they are the routes to the town and schools etc;
- Objection to the new pedestrian access to the existing public right of way (PROW) on the southern boundary. This is a new access point from that land not previously on the Ordnance Survey;
- The increased footfall on the PROW will result in possible damage/ingress to the adjacent land boundaries and to the footpath itself. The PROW is not currently suitable if it is to be inclusive to all users.
- It will also encourage greater footfall through the new estate from Lower Kirklington Road and be used as a shortcut to Kirklington Rd.
- Footpaths need to be improved to make them suitable for children that would attend the school
- Certainly it will be an experience for the housing occupants to walk along to the Norwood Gardens bus stop.

#### *Drainage and Flood Risk*

- No more development until comprehensive review of the flood alleviation scheme which was started in 1998 but never fully completed;
- Concern regarding surface water run off as existing gardens in area flood at times of heavy rainfall and there is concern that this development will exacerbate the problem.
- FRA inaccurate when it refers to the drainage system that magically whisks water away under Lower Kirklington Road to the river Greet. This ditch was partially blocked in 2014



and water now flows directly down to existing properties instead of passing under the Southwell trail to the Greet.

- Last floods after storms Ciara and Dennis flooded neighbouring properties;
- The Southwell Flood Alleviation Scheme does not take water down to the river Greet and this must be addressed before any further development is allowed to discharge surface water into that system;
- No explanation about how and where the attenuation pond is drained; concerned particularly about the one on the southern boundary overflowing and overwhelming the dyke. Although there has been work to improve flow in the dyke, it is not being maintained and is already overgrown which impedes the flow of water;
- Attenuation pond is close to gardens on Springfield Rd – concern water could escape to neighbouring land;
- Concern that ditches to be used could become blocked;
- No indication as to how deep the attenuation ponds are going to be. Is there going to be any actual outlet from the pond into the Springfield Dyke or is it going to rely on seepage and what would present its seepage onto neighbouring land?
- It is untrue that the dyke is dry as it takes from the water-course crossing the Norwood estate and only the excess runs over into the newly built culvert beneath running the length of Kirklington Road. The Springfield Dyke water was needed to fill the pond on the adjacent land for the livestock kept there in the Springtime. This year it dried in March after an exceptionally dry month but then had water again before May and finally dried up in June. If this year follows the yearly pattern it will have water again by October. There is also a mistake on page 22 of the flood documents, as paragraph 4:9 shows a green line of a ditch that is non-existent;
- Arrival of the developer to jet, vacuum and clean the watercourse and culvert that is mentioned is awaited;
- The culvert is at present built on stacks of blocks and no authorities claim responsibility for it; perhaps this should be investigated before any further water is put through it;
- A fence has been erected that encroaches onto a footpath (reported to NCC) but affects the drainage as forms barrier;
- Concern that authors of Flood Statement is weak and concerned they didn't visit the site;
- Last year, alongside Southwell Flood Alleviation Scheme (SFAS), Trent Rivers Trust installed some natural flood Concern that without maintenance downstream, the flood risk could be greater;
- management measures to mitigate the likelihood of Springfield Dyke overtopping so not logical to specifically direct water into that Dyke which would appear to be contrary to the aims of the SFAS;
- Not clear who is responsible for maintaining the length of the culvert along Kirklington Road;
- Who will maintain the ditch in the future.

#### *Other*

- The answer to the access difficulties in site access is to include The Beacon on LKR into the developable area;
- 'Guise' land has been included in the plan for residential development and this should be taken into account;
- Developing the site and position of the site access could prejudice the development of the 'Guise' land which would have an impact on housing allocations.

#### Comments of the Business Manager

## **Preliminary Matters**

The application site includes former allotments which were not included within the site allocation. I believe this was because at that time they were not available and were still in use as allotments. Having regard to Policy SP8 which seeks to protect community facilities, I have considered this but have established that these were private allotments not covered by the statutory provisions and that these have been re-provided elsewhere. As such I am satisfied that this need not be treated as a loss of an existing community facility and the matter need not be discussed further.

The proposal also involves the creation of a new mini-roundabout. This is not within the red line of the application site but as the works would take place on land controlled by the applicants and the Highways Authority only, its timely provision can be controlled by the imposition of a *Grampian* style condition so this is not fatal to the application.

## Main Issues

I consider the main issues to be 1) the principle of development, 2) highway matters including a discussion on whether this scheme would prejudice the delivery of the allocated site to the north, 3) landscape, trees and provision of public open space 4) housing density, type and mix, 5) flooding 6) ecology and 7) impacts on infrastructure. These are discussed in turn below.

