

Silo Farm

W2022/0298

Reservoirs (cov)

Reservoir (cov)

WHYBURN LANE

128m

140m

Long Hill

121m

117m

Pit (dis)

Beacon Hill

145m

er Plantation

Mast

Misk Farm

135m

Leivers's Hill

COMMON LANE



SPRINGFIELD ROAD

Drain Track

BADGER C

TAINSBOROUGH ROAD THE COMMON

DAWLISH CLOSE

-  Application site boundary (4.1ha)
-  Other land within client's ownership

Received By Ashfield District Council **12.4.2022**

Drawn By	S.C.M.	Title	Land off Common Lane, Hucknall	Drawing No	21.113/01
Approved By	T.C.		SITE LOCATION PLAN	<small>Planning and Design Group (P & DG) Pure Offices, Lake View Drive, Sherwood Park, Nottingham NG15 0DT Tel: 01623 726256 web: www.panddg.co.uk</small>	
Revision Detail / Date		Scale @ A3	1:2,500	<small>Note: P & DG accept no responsibility for any unauthorised amendments to drawings and does not permit unauthorised copying of drawings in order that subsequent reproduction of drawings are internally controlled. Copyright P & DG.</small>	
		Date	03/22	<small>This drawing should not be scaled for construction purposes.</small>	



COMMITTEE DATE 14/06/2023 **WARD** Hucknall West

APP REF V/2022/0298

APPLICANT Aldergate Properties Limited

PROPOSAL Outline Application with All Matters Reserved Except Means of Access for a Residential Development of a Maximum of 100 Dwellings

LOCATION Land At, Common Lane, Hucknall, Notts, NG15 6QB

WEB-LINK <https://www.google.co.uk/maps/@53.0347207,-1.2339289,18.25z?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, F, K

App Registered 13/04/2022 Expiry Date 23/06/2023

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

This application has been referred to Planning Committee by Councillors Locke, Shaw, Waters and Wilmott.

The Application

This is an application for Outline Planning Permission with All Matters Reserved Except Means of Access for a Residential Development of a Maximum of 100 Dwellings.

The site is located outside of the district's main urban areas and named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policies ST4 and EV1 of the ALPR 2002. The site is located within a Mature Landscape Area identified as Misk Hill. Policy EV4Rb is relevant. This covers land to the west of the reservoir, and south of Whyburn Lane. It includes Beacon Hill and Leivers Hill.

The application is seeking outline planning permission with all matters apart from access, reserved for a residential development of up to 100 dwellings. A broad-brush masterplan has been submitted for illustrative purposes showing zones of development across the two main parcels of sites.

The application is also supported by a Flood Risk Assessment, an Ecology Report and Biodiversity Survey, a Landscape and Open Space Strategy, A Planning

Statement, and Design and Access Statement, a Transport Assessment and Travel Plan, and a Landscape and Visual Appraisal.

The Council have provided the applicant/agent with the opportunity to submit additional/amended information to address concerns relating to highways, ecology, and drainage. The findings of which have been reviewed and considered.

The applicant claims that there are very special circumstances which outweigh the perceived harm to the Green Belt and has submitted a number of appeal decisions to support their argument where Inspectors have noted that there has been a lack of a five year supply of housing and granted planning permission at those sites. They further state that in these cases there is no likelihood of a new Local Plan being produced in the short term. The proposal would significantly boost housing supply in the local area. The absence of a timetable for the new Local Plan tends to weigh in favour of approving the development. The claim made is that no weight should be given to the absence of a proposed housing allocation and the tilted balance is engaged to allow for the very special circumstances demonstrated in this case. These claims are however disputed and discussed later.

The site consists of land which rises both towards the north east, very steeply at the northern end, and also, from the south east to the north west from the roadside on Common Lane. The portion of land to the south west side is grassed and suitable for pasture land. The two pieces of land to the north eastern side have a combination of pasture land on the north west piece and arable for the section nearest to Common Lane. The two parcels are separated by a hawthorn type hedgerow at approx. 1.5m high running up to the application site boundary. The eastern field is also bounded by a fence and hedge on the north side. Beyond this, the land rises steeply and consists of Gorse scrubland, as it rises to the top of the bank. There is a 1.5m high hedgerow along the southern boundary with Common Lane to the corner with the farm access track to Misk Farm.

