

Report of Director of Planning and Regeneration

Land To South Of 106 Thoresby Road To 82, Appledore Avenue

1 Summary

Application No: 19/01564/PFUL3 for planning permission

Application by: Geoffrey Prince on behalf of Bramcote Unity Park (CIO)

Proposal: Construct 11 dwellings and provision of infrastructure works to facilitate the creation of a community park

The application is brought to Committee because it has generated a significant level of public interest.

The application is for a cross boundary development with Broxtowe Borough Council (planning application reference 19-00465-FUL), the larger part of the site is located within the Nottingham City Council's administrative area.

An extension of time to determine this application was agreed to the 29th May 2020, the determination date has been further extended to the 25th October 2020.

2 Recommendations

1. REFUSE PLANNING PERMISSION for the following reasons:

- i) The proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the Network. The benefits of the development would not outweigh the harm to the Open Space Network. The proposal is therefore contrary to Policies A, 2 and 16 of the ACS and Policies EN1 and EN7 of the LAPP.
- ii) The proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP as well as the aims of the Biodiversity SPD and Section 15 of the NPPF.
- iii) The proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities

of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

3 Background

- 3.1 The application relates to a site of approximately 4.7ha that lies within the administrative areas of both Nottingham City and Broxtowe. The majority of the site lies in Nottingham City, around 3.78 ha, with approximately 0.96 ha in Broxtowe.
- 3.2 The northern boundary of the site runs along gardens to properties on the cul-de-sacs of Maidstone Drive, Romney Avenue, Tonbridge Mount, Wadhurst Grove, Ashford Rise, Edenbridge Court, Hawkhurst Drive, Richmond Place and Kingsdown Mount, which are all located off Appledore Avenue. To the southern boundary of the site is the Sandy Lane Local Nature Reserve (LNR). The application site in its south eastern corner then wraps around 62 to 70 Sandy Lane. The Sandy Lane LNR and Sandy Lane properties are located within Broxtowe.
- 3.3 The application site in both Broxtowe and Nottingham City is undeveloped, greenfield land comprising woodland with areas of bracken, brambles and tall herbs. The Nottingham City part of the site is designated as Open Space Network (OSN) and is also designated as a Local Wildlife Site (LWS) in the LAPP. The south western edge of the site is designated as a Biological Site of Importance for Nature Conservation (a BSINC). The Broxtowe part of the site is designated as a Green Infrastructure Asset (Prominent Area for Special Protection), which is similar to the OSN designation, and is also a LWS within the Broxtowe Part 2 Local Plan.
- 3.4 The LWS designation in both the Nottingham City and Broxtowe areas forms part of a wider LWS that incorporates the Alexandrina Local Nature Reserve (LNR) to the west of Thoresby Road, and the Sandy Lane LNR; collectively these areas are known as LWS ref 2/314 Alexandrina Plantation.
- 3.5 The site is part of Bramcote Ridge, a tree lined high point locally which runs in an east/west direction and is part of a green corridor that incorporates the application site, the Sandy Lane LNR, Alexandria Plantation, Deddington Plantation and further to the west, Bramcote Hills Park. These LNRs/plantations are managed by Broxtowe Borough Council and the Nottingham Wildlife Trust as open space and have a number of public footpaths running through them that link into a wider public footpath network serving local residents in both Broxtowe and Nottingham City. There is a public footpath to the Sandy Lane LNR from Kingsdown Mount and access to the Alexandrina Plantation LNR from Brookside Avenue and Maidstone Drive, all of which are within Nottingham City. There are further publically accessible footpaths through the LNRs. The footpaths from Brookside Avenue/ Maidstone Drive and Kingsdown Mount run along the edge of the application site that lies within the Nottingham City area.
- 3.6 The applicant's claim that there is no authorised public access within the application site. A large area of Japanese Knot Weed (JKW) is present on the application site. The JKW is largely found to south and east of 70 and 72 Sandy Lane (Broxtowe) and extends northward towards the rear of properties on Wadhurst Grove (Nottingham City). JKW is an invasive non-native species which spreads rapidly and out-competes native species, overtime reducing the

biodiversity of flora and fauna. JKW is controlled through Environmental and Wildlife Legislation, which is separate to the planning system. Through these powers, and other powers such as potentially the Anti-social Behaviour, Crime and Policing Act 2014, enforcement action may be possible against a land owner that does not control JKW on their land or allows the encroachment of JKW onto adjoining land and properties.

- 3.7 The surrounding area to the north of the site (located in Nottingham City) is typified by a 1970s development of two storey and single storey detached housing built in a series of cul-de-sacs off Appledore Avenue. There is also a mix of terraced, semi-detached and detached properties to the southern side of the site, within Broxtowe, which vary in age from the interwar period to more recent additions such as 66 to 70 Sandy Lane. Numbers 68 and 74 straddle the boundary between both authorities. The residential properties on the Broxtowe side also vary in form.
- 3.8 There have been no previous planning permissions in relation to the application site within either Broxtowe or Nottingham City. However, planning permission was previously granted for residential development on the adjacent site at 68 and 70 Sandy Lane, which involved the subdivision of each plot and the erection of two further dwellings (Broxtowe planning applications references 06/00366/FUL (70 and 72) and 08/00820/FUL (68 and 74)). These permissions have been implemented.
- 3.9 The current planning application to Broxtowe Borough Council reference (19-00465-FUL) is due to be presented to its Planning Committee on the 22nd July 2020 (i.e. the same day as presentation to Nottingham City Council's Planning Committee). Given the Localism Act 2011 duty to cooperate, Planning Officers at both Councils have liaised in relation to the applications.

4 Details of the proposal

- 4.1 The application seeks planning permission for the erection of 11 dwellings and for the provision of infrastructure works to facilitate the creation of a community park. The applicant describes the scheme as involving the creation of a new community park comprising footpaths, the planting of 1072 new trees, the provision of recreation, education and biodiversity infrastructure and facilities, together with enabling works comprising 11 dwellings.
- 4.2 The dwellings would all be detached and two storeys in height, each having a garage with off street parking. 9 houses are proposed in the Nottingham City area and 2 dwellings within the Broxtowe area. The 9 dwellings on the Nottingham City side would be located to the northern side of the Bramcote Ridge, on sloping land that comprises woodland and open areas of bracken. The 9 houses would be built to the south side of a new access road proposed off Edenbridge Court; this access road would run east to west, near to the northern boundary of the site. The proposed residential development in the Nottingham City area would bound 31 properties located off 8 cul-de-sacs that are accessed from Appledore Avenue, from Kingsdown Mount in the east and Maidstone Drive in the west; a boundary length of nearly 500m. The 2 houses proposed in Broxtowe would be located to the south of 70 and 72 Sandy Lane, to the south west of the application site. These 2 dwellings would be accessed from the existing private drive serving 68, 70, 72 and 74, leading east from Sandy Lane.

- 4.3 On the Nottingham City side, the applicant (on drawing N1563 101 Q (June 2020)) has advised that the residential development including houses, gardens and the access road, would cover an area of approximately 0.84ha. There would be an area of about 0.32ha to the northern edge of the residential area that would be landscaped. The total area of residential development in Nottingham City would therefore be around 1.16ha. The latest site plan shows that the community park would infill spaces around the residential development in Nottingham.
- 4.4 In Broxtowe the applicant advises that the residential element would amount to a total area of around 0.46 ha.
- 4.5 The total residential element in both Broxtowe and Nottingham City would be approximately 1.62 ha (i.e. 1.16 ha + 0.46 ha).
- 4.6 On the remaining area of land is proposed a community park which would broadly sit between the two areas of residential development. The indicative park layout shows a series of footpaths which would provide an east to west link to the wider area and existing paths serving the two neighbouring Local Nature Reserves. Features such as gated entrances, an apiary, bird hide and viewing point, along with ponds benches and signage, are proposed within the community park. The applicant has indicated that they would also undertake tree planting as part of the proposal. An area of approximately 2.6ha is proposed for the community park within the Nottingham City area, and 0.42ha in Broxtowe, a total of 3.02ha.
- 4.7 Using the figures indicated on drawing N1563 101 Q, around 34% of the total application site would be associated with the residential element of the scheme and around 66% would be laid out as a community park. For the Nottingham City part of the site, around 30% would form part of the residential element and about 70% would form part of the community park.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

46 neighbouring properties on the following streets were notified of the application in writing, by Nottingham City, when it was initially publicised in August 2019:

Maidstone Drive
Romney Avenue
Tonbridge Mount
Wadhurst Grove
Ashford Drive
Edenbridge Drive
Hawkhurst Drive
Richborough Place
Kingsdown Mount

The application was also publicised through press and site notices.

