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Date: 27 October 2023

Our Ref: M15/1003-38.RPT

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Dear Mr Tubb

**RE: Plan Review: Second Publication Amended Allocations and Development Management Development Plan Document**

Thank you for the opportunity to respond to the Plan Review Second Publication Amended Allocations and Development Management Development Plan Document (DPD) Publication Draft Plan. Tetlow King Planning (TKP) writes on behalf of our client, David Sparks, and their land interests north and south of Crew Lane, Southwell.

The focus of our representation is primarily upon the emerging Plan Review approach to Southwell although some other aspects of the emerging Plan Review relevant to our client's land interests are also considered.

**Development Plan Future Review**

Tetlow King Planning note that at paragraph 1.32 the draft Plan under the heading of 'future review' indicates that the National Planning Policy Framework (NPPF) will require that in 2024 the Council reviews the Amended Core Strategy to ensure that it remains up-to-date, and that at that point it is likely that the Council will begin the process of developing a new Local Plan.

The use of the word 'Local Plan' in the text suggests that this would not only comprise the strategic policies of the Core Strategy, but also subsume site allocations and development management policies that are subject to the current Plan Review consultation.

If that is the case, then the current Plan Review appears somewhat academic as it will be subject to another immediate review in 2024 which the Council's July 2023 Local Development Scheme indicates October 2024 is the point at which adoption of the Plan currently subject to review is anticipated.

A new Local Plan would be subject to the standard method. The most recent affordability ratios (March 2023) show an uplift in housing numbers for Newark and Sherwood District to 456 per annum.

Assuming that the Council's approach to spatial strategy were to continue in the same manner, that would mean that additional residential development land would need to be found at the higher order settlements such as Southwell - which is one of the most sustainable settlements in the district. Our clients land immediately adjoining the Reserved Land (So/RL/1) proposed in the Second Publication Amended Plan would present an opportunity for continued sustainable growth of the settlement in an easterly direction, as has long been understood to be the preference of the Town Council and is supported by the numerous representations made by them to the previous Plan Review stages.

## **Southwell Area Policies**

Paragraph 3.6 sets out that with 3% of the district's housing growth directed to Southwell, this results in a need to provide 264 dwellings between 2013 and 2033, noting that previous completions and committed developments will contribute towards the achievement of this target.

It is relevant to note that on the matter of housing needs, the emerging Southwell Neighbourhood Plan Review evidence base includes the 2022 Housing Needs Assessment (HNA) for Southwell undertaken by AECOM.

The AECOM HNA for Southwell identifies that there is a need for 90 affordable rented homes and 60 affordable home ownership dwellings over the Plan period with it stating that *"both forms of affordable housing appear valuable in meeting the needs of people on various incomes"*.

In this context, it is important to note that the remaining allocated sites not proposed for deletion – some of which already of course have planning permission – comprising So/Ho/2 (45 dwellings), So/Ho/4 (45 dwellings), So/Ho/5 (60 dwellings) and So/Ho/7 (18 dwellings), all of which cumulatively total 168 dwellings. If one applies the Amended Core Strategy Policy 1: Affordable Housing Provision, threshold of 11 dwellings for a 30% contribution then although all sites are captured by the threshold this would result in a total of 51 affordable homes, just a third of the need identified by the most recent assessment of housing needs in Southwell.

What becomes immediately apparent is that with the delivery of open market led housing schemes being the main delivery driver for cross subsidising affordable homes in the district, more dwellings need to be brought forward in Southwell in order to address these local unmet housing needs.

The most obvious, and simplest, way to address this would be for the proposed Policy So/RL/1 to be utilised for residential development and to come forward within this Plan period to address the unmet housing needs identified by the 2022 HNS for Southwell that the existing allocations will be insufficient to meet.

In respect of the specific policies, Tetlow King Planning sets out our client's position on these below.

### Policy So/Ho/1: Southwell Housing Site 1

The Council's deletion of Policy So/Ho/1 following the completion of development on this allocated site is supported and considered to be a sensible and appropriate approach to this Plan Review process.

### Policy So/Ho/3: Southwell Housing Site 3

The Council's deletion of Policy So/Ho/3 following the completion of development on this allocated site is supported and considered to be a sensible and appropriate approach to this Plan Review process.

### Policy So/Ho/6: Southwell Housing Site 6

The Council's deletion of Policy So/Ho/6 following the completion of development on this allocated site is supported and considered to be a sensible and appropriate approach to this Plan Review process.