There are two storey detached houses along Common Lane which face the larger parcel opposite the proposed entrance to the site. There is a slight rise in land between The Common and the farm access track to Misk Farm. There are some individual tree specimens along the southern boundary opposite dwellings along The Common. There are Silver Birch close to the dwelling at the corner along the Eastern boundary. There is a gated entrance that leads to the straight line public footpath which runs through the site.

The public footpath continues to travel in a northerly direction to the north western part of the field to avoid the steepest part of the hill up to Leivers Hill. There are a clump of trees just outside of the site boundary towards Beacon Hill.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

ADC Environmental Health:

No objection in principle. Request a condition regarding a Construction Management Plan to control noise from construction during the course of the development and also to control dust emissions across the site.

Due to the possibility of potential ground contamination from an infilled gravel pit to the north of the development, a condition is recommended for a remediation scheme to assess potential contaminants, and put together a strategy to deal with these and have a monitoring and maintenance plan to be implemented.

Environment Agency:

Identify that the site is located within flood zone 1 and therefore have no fluvial concerns associated with the proposal.

Natural England:

No comments to make on the application.

Notts CC Highways:

The Highway Authority has raised concerns about the piecemeal redevelopment of land off Common Lane and would prefer a comprehensive approach to the wider site. Nevertheless, an assessment has to be made on the application before the local planning authority as submitted. On this basis, the submitted application would not result in a detrimental impact on the highway network and the details of the access into the site are considered acceptable. Given that this is an application for Outline only, a number of other details would need to be agreed at the Reserved Matters stage. On this basis, the Highway Authority recommend conditional approval of the proposal subject to the imposition of appropriate conditions.

Notts CC Policy:

There are no minerals safeguarding and consultation areas in close proximity to the site. There is therefore no objection from a minerals viewpoint. In terms of waste, the development should be developed to minimise waste from the site. A waste audit would be useful.

The applicant owns a larger piece of land and consideration should be given to assessing any future build out of a larger site. A masterplan should be submitted to give a holistic approach to public transport provision including provision for buses within the site. There are bus stops near to the site at around 360 and 370m. There is a regular bus service 7 days a week for the Connect service. The 3B service is a Saturday and Sunday service every 30 minutes between Nottingham and Mansfield.

There is a demand for improvement to the quality of provision of two bus stops at Nabbs Lane. A contribution of **£26,825** is sought for real time boards, raised kerbs and extended footways. This would benefit the residents of the development. The payment trigger would be prior to commencement. No contribution towards school transport should be sought. The applicants Travel Plan identifies offers for discounted bus travel for residents for the first week. This should be extended. It is recommended that a condition be imposed in relation to this.

In terms of library requirements, the proposal could add up to 230 people that would require library services. Hucknall Library is the nearest. The County Council seek a developer contribution to provide additional stock for the library. This is costed at **£3524.00**.

In terms of education, there is a surplus of places at Primary School level, and therefore no requirement for contributions towards primary education. At Secondary level, there would be a forecast deficiency of provision. The County Council therefore seek **£388,016.00**. For post 16, a contribution of **£72,753.00** is required. For Special Educational Needs, the development would yield one additional pupil requiring a specialist place and therefore **£83,728.00** is requested.

Notts CC Public Rights of Way Team:

Hucknall Bridleway 33 runs through the site. The landscape strategy shows that the Public Right of Way (PROW) is to be retained. The applicants should ensure that the route is naturally surveilled and not diverted into a narrow jitty. Hedges and trees should not interfere with the route. Are there new routes to be permissive routes outside the application site, or any new dedicated PROW'S? The applicant should provide further details of surfacing of the bridleway. Any change of surface should be agreed with the Rights of Way Team. If to be fenced, this should be low level and have an open aspect. If the detailed layout requires an alteration of the alignment of the route, this should be addressed through a diversion order separate to the planning application.

Notts CC Local Lead Flood Authority:

The LLFA had raised some initial concerns. Following the receipt of additional supporting information, they have no objections to the proposal, and consider that conditional approval can be given. This will require the submission of a further detailed surface water drainage scheme to ensure that there are no detrimental impacts from surface water run-off.

Severn Trent Water:

Foul water is proposed to connect to a public sewer which will be the subject of a formal section 106 sewer connection approved. This is similar for surface water treatment. The disposal of surface water is preferably dealt with through soakaway as the primary method if practical. Evidence would be required to show this cannot

be done before a discharge to the public sewer is considered. An informative is advised to be imposed to this effect.

