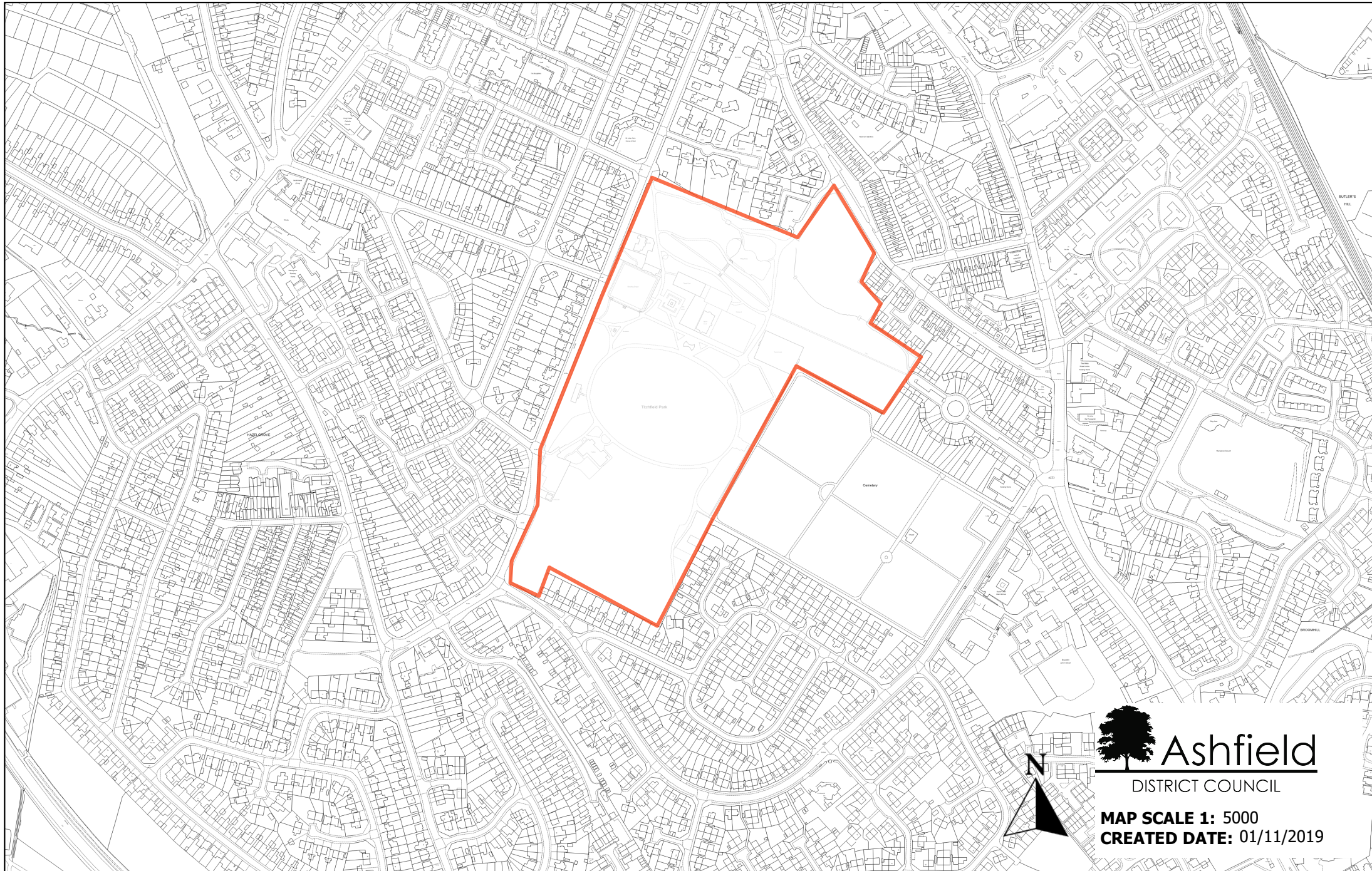


V/2019/0734



**COMMITTEE DATE**    18/12/2019                      **WARD**            Hucknall South

**APP REF**                      V/2019/0734

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Restoration of Titchfield Park Brook

**LOCATION**                      Titchfield Park, Park Drive, Hucknall, Notts, NG15 7RF

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0300334,-1.1997434,17z>

**BACKGROUND PAPERS**    A, E, F, K

App Registered: 20/11/2019                      Expiry Date: 31/12/2020

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee as Ashfield District Council are the applicants.*

### **The Application**

This is an application which seeks planning consent to restore and realign the existing brook which runs through Titchfield Park in Hucknall, to help alleviate existing problems with intermittently blocked culverts and subsequent flooding.