### Policy So/MU/1: Mixed Use Site 1

Tetlow King Planning client agrees with the Council's deletion of Policy So/MU/1 as it will no longer be developed given its status as Higgons Mead open space.

### Policy So/HN/1: Southwell Housing Need

The Council's deletion of Policy So/HN/1 is supported given that this is required in order to reflect the fact that the housing need evidence base that underpins the emerging Plan no longer reflects the requirements of that policy to secure smaller housing units.

### Policy So/E/2: Land East of Crew Lane

Tetlow King Planning support the Council's approach to reduce the size of the allocation in order to remove the element of the existing allocation adversely affected by flood risk.

### Policy So/E/3 – Land South of Crew Lane

Tetlow King Planning support the Council's approach of de-allocating land south of Crew Lane as employment land and re-designating it but consider that the proposed land use should be identified now as an allocation for residential development.

### Policy So/RL/1: Southwell – Reserved Land to the south of Crew Lane

Tetlow King Planning broadly support the redesignation of this parcel of land and its removal from its previous employment use allocation, however it is unclear why the site is being restricted for the next stage of Plan review rather than dealt with in more detail during the current stage of Plan review.

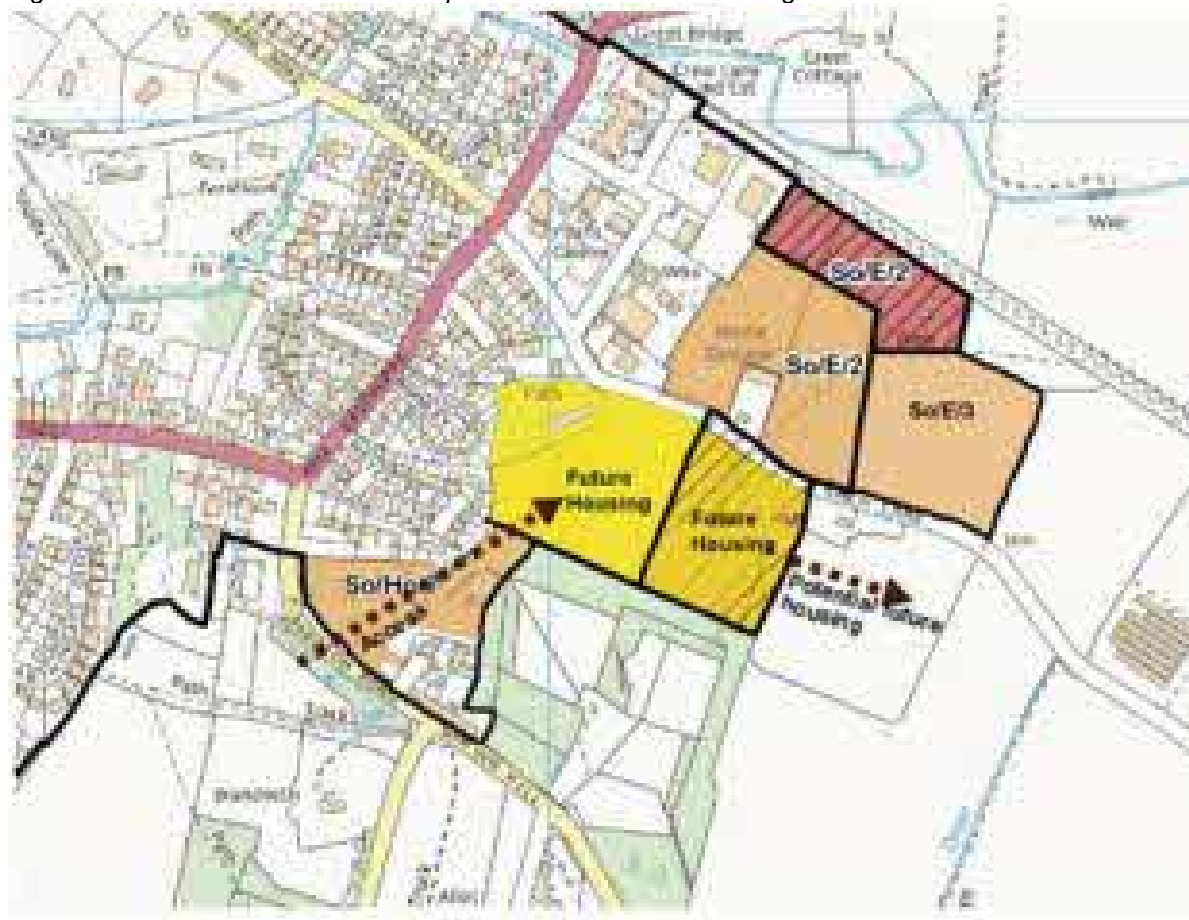
Although the reasoned justification at paragraph 3.7 states that it is not specified what development will occur on the site, it appears almost certain that it will be residential development given that its employment designation has been removed. It would be nonsensical to remove the employment use designation and then for it to be developed for employment uses, as such it is recommended that the reserved land is identified as '*Reserved Land for Residential Development*'.