Natural England

No reply to consultation.

Nottinghamshire Wildlife Trust

The submitted ecological appraisal has been submitted using good practice. The bat survey was 2021, so if the development is delayed, an updated survey should be considered. Brown Hare was spotted on the site. This is a species of Principle Importance. Their presence on site warrants further assessment. The additional proposed site enhancement should benefit Brown Hare so as long as the site is permeable, there should be no overall detrimental impact. Some of the hedgerow is not as species rich as indicated. Nevertheless, the existing hedgerow should be retained and enhanced through a detailed landscape scheme. This would help the bird species identified as seen on site. A biodiversity management plan should be secured by condition. Nesting provision should be included in the new dwellings to assist urban birds.

The bat survey confirms that the site supports 7 different type of bat species. The proposals would create additional foraging opportunities in the retained and enhanced hedgerows. Additional trees could be planted near the new entrance to provide for the gap. Ponds were not surveyed, so reptiles cannot be ruled out as there are ponds nearby. Precautionary working measures can be included in an LEMP (Landscape and Ecological Management Plan) to protect these entering the site. There was evidence of badgers on site, but a pre-commencement survey should be carried out. Hedgehog highways should be provided on site. Precautionary working measures should be included in an LEMP in relation to the clearance of vegetation scrub sections of hedgerow. New planting should be native. A precautionary working method should be included in the LEMP for any Japanese Knotweed found on the site.

In conclusion, provided the habitat retention and new habitat creation is carried out, along with precautionary working measures are included, timing of works, sensitive lighting strategy, careful clearance of refugia, capping of pipes etc, are secured, the impacts on the priority species will be minimal and long term benefits could be achieved.

Nottingham and Nottinghamshire Integrated Care Board:

A calculation has been carried out on the basis of an average household size of 2.5 residents per dwelling. This is based on Dept of Health calculation HBN11-01 Facilities for Primary and Community Care Service. There are three practices in Hucknall which are expected to be affected by the development, namely: -

- The OM Surgery

- Torkard Medical Centre
- The Alice Medical Centre

All practices are working at capacity. Infrastructure financing will therefore be required in the form of S106 contributions to ensure that there is adequate primary care health facilities in the area. The practices are currently reviewing their options as to whether the proposal would result in a configuration of, or extension, of existing premises or a new build that this S106 contribution will contribute towards.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger premises. The cost per sqm. has been identified by a quantity surveyor experienced in health care projects. For 250 patients, the calculated cost requirement is **£54.187.50**.

HS2 Ltd

A small area of the red line boundary overlaps the land safeguarded for HS2. The track is required during the construction and operation phase, and to enable environmental mitigation and for access to drainage attenuation. The land is still safeguarded and may be used for alternative schemes even without the final leg of HS2. There are potential solutions as the design develops beyond the outline stage. On this basis, there is no objection, subject to the imposition of an appropriate condition and informative.

Councillors Locke, Shaw, Waters and Wilmott have objected to the proposals. This can be summarised as follows: -

- The proposal would be a loss of Green Belt and loss of a local amenity enjoyed by walkers and wildlife enthusiasts.
- The proposal is contrary to paragraph 137 of the NPPF. The proposal would result in urban sprawl. There are no exceptional circumstances justified as required in paragraph 139 of the NPPF.
- In terms of transport, the proposal does not address the poor transport infrastructure. Common Lane is often gridlocked. There are no proposals for sustainable transport movements and public transport. The application will exacerbate traffic from the site.
- The proposal would be contrary to paragraph 189 of the NPPF. The Misk Hills are important local assets and should be conserved. Misk Hills is referenced by DH Lawrence and Sillitoe.
- The proposal would be damaging to wildlife and not enhance the area and contrary to paragraph 174 of the NPPF.
- There is a lack of GP services in Hucknall. Residents can't get an appointment. Schools are at bursting point. There are no proposals to improve educational attainment.