The works to be undertaken as part of the scheme include de-culverting parts of the existing culverted brook, re-aligning the brook so that it is re-directed through the park away from the sites boundaries, re-locating the children's play equipment elsewhere within the park to create an attenuation basin adjacent to the brook, earth modelling works and the re-wilding of the brook and its surrounds.

### **Consultations**

Site notices have been posted together with individual notification to surrounding residents.

The following comments have been received:

#### ***ADC Landscaping:***

The proposal should be carried out in accordance with the submitted landscaping scheme. All new trees should be extra heavy standards, and should be planted with stakes and guy wires, as per the submitted details.

#### ***ADC Environmental Health:***

No objections in regards to the proposed development.

***Local Lead Flood Authority:***

No objections raised, and recommend approval of the application.

***Environment Agency:***

Concerns initially raised regarding the proposal and the lack of a Flood Risk Assessment to substantiate the proposed works.

Following receipt of a Modelling Report and *amended* plans, the Environment Agency are satisfied that their previous concerns have been overcome and withdraw their holding objection. Although it is noted that the Modelling Report is not a Flood Risk Assessment as such, the Environment Agency are satisfied from a flood risk perspective, provided that any grant of permission is conditioned to be carried out in accordance with the submitted Modelling Report and Appendix A, to ensure that the flood alleviation scheme operates as described in the Modelling Report and does not increase flood risk elsewhere.

***Historic England:***

No comments to make on the application.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) 2019**

Part 8 – Promoting Healthy and Safe Communities

Part 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Part 15 – Conserving and Enhancing the Natural Environment

Part 16 – Conserving and Enhancing the Historic Environment

**Ashfield Local Plan Review (ALPR) 2002**

ST1 – Development

ST2 – Main Urban Area

EV8 – Trees and Woodlands

RC3 – Formal Open Space

**Relevant Planning History**

None.

**Comment:**

The application site comprises of the northern portion of Titchfield Park, Hucknall, extending from the north-western corner of the site adjacent to Park Drive and Woodford Road, to the north-eastern corner of the site adjacent to Park View and Brookside. The site forms part of one of the Districts destination facilities which



includes bowls, tennis, and cricket facilities, a pavilion, play areas, a skate park, and heritage features all within a landscaped setting.

The application site is located in an area identified as formal open space. The site also comprises of a locally listed heritage asset, and there are a number of listed buildings located within the vicinity of the application site. The site lies within Flood Zones 2 and 3.

Residential development bounds the application site to the north, east and west, whilst the wider Titchfield Park site extends to the south of the site.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on flood risk, ecology and the historic environment, as well as the impact upon visual and residential amenity.

***Principle of Development:***

The application site is located within the main urban area of Hucknall, where the principle of development is considered acceptable. As set out within policy ST2 of the ALPR 2002.

As previously mentioned, the application site is located within an area designated as formal open space. Under the requirements of policy RC3 of the ALPR 2002, development which leads to the loss of formal open space will only be permitted where, amongst other things, it would assist in the retention and enhancement of the recreational use of the site and the development proposed would make a significant improvement to the overall quality of recreation provision in the locality.

Although the proposal will not lead to the loss of formal open space, the de-culverting of part of the brook within the western portion of the site, would marginally reduce the area of useable open space within the park to the public. Having said this, the scheme proposed will improve the overall quality of the recreation provision by providing a new feature within the public open space, and the scheme also seeks to re-wild parts of the brook to improve the offering of biodiversity within the park.