It is not considered necessary, appropriate, or justifiable for the Policy to express that the 'Reserve Land' is for the next round of Plan making. The policy text is prohibitively worded and means that in any scenario where the Reserve Land were required to come forward within this Plan period – for example to help address a five year housing land supply shortfall – then the site would be adversely constrained by this policy wording as any application within the Plan period would not comply with the policy by virtue of the policy wording referring to the next round of Plan making.

Furthermore, the Southwell Neighbourhood Plan is currently subject to review and it is entirely possible that the Neighbourhood Plan itself shall seek to designate what So/RL/1 should be used for, though given the Town Council's previous representations - as show at figure 1 – that is likely to be for residential development. There appears no logical or justifiable reason not to allocate this land for residential development now, particularly given the unmet affordable housing needs identified by the evidence base to the emerging Neighbourhood Plan Review that the existing allocations will fail to meet.

On behalf of our client, we also remain open to discuss with the District Council the prospect of an alternative means of vehicular access from Fiskerton Road to the proposed 'Reserve Land' south of Crew Lane through Policy So/RL/1 via our client's land interests, in recognition of the existing highway constraints associated with accessing the site from Upton Road/Easthorpe through the Crew Lane Industrial Estate.

Figure 1: Southwell Town Council Representation at Previous Stage of Plan Review



Tetlow King Planning suggests that the policy text for So/RL/1 be amended as follows to ensure that the Plan policy is justified:

*Policy So/RL/1: Southwell – Reserved Land to the south of Crew Lane*

*Land to the South of Crew Lane has been identified on the Policies Map and this land will be reserved to ensure that at the next round of plan making it allows for a comprehensive approach to address unmet residential development needs in this area. Development proposals which prejudice this approach will not normally be considered appropriate.*

The reasoned justification to the policy would also need to be amended accordingly to reflect this change in emphasis.

### **Southwell Allocations and Housing Need**

Paragraph 3.4 states that “Southwell does however have a serious local housing need which is perpetuated by high local housing prices”.

Yet despite this paragraph 3.6 explains that just 3% of the Amended Core Strategy housing growth is directed to the Town which equates to a need for 264 dwellings between 2013 and 2033. It goes on to say that previous completions and committed developments will all contribute towards the achievement of this target.

The use of the words ‘contribute towards’ suggest that there are not sufficient allocations made at Southwell to actually meet identified housing needs and resultantly additional allocations should be considered by the Council to address this unmet need.

The deletion of Policies So/Ho/1, 3 and 6 and So/MU/1 means that the allocations that remain - So/Ho/2, 4, 5 and 7 – total 168 dwellings. Notwithstanding the unmet affordable housing needs identified earlier in this representation based upon the findings of the 2022 HNS for Southwell, this is 96 dwellings short of the residual housing need for Southwell identified at paragraph 3.6 of the emerging Plan and means that additional land for residential development is necessary to ensure that the housing needs of the Town are met before even taking into account the need for 150 new affordable homes identified in the 2022 HNS for Southwell.

The Town is uniquely constrained to the north, northeast, south and south west by a combination of the Southwell Protected Views (So/PV) and the Work house Immediate Surroundings (So/Wh) designations. To the north west Norwood Park and Norwood Park Gold Centre provide additional constraints to future expansion of the Town.

The most logical and least constrained direction for future growth of the town is eastwards along Crew Lane. The Council already proposes the inclusion of So/RL/1 as Reserved Land and it is considered that this should be extended eastwards to include our clients land south of Crew Lane to ensure that there is sufficient land available to address the shortfall of 96 dwellings from the current allocations and the unmet needs for 150 affordable homes identified in the 2022 HNS for Southwell.