## Principle of Development

The starting point for decision taking (as set out in DM12 and the NPPF) is with the Development Plan. Newark and Sherwood District Council's Development Plan is considered to be up-to-date with the Core Strategy being adopted just over a year ago. Furthermore the Council can demonstrate in excess of the necessary five year housing land supply.

Southwell is defined in the Core Strategy's settlement hierarchy as a 'Service Centre' with its function being to act as focus for service provision for its large population and rural hinterland. It is intended that Southwell will accommodate 10% of the overall housing growth for Service Centres. The site, located at the north-western edge of the town, lies within the settlement boundary and forms a site that is allocated for around 45 dwellings as part of Policy So/Ho/4 of the Allocations and Development Management DPD. This Policy (and Policy SS4 in the Southwell Neighbourhood Plan (SNP)) provide the framework for how development should be brought forward. It is therefore considered that the principle of residential development and the quantum proposed on the site is acceptable subject to a detailed site specific assessment.

The application is made in outline form with only the means of access to be formally considered at this stage together with the quantum of development which is within the description of development. Notwithstanding this, the applicant has submitted a site plan to indicatively show how 45 dwellings could be successfully provided on site taking into account the site constraints and the need to provide suitable infrastructure such as sustainable drainage attenuation. This is discussed in more detail in the sections that follow.

## Highway Impacts

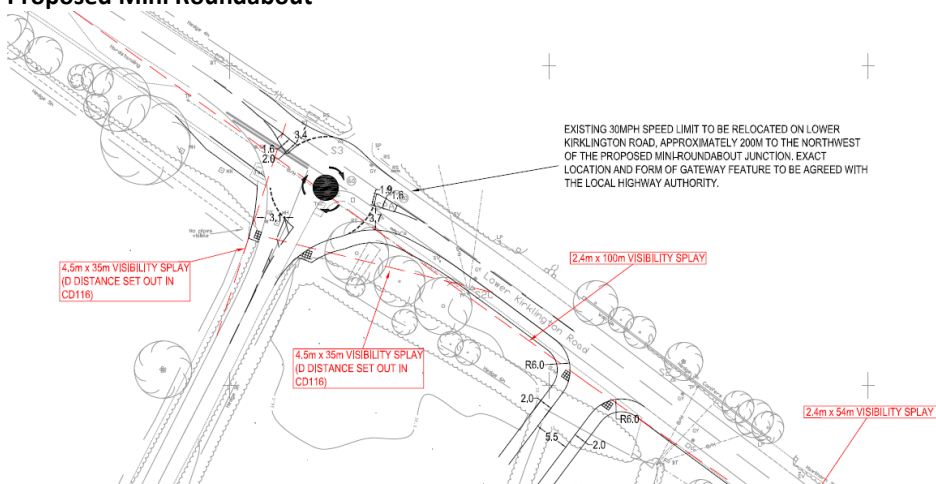
Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive

accesses for all and provide links to the network of footways etc to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected. So/Ho/4 and SS4 require suitable access from Lower Kirklington Road along with supporting justification.

This application is accompanied by a Transport Assessment and proposes its highway access from Lower Kirklington Road to the north. Given its proximity to the junction with Kirklington Road, in order to make the development safe from a highway perspective it would be necessary for a new mini roundabout to be installed at the junction. This would be a 3-arm mini-roundabout designed to slow traffic approaching from the west in order to make utilizing the new access to the development safe. This would need to be provided before development commences to allow it to be in place for delivery vehicles during site construction as well as the dwellings themselves. This can be achieved by condition.

The mini-roundabout has already been designed and been through a NCC safety audit with revisions made such that NCC Highway Authority are now satisfied that the scheme would be safe in highway terms. They expect the developer to enter into a Section 278 Agreement with the Highway Authority whereby the developer agrees to carry out works within the existing public highway. It will also be necessary to restrict the speed limit on Lower Kirklington Road to 30mph which would be achieved either by an extension of the street lighting westwards (which will automatically achieve the change) and/or require a Traffic Regulation Order which NCC have advised may be dealt with as part of the S278 Agreement.

#### Proposed Mini Roundabout



The mini roundabout would require some additional street furniture signage such as the mini roundabout sign, refuges and bollards etc but this is not considered to be excessive and is appropriate in my view for its edge of settlement/rural context. Indeed there is a mini-roundabout further along the road to the east. At the time of allocation, it was known that this site would require this highway intervention. Indeed this same mini-roundabout has already been subject to an approval by this authority back in 2013, albeit it lapsed without being implemented. For all these reasons I consider that this highway solution is acceptable for the context of the site and is safe in highway terms subject to conditions.

In terms of car parking, this matter will be assessed at reserved matters stage in detail.