The proposed re-aligned and de-culverted brook is proposed to run through a basin, which until recently, was occupied by children's play equipment. This play equipment has since been removed from within the application site, and re-located to the south within the wider Titchfield Park site adjacent to the existing MUGA and skate park. The proposed scheme therefore will not result in the loss of existing recreational facilities.

The principle of the proposed development is therefore considered acceptable provided all other material planning considerations can be appropriately satisfied.

***Flood Risk:***

The Environment Agency's mapping system identifies the site as lying in Flood Zones 2 and 3, due to the existence of the brook within the site which runs west to east, which is a tributary to the River Leen.

Paragraph 163 of the NPPF 2019 stipulates that when determining planning applications, local authorities should ensure that flood risk is not increased elsewhere, and where appropriate, application should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding if it can be demonstrated that, amongst other things, the development is appropriately flood resistant and resilient, and that any residual risk can be safely managed.

The development scheme is split into three sections:

Section 1: The removal of 120m of the culverted watercourse, directing the surface water flows into the parkland above ground level through a newly formed channel. The channel will be directed through an area previously occupied by play equipment which is to be formed into a native grass meadow, which will become an attenuation basin, to attenuate water during peak flows and inclement weather, before re-joining the brook to the east.

Section 2: The remodeling of the semi improved grassland around the northern side of the brook increasing the area in height by approximately 1m, to create a second attenuation basin which can be utilised during storm events.

Section 3: The realignment of the existing brook away from the residential properties along the northern boundary (Park View). Realigning the brook further into the park will allow for the ground to be stabilised to the adjoining properties and improve the maintenances access to the boundary walls and fences. The brook will be re-profiled creating shallow banks, creating small gains in attenuating surface water flows and providing appropriate water margin planting.

The works proposed to the brook are fundamentally required as the culverted channel has low surface water flows and subsequently becomes intermittently blocked resulting in incidences of flooding within and outside of Titchfield Park. It is thought that the blockages are caused by a combination of deteriorating culvert walls, sediment, suspended solids and tree roots encroaching the culvert.

A Modelling Report has been submitted to accompany the application as well as amended plans regarding the proposed landscaping, earthworks and construction plan, to substantiate that the proposal is flood resistant and resilient, that any residual risk can be safely managed, and that the proposal will not result in increased flood risk elsewhere.

The Environment Agency have reviewed the submitted details and although it is noted that the Modelling Report is not a Flood Risk Assessment, they have confirmed that they have no objections to the proposed development scheme and are satisfied from a flood risk perspective. This is however on the proviso that any grant of permission conditions the development to be undertaken in accordance with the details contained within the Modelling Report and plans submitted, and maintained thereafter, to ensure that the flood alleviation scheme operates as described in the Modelling Report and does not increase flood risk elsewhere. Comments received from the Local Lead Flood Authority also raise no objections to the proposed development.

It is therefore considered that from a flood risk perspective, the proposed scheme will aid significantly in alleviating current incidences of flooding within and outside of the application site due to obstructions to the current culverted brook. The proposal is subsequently considered to be compliant with Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change of the NPPF 2019.

***Ecology:***

At present, 32% of the existing brook through Titchfield Park is culverted providing low or no ecological value, whilst a further 37% of the brook consist of an open, concrete channel comprising of shallow grass, bounded by steep banks. The brook is currently heavily modified with low ecological value due to the engineered form of the channel.

The improvement works proposed include the re-profiling of the banks to the open culverted section (section 3 of the scheme) and the introduction of new margin and wetland plant species. The upper/western section of the brook which is currently culverted will be opened out and a new vegetated channel will be established (section 1 of the scheme). The area of semi improved grassland through section 2 of the development will be cultivated and the topsoil stripped prior to remodelling works. The seed rich top soil will be re-used to regrade the area on completion. It is therefore considered that betterment will be achieved through the development, resulting in a net gains for biodiversity in this location.

Where the existing brook is to be realigned, the work will be phased to allow for the migration of any invertebrate species into the new channel before the old brook is infilled with material, in accordance with paragraph 170 of the Framework.

***Historic Environment:***

As previously mentioned, there are a number of listed buildings both within and surrounding the park, including the Grade II listed Hucknall War Memorial and Drinking Fountain to the south of the site and the Grade II listed Houses of Rest for Miners to the north-west of the site on Park Drive. In addition to the listed buildings, Titchfield Park itself is a locally listed heritage asset.

