

10 October 2013

Agenda Item:

**REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

**STRATEGIC PLANNING OBSERVATIONS FOR A 141 DWELLING
PROPOSAL, BROOMHILL FARM, HUCKNALL**

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Ashfield District Council (ADC) on the 6th September 2013 in response to the request for strategic planning observations on the above planning application for 141 dwellings at Broomhill Farm, Hucknall

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. Comments were sent to Ashfield District Council on the 6th September 2013 in their role as determining planning authority for this application. A site plan is provided at Appendix 1.
3. The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.

Description of the Proposal

4. The proposal is for 141 dwellings, open space and associated infrastructure. Two balancing lagoons are also proposed on the open space area parallel to Nottingham Road.

National Planning Policy Framework (NPPF)

5. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

6. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
7. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
8. The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.
9. Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.
10. Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that,

“...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.

Local Planning Context

11. The Ashfield Local Plan Review (2002) allocated the application site for housing development and identified the site as within the main urban area of Hucknall.
12. In the emerging Ashfield Local Plan Publication Document 2013, which was available for consultation between the 16th August and 30th September 2013, Policy SP2 'Overall Strategy for Growth' identifies Hucknall as a main urban area that is capable of supporting new development. Hucknall is also identified as a Major District Centre, in retail planning terms.
13. Policy SPH2 'Hucknall Housing Growth' seeks to allocate 2,460 dwellings, in Hucknall, between the plan period 2010-2024.
14. Policy HG1 'Housing Land Allocations', identifies the site (HG1Hr) as being allocated for housing development for later in the plan period as a 'phased development', or if the supply of immediately available housing sites falls below a five year supply.

Strategic Planning Issues

Housing

15. Housing development within urban areas is supported at a national level.
16. The principle of housing development on the site is supported as the site is allocated in both the adopted and emerging Ashfield District local plans, however, the emerging Local Plan does identify the site for phased development.
17. The County Council supports the principle of housing development at this site as it would help to achieve the identified housing needs of Hucknall and would in addition contribute to the wider strategic development of the County as a whole.

Property

18. The allocated land is the subject of an adopted development brief (June 2003).
19. Subject to compliance with an overall master plan for the County's entire landholding, Property instructed external agents to market Phase 1 of the site (comprising 12.5 acres) Contracts for this phase have now been exchanged. And a joint planning application submitted. It is anticipated that completion will take place on a staged basis during 2013/14 and 2014/15.
20. Phase 2 (comprising 12 5 acres) will be offered to market after on site commencement for phase 1. ADC have through their Draft Local Plan stated that control will be applied to housing in Hucknall by applying a phased approach to the Broomhill Farm allocation. NCC are resisting this proposal and have via external planning consultants made a formal objection to ADC in respect of this phasing approach on the grounds it is unreasonable, impractical and unjustified.

Highways

21. The traffic modelling in the Transport Assessment (TA), submitted by the applicant, does not (nor should it necessarily do so) consider the cumulative impact of other proposed developments in the emerging Local Plan for Ashfield. This TA considers Broomhill Farm in isolation in accordance with the Department for Transport (DfT) 'Guidelines on Transport Assessments' and on this basis the TA comes to the conclusion that the proposals would not in themselves have a material impact on the surrounding highway network and hence no highway mitigation is required.
22. However the District Council has commissioned a transport study to serve as an evidence base on transport issues to support the Ashfield Local Plan. This study has assessed the proposed growth as set out in the district council's Local Plan Preferred Approach (September 2012) and identifies the overall cumulative development impact on transport networks rather than individual development sites. This study makes allowance for all projected growth in the District to 2023 (including the application site) and concludes that there is forecast to be a significant and detrimental increase in traffic along key roads through Ashfield District, including the A611 through Hucknall, as a result of the proposed Local Plan developments.