87 public representations have been submitted objecting to the proposal, at the time of writing, making the following comments:

- Highways
 - Busy roads. Traffic will be unbearable from the additional 200 cars on the road from the development. There are potholes in the road.
 - There will be more school traffic.
- Services
 - School full.
 - Doctors and dentists are struggling at over capacity.
 - Adds to pressure on services from other nearby developments.
- The site is contaminated – former landfill.
- Site contributes to character and enjoyment of the area. Sledging and flying kites have taken place at the site. DH Lawrence, Sillitoe, and Byron have written about the local area and the Misk Hills.
- Harm to Greenbelt – there are no ‘very special circumstances’ which should allow the development. The site is a great area for walkers. This area has helped my mental health.
- There would be a harm to a mature landscape area. Loss of the small amount of countryside left in Hucknall. The town is overpopulated. This site acts as a buffer zone.
- Site is not infill development.
- Development is not sustainable development. It will over dominate the area due to the higher topography. It would produce a visual scar at the foot of the hill and result in urban creep.
- Detrimental wildlife impact and destruction of the countryside. It will change the landscape. The ecological status of the area doesn't need improving, it needs leaving alone. There are outcrops of Gorse and scientific interest.
- Should build on brownfield sites first. There will be a loss of farmland for food production.
- The on-site trees should be protected.
- Potential drainage issues. The fields soak up rain. The rain will run off from the Misk Hills.
- It will increase air pollution.
- Travel Plan objectives are pie in the sky.
- Section 106 monies will not compensate for the loss of the land for development.

Policy

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

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – Remainder of the District

EV1 – Green Belt.

EV4 – Mature Landscape Area.

EV6 – Local Nature Reserves.

EV8 – Trees and Woodlands.

HG3- Housing Density.

HG4- Affordable Housing.

HG5- New Residential Development.

HG6- Public Open Space in New Residential Developments.

TR6- Developer Contributions.

National Planning Policy Framework (NPPF) (2021):

Part 2- Achieving Sustainable Development

Part 5 – Delivering a sufficient supply of homes.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 13 – Protecting Green Belt land.

Part 15 – Conserving and enhancing the natural environment.

Supplementary Planning Documents:

Affordable Housing SPD 2009.

Residential Design Guide (2014).

Relevant Planning History

No relevant planning history.

Comment:

Principle of Development:

Saved Policy ST4 of the Ashfield Local Plan Review (APLR) 2002 clarifies that outside the main urban areas and named settlements, permission will only be given for sites allocated for development or development appropriate to the Green Belt or the countryside. The application site is located within the Nottinghamshire Green Belt (Policy EV1). Part 13 (Protecting Green Belt land) of the NPPF is applicable.

The Council does not have a 5-year housing land supply of deliverable housing sites. In these circumstances, the application must be seen in the context of NPPF paragraph 11d, the tilting balance.

The NPPF sets out the Government's objective to significantly boost the supply of homes (paragraph 60). Local authorities are required to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5 year housing supply, NPPF paragraph 74). Based on the 2021-22 Housing Monitoring Report, adjusted for a 20% buffer required by the results of the Ashfield Housing Delivery Test, the Council has a 2.26 year supply (this is based on an assumption of 467 dwellings per annum).

The proposal would result in houses which are likely to be able to be delivered within a five year period. The land is owned by one company and is readily available. Subject to securing Reserved Matters approval, there is no reason to suspect that the site could not deliver the dwellings stated as a maximum of 100 within the application details. Further Reserved Matters could result in a slightly different quantum of development below this, depending on further design considerations and technical site assessments.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it. Openness has a spatial aspect as well as a visual aspect.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 149 of the NPPF goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, however residential dwellings are not identified, and as such, are considered to be an inappropriate use within the Green Belt.

Paragraph 148 of the NPPF states that "substantial weight" should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist, unless the potential harm to the Greenbelt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

There are dwellings along the section of parcel A, to the north of The Common to the track to Misk Farm. The applicants argue that this is infilling. However, not all small

gaps are appropriate for infilling where, for example, they contribute towards the openness of the countryside (Policy EV2 (g) of the APLR). The site is located outside of the built development boundary of Hucknall. The properties to the west are part of the group of buildings around Misk Farm including Beacon Hill Farmhouse and Beacon Hill House. The dwelling at the corner of Common Lane and The Common predates the housing to the south, and is considered as an isolated dwelling within the countryside. The context of the development to the north of The Common and Common Lane is distinctly different in character. The current Green Belt boundary here is strong and defensible. In conclusion, development of parcel 'A' would not be considered as infill development.