The indicative layout shows there would be a pedestrian access link to the PROW to the south which is welcomed and accords with point 5 of the site specific policy. Maintenance of the link

would be secured through the s106 Agreement albeit I expect that reserved matters application and suitable conditions would control the finish of this feature.

#### *Impact upon site allocation So/Ho/5 to north*

It is noted that Southwell Town Council has raised concerns regarding the impact of the highway works on the site to the north, allocated for around 60 dwellings. In addition, one representation purports to offer the land to the north referred to as 'The Beacon' by the representation, as having the potential to be included within this developable area. It is assumed that the land referred to is the site allocation to the north. Members will be aware that two applications for 80 dwellings were refused by the committee with one of the reasons being that the four arm roundabout would be detrimental to highway safety on NCC Highway advice and the alternative of the traffic light junction being considered to harm the site's gateway position at the edge of the town where it transitions to countryside.

Appeals were lodged to test the impact of the traffic light (the four arm mini roundabout option was removed from the plans) and both were dismissed for poor design which included the impact from the traffic light junction. In defending that appeal the Council argued that the allocated site to the north does not need to rely on an access from a newly constructed roundabout as the extent of the allocation provides for an alternative access at High Gables which could serve the appropriate level of development allocated, with the existing private drive to the north of the mini roundabout remaining as a private drive. This is the position of NCC Highways and was so at the appeal earlier this year. It is therefore considered that the development of the mini roundabout does not prejudice the ability of the site to the north to come forward with an appropriate scheme and this current development before Members can be considered without reliance of land to the north being part of this application.

#### Impacts on Landscaping and Trees and Provision of Public Open Space

The starting point is that trees and features such as hedgerows should be retained where possible as set out in Policies CP12 and DM5.

The application has been accompanied by an appropriate Arboricultural Survey which seeks to identify, based on the indicative layout, which trees would be retained, managed and felled. There has been a genuine attempt to retain as many of the best specimens of trees and hedgerows within the site as possible. It is of course inevitable that some hedgerows and trees would need to be removed, a matter that would have been known at allocation stage. However all of the best trees (one x A1 graded and all B1 graded trees) would be retained if this were the layout advanced at reserved matters stage. The trees that would be felled out of necessity are generally lower quality ungraded or C category trees. I am satisfied that, subject to more detailed impacts being assessed at reserved matters stage once the layout is fixed, that a scheme of this quantum could be accommodated on the site in an acceptable way that would retain the best quality trees and that there is space to allow for mitigation and replacement tree planting elsewhere within the site.

Whilst not considering the layout at this stage, it is important that the LPA is satisfied that the quantum of dwellings proposed can be achieved on site in an acceptable way taking into account the site constraints and the need to address the site's gateway location and that the development is capable of managing the transition from countryside to the built up area. This is a requirement set out by site specific policies So/Ho/4 and SS4 which go on to say that a landscape buffer should be

provided to the north and western extents which should be particularly extensive to the south of the Vineries.

*Indicative layout plan below:*



Members will see from the indicative layout plan that the developer has sought to include a buffer alongside the dwellings on the northern part of the site which is shown as being outside of garden curtilages and c6m wide. To the south, the area retained for the landscape buffer is between 30m (rear of existing dwellings) narrowing to 5.5m. Landscaping and trees belts are also indicated along all other site boundaries; to the southern boundary a landscape buffer in excess of 7m (to the site boundary) is shown as being provided all of which would assist with assimilation. In addition the Protected Tree (walnut) at the northern end of the site sits adjacent to the attenuation pond as a fey feature. I consider that this type of layout proposed in respect of landscaping would meet the expectations of the site specific policies and would achieve an appropriate level of greenery that would help to soften the built form given its edge of settlement location.

#### *Public Open Space and Maintenance*

In line with the Council's SPD, Amenity Open Space, at a rate of 14.4m<sup>2</sup> per dwelling (648m<sup>2</sup> for this development) is expected on site. The indicative layout would vastly exceed this (I have calculated the total POS is c 12,460m<sup>2</sup>) which would provide a visually attractive environment that is appropriately green at the edge of settlement whilst providing some ecological benefits including wildlife corridors. I am therefore satisfied that the minimum requirement of space will be met and this can be controlled through the s106 agreement.

Developments are also expected to make provision for Children and Young People at a rate of 18m<sup>2</sup> per dwelling (capable of family occupation) as set out in the Developer Contributions SPD. Both the site specific policy and SNP require provision on site and therefore a financial sum in lieu of this would not be appropriate in this instance. Excluding the 13 x 1 bedroom units, there would be 32 dwellings capable of family occupation reliant upon the play facility on site and policy

indicates 576m<sup>2</sup> of space would be required. The LEAP on site is indicated as being more modest in size (c150sq m; albeit with more amenity open space around it and elsewhere on site) and enlarging this would reduce the buffering with adjacent and existing neighbours. The comments of the parks and amenity manager made at pre-application stage indicate that in the circumstances the play space would be appropriate. In my view, given this site will inevitably have more informal open space this compensates for the shortfall in formal play space and in negotiating the type of equipment to be provided on site, officers can seek to achieve an enhancement where possible to ensure the equipment is multi-purpose and best uses the space available. Overall, subject to these controls I am satisfied that the broad location and size of the LEAP is acceptable being located as a focal point and accessible to all of the development.