As the site is designated as part of the Open Space Network (OSN) and is a Local Wildlife Site (LWS) within the LAPP, the application has been publicised as a departure to the Local Plan. Additionally, the application has been publicised as affecting public footpaths because designated public footpaths run near to the edge of the eastern edge and western tip of the site. There is also a current claim under

Schedule 14 of the Wildlife and Countryside Act 1981 for a public footpath running through the Nottingham City area of the site.

A further round of publicity was carried out in June of this year, to notify local residents of additional information that had been submitted to both Councils. This took the form of letters to those neighbouring properties that had been initially consulted, and also those who had made representations during the first consultation. Fresh site notices have also been displayed. This latest round of consultation expires on the 11th July 2020.

As a result of these two rounds of publicity, 105 representations have been received. These comprise 6 general comments, 18 of support and 81 objections. It is noted that some of the support and objection comes from varied postcodes beyond NG8 and NG9, that bound the site.

Two petitions, from the same source and objecting to the proposed development, were received in October 2019. There is an e-petition with the names and postcodes of 1,064 people, and a hand written petition with the names, addresses and signatures of 49 people. The same petitions were also received by Broxtowe Borough Council. It is noted that the e-petition was commenced prior to the planning applications being received and that some signatories live outside NG8 and NG9, although the vast majority are within.

Broxtowe Borough Council notified 39 properties within their area and also displayed site notices. They have received 81 responses; 57 objections, 3 observations and 21 representations in support.

The letters of objection received raise the following concerns:

- The residential development will result in a lengthy period of demolition and building creating a huge amount of noise and disruption
- The access road (Nottingham City side) would disrupt peace and privacy with vehicles, pedestrians and street lights
- The large executive houses would overlook the adjacent dwellings
- The development would make the rear of the existing properties easily accessible
- Shocked that the development is being considered for short term financial gain. The proposed park would not provide the naturally occurring dense trees and shrubs that currently exist, and even if new trees were to be planted, they would be a poor substitute for dozens of mature trees that have been growing for decades
- The development would lead to the destruction of natural habitats for birds, small mammals and insects
- The application states that only two trees would need to be felled which is incorrect
- Feel that the Bramcote Ridge area is an area of natural beauty and an essential habitat that should be preserved
- Lack of measurements on the plans to indicate proximity of development to existing property boundaries
- Noise and air pollution from the new road (City side)
- Increased traffic along Appledore Avenue (City side)
- Concerned that the development would reduce the efficiency of newly installed solar panels

- Green belt land is precious and should not be developed. No guarantee that the proposal has sufficient funding and monitoring procedures to ensure the developer will complete and improve the public areas for sustainable community use
- The proposed private dwellings including driveways would occupy a large proportion of the space instead of improving the community park environment, and a lot of open views would be lost
- The proposed dwellings (City side) would tower over and dominate the properties below. They would be more obtrusive in destroying the at present uniform tree line visible from much of Wollaton
- The hillside will have to be stripped of trees to make way for the road, houses, gardens and heavy earth removal and construction equipment
- Replanting of trees will only provide partial restoration after 20 years and residents and visitors will only see the product of a prominent building site in place of prime mixed woodland
- The damage to the local environment in order to add 11 dwellings seems unbalanced and unreasonable
- Local residents have good access to the naturally wooded area and make full use. The established green corridor provides a great habitat for wildlife and is completely irreplaceable. Even if the City side of the hill were to be fenced off, it would make little difference to the amenity value of the hillside
- The building of the estate (Appledore Avenue area, north of the site) was deliberately restricted in its progress up the hill and the dwellings at the top were less obtrusive bungalows. The building of large two storey houses would be to abandon the common sense approach of some years ago
- The development would result in a loss of sunlight to adjacent properties
- Have concerns in regard to the use of the park as a public open space, with lots of people, cars and social events in close proximity to the existing properties. Do not want a tourist attraction
- Current house values will decrease
- Loss of the green ridge
- The current Bramcote Ridge is already a natural park. The proposed development is embezzling the name of 'park' and a real park should have no houses. The main purpose of the development is to build 11 new expensive houses and as such it is a commercial residential building project
- The area is designated as an area of non-development in the Nottingham City Plan
- Hugely increased sense of enclosure as a result of proximity of dwellings
- Light pollution from the new access road (City side)
- The proposed provision of honey bee hive in no way compensates for loss of the bumble bee
- Access from Edenbridge Court (City) would lead to additional traffic on the adjacent suburban roads
- It would be better to have two accesses from the Appledore estate to the private drive as one access could lead to a bottle neck, particularly if the gates to the private road are to be on the boundary of Edenbridge, and this may restrict access to the existing houses
- The current wooded area is better than a community park as it is almost as nature intended, with paths
- The creation of a woodland adventure play area on the land off Kingsdown Mount close to the access would draw potential users to that end of the development, where there is no provision to park vehicles, leading to congestion, blocking of driveways and use of the turning head as a parking

area. The play area adds nothing, as there is an existing play area in the Sandy Lane LNR and also a proposed woodland play area by the Sandy Lane access, which is more accessible

- The play area would also attract anti-social behaviour particularly in the evenings / night-time
- What assessment has been made by the Highways Agency in regard to the increase in traffic?
- Have enjoyed walking on Bramcote Ridge for over 40 years and without feeling the need for the addition of more houses
- The proposed houses are unnecessary and will destroy the integrity of the open area as designated by both Broxtowe Borough Council and Nottingham City Council
- The claim by the developers that they are creating a park is disingenuous. The enhancements involve a few impractical or easily implemented items such as beehives or bird watching sheds which could be subject to vandalism and could, in any case, be done without the expenditure of '£1 million'
- The £1 million expenditure is not broken down but may include the purchase of part of the former golf course site on Thoresby Road, which does not form part of the application site
- The large plots would inevitably have high secure fences around them, and as a result what would be left would be a long narrow corridor that will only be a fraction of the space currently available to both citizens and wildlife
- There is no requirement for large executive homes in this area as there is no shortage of these, and would be the complete opposite of 'affordable' homes
- There was no pre-application meeting with either local authority
- There is no demonstrable support or evidence submitted as to the need for the community park
- The description of the development is misleading as the creation of the park (change of use), planting of trees and other minor enhancements would not require planning permission in themselves; the description should lead with 'the erection of 11 dwellings'
- The proposed residential development on the northern side of the ridge could not be regarded as small scale or having no significant impact on the open space.
- Concerned regarding the potential impact on the ridge, woodlands and the nature reserves. This land should be an area of protected open space
- Query as to whether the site notice has been up since 15th August as only just noticed it (in response – a photo was taken of the site notice as erected on this date and sent to the enquirer by the case officer)
- Query need for 11 houses as there is a house that has been empty for many years in close proximity to the site.