Furthermore, the introduction of the dwellings on this part of the site would not preserve the openness of the site, or wider countryside in this location, through the introduction of built form. Although openness is not defined by the NPPF, it is considered that in the context of the Greenbelt, the focus must be on the absence of built development rather than the availability of view of, or the visibility of, any part(s) of the proposed development. It would urbanise this currently pleasant route through the land as people move from the urban development to the south into the open countryside along the public footpath.

The Council acknowledges its position with regards to its housing land shortfall and recognises that the delivery of housing would represent a significant benefit towards the Council's existing housing stock, alongside the inevitable contribution towards sustaining local services, as would temporary economic benefits by virtue of generating employment via construction. It is concluded that the housing development could be deliverable within the 5 year period of permission being granted.

Inevitably, any residential development on the application site would introduce built development on an undeveloped part of the application site, which would therefore result in an adverse impact on the openness and permanence of the Green Belt in this location. Furthermore, the introduction of residential paraphernalia associated with the dwellings in this location would result in a further urbanising impact, further reducing the openness of the Green Belt, resulting in the area having a suburban feel to it, and the rural character would be lost forever.

In terms of the impact from the loss of this part of the Green Belt, the Council have carried out assessments of the parcels of land subject of the application. These are, the Strategic Green Belt Review (SGBR) and Green Belt Harm Assessment July 2020.

A SGBR, 2016 and Addendum 2021 was undertaken by the Council using a framework agreed with the neighbouring Green Belt authorities of Broxtowe Brough Council, Gedling Borough Council and Nottingham City Council. The Strategic Framework has not been queried by the inspectors at these councils Local Plan Part 2 examinations.

In terms of detailed assessment, the development forming the application boundaries fall into two different sites for the 2016 Green Belt Review. The smaller parcel to the south of the farm track is H09/15. The greatest effect from the development of this section of land would be from failing to safeguard the openness of the countryside. The effects of the loss of this piece of land would be relatively localised and seen from properties to the south of The Common, and from users of the public footpath which runs through the site.

Site H09/ Site 4 is a slightly larger area of land than the application site. This includes the area of higher land between the farm track to Misk Farm and Long Hill, which is not part of this application. Its development would have a greater impact on the sprawl of the settlement and close up the land between Misk Farm and Long Hill. It also scores high for failing to safeguard the countryside from encroachment.

In terms of the 2020 study, the area was considered as one larger site including the higher parts of the land (HK047). This scored high in terms of impact from the failure to safeguard from encroachment in relation to the harm caused from the potential release of the land for development. The conclusion was that the release of the land would result in a 'relatively low' overall harmful impact on the Green Belt.

The development as part of this application could reasonably be considered to have a lower score than that, on the basis that it does not include development of the higher land where the Gorse is located on the top of Leivers Hill. The harmful impact could therefore be considered to be 'low' to 'relatively low' overall impact on the Green Belt, for the development site. Nevertheless, the fact that the site scores high in terms of safeguarding the encroachment into the countryside is considered to be of sufficient importance on that single purpose to require that the Green Belt stay intact in this location and to resist the proposed development.

As well as the impact on the Green Belt, a significant issue is the assessment of the impact on the landscape of the area, and as importantly, its impact on users of the area, in terms of how it makes people feel when they use the open areas and their appreciation of that space.

The whole of the development area is identified as a Mature Landscape Area (MLA) and covered by policy ER4 and specifically referred to as Rb: The Misk Hills. The proposal would not directly affect Misk Hill, which is also identified separately within policy EV6 as a Site of Importance for Nature Conservation. It would, however, have an impact on people's perception that urban development would be encroaching onto the foothills of the Misk Hills as they travel from The Common over the hill towards Silo Farm, and continuing on the public footpath up to Misk Hill and Misk Farm. The development of new houses within the area identified as a 'Mature Landscape Area' would have a significantly detrimental impact on footpath users' appreciation of the site. Although not yet defined, the likelihood is that the public footpath which goes straight through the middle of the field in a straight line, would need diversion, and become less usable and less direct, being located within the

housing site, according to the illustrative masterplan. This would have a significant detrimental impact on users.

Whilst views are not protected in terms of residential amenity implications, the development would result in significant harm to the enjoyment of this valued landscape and be considered a significant encroachment into what is an open countryside location where the topography of the site has resulted in greater prominence of the site for local residents.

