

Newark & Sherwood District
Council

Amended Allocations &
Development Management

DPD

Matter 2 Statement

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Behalf of Richborough



01 Introduction

- 1.1 This Matter Statement is prepared on behalf of Richborough in respect of their land interests at Allenby Road, Southwell, as illustrated on Figure 1 below. The site has been previously promoted and was included as a preferred residential site in the Allocations & Development Management Options Report (2011), however was not included in the subsequent adopted Plan in 2013.
- 1.2 The site remains a deliverable and logical location for growth within Southwell, a Service Centre behind only Newark, the Sub-Regional Centre, within the adopted Settlement Hierarchy, with the realistic prospect of the site being built out within 5 years.



Figure 1 - Illustrative Masterplan

- 1.3 In accordance with the transitional arrangements within the NPPF (Annex 1), as the final Regulation 19 consultation was undertaken on the 25th September 2023, the applicable NPPF for this Examination is the September 2023 NPPF (published on the 5th September 2023). It is however noted that the September 2023 NPPF predominantly reflects the 2021 NPPF, save for matters relating to sustainable energy generation.

02 Matter 2 - URBAN AREA POLICIES, SITE SELECTION, AND HOUSING SITE ALLOCATIONS

Issue 2 – Site Selection

Q2.2 - Is the evidence on housing need sufficiently up-to-date, having regard to any changes since 2015?

- 2.1 No, the evidence on housing need is dated, both in terms of the macro evidence relating to District wide housing need as discussed within Matters 1 and 3, but also the micro evidence relating to specific housing needs such as affordable, etc. The Council's evidence on housing need is derived from a number of documents, the most recent being the District Wide Housing Needs Assessment Final Report (2020) (H1). This evidence will be approximately 5-years old at the time of adoption, but crucially predates the issues arising due to the cost of living crisis and inflationary pressures, which will be directly linked to matters such as housing affordability for example. As discussed below, our assumption, supported by evidence relating to Council housing waiting lists for example, is that affordability will be worsened, and affordable housing need will be higher as a result of these matters.
- 2.2 There also appears to be a lack of contemporary evidence on the Council's supporting evidence page relating to matters such as ecological and biodiversity matters. For example, any consideration of whether sites are likely to be able to achieve a suitable BNG, which is obviously a significant change since 2015 and we have found a number of legacy allocations which are simply undeliverable now that BNG is mandatory. Moreover, the impacts of BNG on site viability needs to be explored, as for some sites to deliver a 10% BNG may involve the purchase of expensive credits which could impact overall site wide viability and ultimately delivery.

Q2.3 - Are the allocations sufficient to support the need for 243 affordable homes each year across the District as set out in the December 2020 Housing Needs Assessment? Is this the most up-to-date evidence on affordable housing need?

- 2.3 No, and the date of the evidence links with the question above in respect of the appropriateness of the submitted evidence base. The Council are working on the principle of the delivery of 371

dwellings per annum. The Council's affordable housing target is 30%. Allocated sites will have little imperative to deliver higher than this quantum, beyond those sites delivered specifically for affordable housing provision, therefore average yield can be expected to be around 30% of the anticipated 371 dpa (c.110 dwellings per annum). Whilst the Council may argue this could be increased through exception sites, similarly not all allocated sites will deliver affordable housing compliance due to viability issues arising. Overall, it is clear that not only will the Council significantly underdeliver against its affordable housing requirements, that the decision to constrain housing need due to historic oversupply will result in a material reduction in affordable housing units and associated social impacts.

- 2.4 Whilst dated, the affordable housing requirement is an assessment of needs from 2020, 7 years into the Plan period, and demonstrates that whilst the Council may consider they have made an over provision of housing, there remains significant affordable housing need. Moreover, given the impacts of inflation and cost of living, one could reasonably expect a general worsening of finances thus greater affordable housing pressure as inflationary costs outstrip wage growth. This is supported by the Nationally published Housing Waiting List Register (Live Table 600: Local Authority Waiting Lists), which confirmed since 2020 the housing waiting list has risen from 3,625 dpa to 4,817 dpa in 2023, an increase of a third during that short period. As discussed in relation to Matter 4, this is further evidence that the Council's housing requirement should be increased to help alleviate the deteriorating affordable housing position, and certainly not reduced.
- 2.5 Whilst we concede that it is common that affordable housing needs are not met in full, in this case the Council's approach to constrain housing delivery due to historic delivery is not supported and the Council should seek to deliver a higher retained requirement to support affordable housing delivery. Moreover, when the Council does reconsider its strategic housing requirement, consideration should be given to uplifting this to assist in meeting affordable housing needs (though admittedly the increase proposed through the revisions to the Standard Method and Local Housing Need through the NPPF consultation may assist in ameliorating this).