23. The study further concludes that schemes of local highway mitigation are required at a number of junctions along the A611 which would cost several million pounds to implement. In which case it could be considered fair and reasonable for all developments in the Local Plan to contribute to the highway and transport infrastructure required to support the growth agenda. If ADC is minded to approve the Broomhill planning application in advance of any strategy or policy for securing contributions to transport infrastructure then the opportunity will be missed and this could make it more difficult for the necessary transport infrastructure to be provided.

24. Detailed Highway comments are contained in Appendix 2.

Landscape and Visual Impact

25. The proposed development is generally in line with the Greater Nottingham Landscape Character Assessment, specifically Policy ML 18 (River Leen). However, concerns are raised with regard to the choice of species proposed by the applicant therefore it is recommended that in order to retain the visual and ecological integrity of the retained vegetation that the tree species are selected from the recommended species list (See Appendix 3) at least where associated with the retained site hedgerows and in the amenity zones.

26. Detailed Landscape and Visual Impact comments are contained in Appendix 3.

Ecology

27. The proposal will not directly affect any designated nature conservation sites. The nearest SINCS, Bulwell Wood, lies 2.7km to the south-west. The nearest Local Wildlife Site (also known as Sites of Importance for Nature Conservation) is Farley's Grassland LWS 5/2275, which abuts to the site to the south.

28. The application is supported by a Phase 1 Habitat Survey report, dated October 2012. It is worth noting that had ADC been participating in the biodiversity offsetting pilot, then this may have been an appropriate site to use this approach for mitigation against/compensating for a loss of this habitat.

29. It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

30. In terms of site layout, the retention of the majority of hedgerows on and around the site, and associated hedgerow trees, is welcomed. A condition should be used to require the submission of details relating to root protection zones, to ensure that these features are not damaged during development.

31. The ecology report recommends the use of native planting within the development, and this has been taken on board to a degree within the landscaping proposals; in particular, the use of native tree species around the periphery of the site is welcomed (although the use of *Acer campestre* 'Elsijk' and *Prunus avium* 'Plena' is queried). However, it is requested that *Carpinus betulus* (hornbeam) is removed, as this species is not native to Nottinghamshire, along with *Tilia cordata* (small-leaved lime) which does not occur

frequently within the area in question. In addition, it is requested that all native planting should use stock that is of certified native genetic origin, and ideally of local provenance, and at least from Forestry Commission Seed Zone 402.

32. The ecology report also recommends the creation of wildflower meadows. It is appreciated that space on the development is limited, and that a wetland seed mix is to be used around the water attenuation features. However, it is requested that areas of wildflower grassland are incorporated to help mitigate against the net loss of grassland habitat that will arise should planning permission be granted.
33. In addition it is recommended that a number of planning conditions are attached to the grant of planning permission, as set out in Appendix 4.
34. Detailed Ecology comments are contained in Appendix 4.

Developer Contributions

35. Should the application proceed, then Nottinghamshire County Council will seek developer contributions relating to County responsibilities in line with the Council's adopted Planning Contributions Strategy. Such contributions, in the case of residential development, could for example cover provision for education and integrated transport measures and the Developer Contributions Team will work with the applicant and Ashfield District Council to ensure all requirements are met.

Overall Conclusions

36. The County Council support the principle of housing development as this site.
37. In Highways terms it is considered that the proposed development would have a cumulative impact on the highway network of Ashfield District as a whole and as such developer contributions towards highways improvements should be sought.
38. In reference to the Landscape and Visual impact concerns are raised over the choice of species to be used and as such it is recommended that the applicant revise the choice of species proposed.
39. A range of mitigation measures are proposed and these should be secured through conditions in relation to ecology. In addition it is recommended that further survey work in relation to Bats and Reptiles is carried out.