The letters of support received raise the following matters:

- Good way to improve the terrain, make the area more accessible, bring together local communities and allow the land to be used in perpetuity for leisure purposes
- Whilst it is disappointing that 11 houses will be built, this is the only way the project can come forward, and if it doesn't go ahead, would leave the land vulnerable to mass development in future years causing the land to be lost forever. The development offers a genuine opportunity for community engagement for many years to come

- The development will see the removal of the Japanese Knot Weed which is close to residential property and acknowledge that as the costs of removal are high, the removal would not be possible without the development of housing to fund it
- Pleased at how sympathetic the plans are to the area and that the remaining land will be managed, maintained and upgraded for the benefit of the local community
- Support the development provided that a line of trees is left along the boundary and there is no road or footpath proposed from Hawkhurst Drive (City)
- Considers that the development would potentially have benefits for the community, environment, and wildlife
- Would be good to have somewhere different with facilities to visit / walk dogs / use the space for training
- Rare opportunity for the local community to receive an additional 7 acres of parkland currently privately owned, and a generous financial investment
- The erection of 11 dwellings is a good amount, will not overcrowd the park or get in the way
- The provision of the community park would be a good way of improving mental health through getting outdoors
- Good that there will be a volunteer aspect as it would enable elderly or retired to join
- Positive that this would join up with other adjacent areas such as Deddington Plantation and Alexandrina Plantation
- Queried if a cycle lane can be included
- An addition to protected green space is a benefit to local wildlife and to the health of the local population, as green spaces are disappearing. To see a project aiming to do the opposite is refreshing
- As the developers are local to the area, they will have an interest in building a high quality development and the creation of a wonderful green space

The covering statement with the petitions raises the following matters:

- The development would see trees being cut down, leading to a tragic loss of habitat for birds and other wildlife – a loss of mature trees cannot be remedied
- The development would lead to increased noise and pollution, both whilst the dwellings are being constructed and once purchased
- The development would result in the loss of the beautiful, wild, natural green space forever

Comments have also been received from the following:

Open Spaces Forum: The Nottingham Open Spaces Forum has noted and considered the proposals for the Bramcote Unity Park development and whilst we understand that a full planning application is yet to be submitted we must make clear our position.

We consider this prospective development to be unacceptable and will strongly contest, and campaign against any continuation of such plans.

The area concerned falls within the City's designated Open Space Network and should therefore remain protected from any development in accordance with Policy EN1 of the Land and Local Planning Policies Part 2 Document.

The proposals for provision of a public park as part of the development do not meet any of the exclusion criteria identified above. The land already constitutes publicly accessible and ecologically valuable open space. We would highlight the fact that as all of the proposed housing falls within the City open space network there would inevitably be a net loss only to the City for which no compensation is possible under the proposals.

Local Access Forum: The forum is concerned about the loss of open space, which the development of housing on this site will cause. This is a local wildlife site and a prominent ridge, providing a landscape which is worthy of special protection. The gradual encroachment of housing threatens the integrity and value of this green infrastructure.

To ensure that public access to this area remains, if this application is approved, the forum request that a condition is imposed to ensure that footpaths are designated as public rights of way, rather than permissive paths.

The forum supports the creation of footpaths through the site so that it will be well connected to the surrounding areas and wider rights of way network. It notes that the declaration of Public Right of Way is proposed to be enacted after the clearance of the Japanese Knotweed. A clear and enforceable time commitment for this should be a condition of any approval.

The forum is concerned that there is no mention of cycling provision in the proposed community park. This contrasts with the nearby Alexandrina Plantation, Bramcote Hills Park and Wollaton Park, as well as the more recently created Gedling Country Park, which contain networks of shared paths, as shown on the Nottingham Cycle Map. The Sandy Lane bridleway is important in this respect and cycle access to it from Maidstone Drive, as well as Brookside should be established. Access from the bridleway to the park and its path network should be provided for cyclists, with suitably designed access points and paths, particularly the main one, which are suitable for shared use. Further access from the north should be provided by a bridleway from Edenbridge Court to the park.

Whilst welcoming the concept of a community park, this is conditional on detailed scrutiny being applied by officers to the developer's offer of protection to this open space. A planning condition or S106 clause should be imposed, requiring a legally binding agreement to protect the remaining open space, the details of which to be subject to agreement with the planning authority.

Technical Consultees

Original Submission:

The following responses were received as part of the initial consultation in August 2019:

Parks Services: Object to the proposal and raise the following concerns:

The land is protected Open Space Network in the Local Plan and the proposals are contrary to Policy EN1.

The land is part of a network of valuable green space which is a Local Wildlife Site and includes designated Local Nature Reserves and which forms one important

green ecological corridor. The areas to be built on have aesthetic and biodiversity value and also increase the variety of habitats found on the site as a whole.

Despite the applicant asserting that the land is not currently accessible and has no public value, it is clear that the land is well used with numerous routes through it and does have significant value to local people.

It is not considered that any of the information that has been provided demonstrates that the land is surplus to open space requirements.

The loss of land is excessive and would have a significant impact on the open space. Other figures re the balance of built form / private gardens are not considered applicable as these areas would be lost from the Open Space Network and any control over their biodiversity value also lost.

It is not considered that the development will enhance the Open Space Network; in particular, the treatment of the Japanese Knotweed is considered to be an existing responsibility of the landowner to prevent its spread into neighbouring land and would be required to enable the development; it should not, therefore, be considered to be a betterment to be delivered by the development.

Overall, it is considered that the loss of the Open Space Network will significantly outweigh the benefits delivered by the development.

The land is part of a designated Local Wildlife Site and the proposal is contrary to Policy EN6.

As per EN6 2b) it is not considered that the need for the development outweighs the nature conservation value of the site.

NPPF para 170 requires: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; This development would be contrary to this and be to the detriment of existing networks.

City Ecologist: Object to the proposal as the development would result in the loss of designated open space network and Local Wildlife Site. It is not felt from the information provided that there are overriding benefits to the habitats and species on site as part of the proposals and it has not been clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site. The development would be contrary to Policy NE2 and R1 of the Saved Local Plan. In summary:

Removal of protected open space reduces the overall integrity and habitat functionality of the site and reduces the resilience of the habitats and species dependent upon them

The total loss of LWS (Local Wildlife Site) and OSN (Open Space Network) is calculated based only on the house footprint and doesn't take into account the garages, roadways, gardens and land taken during construction works. Permanent loss will be greater than 3,750sqm

The ecology report has made reference to the LWS designations, due to the extent of acid woodland (13 indicator plants recorded) and acid grassland (9 indicator

plants recorded). Both habitats are 'UK BAP Priority Habitats' and also Nottinghamshire Local BAP habitats. An assessment of whether these species will be lost hasn't been appropriately assessed in the report. Impacts on overall species assemblages, BAP Priority habitat and fauna species using the habitats and species on site are generally considered to be a constraint to development.

The northern 9 dwellings are described as being in areas of low nature conservation importance; this assessment is inaccurate as the habitats are part of the wider LWS network.

The 2 dwellings to the south are considered to be in habitats of low or no nature conservation importance. These proposals are not within the LWS boundary, but it is not felt that there is a sufficient level of detailed assessment of the habitats here to draw this conclusion.

The creation of a community park is fairly redundant, based on the existing community use of the site. The site should be managed as a woodland and acid grassland regardless of development proposals.

Japanese knotweed treatment should not be seen as a biodiversity gain or enhancement/benefit, but as a requirement by landowners as standard site maintenance and habitat management, regardless of proposals for development.

The ecologist has mentioned the presence of apples, as a sub-mature occasional tree along with other species. No further information is required for these specifically, but any removal of such trees should be considered in the overall loss of the open space network.

An assessment for impacts on bat foraging hasn't been made, presumably due to the time of year of the survey. Given the nature of the site such a survey should be requested, prior to the determination of the application.

The mapping of habitats is very poor. As a minimum the application should be accompanied by a Phase 1 habitat map, to an appropriate scale, which uses colours/ symbols to denote different habitat types with target notes added too.

There hasn't been an invertebrate survey of the site, which given the nature of the site should be requested, prior to the determination of the application.

It is noted that the Reptile Report did not provide any sightings for reptiles or amphibians, which is surprising given the habitat types found on site. Generally the survey covers standard methodology, but the times quoted for survey are late in the day to check for reptiles. Between April – May, checking the refugia should be done in the morning, whereas several of the checks have been done around midday and early afternoon. Fresh surveys should be undertaken at the appropriate time of year and day to provide sufficient base line data with which to properly assess impacts.

Overall it is felt that the information supplied is not sufficient to provide a confident assessment of the potential impacts and the recommendations for mitigation and compensation are inadequate.

Nottinghamshire Wildlife Trust (NWT): Objects to the proposal, as the ridge is irreplaceable. It is a valuable wildlife corridor, supporting remnant scarce habitats. For this reason, NWT have worked in partnership with Broxtowe Borough Council in

relation to management of 4 of the Local Nature Reserves on this prominent ridge, including Stapleford Hills Woodland (Hemlock Stone), Bramcote Hills Park Woodlands, Alexandrina Plantation and Sandy Lane LNRs.