This Council would not take on the maintenance of the POS and therefore this, including the landscape buffers (which should be separate to private gardens as is currently indicated on the layout), the SUDs and new footpath links to footpath no. 55 would need to be managed by a management company (which could include the Town Council if there was an appetite on both sides for this) for its lifetime and secured through the obligation.

I consider that the indicative layout shows a well planned development that would successfully managing the transition between the adjacent countryside and the town. This is partly down to the low density and sense of green space. The siting of mainly bungalows adjacent to the western boundary could also help to soften the urban edge.

#### Housing Density/Type/Mix

Policy SS4 requires a developer prepared design brief to address 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.

In this case the site was always envisaged as having a much lower density than average given the requirements for a landscape buffer, on-site play space etc and as such a density of c15.8 dwellings per hectare is considered appropriate at this edge of settlement location.

In accordance with Policy So/HN/1, it is pleasing to see that the majority of the dwellings to be provided (in this case 66.45%) are shown as 1 and 2 bedroom units. Policy HE2 of the SNP also sets out a required mix for greenfield sites and the table below demonstrates how the indicative layout would fare in comparison:

Dwelling Type	Policy Expectation Proportion	Proposed Scheme
1 or 2 bedroom dwellings	40%	20 (44.45%)
1 or 2 bed bungalows	20%	9 (20%)
3 bed (family homes)	15%	7 (15.55%)
4+ bed (executive homes)	25%	9 (20%)
<b>TOTALS</b>	<b>100%</b>	<b>45%</b>

Members will note that the vast majority of units shown are smaller units and that more 1 and 2 bedroom units are proposed than policy requires, but fewer larger 4 bedroom (or more) houses are proposed. I do not consider that this should be fatal to the scheme as the smaller houses are where

the greater need is in the Southwell area. Overall I consider that the indicative mix is appropriate and further demonstrates that such a scheme is capable of being acceptable on this site. I do not consider it necessary to fix this mix by condition as this matter would be considered at reserved matters stage.

### Flooding and Drainage

The site lies entirely within Flood Zone 1 and is therefore not a site which has been identified as being at risk of flooding. A Flood Risk Assessment and Sustainable Drainage Strategy has been prepared which accompanies this application which aligns with the requirements of policies E1 and E2 of the SNP.

Members will note that a previous scheme on part of this site was refused under delegated powers due partly to drainage concerns as the drainage scheme was not considered fit for purpose; relying on land not within the control of the applicants and not following the drainage hierarchy all of which could have jeopardized the delivery of the wider site allocation that is now before Members. By contrast, considerable efforts have been made as part of this scheme to include a comprehensive sustainable urban drainage system that would also bring about other ecological benefits to the site.

Flood risk to the site from a variety of sources has been considered and it has been concluded that there is no significant risk from river, groundwater or sewer-based sources. Southwell has experienced several flood events over recent years; these events comprised a mix of fluvial, pluvial and sewer-based events. However, the proposed site is in a location where these known sewer and fluvial risks are not significant. Pluvial risk has been considerably reduced at the southern edge of the site since a culvert drain was built along Kirklington Road, as part of the Southwell Flood Alleviation Scheme, diverting flows from the small water course at the southern boundary. The topography of the site is such that the site drains to two separate catchments and the indicative layout shows two attenuation ponds; one close to the site entrance at the north and one to the eastern part in the southern area.

These ponds would be designed to accommodate the 1 in 100 plus 40% climate change event. Flows will be restricted to 11.5l/s, split between the north and south area, which is less than half the existing run off rate in a 1 in 100 year event. Flood risk from the development posed to neighbouring residential properties can be mitigated against. Earthworks are planned to direct overland flows inwards towards a route through the centre of the site, where the road and roadside swales will transport flows to either of the attenuation ponds. Foul drainage will be discharged to the combined sewer along Lower Kirklington Road. A small pumping station would be required for the southern part of the site which is not currently shown on the indicative layout.