Other Options Considered

40. This report considers all of the relevant issues in relation to the above planning application which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

Reason/s for Recommendation/s

41. The County Council supports the principle of housing development in this location.
42. The County Council considers that the proposed development, in Highways terms, would have a negative cumulative impact on the highway networks, as such it would request that developer contributions to negate such impacts are secured to support the necessary transport infrastructure required.
43. The County Council raises ecological and landscape concerns over the plant species proposed to be used and suggests a number of planning conditions are attached to the mitigate any potential negative impact.
44. It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

Statutory and Policy Implications

45. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

46. There are no direct financial implications.

Implications for Sustainability and the Environment

47. There are no direct implications for Sustainability and the Environment

RECOMMENDATION/S

- 1) That Ashfield District Council be advised that the principle of housing development in terms of strategic, national housing and economic growth is supported.
- 2) If Ashfield District Council is minded to approve the Broomhill planning application in advance of any strategy or policy developer contributions to transport infrastructure should be secured.
- 3) That if Ashfield District Council are minded to approve the application, then the County Council request that they consult with the Developer Contributions Team to assess the need for developer contributions in line with the Council's adopted Planning Contributions Strategy.
- 4) The County Council has no significant concerns over the impact of the proposal of this scale and in this location on the landscape/ecology however raises concerns relating to the choice of species proposed.
- 5) It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Constitutional Comments (SHB 13.09.13)

48. Committee have power to decide the Recommendation.

Financial Comments (SEM 11/09/13)

49. There are no specific financial implications arising directly from this report

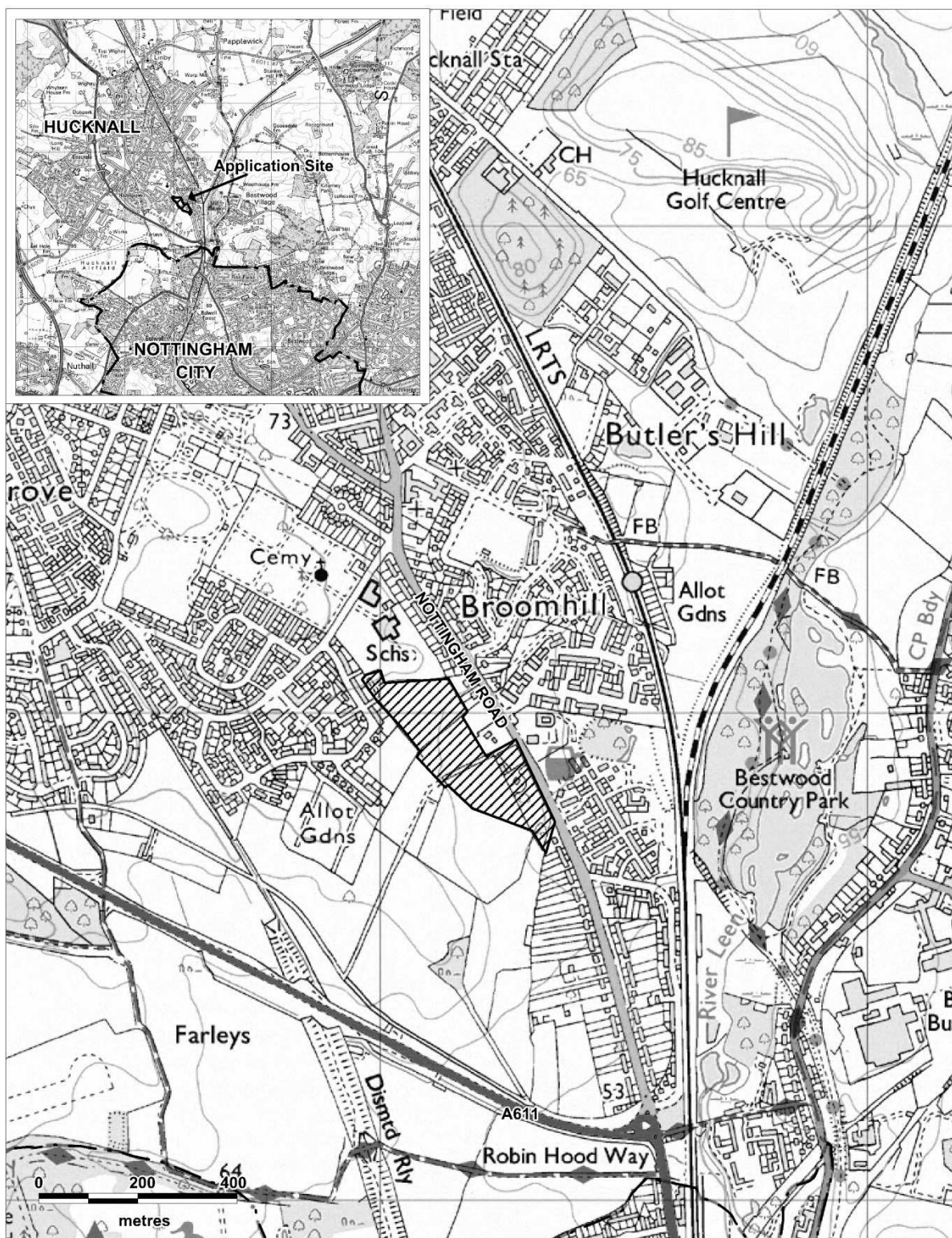
Background Papers and Published Documents


Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Councillor Alice Grice
Councillor John Wilmott
Councillor John Wilkinson

Appendix 1 – Site Location Plan



 <p>Trent Bridge House, Fox Road Nottinghamshire West Bridgford, Nottingham, NG2 6BJ County Council Tel: 0115 982 3823</p>	<p>Proposed Construction of 141 Dwellings and Public Open Space, together with Associated Parking, Garaging, Road and Sewer Infrastructure Works. Broomhill Farm, Land to West of, Nottingham Road, Hucknall, Nottinghamshire. Planning Application No. V/2013/0409</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2013)</small></p>	<p>N W E S</p> <p>Scale 1:10,000 Produced by: JW Date: OCT 2013</p>
---	---	---

Appendix 2– Detailed Highways Comments

Nina

I have considered the planning application for Broomhill Farm and would make the following observations;

The traffic modelling in the Transport Assessment (TA) does not (nor should it necessarily do so) consider the cumulative impact of other proposed developments in the emerging Local Plan for Ashfield. This TA considers Broomhill Farm in isolation in accordance with the DfT 'Guidelines on Transport Assessments' and on this basis the TA comes to the conclusion that the proposals would not in themselves have a material impact on the surrounding highway network and hence no highway mitigation is required.

However the District Council has commissioned a transport study to serve as an evidence base on transport issues to support the Ashfield Local Plan. This study has assessed the proposed growth as set out in the district council's Local Plan Preferred Approach (September 2012) and identifies the overall cumulative development impact on transport networks rather than individual development sites. This study makes allowance for all projected growth in the borough to 2023 (including the Broom Hill development in Hucknall) and concludes that there is forecast to be a significant and detrimental increase in traffic along key roads through Ashfield district, including the A611 through Hucknall, as a result of the Local Plan developments.

The study further concludes that schemes of local highway mitigation are required at a number of junctions along the A611 which would cost several million pounds to implement. In which case it could be considered fair and reasonable for all developments in the Local Plan to contribute to the highway and transport infrastructure required to support the growth agenda. If ADC is minded to approve the Broom Hill planning application in advance of any strategy or policy for securing contributions to transport infrastructure then the opportunity will be missed and this could make it more difficult for the necessary transport infrastructure to be provided.

In summary therefore it is recommended that ADC consider whether there is a case for securing financial contributions from the applicant towards future highway mitigation measures as identified in the ADC transport study (2012) to support the cumulative impact of all projected Local Plan development to 2023.

I trust that these observations will be of assistance. I am happy to discuss as necessary.

Kind regards

David Pick

Appendix 3 – Detailed Landscape and Visual Impacts Comments

Nina, Please find my comments outlined below.

Generally the proposals work within parameters outlined in previous landscape appraisals of the site ; existing site hedgerows have been retained and there are buffer zones with tree planting along the boundary with the main road to the east, and a section to the west to connect the development to the existing recreational areas.