The ecological survey reports, plans and other documentation supporting this application in NWT's view raise numerous concerns:

Damage to and loss of S41 NERC Act Priority Habitats and Local Wildlife Site, development encroachment onto the City Local Space Network.

Dispute the claim at paragraph 5 of the Ecological Appraisal that the development would only represent a small amount of loss to the LWS. They also disagree with the view of the appraisal that the development would not result in a severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. Of particular concern to the NWT is the narrowing of the wildlife corridor, in some places from 65m width to just over 30m, and do not accept that the development would enhance the Open Space Network by 'securing the park' because such a large area of existing open space will be impacted on by the proposals.

NWT disagree with the statement by the applicant at section 5 of the appraisal submitted that the proposal for the dwellings to the north would take place on areas of low nature conservation importance and as such there are no constraints to the development at these points from habitats, and that whilst an integral part of the LWS, the extent is small and the habitats to be developed on are not those for which the LWS was selected.

NWT note that even the applicants state that the habitats are an integral part of the LWS. NWT consider that the areas of bracken to be important as bracken and tall herbs are often present in a mosaic with acid grassland and woodland (the habitats claimed to be most important) and it is often difficult to establish boundaries as sometimes habitats will be an intermediary between the two. They also highlight that no detailed vegetation survey and habitat mapping has taken place. The habitat map at Appendix 3 does not contain sufficient detail. Such information is vital to assess the quality of the habitats proposed to be lost. It is the mosaic of habitats present that contribute to the site's value; the tall herb habitats will provide a useful resource for pollinating insects and bracken, which is a natural component of woodland and open ground on acid/ sandy soils, is also of value as a habitat itself. Whilst the bracken habitat is too small and too close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. Once again, no specialist invertebrate surveys have been carried out to inform the application. The information submitted in their view also down plays the importance of the LWS in planning policy terms.

NWT strongly disagree with the view presented in the ecological appraisal that 'any development would not cause severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. There would still be a continuous connection of habitats from north to south and from east to west as now'.

Of particular concern is the narrowing of the wildlife corridor. Along the northern boundary, the proposed development area varies in width, removing between 15m and 45m of LWS. Due to the linear shape of the development area, this will maximise detrimental edge effects over approximately 430m. To the north of no. 74

Sandy Lane, the wildlife corridor is currently over 65m wide. It would be narrowed to just over 30m width.

For these reasons NWT do not accept that the development will enhance the Open Space Network by 'securing the park', because such a large area of the network would be lost.

No detailed Phase 2 Vegetation survey or historic mapping, in sufficient detail, has been submitted and this information is vital to assess the quality of the habitats proposed to be lost. Whilst the bracken habitat is too small or close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. No specialist invertebrate study has been carried out to inform the application.

The Ecological Appraisal also fails to provide a detailed plant / NVC survey, to establish the extent of native Golden Rod, a rare county perennial plant found in woodland areas, and also fails to provide a breeding bird survey. NWT are surprised by the results of the survey in regard to badger activity in particular, since there are significant badger populations in the surrounding suburbs of Wollaton, Bramcote and Beeston. No bat activity surveys appear to have been carried out either.

They advise that the Greater Nottingham Aligned Core Strategy, Policy 17, is clear with regard to Local Wildlife Sites. Sub section 2 states: Designated international, national and local sites of biological or geological importance for nature conservation will be protected in line with the established hierarchy of designations.

Local Wildlife Sites receive policy protection under the Emerging Local Plan part 2, Policy EN6 states that Development proposals on, or affecting, locally designated sites, sites supporting priority habitats, or supporting priority species, will only be permitted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. LWS receive policy protection under Policy 31 Biodiversity Assets of the Broxtowe LPP2 (submission version July 2018). It states that Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. The Ministry of Housing Communities and Local Government (MHCLG) published the revised natural environment national planning practice guidance (NPPG) recently, which can be found at: <https://www.gov.uk/guidance/natural-environment>. It includes new guidance on biodiversity net gain, Nature Recovery Networks and mapping Local Sites. Regarding Local Sites, it now makes it clear that these sites are of substantive nature conservation value that make an important contribution to ecological networks and nature's recovery; that they should be identified and mapped out and should be covered by policies that not only protect them from harm and loss but also enhance them and their connection to wider ecological networks; they should be selected using locally defined selection criteria with measurable thresholds - with all sites that meet the criteria (informed by detailed ecological surveys and expertise) then being selected. The NPPG also draws on the national framework of criteria that were set out in the archived Defra guidance on Local Sites.

NWT also have concerns in regard to the nature of the enhancements and the absence of a clear and simple delivery mechanism. Whilst some active management is likely to be beneficial, including removal of non-native woody

species, concerned regarding the potential scale of planting. No details of what the planting would comprise of and where the trees are to be planted have been submitted. The removal of the Knot Weed should not be viewed as an enhancement. No details have been submitted in regard to the other enhancements such as the new paths, car parking, bird and wildlife viewing platforms, community beehive, signage, sculptures etc, and as such the ecological impact of these cannot be assessed.

In summarising their concerns NWT have stated that they are concerned that over 1.8ha of Local Wildlife Site will be permanently destroyed and a very unique and valuable wildlife corridor significantly narrowed as a result of the proposals. The habitats throughout the wider site are present already and are of value given they qualify as LWS and formalising access arrangements will not alter this. NWT question the value of a substantial tree scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The ecological impacts of installing the proposed infrastructure have not been assessed and the level of ecological survey carried out is considered to be insufficient. It would be expected to see surveys in relation to bats, breeding birds, invertebrates and a detailed (phase 2) vegetation survey.

Tree Officer: Objects to the proposal, as it is difficult to assess the impacts without an Arboricultural Impacts Plan (AIP). It appears that a number of tree would be affected due to various pinch points along the site. The levels also appear to be of some concern and potentially level changes required on the site could also impact on trees.

The main block of woodland to the south of the housing development site should be plotted with an average offset root protection area should also be shown as a minimum.

Any trees currently identified in the existing survey and those surveyed to the south of the site with significantly greater Diameters at Breast Heights (DBH) should be surveyed and plotted individually and the offset extended in these locations.

Highways: No objections to the proposal, subject to conditions requiring precise details of the proposed road and pedestrian access.

Rights of Way Officer: On the 1st April 2019 the Council received an application made under Schedule 14 of the Wildlife and Countryside Act 1981. The applicant is claiming that a public footpath crosses the land between Kingsdown Mount and Sandy Lane and that the Council should make a modification order to add the claimed public footpath to its definitive map and statement of public rights of way. The claimed footpath runs east/west across the proposed development site. The applicant served a certificate of service of notice for the modification order on the Council which confirms that the applicant served the notice of application on the landowner (it is understood to be part of the Bramcote Unity Park Charitable Incorporated Organisation who is applying for planning permission). The Council has until 1st April 2020 to investigate the evidence in support of the application, and to determine whether or not a public right of way subsists over the land.

Regarding the planning application itself, it is requested that the applicant confirms the status of the proposed footpaths as part of the community park, and whether these will be designated as public or permissive rights of way. The authority's

rights of way officer should be contacted regarding the rights of way issues on the site.

Drainage: No objections subject to conditions securing a detailed drainage strategy together with details of infiltration rates for the site.

Environmental Health and Safer Places: No objections, but have requested that conditions be attached to secure details of a remediation strategy and its implementation, an electrical vehicle charging scheme, and a knotweed removal scheme.

Environment Agency: There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development as the site is situated in flood zone 1.

Additional Information:

The following additional comments were received as part of a second round of consultation with Technical Consultees (May- June 2020):

Parks Services: Still object to the proposal, and reiterates that:

The land is protected Open Space Network in the Local Plan and the proposals are contrary to Policy EN1.

The land is part of a network of valuable green space which is a Local Wildlife Site and includes designated Local Nature Reserves and which forms one important green ecological corridor. The areas to be built on have aesthetic and biodiversity value and also increase the variety of habitats found on the site as a whole.