The majority of the comments received from neighbouring residents raise concerns with flood risk as many have experienced flooding of their properties during heavy rain and worry this development could exacerbate existing problems. It appears that the issues are in part because of a lack of maintenance of the existing drainage ditches downstream (off site) where there are riparian rights. This is not a matter that the developer can be obligated to fix as the land here is not within their control and the LPA cannot require them to undertake future maintenance works. However they have offered to jet, vacuum and clean the watercourse and culvert immediately downstream of the development to ensure that any discharge is free flowing and the culvert network works as it should do in the first instance which will improve the situation in the short

term. In any event, the drainage solutions set out in the strategy should not give rise to any increase in flooding problems as a result of the development.

Based on the FRA and drainage strategy, I am satisfied that the proposal represents a sustainable development compliant with the drainage hierarchy approach embedded in national policy. This view is shared by the Lead Local Flood Authority who raise no objections subject to a condition which requires the reserved matters approval to accord with the broad strategy already provided which is entirely reasonable. I am therefore confident that this scheme meets the requirements of Policies CP10, CP10A, DM5, E1 and E2 of the Development Plan.

### Ecological Impacts

The site has the potential to provide habitat for wildlife and as such the application has been supported by a number of Ecological Appraisals and additional surveys.

CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP."

The scheme has been assessed against Natural England's Standing Advice.

#### *Bats*

A number of bat surveys have been undertaken and trees that could provide roost sites have been surveyed or inspected by an endoscope. Findings suggest that the mature treeline at the south of the site provide an important foraging and commuting feature for bats and to a lesser extent the hedgerow running north to south. No evidence of bats was found in trees surveyed. However it is recommended that a condition is imposed to require surveys to be carried out immediately before any trees found to have a medium potential for roosts are felled. Further, to compensate for the loss of potential roosting habitat and to enhance the site, a variety of bat boxes are recommended to be installed and this would be controlled by condition. A wildlife sensitive lighting strategy is also necessary to mitigate harm to nocturnal wildlife including bats, again which can be subject to a condition.

#### *Badgers, Reptiles and Great Crested Newts*

No evidence of badgers or reptiles was found on the site and there is a lack of suitable areas and habitat for badger sett creation or habitat suitable for reptiles in the area. No mitigation is therefore necessary. However a precautionary method statement as outlined in the ecological report (Section 5) would need to be adhered to. In addition, if works have not commenced on site by March 2021 an updated badger survey will be sought to be controlled by condition.

The risk of Great Crested Newts being present on site was scoped out during the initial assessment and no impacts nor mitigation is required.



### *Breeding Birds*

Existing hedgerows, trees and scrub on site offer resources for breeding birds so the loss of some of this would have a negative impact. However mitigation is possible in the form of avoiding clearance during breeding season along with the provision of a minimum of 18 bird boxes, details of which, would be required by condition.

### *Habitats*

There are a number of hedgerows within the site which are species rich and the removal of trees and hedgerows during construction would disturb habitats for bats and hedgehogs. A number of measures will be required in order to manage the impacts, these include the submission of a detailed construction environmental management plan (CEMP) prior to works commencing. 300m of hedgerow (not all species rich) would likely be removed to facilitate the development and therefore it is necessary to mitigate for this loss within a minimum length (90m) of species diverse hedgerow. Other habitat creation is to be formed such as the formation of log piles from felled trees, the provision of bee sticks etc details of which will need to accompany the reserved matters application. It is expected that the attenuation ponds will be able to contribute to the biodiversity of the site if designed well and further details will be required with the reserved matters approval which is to be conditioned.

Habitat loss is likely to adversely affect hedgehogs (a species of Principle Importance) which are protected unless measures are included to mitigate this. The ecologist has recommended that at least two hedgehog friendly (permeable) fencing panels with small gaps at the base will be installed per plot to allow these to move between gardens and as such further details of this will be required at reserved matters stage.

In line with the requirements of the Development Plan and the NPPF, consideration of how the scheme would contribute towards habitat creation and improvement needs to be considered and the reserved matters submission will need to address this in more detail, distinguishing between what is mitigation and what represents a biodiversity net gain. This will be controlled by condition. Subject to a range of conditions, I am satisfied that the site is capable of a development for the quantum of units proposed without significant harm to the biodiversity and that subject to proposed enhancements, in time, that it will be possible to offer enhancements in accordance with local and national policy.

### Impacts on Infrastructure

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. They state that 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 following contributions are appropriate to this scheme and would be secured by way of a section 106 planning obligation.

### *Primary 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. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. However the Local Education Authority have confirmed they have sufficient capacity within the town at this time and they do not seek a contribution for primary school places.

### *Health*

The Council's SPD sets out that the type and size of developments which may trigger a health a contribution. These are

- Residential developments of 65 units are more and/or
- Development which places extra demand on the local health care provision through its operation.