Paragraph 193 of the NPPF 2019 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, irrespective of whether the potential harm amounts to substantial harm or less than substantial harm to its significance. Paragraph 197 of the Framework also states that a balanced judgement will be required, having regard to the scale of any harm or loss to the significance of any non-designated heritage assets.

The proposed flood alleviation scheme does not fall within the listed building buffer of any of the three aforementioned listed buildings. Nevertheless, it is considered that the western portion of the application site does fall within the setting of the Grade II listed Hucknall War Memorial. It is however considered that the proposal will improve the setting of this listed building, by removing the existing unattractive rubber crumb and tarmac surface previously occupied by the play equipment in this location, and replacing it with a landscaped environment, resulting in no harm to the setting of the listed building.

It is further considered that as the proposal does not unduly change the overall appearance of the park. The proposal would subsequently not result in any detriment to the setting or significance of the locally listed heritage asset, in accordance with paragraph 197 of the Framework.

***Visual Amenity:***

A landscaping scheme has been provided as part of the proposal to demonstrate how the proposed works will assimilate into the surrounding park setting.

To ensure that the proposed de-culverted and re-aligned parts of the brook appear established from the out-set, these areas are to be lined with pre-established coir roll to provide immediate marginal vegetation within the park. In addition to this, new areas of wild flower turf and seeding are to be laid within sections 2 and 3 of the scheme to create a new landscaped meadow environment, whilst section 1 will be landscaped with amenity turf. Additional shrub and tree planting is also proposed throughout the scheme, with 38 new trees to be planted and five new areas of shrub planting.

It is therefore considered that the ground remodeling and brook restoration works will add to the overall landscape character of the open space, resulting in no detrimental impact upon the visual amenity of the area.

***Residential Amenity:***

Although the proposed flood alleviation scheme will take place within close proximity to nearby residents to the north and east of the site, it is considered that the proposed works will not result in any undue impact upon the amenity of neighbouring residents, by virtue of massing, overshadowing or overlooking.

### **Conclusion:**

The proposed restoration and realignment of Titchfield Park Brook will facilitate in alleviating current incidences of flooding within and outside of the application site without increasing flood risk elsewhere. The proposal will also result in a net gain in biodiversity within the surrounding locality, following the creation of new landscaped meadow environments and the planting of new trees and shrubs.

The proposal is considered to comprise of appropriate development within an area of formal open space, without having any significant detriment to the setting of the surrounding historic environment. In addition, the scheme does not raise any significant concerns in regards to the impact upon the visual amenity of the local area, or on the amenity of nearby residents.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below:

### **Recommendation: Full Application – Conditional Consent**

#### **CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
  
- 2. This permission shall be read in accordance with the following plans:**
  - **Site Location Plan Scale 1:500, Received 18/11/19;**
  - **Proposed Layout, Drawing No. P&E/TPB/2019/001, Received 18/11/19;**
  - **Flood Storage & Brook Alignment, Drawing No. P&E/TPB/2019/001, Received 18/11/19;**
  - **Section Detail/Flood Storage, Drawing No. P&E/TPB/2019/002, Received 18/11/19;**
  - **Section Detail/Flood Storage, Drawing No. P&E/TPB/2019/003, Received 18/11/19;**
  - **Landscaping Plan, Drawing No. P&E/TPB/2019/001 Rev A, Received 28/10/20;**
  - **Earthworks & Construction Plan, Drawing No. P&E/TPB/2019/003 Rev A, Received 28/10/20;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/OV, Received 18/11/19;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/CW, Received 18/11/19;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/HW, Received 18/11/19.**



The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The hereby permitted development shall be carried out in accordance with the submitted Titchfield Park Modelling Report (dated 12/10/2020) and the 'Flood Storage Technical Drawing' shown in Appendix A (drawing no. P&E/TPB/2019/001). These mitigation measures shall be fully implemented with the schemes timing/phasing arrangements, and the measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure that the flood alleviation scheme operates as and does not increase flood risk elsewhere.

## **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).