Despite the applicant asserting that the land is not currently accessible and has no public value, it is clear that the land is well used with numerous routes through it and does have significant value to local people.

It is not considered that any of the information that has been provided demonstrates that the land is surplus to open space requirements.

The, Open Space Assessment dated Jan 2020 submitted by the applicant, indicates the loss of 1.82ha or 39% of the 4.65ha which is considered to be excessive and would have a significant impact on the open space. Other figures regarding the balance of built form / private gardens are not considered applicable as these areas would be lost from the Open Space Network and any control over their biodiversity value also lost.

It is not considered that the development will enhance the Open Space Network; in particular, the treatment of the Japanese Knotweed is considered to be an existing responsibility of the landowner to prevent its spread into neighbouring land and would be required to enable the development; it should not, therefore, be considered to be a betterment to be delivered by the development.

Overall, it is considered that the loss of the Open Space Network will significantly outweigh the benefits delivered by the development.

The land is part of a designated Local Wildlife Site and the proposal is contrary to Policy EN6.

As per EN6 2b) it is not considered that the need for the development outweighs the nature conservation value of the site.

The NPPF requires the minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; This development would be contrary to this and be to the detriment of existing networks.

Additionally they add that the proposals put forward for “improvement” of the open space appear to be unclear and unfounded. For example, there is no rationale as to why paths would be surfaced in “bark or rolled stone” (very different options), why this is required, or why 1,072 new trees are required on the site. The sum to be set aside for future maintenance does not appear to be based on any maintenance costs or calculations; there is also no proposal for how the land would be managed after this commuted sum has run out.

City Ecologist: Still objects to the scheme, as the information provided still doesn't justify the loss of a Local Wildlife Site and BAP habitat or address concerns previously raised (attached).

The '11683-Biodiversity Letter' and email from the Ecologist 'Tim Smith email 280220' explains why Japanese knotweed is an issue and that treatment is required. There is no dispute that the Japanese knotweed requires management and that if left unmanaged it is likely to spread within the woodland. The landowner has a responsibility to remove Japanese knotweed from their land, regardless of any development proposals and this should not be seen as any mitigation, enhancement or compensation as part of a development.

The LWS designation states that the area is a mixture of habitats with characteristic sandstone plant associations.

The development would result in significant loss of Open Space Network and Local Wildlife Site, and simply controlling Japanese knotweed is not sufficient enough to compensate for such loss. There has been no assessment of either related policy in the Local Plan EN1 or EN6.

Tree Officer: Still raises objections to the scheme, and advises that the information requested has still not been provided and as such it is still difficult to assess the impact of the scheme on trees.

Drainage: No additional comments to make.

Highways: No additional comments to make.

Environment Agency: No additional comments to make.

Rights of Way Officer: The Rights of Way Officer has advised that in regards to the an application made under Schedule 14 of the Wildlife and Countryside Act 1981, the applicant for this claim has granted the council an extension to the statutory deadline for determining the application, from 1st April to the 3rd August 2020.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) 2019:

The most relevant sections of the NPPF to this application are:

Section 2 – Achieving Sustainable Development.

Section 4 – Decision-making.

Section 8 – Promoting healthy and safe communities.

Section 12 – Achieving well-designed places.

Section 15 – Conserving and enhancing the natural environment

The NPPF (section 2) states, from paragraph 7, that a key purpose of the planning system is to achieve sustainable development. The environmental objective of sustainable development involves making effective use of land, improving biodiversity and using natural resources prudently. Paragraph 10 states that there is a presumption in favour of sustainable development.

Section 4, advises that planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 8, promotes health and safe communities, stating that decisions should promote social interaction, create safe and accessible places and support healthy lifestyles.

Section 12 - Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF (section 15) states, at Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175, states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Aligned Core Strategies (ACS) (2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 2: The Spatial Strategy

Policy 10: Design and Enhancing Local Identity

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

Policy 19: Developer Contributions

Policy A- reiterates the presumption in favour of sustainable development and sets out the approach to determining planning applications.

Policy 2- sets out that sustainable development will be achieved through a strategy of urban concentration with regeneration. In its justification it highlights the necessity to ensure that allocated and brownfield sites are brought forward for development.

Policy 10- sets out the matters that should be considered when designing new developments, to ensure that it makes a positive contribution to the surrounding area and enhances local identity.

Policy 16- requires consideration to be given to whether new development has an adverse impact on Green Infrastructure corridors or assets. This policy also requires the need for and the benefit of the development to be weighed against the harm caused.

Policy 17- seeks to increase biodiversity over the plan period of the Aligned Core Strategies. It also states at part (3) that “development on or affecting other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development and that adequate mitigation measures are put in place”.

Policy 19 – sets out the framework within which planning obligations will be sought.

Land and Planning Policies (LAPP) (2020):

Policy EN1 – Development of Open Space

Policy EN6 – Biodiversity

Policy EN7 – Trees

Policy DE1 – Building Design and Use

Policy DE2 – Context and Place Making

Policy TR1- Parking and Travel Planning

Policy CC3 – Water

Policy IN2 – Land Contamination, Instability and Pollution
Policy IN4- Developer Contributions
Policy HO3 – Affordable Housing
Policy EN2 – Open Space in New Development

Policy EN1- does not allow development unless it is on land surplus to requirement or will enhance the OSN. In all cases though EN1 advises that development should be refused where development will have a detrimental effect on the open space, environmental, landscape character or wildlife value of the Network as a whole.

Policy EN6- seeks to increase biodiversity. In regard to development proposals affecting locally designated sites the policy only allows development to take place where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.

Policy EN7- seeks to protect existing trees, particularly those of high value. It does allow consideration to be given to the management and maintenance of retained trees and provision of new trees as part of the assessment of planning applications, and looks for mitigation for any losses.

Policy DE1 – requires new development to be designed to respect and enhance the street scape, local environment and character of the area. It also seeks to ensure that a satisfactory level of amenity should be provided for occupiers of the development and for occupants of neighbouring properties, and that the development promotes community safety.

Policy DE2 – seeks to ensure that the space within developments is well considered to provide schemes of high urban design quality with appropriate streets, landscaping and open spaces that are managed and promote safety, legibility and ease of access.

Policy TR1- seeks to ensure that an appropriate level of car parking is provided within developments. It also seeks to ensure that development does not affect the amenity of neighbouring properties and that development is not prejudicial to conditions of highway safety.

Policy CC3 -seeks to ensure that development does not adversely impact on water quality and does not increase the risk of flooding elsewhere.

Policy IN2- seeks to ensure that development does not cause pollution relating to land contamination, instability or pollution.

Policy IN4- sets out the approach to developer contributions and the types of obligations that will be sought. Policy HO3 provides more detail in regard to securing affordable housing and Policy EN2 outlines the approach to securing public open space within developments.

Biodiversity Supplementary Planning Document (February 2020)

The aim of the Biodiversity SPD is to ensure that development in Nottingham City not only avoids loss, but realises an ambition for a net gain of biodiversity. It sets out when an ecological assessment is required and sets out the approach that developers will be expected to follow to allow protection and enhancement measures to be proportional to the type and scale of development.