Q2.5 Does the housing land supply (HLS) figure within the Housing Monitoring and 5 Year Land Supply Report (1 April 2022 – 31 March 2023) and the Statement of Five Year Housing Land Supply (1 April 2023) provide the most up-to-date evidence on HLS? Is there any HLS data covering the period to April 2024?

- 2.6 The Council will be best placed to advise whether there is up to date monitoring to support an updated land supply position, however if the Council does provide an updated housing land supply position, given the implications of NPPF Paragraph 76, there should be a fair opportunity for comments to be received on this. This should be ahead of Main Modifications and thus should be a specific targeted consultation to allow fair consideration on whether the Council can demonstrate the necessary housing land supply. As discussed in relation to Matters 1 and 3, this Plan should not be an opportunity to safeguard an out of date housing requirement.

Issue 3 – Housing allocations

Southwell Area

Housing Site 5 - Can the proposed development be made acceptable taking into account the various character and site constraints?

- 2.7 The PPG confirms at Paragraph: 065 Reference ID: 61-065-20190723 that the Council should consider “*whether issues have arisen that may impact on the deliverability of key site allocations*”. Paragraph 16 of the NPPF confirms that Plan should “*be prepared positively, in a way that is aspirational but deliverable*”. Logically, if a site is undeliverable, it should not be allocated, particularly if in delivering the site would result in unacceptable harm. In this context, the site should removed as an allocation, as the evidence at this stage weighs significantly to an acceptable scheme not being deliverable, and its continued allocation may enforce an unsuitable proposal to be approved to get the site delivered, which is clearly unacceptable.
- 2.8 Site 5 has had three recent planning applications refused, with a further withdrawn application also (which was heading towards the same outcome and thus can be read as the same), with the first two refused applications also having been dismissed at a joint appeal. For clarity, we list the applications below.
- 18/01363/FULM – Proposed residential development for 80 dwellings – Application refused on the basis of unacceptable access arrangement involving traffic lights, housing mix conflict with Neighbourhood Plan, approach to affordable housing delivery and poor design and layout – Appeal dismissed (APP/B3030/W/19/3234051)

- 19/01771/FULM - Proposed Residential Development for 80 Dwellings (Re-submission 18/01363/FULM) – Application refused on the basis of unacceptable access arrangement involving a 4-armed mini roundabout - Appeal dismissed (APP/B3030/W/20/3244627)
- 22/01106/FULM - Erection of 64 residential dwellings with associated access and infrastructure including the demolition of the High Gables – Application withdrawn
- 23/00312/FULM - Demolition of a property known as 'High Gables' and the erection of 56 residential dwellings with associated access, landscaping and infrastructure (resubmission) - Application refused on the basis of the application failed to demonstrate that the proposed new access would be safe, convenient and attractive for all given the co-location of several other accesses, conflicting with each other in an environment with excessive speed, the use of underground water storage as an integral part of the drainage strategy, lack of clarity on archaeological evidence below the site, poor design and layout and lack of a suitable regime of developer contributions to mitigate the impacts of the development.

2.9 It is noted in all cases the application did not involve the whole allocated site.

2.10 There appears to be an impasse in delivering an acceptable access to the site. The applicant's preferred solution for the first two planning applications, and appeal's, was a 4-armed mini roundabout providing access into the site, stating that traffic lights were incongruous with the overriding character of Southwell. The Highways Authority however would not accept a 4-armed mini roundabout, requiring a traffic light arrangement to enter the site. This meant the applicant had to apply with a traffic light junction, despite having outlined the inappropriateness of such an approach. Whilst this was the requirement of the Highways Authority this was not accepted by the Council's Planning Committee who agreed that the proposed traffic lights would harm the character of the settlement and as such forms one of the reasons for refusal.

2.11 The most recent applications have sought to ameliorate this issue through creating a new access to the east. However, even this solution which involved the demolition of an existing property and the creation of a narrow, incongruous access road through to the housing was unacceptable on access grounds.