This is in line with the Policy for ML 18 (River Leen) from the GNLCA, which recommends enhancement of existing hedgerows, planting of new hedgerows, enhancing tree cover and providing screening for development.

My main comments relate to choice of species; to retain the visual and ecological integrity of the retained site vegetation it is recommended that tree species are selected from the recommended species list (attached) at least where associated with the retained site hedgerows and in the amenity zones. In addition, although *Quercus robur* (Oak) is on the key, I am unable to find any specimens on the planting plan.

If you have any further queries please do not hesitate to get in touch,

Regards

Amanda

Amanda Blicq

Principal Landscape Architect

Landscape and Reclamation Team

01159772164

Species List

Magnesian Limestone County Landscape Character Area

The following list includes native tree and shrub species that are commonly found within the **Magnesian Limestone County Landscape Character Area** and are suitable for inclusion in planting schemes. These are important for determining the area's regional character. A range of native species may also be appropriate to particular locations or sites. In these cases professional advice should be sought from Nottinghamshire County Council's nature conservation officer or the Landscape and Reclamation team.

All plant material should be of local provenance or at least of British origin. The document 'Using local stock for planting native trees and shrubs' - Forestry Commission - Practice Note August 1999 by George Herbert, Sam Samuel and Gordon Patterson; provides guidance in this respect. A list of suppliers is provided on the Flora Locale website – www.floralocale.org

TREES	Botanical	Woodlands	Hedges	Hedgerow	Wet areas/
--------------	-----------	-----------	--------	----------	------------

	name			trees	streamsides
Alder (Common)	<i>Alnus glutinosa</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Ash	<i>Fraxinus excelsior</i>	■	<input type="checkbox"/>	■	■
Aspen	<i>Populus tremula</i>	<input type="checkbox"/>			<input type="checkbox"/>
Birch (Silver)	<i>Betula pendula</i>	<input type="checkbox"/>			
Cherry (Wild)	<i>Prunus avium</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Crab apple	<i>Malus sylvestris</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Elm (English)	<i>Ulmus minor</i> var. <i>vulgaris</i>	<input type="checkbox"/>			
Elm (Wych)	<i>Ulmus glabra</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Maple (Field)	<i>Acer campestre</i>	<input type="checkbox"/>	■	<input type="checkbox"/>	
Oak (Common)	<i>Quercus robur</i>	■	<input type="checkbox"/>	■	<input type="checkbox"/>
Willow (Crack)	<i>Salix fragilis</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Willow (White)	<i>Salix alba</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SHRUBS	Botanical	Woodlands	Hedges	Hedgerow	Wet areas/
---------------	-----------	-----------	--------	----------	------------

	name			trees	streamsides
Blackthorn	Prunus spinosa	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Buckthorn (Purging)	Rhamnus cathartica		<input type="checkbox"/>		
Dogwood (Common)	Cornus sanguinea	<input type="checkbox"/>	<input type="checkbox"/>		
Guelder Rose	Viburnum opulus	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Hawthorn	Crataegus monogyna	■	■	<input type="checkbox"/>	<input type="checkbox"/>
Hawthorn (Midland)	Crataegus laevigata	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Hazel	Corylus avellana	<input type="checkbox"/>	<input type="checkbox"/>		
Holly	Ilex aquifolium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Osier	Salix viminalis	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Privet (Wild)	Ligustrum vulgare	<input type="checkbox"/>	<input type="checkbox"/>		
Rosa (Dog)	Rosa canina	<input type="checkbox"/>	<input type="checkbox"/>		
Spindle	Euonymus europaeus	<input type="checkbox"/>	<input type="checkbox"/>		

- Dominant species
☐ Other species present

Appendix 4 – Detailed Ecology Comments

Memo

From: Nick Crouch, Senior Practitioner Nature Conservation, Conservation Team, Floor 6, TBH
To: Nina Wilson, Planning Policy, County Hall
Date: 28 August 2013

**Re: Proposed Construction of 141 Dwellings and Public Open Space
Together with Associated Parking, Garaging, Road and Sewer
Infrastructure Works - Broomhill Farm, Land to West of
Nottingham Road, Hucknall, Nottinghamshire NG15 7QE
(V/2013/0409)**

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues: The proposals will not directly affect any designated nature conservation sites.