7 Planning Appraisal

The main issues to be considered in relation to the proposed development relate to:

- (i) **Principle of development and impact on the Open Space Network, ecology and the Local Wildlife Site, trees and local landscape character**
- (ii) **Design considerations, including impact on local townscape and residential amenity**
- (iii) **Other matters**

Issue (i) Principle of development and impact on the Open Space Network, ecology and the Local Wildlife Site, trees and local landscape character
(Policies A, 2, 16 and 17 of the ACS, Policies EN1, EN6 and EN7 of the ACS, Biodiversity SPD)

- 7.1 The area of the application site falling within the Nottingham City boundary is part of the designated Open Space Network (OSN) and a Local Wildlife Site (LWS) within the LAPP. To the south is a Biological Site of Importance for Nature Conservation (BSINC). The site in the Nottingham City area contains woodland, the northern fringe of which includes some more open areas of bracken amidst the trees.
- 7.2 The thrust of the relevant policies in the ACS towards green infrastructure and biodiversity is for a presumption in favour of their protection unless it can be demonstrated that the need for the development outweighs any harm caused, and that adequate mitigation measures are put in place. Policy 2 indicates that the key principle driving spatial planning with the ACS is a strategy of urban concentration that seeks to direct development to allocated sites and brownfield sites.
- 7.3 In the LAPP, policy EN1 states that development affecting the OSN will be refused unless, inter alia, the land can be shown to be surplus to the OSN, or the development would enhance or increase the area of OSN. It also has to be demonstrated that development would not have a detrimental impact on the open space, environmental, landscape character or wildlife value of the Network as a whole.
- 7.4 The proposal would not increase the area of OSN given that it is already within it; indeed the proposal involves the loss of part of the OSN. The proposition being put forward by the applicant is that the residential development would enable enhancement of the OSN.
- 7.5 Policy EN6 of the LAPP states that proposed development affecting locally designated sites will only be permitted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation of the site. In this instance there is no need for the development in terms of housing supply, so this consideration is limited to the very specific and local benefits of the proposed development, set out in further detail below.
- 7.6 Parks Services, the City Ecologist and NWT all object to the proposed scheme on the basis that the residential development would lead to the loss of land within the OSN and LWS. The total area lost to the residential elements in both Broxtowe and Nottingham City would be around 36% of the total application site. In the Nottingham City part of the application site, the amount of OSN and LWS lost would

be around 30%. The City Ecologist and NWT also raise concerns about the narrowing of the LWS in Nottingham City. Furthermore, the NWT suggest that the total LWS lost could lead to a severance of habitats in the area.

- 7.7 The residential development in Nottingham City would be located largely on areas of bracken/bramble, which the applicants suggest are of low nature conservation value and therefore capable of being lost.
- 7.8 The LWS designation for the site advises that it is a mixture of habitats with plants associated with sandstone based geology. The bracken and bramble are part of this habitat mix. NWT in their comments highlight that the bracken, brambles and tall herbs form a habitat mosaic with the acid grassland and woodland, and that it is often difficult to establish boundaries between them. It is the mosaic of different habitats that contribute to the total ecology value of this application site and wider area. NWT state that tall herb habitats in the Nottingham City area provide a useful resource for pollinating insects and the bracken, which is a natural component of woodland and open ground on acid/sandy soils, is likely to be an important habitat for invertebrates, especially moths.
- 7.9 As the site is a LWS with species recorded within the UK Biodiversity Action Plan (BAP) Priority Habitats, and also the Nottinghamshire Local BAP habitats, careful consideration is needed to ensure that the proposed infrastructure works for the community park and new tree planting would not in itself cause harm to the LWS. It is unclear whether such assessments have been made to inform the development of the community park and where tree planting should occur.
- 7.10 Both the NWT and City Ecologist highlight gaps in the information submitted with the application in relation to ecology, making it difficult to assess whether the scheme would lead to a net gain in biodiversity, or a net loss. Other than the community park proposals, which relate to land already within the OSN and LWS, there is no compensation proposed for the actual loss of OSN and LWS as a result of the residential element of the scheme, and no measurable net gain in biodiversity.
- 7.11 With regard to the impact of the residential development in Nottingham City on trees, the applicants estimate that the development would involve the removal of 25-30 trees; a combination of individual species (6) and trees within groups, of varying category/quality.
- 7.12 The application drawings and images show that a substantial amount of cut and fill would be required on this sloping site to accommodate the residential development, to create level areas for the road, the dwelling plots and also terracing within the garden areas. This would inevitably involve considerable vegetation strip and could result in additional tree loss, beyond that suggested by the applicant.
- 7.13 The northern side of Bramcote Ridge where the dwellings within Nottingham City are proposed is a prominent and attractive part of the landscape which provides a distinct landmark that is visible from across a large part of Wollaton. It appears that the immediately adjacent 1970's development to the north was carefully conceived in order to protect this landmark. The line of built development has been taken up to the edge of the woodland that sits atop the ridge, also retaining the more open areas at its fringe that are intrinsic to the character of the overall

woodland. Furthermore, there is a very distinct transition from two storey dwellings to bungalows as the development gets closer to the woodland.

- 7.14 The proposal comprises large two storey dwellings and the visual assessment submitted as part of the application demonstrates that these would, to a greater and lesser extent, be clearly visible above the long established line of existing built development, rather than being lost amidst the existing trees as is suggested. Although the applicants suggest that this would be further mitigated by additional planting to the northern edge of the site, the indicative planting shown on the site layout plan suggests that this would need to be substantial and in some stretches would appear very linear and have an artificial manner that in itself would be harmful to the less dense character of the woodland fringe. Indeed this would also be likely to create greater amenity issues for the dwellings that sit immediately to the north of this boundary line.
- 7.15 Should the residual element of the site be transferred to a community park, the residential development would also have a harmful impact upon the character of this remaining part of the OSN. Not only would this part of the OSN be significantly narrowed, as discussed elsewhere, clearly a robust boundary line would also be necessary for the proposed dwellings in terms of privacy and security. The site layout plan shows that this would closely hug the edge of the development, thereby creating a series of bulges in the fence line where this encloses the individual dwellings. The change in alignment is very dramatic and additionally would create small areas of the OSN, between the dwellings, that would be enclosed on three sides by fencing. Such a configuration would significantly compromise the quality and usability of this part of the OSN, with potentially further adverse implications for biodiversity and the LWS. They would also create blind spots and poorly surveyed areas with the potential for anti-social behaviour. In other areas the nearest footpath would be within a few metres of the fence line, harming both the character of the woodland path and also creating potential conflict between the use of park and the dwellings. Such issues do not arise with the current boundary line that exists between the existing housing and Bramcote Ridge, which is regular in alignment and creates a clearly defined edge to the OSN.
- 7.16 The applicant's proposition is that the proposed dwellings are enabling development, the proceeds from which would provide the following benefits:
- Removal of the Japanese Knot Weed (JKW). The applicants have advised that this would cost circa £400,000. In the applicant's view the JKW is a significant threat to the existing ecological value of the site.
 - The undeveloped part of the application site would become a community park, creating new publically accessible connections to the wider OSN and Local Nature Reserves (LNR's), thereby enhancing the OSN.
 - Within the community park, £200,000 is to be spent on infrastructure such as play areas, bird hides, an apiary, gateway access points, viewing points, benches, signage wetland areas and footpaths.
 - £200,000 would be put into a charitable trust to enable the long-term stewardship/maintenance of the community park for public benefit.

- 1072 trees would be planted.

- 7.17 JKW is an invasive non-native species to the UK. It is an offence under Environmental and Wildlife legislation to plant or otherwise cause this plant to grow in the wild, however, it is not an offence in itself for JKW to exist on someone's land and intervention only likely should it spread to third party land. In this instance the JKW is an existing liability to the landowner and a responsibility they have a duty to control. The removal of the JKW can be carried out independently of the planning process and the refusal or granting of permission is not a barrier to its removal. It is also worth noting that both the City Ecologist and NWT stress that the removal of JKW should not be viewed as any mitigation, enhancement or compensation as part of a development.
- 7.18 A key element of the scheme is the creation of a community park on the element of the site that would not see residential development. At present the entire site is indistinguishable from the wider Sandy Park/Alexandria Plantation LNRs. It is part of this wider woodland and accessed in the same way with no discernible demarcation between the two. As stated elsewhere, the land is however privately owned and the right for public access to it contested by the applicant. There is currently a claim to a public footpath over the land under the Wildlife and Countryside Act 1981, the process for which is on-going. The dedication of part of the site as a community park, thereby regularising the current situation, is recognised as a positive benefit of the scheme.
- 7.19 Should planning permission be refused, the owners would have the option of enclosing the site, although depending on its height, the erection of such an enclosure may in itself require planning permission. Clearly, this would be a loss to the public who currently access the land for leisure purposes. However, should this occur, it is considered that the site would still make a positive contribution to the OSN and LWS. Its value in ecological terms would be maintained and perhaps enhanced without public access, and its value as a natural landmark of the local landscape would remain, to be enjoyed and appreciated by the wider community. The desire expressed by the applicant to 'link up' the application site to the adjoining LNRs/LWSs is acknowledged, however access to these surrounding green spaces is already available and convenient for the public to use.
- 7.20 The proposal includes £200,000 towards capital infrastructure works for the community park. The application includes only limited information in relation to the detail of this infrastructure but reference is made to footpaths, wetland ponds, play areas, bird hides, an apiary, gateway accesses, benches and signage, the majority of which would be unlikely to require planning permission. It is recognised that such a programme of works would potentially be beneficial to what would be a community park, although as the current situation demonstrates, such features are not critical to the enjoyment of the land as a natural area of green space.
- 7.21 The financial contribution of £200,000 towards future management and maintenance of the community park is recognised as a positive benefit of the scheme. Parks Services have pointed out that this does not appear to be based on any maintenance costs or calculations and query the longer term financial implications for those to whom ownership of the land would pass.