The application in question relates to 45 dwellings in total so would fall below our usual threshold for seeking such a contribution. However as the CCG have stated that the existing health service in Southwell (and local Farnsfield and Bilsthorpe) is already operating at capacity. Further justification has been sought that demonstrates that this development would place an additional demand on health care and I therefore consider the request is justified. The developer has agreed to this. The contribution (indexed at 2016 so would require an uplift) is £982.62 per dwelling equating to £44,217.90 which would be secured by the s106 agreement and be spent on facilities in the area.

### *Affordable Housing*

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions.

A scheme for 45 dwellings would yield 14 affordable units to meet the policy requirement. The proposal has been advanced in accordance with the council's preferred mix and tenure split as set out at pre-application stage which is as follows:

Type	Rent	S/O	Total
<b>1 Bed Maisonette</b>	4	0	4
<b>2 Bed Bungalow</b>	1	1	2
<b>2 Bed House</b>	2	4	6
<b>3 Bed House</b>	1	1	2
	<b>8</b>	<b>6</b>	<b>14</b>

I am therefore satisfied that the scheme is policy compliant in tenure split and type of units. This mix will be fixed by the obligation such that there is certainty on this element.

### *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 proposal itself does not offer any provision for community facilities and therefore the additional pressure upon community facilities that this scheme would place upon the community should will be met by way of a financial contribution which is likely to be spent on upgrading and enhancing facilities at the Southwell Leisure Centre. A financial contribution toward community facilities based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling is justified equating to £62,283.15 for the 45 dwellings.

### *Transport Contribution*

NCC have requested a contribution of £7,000 towards bus stop infrastructure which would be used to improve the bus stop denoted at NS0188 Norwood Gardens and would include installation of raised boarding kerbs and replacing the polycarbonate bus shelter. Provision for such contributions is set out within the Council's SPD and it is considered to be a reasonable request. I am satisfied that the pressure that this development would place upon existing infrastructure can be adequately mitigated through the above developer contributions.

### Other Matters

#### *Impact on Residential Amenity*

Safeguarding the residential amenity/living conditions for both existing and any new dwellings will be paramount in order to comply with the Development Plan. This would be assessed against Policy DM5 at reserved matters stage once the details of the development are fixed. At this stage there is nothing indicated that leads me to consider there would be an issue in terms of the effect on residential amenity.

#### *Heritage*

Given the substantial distance of the site from listed buildings and the conservation area, I do not consider there would be any adverse impacts on these heritage assets.

With regard to archaeology, the proposed site lies to the north-west of the historic core of Southwell which was an important settlement from the Anglo-Saxon period onwards, especially as a place of pilgrimage to the minster church during the medieval period.

The site lies just to the north of an area used as a deer park in the medieval period which was owned by the Archbishop of York and had originally been given as part of the Manor of Southwell by King Eadwig in AD956. The Deer Park was created in a tract of woodland pasture, notable for its fine specimen oak trees and fish ponds, by enclosing it within an earthwork that still exists. The medieval earthworks defining the deer park are recorded within the NHER (L11383 and L11382) as are medieval fishponds (NHER: M2737/L2737, M18268/L2925 & M18296/L11379).

The area to the north-west of Southwell is under-represented on the Nottinghamshire Historic Environment Record, more likely reflecting a lack of archaeological fieldwork in the past, rather than a lack of past human settlement and activity.

In line with the site specific policies, the application has been accompanied by a desk based assessment and incorporates the results of a non-intrusive geophysical survey of the site to evaluate the archaeological potential which concludes is very low, although this could be due to the lack of archaeological fieldwork on or in the vicinity of the site. Consequently our advisor, in agreement with their heritage consultant, has agreed a sensible way to establish the potential which would involve digging a trial trench. Further mitigation work may be required if any remains are identified within the evaluation. This can be secured by condition. Subject to this, I am satisfied that the scheme would have appropriately considered archaeology as required by policies DM7, CP14, So/Ho/4 and Policy SS4 of the Development Plan.

### Concluding Comments

The principle and quantum of development is considered acceptable as set out in both site specific policies contained within the Neighbourhood Plan and Allocations and Development Management DPD. The submission has demonstrated, with an indicative layout, that both is achievable when taking into account the site constraints. Any harm through the loss of trees and hedgerows is able to be appropriately mitigated.

Only the details of the means of access (and quantum) is being considered at this outline stage. In order to make the scheme safe from a highway perspective, off site highway works are required in the form of a 3 arm mini roundabout at the Lower Kirklington Road/Kirklington Road junction to the west in order to slow traffic. This can be achieved through a condition to require this to be undertaken before development commences. The speed limit would also need to be reduced to 30mph which can be controlled by condition. Once done, these measures will also benefit the wider community by slowing traffic in the area. For the reasons set out above, I have also concluded that this scheme would not prejudice the delivery of the allocated site to the north.