The nearest SSSI, Bulwell Wood, lies 2.7km to the south-west. The nearest Local Wildlife Site (also known as Sites of Importance for Nature Conservation) is Farley's Grassland LWS 5/2275, which abuts to the site to the south.

The application is supported by a Phase 1 Habitat Survey report, dated October 2012. The following key issues are highlighted:

1. The site is composed predominantly of species-poor semi-improved grassland, bounded by mature hedgerows containing hedgerow trees. Areas of scrub and shorter grassland are also present on site. It is worth noting that had Ashfield DC been participating in the biodiversity offsetting pilot, then this may have been an appropriate site to use this approach for mitigation against/compensating for a loss of this habitat.
2. The report recommends that a **reptile survey** is carried out at the site, which does not appear to have been undertaken. Given that protected species surveys are required prior to the determination of applications, and that reptiles surveys can only be undertaken at certain times of year (April to June, and September), it is essential that this work is arranged as soon as possible, otherwise the applicant will suffer a delay in obtaining a planning decision.
3. The report also recommends **bat surveys**, dependent upon the scope of the development. It is evident that whilst one of the trees identified as having the potential to host roosting bats will be retained (identified as TN3), two others will not be (TN 12 and TN13), whilst a third, referenced as TN18 in the report but not actually marked on the associated Phase 1 Habitat Survey plan, may or may not be lost. Given the protected status of bats, it is therefore essential that clarification is provided regarding tree TN18 to determine whether it is to be lost or not, and if it is to be lost, a survey of this tree should be carried out, along with trees TN12 and TN13, to determine whether or not they host roosting bats. As above, this information is required prior to the determination of this application.

In terms of site layout, the retention of the majority of hedgerows on and around the site, and associated hedgerow trees, is welcomed. A **condition** should be used to require the submission of details relating to root protection zones, to ensure that these features are not damaged during development.

The ecology report recommends the use of native planting within the development, and this has been taken on board to a degree within the landscaping proposals; in particular, the use of native tree species around the periphery of the site is welcomed (although the use of *Acer campestre* 'Elsijk' and *Prunus avium* 'Plena' is queried). However, it is requested that *Carpinus betulus* (hornbeam) is removed, as this species is not native to Nottinghamshire, along with *Tilia cordata* (small-leaved lime) which does not occur frequently within the area in question. In addition, it is requested that all native planting should use stock that is of certified native genetic origin, and ideally of local provenance, and at least from Forestry Commission Seed Zone 402.

The landscaping plans should be updated according.

The ecology report also recommends the creation of wildflower meadows. It is appreciated that space on the development is limited, and that a wetland seed mix is to be used around the water attenuation features. However, it is requested that areas of wildflower grassland are incorporated to help mitigate against the net loss of grassland habitat that will arise should planning permission be granted.

In addition, **conditions** should be attached to any permission granted relating to:

- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- Precautionary measures to prevent harm to mammals during construction, as outlined in section 5.4 of the Phase 1 Habitat Survey report
- The installation of bat and bird boxes as outlined in sections 6.4 and 6.5 of the Phase 1 Habitat Survey report
- The production and implementation of a site management plan, detailing how areas of green spaces and boundaries will be managed (the large hedgerows should be managed in such a way that they are generally maintained in their current form).

It should be noted that depending on the findings of the reptile and bats surveys, then further mitigation measures may be required.

We trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact us.

Nick Crouch
Senior Practitioner Nature Conservation
For more information please contact: Nick Crouch (0115 969 6520)