- 7.22 The planting of 1072 trees is in itself recognised to be a positive although with no detailed landscaping plans to indicate the size, species and location of the trees, the benefit is difficult to assess. The NWT have commented that whilst some active management of the woodland is likely to be beneficial, they have expressed concern at the potential scale of planting and question the value of a substantial tree planting scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The open areas are an intrinsic part of the woodland, both ecologically and in terms of its aesthetic qualities. Excessive planting would not necessarily be beneficial to either of these. As mentioned above, as a measure to help screen the proposed residential development, the indicative site layout shows extensive tree planting in a very linear and artificial manner that in itself would be harmful to the less dense character of the woodland fringe.
- 7.23 A viability appraisal has been submitted in support of the application to demonstrate how the enabling development is necessary to facilitate the positive benefits of the scheme. This shows that the residential development also generates a developer profit above the costs associated with the community park and JKW. The applicants suggest that at 13.9% of gross development value (GDV), this is a low profit margin for a developer. However, even without scrutiny and challenge of the figures within the appraisal, this shows that beyond funding the positive benefits of the scheme the residential development would result in a profit of £918,000. Enabling development is generally necessary to cross-subsidise a less profitable or unprofitable element of a scheme, yet in this instance the residential development would appear to be delivering a notable level of return beyond the costs associated with the proposed community park and JKW.

Conclusion

- 7.24 In fully assessing this proposal it is necessary to balance the positive benefits against the negative impacts of the scheme, with reference to the relevant development plan policies and any other material considerations. These are summarised as follows:

Negative impacts

1. Loss of part of the OSN – The proposed residential development would result in a significant loss of part of the OSN. The land is not surplus nor would the development increase the OSN area. Should the land be enclosed and public access denied the site would still make a positive contribution to the OSN and LWS and its value as a natural landmark of the local landscape would remain.
2. Loss of part of the LWS – The proposed residential development would result in a significant loss of part of the LWS. It would also significantly reduce the width of this section of LWS/green space corridor. It is considered that there would be harm to the biodiversity of the site and that the proposal has not been able to demonstrate a measurable net gain.
3. Impact on local landscape character – The proposed residential development would involve:-

- significant vegetation strip and cut and fill
- the loss of 25-30 trees (as indicated by the applicant)
- the erection of 9 large two storey dwellings above the established building line of Bramcote Ridge, within the wooded extent of this prominent landscape feature
- extensive tree planting is proposed to help screen the dwellings, the dense and linear positioning of which would be detrimental to the character of the existing woodland fringe
- narrowing of the woodland and result in the enclosure of the residential development from the proposed community park, which would have harmful impact upon the character of this remaining part of the OSN

To conclude, it is considered that the residential development within Nottingham City would have a significantly harmful impact upon the landscape character of Bramcote Ridge and the wider area from which it is viewed.

Positive benefits

1. Dedication of part of the site as a community park, including a financial contribution to future management/maintenance – Regularising the current public access would be a positive benefit, but the quality of this would be significantly compromised by the reduction/narrowing of this part of OSN. The financial contribution towards future management and maintenance of the community park would be a positive benefit of the scheme, although longer term liability and financial implications for the future owners are less clear.
2. Infrastructure works within the community park – A scheme of enhancements would be a positive benefit of the scheme, although such features are not critical to the enjoyment of the land as an area of natural green space. The works in themselves are relatively minor and unlikely to require planning permission.
3. The removal of JKW – This would be a benefit of the scheme. There is separate legislation controlling JKW, which is an existing and longstanding responsibility for the landowner.
4. Planting 1072 trees. This would be a positive benefit of the scheme. However, it is unclear whether the amount of tree planting is realistic and appropriate to the management, biodiversity and character of the woodland

7.25 In balancing these matters, it is concluded that the benefits of the scheme do not outweigh the harm caused to the OSN, the LWS and biodiversity of the site, and the local landscape character of Bramcote Ridge. The proposal would conflict with the spatial strategy of the ACS and the presumption in favour of sustainable development. The proposal is therefore contrary to policies A, 2, 16 and 17 of the ACS, policies EN1 EN6 and EN7 of the LAPP, the Biodiversity SPD and section 15 of the NPPF.

Issue (ii) Design considerations, including impact on local townscape and residential amenity (Policy 10 of the ACS, and Policies DE1 and DE2 of the LAPP and section 12 of the NPPF)

- 7.26 The proposed housing development in Nottingham City is very linear in form with the 9 houses and associated access road and gardens spread out across a total length of approximately 500m on the slope that sits above the cul-de-sacs off Appledore Avenue. The site lies on the side of a prominent topographical feature that strongly defines the character of the locality.
- 7.27 The impact of the dwellings on the Bramcote Ridge as a landscape feature is discussed in the preceding section. It is concluded within this that the housing off Appledore Avenue already marks the appropriate building line to the northside of the Bramcote Ridge.
- 7.28 Visual images of the development indicate that the new dwellings would be seen above this established building line, the closest properties to which are bungalows. The proposed dwellings are all largely two storey with steep pitch roofs that create a vertical emphasis at odds with their context. They are to be finished in predominantly brickwork with elements of accent timber on feature gables, and grey tiled roofs. Each has a detached garage. Due to the sloping nature of the site, many are set into the slope so that to the rear, gardens are in part accessed from first floor level.
- 7.29 The design and scale of the new houses would be markedly different to the dwellings they would sit above and added to the elevated ground level, would draw the eye to their prominence. The result is a development that would jar with the immediate townscape. Tree planting is indicated to the northern edge of the site to help screen the dwellings but this brings with it further considerations, as discussed elsewhere in the report.
- 7.30 Changes have been made by the applicant to the siting of a number of the proposed dwellings in order to improve their relationship to existing neighbouring properties. Whilst the interface distances would range from 19m to 35m, the new properties would be set at a higher level and orientated to the south of the neighbouring dwellings. Although tree planting may provide some screening between the new and existing dwellings, this would inevitably be less evident during autumn and winter months and as such there could be issues of overlooking and the new houses appearing overly dominant to occupants of the existing properties. This would be particularly so for neighbouring residents in their currently private rear gardens, which would be closer to the new dwellings. Furthermore, the tree planting in itself could cause issues of overshadowing and nuisance for existing residents.
- 7.31 The access road would be a dominant feature at the end of Edenbridge Court, the gated entrance and road rising above having a localised impact on this street.

The gated nature of the development would not be conducive to legibility, permeability and community cohesion. The stretched, linear form of the layout, potential tree planting and large gaps between the properties would work against natural surveillance, community safety and ease of access for future occupants, visitors, deliveries and waste collection.

- 7.32 Overall, it is considered that the design and layout of the proposed development and its impact upon the local townscape and amenities of neighbouring residents, fails to satisfy policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

Issue (iii) Other Matters

Highways Issues (Policy TR1 of the LAPP)

- 7.33 With regard to highway safety and proposed car parking provision, Highways colleagues have raised no objections to the scheme. Precise details of the access road would be required and amendments necessary to better facilitate pedestrian access to the site, which is currently shown with gated vehicular access only.

Land Contamination, Instability and Pollution (Policies IN2 of the LAPP)

- 7.34 The information submitted in relation to land contamination, treatment of JKW and air quality is considered to be acceptable by Environmental Health and Safer Places. With the imposition of conditions the scheme would comply with policy IN2 of the LAPP.
- 7.35 Clarification has been sought from Drainage, Highways and Environmental Protection as to whether instability may be an issue in relation to the site. This would be a matter to address as the construction details are developed.