- 2.12 Paragraph 110 of the NPPF confirms that when considering whether a site should be allocated for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Having regard for the severe doubts that must exist regarding the ability to successfully access the site, given three separate access solutions have been tried and failed to be classified as suitable, this allocation must now be regarded as undeliverable and should not be continued as an allocation, unless significant evidence can be provided outlining that an acceptable scheme is available on the site which does not appear to form part of the Council's evidence base.
- 2.13 Given the site's planning history, with four failed applications, half of which have been appealed in the past six years, the obvious conclusion is that the site is unlikely to be deliverable. The difficulties in delivering this allocation clearly demonstrate fundamental issues with the site, which should not be doggedly relied upon when there remains suitable alternatives which do not have the same fundamental issues. Continuing to identify the site is contrary to the guidance of the PPG and the direction of the NPPF, particularly paragraphs 16 and 110. The Council's approach to continue to allocate the site is not effective or justified, nor consistent with national policy. This allocation should therefore be removed to meet the tests of soundness. A replacement site should be identified and allocated to ensure housing needs are met in lieu of this. It makes spatial sense for that allocation to be replaced in Southwell, to protect the integrity of the adopted spatial hierarchy and strategy, but also to meet localised needs.
- 2.14 As set out in the Southwell Section of the 2020 Housing Needs Assessment, Southwell despite making up only 10% of the population, generates a significant level of affordable housing need and general market housing need. As set out within these statements we have concerns as to the date of the Housing Needs Survey, however our strong belief supported in evidence is that matters will have worsened in 2020 due to matters such as the Cost of Living Crisis, so the figures within the report are now likely to underestimate the issue. Southwell has an annual need for affordable rented homes equating to 32 dwellings per annum, and an intermediate and affordable home ownership need equating to 22 dwellings per annum (54 dwellings per annum in just affordable need). There is also a strong need for 4-bed market homes. Southwell also has an aging population, thus new development can help provide opportunities for downsizing (hence why the NDP requires 20% of new dwellings to be provided as bungalows). It is clear therefore that there is a justified need for additional housing in Southwell, thus whilst the Council may argue at a district level there is no requirement to replace any lost or non-deliverable allocations, but this is not reflected at a local level and it is clear there is significant benefit from the provision of a policy compliant site

that can deliver affordable dwellings, bungalows and market housing to meet local needs. This will enable existing residents to downsize, again assisting to free up family housing within the town.

- 2.15 Our client's land would deliver a scheme of a similar size to Site 5, without the issues associated with this allocation.

Housing Site 7

Policy So/Ho/7 refers to around 18 dwellings whilst the trajectory shows 15 dwellings to be completed in 2031-2033. Does either the policy or trajectory need to be revised?

Are there particular issues on this site that mean it will not come forward until later in the Plan period?

- 2.16 Similar to Southwell Housing Site 5, this allocation has significant issues which mean its overall deliverability must be critically assessed. Again, it is clearly relevant in understanding the development of the site to understand the site's planning history. In 2016 an application for 9 dwellings (16/01304/FUL) was refused on the basis of reasons related to housing mix, density, design, impact on trees, impact on privacy of existing dwellings, archaeology and highway safety. Some of the reasons for refusal seem to contradict each other. For example, the density reason for refusal sets out that the site does not make efficient use of land, thus suggesting that further dwellings should be located on the site. However, increasing the number of units would undoubtedly worsen issues relating to impacts on trees, highway safety and privacy. Whilst the officer has set out some forms of development which may be acceptable, there has been no masterplanning provided that we have seen which demonstrates how a comprehensive layout can be delivered on the site having regard for the site's constraints.
- 2.17 Following refusal of the 2016 planning application, the applicant sought to appeal the decision (APP/B3030/W/17/3175089). However, the appeal was dismissed in September 2021 due to inappropriate housing mix, impacts on Southwell Conservation area, impacts on trees, impacts on privacy and highway safety.
- 2.18 A second application was submitted in May 2021 for 13 dwellings (21/01091/FULM) but was withdrawn due to the Council recommending refusal of the application. Outstanding issues related to parking, design, impacts on conservation area, issues relating to trees, lack of ecology evidence and drainage.

- 2.19 On the above basis, it is clear that the site is proving difficult to deliver and as such the key question for this Plan is whether or not the site should continue to be allocated at all, let alone that the notional capacity of the site should be increased. If the Council are to persist with this allocation, then it will be incumbent on the Council to demonstrate that the myriad of issues demonstrably present on site (as raised by the Council in response to the aforementioned applications) can be ameliorated. This site has been allocated since 2013 and the fact that so many fundamental issues remain demonstrates that the site is likely non-deliverable.
- 2.20 Having regard for the clear issues with the site it should be de-allocated. If the Council are to persist with an allocation, significant evidence will be needed to satisfactorily address all known issues. Given the site is brownfield, and thus could come forward under normal windfall rules, the need for an allocation is questioned, particularly given the known issues relating to the site. De-allocation would not preclude the site coming forward but would only require that any application satisfied all issues relating to the redevelopment of the site. As such, unless evidence is provided, the site should be removed as an allocation. It is noted that the Council's 5-year housing land supply evidence assumes 15 dwellings but with no delivery until 2030/31.
- 2.21 Again, the specific localised housing needs of Southwell would indicate this loss should be replaced within the town, regardless of the Council's view in respect of district wide delivery.