## **Development Management Policies**

### Policy DM2: Development on Allocated Sites

There is a disconnect between DM2 and So/RL/1 in that the latter is effectively an allocation, albeit that its use is not determined (though its hard to see it as anything other than residential) and its implementation is unjustifiably restricted to the next Plan review stage despite it having a policy designation within this current Plan Review.

If the 'Reserved Land' policy name and wording were to be amended in line with our proposed changes then that disconnection with DM2 would be resolved and the additional wording the Council now proposes within DM2 would ensure that a comprehensive approach was taken to the development of So/RL/1.

### Policy DM5(c): Sequential Test

Tetlow King Planning consider it to be unreasonably onerous and unjustified to continue to require sequential tests to be undertaken on a district-wide basis. The Planning Practice Guidance (PPG) at Paragraph 033 of the Flood Risk and Coastal Change section under the heading of 'how should the sequential test be applied to planning applications' states that:

*“For individual planning applications...the area to apply the sequential test across will be defined by individual circumstances relating to the catchment area for the type of development proposed”*

And that:

*“When applying the sequential test, a pragmatic approach on the availability of alternative should be taken. For example in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for the development elsewhere”*

The application of the sequential test on a district-wide basis as a starting point is neither a pragmatic approach and nor have the Council provided any evidence of what individual circumstances would warrant such an approach in Newark and Sherwood District. The requirement to apply this on a district-wide basis should be removed from the proposed amendments to Policy DM5(c) as it is neither justified nor has the Council presented any evidence demonstrating such an onerous approach is necessary to reflect local circumstances.

### Policy DM8: Development in the Open Countryside

Tetlow King Planning broadly supports the Council's approach to the amendments to Policy DM8(8), in particular the introduction of additional text related to employment uses which supports the construction of buildings for expanding existing or new businesses in the open countryside in areas such as industrial areas and, where necessary, expansion into adjacent areas where it can be demonstrated that the impacts are acceptable.

The expanded text at DM8(8) is considered to be a sensible and pragmatic approach that reflects the fact that for many of the district's settlements existing employment areas (such as industrial estates) are located on, or close to, settlement limits with limited scope for expansion of employment uses other than outside for settlement limits and into open countryside. The increased flexibility built into the policy will ensure that growth of existing and new businesses in such location is not unduly constrained and will help to support the economic growth of the district.

### Policy DM9: Protecting and Enhancing the Historic Environment

Tetlow King Planning consider that the additional wording proposed to DM9(5) that provides further detail of the Council's expectations in respect of planning applications that affect heritage assets provides helpful clarification for landowners where this would be a matter to address in preparing applications for the proposed development of their land interests.

### Core Policy 2A: Entry Level Exception Sites

Tetlow King Planning are broadly supportive of this policy approach which has been translated from the NPPF and provides a local policy approach to delivering entry-level housing tenures outside of, but adjacent to, settlement boundaries in the higher tiers of the settlement hierarchy, including locations such as Southwell.

## **Conclusions**

Tetlow King Planning, on behalf of our client David Sparks, are broadly supportive of the direction of travel of the emerging Plan in relation to the future residential growth prospects of Southwell though we have some concerns in respect of the overlap between the emerging Plan and the emerging Neighbourhood Plan which appears to result in a disjointed approach that will fail to address the housing needs identified by the 2022 HNS for Southwell.

Tetlow King consider that it is necessary for Policy So/RL/1 to be allocated for residential development at this stage of the Plan making proves and for this to be extended eastwards to include our clients land south of Crew Lane to ensure that there is sufficient land available to address the shortfall of 96 dwellings from the current allocations and the unmet needs for 150 affordable homes identified in the 2022 HNS for Southwell.

Our client remains committed to working with both the District and Town Council to realise the longer-term growth ambitions for Southwell on an eastwards trajectory where there are the least constraints to future residential development in the Town.

On behalf of our client, we also remain open to discuss with the District Council and the Town Council the prospect of an alternative means of vehicular access from Fiskerton Road to the proposed 'Reserve Land' south of Crew Lane through Policy So/RL/1 via our client's land interests, in recognition of the existing highway constraints associated with accessing the site from Upton Road/Easthorpe through the Crew Lane Industrial Estate.

We look forward to working with the local authority to help to deliver the longer-term employment and residential growth ambitions of both the district as a whole and the town of Southwell.

Yours sincerely



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