Flooding and Water Quality (Policy CC3 of the LAPP)

- 7.36 The Council's Drainage team have requested additional information in relation to the design of the drainage system and infiltration rates. They have not raised objection to the principle of the development and with these matters addressed by condition, the proposal would comply with policy CC3 of the LAPP.

Planning Obligations (Policy 19 of the ACS and Policies IN4, HO3 and EN2 of the LAPP)

- 7.37 As the development is for more than 10 units, the scheme triggers Nottingham City Council's thresholds for S106 contributions towards:
- Affordable Housing
 - Education
 - Public Open Space
 - Local Employment and Training
- 7.38 The City Council's Education Team have requested a contribution of £28,064 towards secondary places at The Fernwood Academy.
- 7.39 Given the conclusion that the proposed development is not acceptable in principle and additionally raises design and amenity concerns, negotiations to secure a S106 have not been progressed.

Other issues

- 7.40 The following comments are offered in relation to some of the matters raised within third party representations that have not been covered in the other sections of the

report:

- Concerns have been raised regarding noise and disturbance during construction of the development. This would not be a ground to refuse the application but noise nuisance is a matter controlled through other legislation. A note outlining acceptable hours of work is generally included on all decision notices.
- Security of existing properties has been raised as an objection. Details of site enclosure is a matter that could be addressed through planning condition.
- With regard to the impact of the development on existing solar panels, it is not considered that the siting of the new dwellings would significantly affect their efficiency to justify refusal or amendment of the scheme.
- The application site is not allocated as part of the Green Belt.
- House values and the effect of the development upon them is not a material planning consideration.
- Light pollution can be addressed through condition.
- Provided that the community park is designed to promote natural surveillance of areas to be used by the public (i.e. play areas, footpaths, benches etc), then it should not result in a significant increase in anti-social behaviour.

8 Sustainability / Biodiversity

The impact of the proposed development on the OSN, the LWS and biodiversity of the site are discussed in section 7(i) of the report.

9 Financial Implications

If the scheme had been recommended for approval, contributions relating to affordable housing, public open space, training and employment and education would have been sought and secured through S106.

10 Legal Implications

The issues raised in this report are primarily ones of planning judgement. The applicant's planning agent has raised concern with regard to the fact that Nottingham City Council and Broxtowe Borough Council are to determine their applications separately. However, as required by legislation the planning application has been submitted to both authorities; this process and the lack of alternative suggests that the intention is that each authority should make its own determination. Powers do exist to handle cross boundary applications through a joint process between the Council's, but this is discretionary.

Should any further legal considerations arise these will be addressed at the meeting.

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Green Nottingham – ensuring that all planning decisions take account of environmental and sustainability considerations.

14 Crime and Disorder Act implications

None.

15 Value for money

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 19/01564/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUKGP3LYL9800>

2. APPLICATION No. 19-00495-FUL (Broxtowe Borough Council)

17 Published documents referred to in compiling this report

Aligned Core Strategy (2014)

Land and Planning Policies Document (2020)

Biodiversity Supplementary Planning Document (2020)

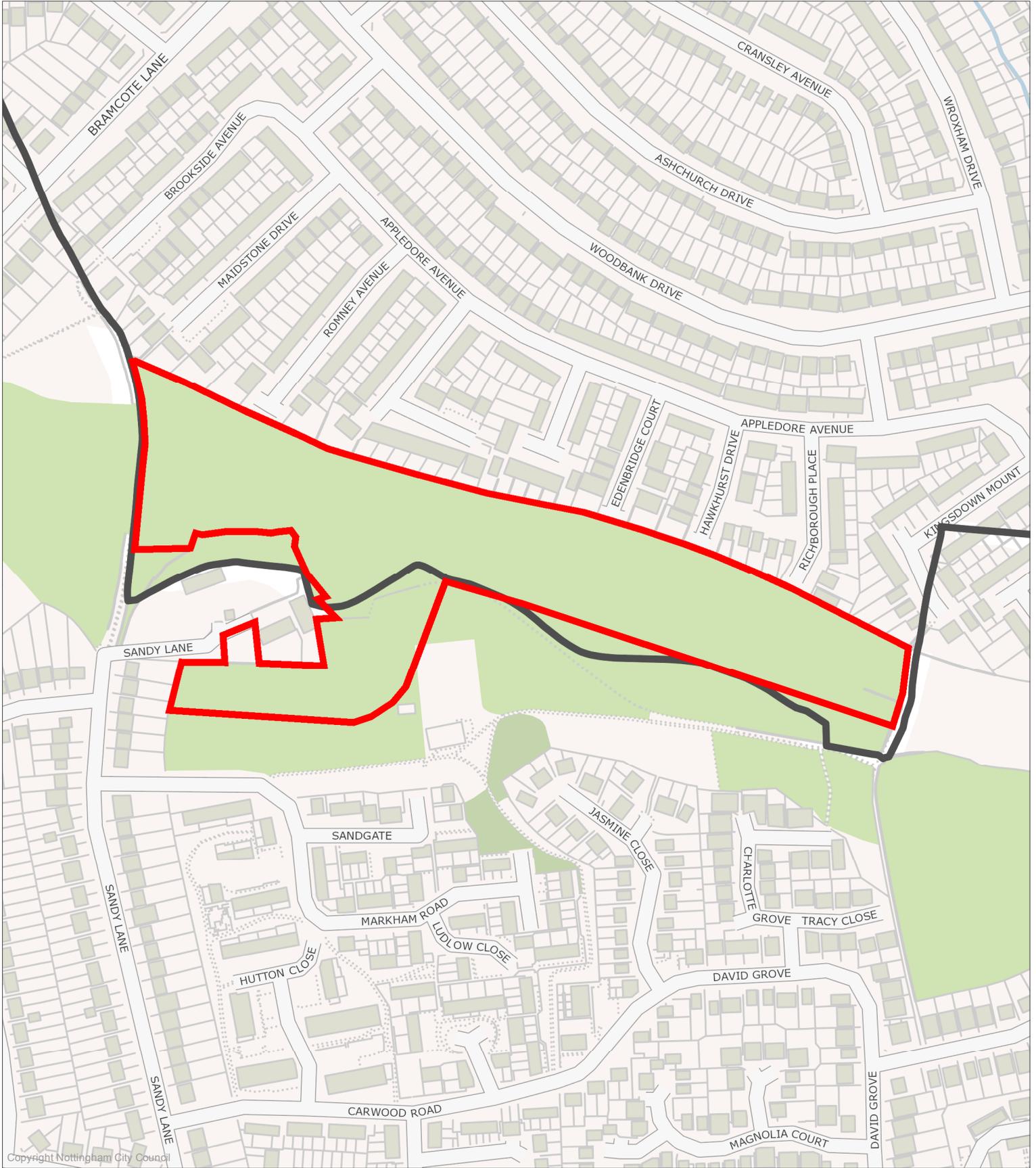
National Planning Policy Framework

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk. Telephone: 0115 8764027

NOMAD printed map



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Key
 City Boundary

Description
No description provided

My Ref: 19/01564/PFUL3 (PP-07977797)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Geoffrey Prince
Geoffrey Prince
16 Kimble Close
Knightcote
Southam
CV47 2SJ
United Kingdom

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 19/01564/PFUL3 (PP-07977797)
Application by: Bramcote Unity Park (CIO)
Location: Land To South Of 106 Thoresby Road To 82, Appledore Avenue, Nottingham
Proposal: Construct 11 dwellings and provision of infrastructure works to facilitate the creation of a community park

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the Network. The benefits of the development would not outweigh the harm to the Open Space Network. The proposal is therefore contrary to Policies A, 2 and 16 of the ACS and Policies EN1 and EN7 of the LAPP.

2. The proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP as well as the aims of the Biodiversity SPD and Section 15 of the NPPF.

3. The proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

Notes



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Nottingham
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DRAFT ONLY
Not for issue

Continued...

Your attention is drawn to the rights of appeal set out on the attached sheet.

DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 19/01564/PFUL3 (PP-07977797)

If the applicant is aggrieved by the decision of the City Council to refuse permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.