I am also satisfied that the ecological value of the site can be safeguarded and enhancements can be achieved in the longer term. Flood risk and drainage have been properly considered and the strategy advanced is acceptable and will not increase flood risk elsewhere, a matter agreed by the Lead Local Flood Authority.

The scheme would bring about the delivery of an allocated site for the quantum envisaged in a sustainable location, boosting the local economy well as securing 30% affordable housing and developer contributions to mitigate the impacts on local infrastructure. No other harm is identified that would weigh against the positives.

Taking all of these matters into account, the application is considered to accord with the Development Plan and a recommendation for approval is made.

### RECOMMENDATION

**That outline planning permission is approved subject to**

- 1) the conditions and reasons shown below; and**

2) the execution of a legal agreement to secure the contributions set out in the table below:

*Summary of Developer Contributions*

<b>Contribution</b>	<b>Policy Requirement</b>	<b>Contribution Achieved</b>	<b>Trigger Points</b>
Affordable Housing	30% on site, (tenure split 60% social rent, 40% home ownership products)	Policy compliant contribution of 14 affordable units as follows unless otherwise agreed: <u>Social/Affordable Rent:</u> 4 x 1 bed maisonette 1 x 2 bed bungalow 2 x 2 bed house 1 x 3 bed house <u>Home Ownership Product:</u> 1 x 2 bed bungalow 4 x 2 bed house 1 x 3 bed house Plot numbers to be provided at RMA stage.	Not to occupy more than 22 dwellings (c48%) until 7 (50%) of the affordable units are provided. Not to occupy more than 36 (80%) dwellings until remaining affordable units provided and TF to provider
Health	Contribution towards health infrastructure £982.62 per dwelling	Justification has been provided to show the need. Policy compliant £44,217.90 to be secured towards expansion of infrastructure within the area.	Prior to occupation of 10 <sup>th</sup> dwelling
Public Open Space	Combined POS ('Amenity Open Space' of 14.4m per dwelling and 'Children's and Young Person's Space' of 18m per dwelling)	Not less than 1,458m of public open space to be provided on site and to include a Locally Equipped Area for Play (LEAP) (size not to be specified to allow flexibility) details of which will need to be agreed with LPA prior to first occupation.  Maintenance of all public open space (including footpath links, LEAP, SUDs and landscape buffers) to be secured through management company for the lifetime of the development	Provided on site in accordance with scheme to be agreed before works commence  Not to commence until management plan and spec has been submitted and not to occupy until this has been approved
Community Facilities	Off-site contribution of £1,384.07 (indexed at 2016 and to be uplifted) per dwelling	Total policy compliant contribution of £62,283.15 to be spent within Southwell.	Not to occupy more than 22 dwellings (c48%) until sum paid
Transport	Contributions made upon subject to justification	£7,000 towards bus stop infrastructure to improve bus stop at NS0188 Norwood Gardens including raising boarding kerbs and replacing polycarbonate bus shelter.	Not to occupy any dwelling until sum paid

<b>TOTALS</b>		<b>14 affordable dwellings plus £113,501.05</b>	
<b>Monitoring fees of £1,260 also have been agreed, to be payable when other contributions are paid by the developer</b>			

Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any reserved matters application pursuant to this outline consent shall be accompanied by a waste audit in line with paragraph 049 of the National Planning Practice Guidance which details:

- the anticipated nature and volumes of waste that the development will generate;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities;
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Reason: To ensure the development proceeds in a sustainable way and to enable the LPA to be satisfied that it does not prejudice the implementation of the waste hierarchy.

04

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 Lumax Flood Risk Assessment (FRA) and Drainage Strategy LMX296-LMX-00-ZZ-RP-D-002 Rev B., 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.
- 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.
- Demonstrate all exceedance shall be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence 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

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.

05

No development hereby permitted shall be commenced until the roundabout junction, gateway feature and housing land access as shown for indicative purposes on drawing 001 Rev. D has been provided in accordance with the approved details.

Reason: In the interests of highway safety and capacity and to avoid unnecessary disruption and delays to highway users.

06

Notwithstanding the submitted Illustrative Masterplan, all site highway layouts shall comply with the Highway Authority design guide (current at the time of submission) and be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

07

No part of the development hereby approved shall be occupied until the off-site traffic management works required to extend the 30 mph speed restriction on Lower Kirklington Road have been undertaken in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until visibility splays as shown on drawing no. 001 Rev D are provided. The area within the visibility splays referred to in

this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level.

Reason: In the interests of highway safety.

09

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

#### **Part A: Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

#### **Part B: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.



### **Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **Part D: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

010

Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Survey by Quants Environmental dated March 2020 and in either case shall be accompanied by an Arboricultural Method Statement which 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/drainage runs/soakaways 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.

The approved tree protection measures shall be implemented on site prior to development commencing on site and shall be retained for the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford existing trees adequate protection during the construction phase.

011

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.

Reason: In order to afford trees adequate protection.

012

No tree identified as having a moderate bat roost potential in the Ecological Impact Assessment (by Quants Environmental dated September 2020) shall be removed from the site until it has been subject to an endoscope survey by a suitably qualified ecologist within a 24 hour period prior to it being felled. Should a roost be found, the tree shall not be felled until such time as a licence is received from Natural England to undertake works and the Local Planning Authority have been informed of this in writing.

Reason: In order to safeguard protected bats from harm that could otherwise result from the development in line with the recommendations of the assessment submitted in support of this application. For the avoidance of doubt this condition will relate to trees T1, T2, T3, T4, T5, T6 and T7.

013

Any application for reserved matters approval pursuant to this outline consent shall be accompanied by a Scheme of Ecological Mitigation and Enhancement which shall build upon the recommendations set out in the Ecological Impact Assessment, by Quants Environmental, dated September 2020 and shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints which shall include an updated ecological walkover survey if this is submitted after February 2022;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats or introducing target species;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock, log piles) or species individuals;
- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;
- m) disposal of wastes arising from the works;
- n) a plan showing the areas of retained habitats;
- o) clear commentary on what is considered mitigation and what is an enhancement.

It shall also include as a minimum details of;

- deadwood log piles using the trees felled within the site;
- the contribution that the sustainable urban drainage scheme will make to habitat creation;
- 6 integrated terrace house sparrow boxes, 6 integrated starling boxes and 6 integrated swift boxes (the scheme shall identify precise locations and the position of the boxes as well as manufactures details)
- 5 integrated bat boxes to be installed within the new builds (the scheme shall identify which plots and the position of the boxes as well as manufactures details);
- 5 bat boxes to be installed on trees within the site (the scheme shall identify the precise location, height of installation and manufactures details of the boxes)
- a minimum length of 90 metres of new diverse hedgerow to be planted for mitigation purposes for that lost;
- a minimum of 10 integrated bee sticks at locations to be specified;
- permeable boundary treatments to be installed to allow hedgehogs to move through the site (including designs and locations).

The approved details shall be implemented on site to an agreed timetable which shall be embedded within the scheme.

Reason: In order to secure mitigation and enhancement measures that are identified as necessary within the submission to protect biodiversity.

014

No clearance work including the removal of hedgerows, trees, semi-improved grassland, scrub or woodland that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of

August inclusive) unless otherwise agreed in writing by the local planning authority. Any active nest found should be left undisturbed until the chicks have fledged or the nest is no longer in use.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

015

Prior to first occupation, details of any external lighting to be used in the development shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution with particular regard to nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to minimise impacts on foraging and commuting bats.

016

No development shall be commenced until a Construction Environmental Management Plan and timetable has been submitted to and approved in writing by the local planning authority. The plan shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats during the construction period and shall include:

- a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction including those highlighted within the Ecological Impact Assessment, by Quants Environmental, dated September 2020
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- d) details of a person responsible for the management of the protection zones.

Development shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

017

No development, including site clearance, shall be undertaken after March 2021 unless an updated Badger Survey (including mitigation as necessary, detailing timings of this) has been undertaken and the findings have been submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation measures embedded in the Survey shall be carried out in full.

Reason: In order to adhere to the recommendations contained within the Ecological Impact Assessment, by Quants Environmental, dated September 2020 given the transient nature of badgers.

018

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

019

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition 18. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

020

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

### **Notes to Applicant**

01

This application should be read in conjunction with the section 106 legal agreement which secures a range of contributions to mitigate the impacts of the development.

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

In order to carry-out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk .

04

The Rights of Way Team at Nottinghamshire County Council wish to make the applicant aware of the following points:

- Maintenance of the hedgerow alongside the Public Right of Way is the responsibility of the landowner(s). We request that the applicant is clear as to who will be responsible for the ongoing maintenance of the hedges and trees on the boundary. Whoever is responsible for maintenance of the boundary alongside the Public Footpath must ensure that the trees and hedgerow are cut back regularly so as not to interfere with the right of way. We would recommend that hedgerow maintenance be included in any site annual maintenance schedule so that the hedge and trees alongside the public right of way do not become an obstruction or inconvenience to path users.
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Public Footpath or materials unloaded or stored on the Public Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation 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 on should be provided if possible.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

05

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

06

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

08

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email [Matthew.Adams@lincolnshire.gov.uk](mailto:Matthew.Adams@lincolnshire.gov.uk) to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

#### 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**