Leivers Hill and the rise up to Beacon Hill are readily viewable from a number of different points in the locality. The hills form the backdrop to the late 20th Century estate to the south of the site. There are clear views of the hills from various vantage points up to a kilometre from the site, for example, from Polperro Way at its junction with Tiverton Close, and also Nixon Rise. Also, from further west at its junction with Lynstead Drive, moving in a northerly direction, and similar in views to the north from Stainsborough Road. There are also views towards the site from Nabbs Lane, from near its junction with Ascot Drive looking north.

Although there are references in the comments to use of the hill and the site, for example, sledging in winter and kite flying, the only public access is via the public footpath 33 which runs through the site. Any other use of the site is with the owner's permission only. Nevertheless, people have fond memories on being on, and within, the application site boundaries.

ALPR policy ST1 is a general policy which specifies a number of provisions, including that development will be permitted where, among other things, it will not adversely affect the character, quality, amenity, or safety of the environment. The policy is applicable to all development and, it is considered to be in conformity with the NPPF.

The NPPF and particularly paragraph 174(b) recognises the intrinsic character and beauty of the countryside. Paragraph 130 of the NPPF provides, amongst other things, that planning decisions should ensure that developments are: 'sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.

There are no nationally designated landscapes in Ashfield that meets the requirements of paragraph 176 (National Parks, the Broads and AONB). However, the NPPF identifies that decisions should 'protect and enhance valued landscapes' (NPPF para. 174 a). Neither the NPPF nor PPG defined what a valued landscape is. From various court decisions it can be seen that:

- A "valued landscape" need not be designated.
- The Stroud case identified that a valued landscape is that which is "out of the ordinary," "to be valued would require the site to show some demonstrable special attributes rather than just popularity". All landscapes are of value to at

least somebody but to fall under NPPF paragraph 174 a) it needs something more.

- It should be clear about the extent of landscape being considered. In the CEG court case, the inspector identified that a small site itself may not exhibit any of the demonstrable physical features, but as long as it forms an integral part of a wider 'valued landscape' it would deserve protection under the NPPF.

Policy EV4 of the APLR identifies that development which does not adversely affect the character and quality of mature landscaped areas will be permitted. MLA's are a local countryside designation, to identify and protect valuable and vulnerable parts of Nottinghamshire's landscape which have remained relatively unchanged over time.

The Landscape Institute have a Technical Guidance Note (TGN) 02-21 Assessing Landscape Value Outside National Designations, 2021. It identifies a range of factors that can be considered when identifying landscape value (Table 1) including associations, landscape which is connected with notable people, events, and the arts.

In this instance, there are references to the local landmark at Misk Hill by notable local artists, writers, and poets. Whilst the scheme would only affect the southern part of the foothills of The Misk Hills, nevertheless, it can be considered that the application site is a valued local landscape within the context of paragraph 174 of the NPPF.

It is considered that the site between The Common and the farm track has a higher level of sensitivity to residential development, than the low sensitivity concluded by the applicant's Landscape Study. Whilst there is a dwelling to the east and farm buildings to the west, the development of the site would be likely to enclose the public footpath and block out views of the lower part of Leivers and Beacon Hill. It would be seen as an add to the existing edge of settlement of Hucknall. It could be concluded to therefore, have at least a medium sensitivity to residential development.

Parcel B, north east of the farm track is much more open in terms of its feel. The land rises gently at the corner with Common Lane and The Common, but rises steeper in a north easterly direction to the top of Leivers Hill. A development providing up to 40 dwellings per hectare in this area, would have a significantly detrimental visual impact on the site, particularly given the steep increase in topography across the site.

Whilst the illustrative master plan indicates that there is likely to be some open space towards the top north west corner of the application site, this will not prevent the over dominance of the new residential development. The proposed dwellings would be up to 9m in height. Given the land level changes across the site, this would result in a predomination of rooftops, and gable ends, and have a very significant detrimental

impact on the area, and be seen from various vantage points across the local area. It is therefore concluded that the proposal would have a medium to high sensitivity to residential development. Common Lane is a strong defensible boundary to the limits to Development of Hucknall. The proposal would weaken the edge of the built development, and fail to create a soft transition between the urban and rural edge.

The applicants accept that the proposals would have a detrimental impact on the Green Belt and have some localised detrimental impacts on ecology and the landscape. For this reason, they are proposing significant additional ecological enhancement measures on land which is identified on the blue land owned by the applicants approx. 13.9ha.

The applicants consider that this would result in biodiversity enhancements to the site. The submitted Landscape and Ecological Enhancement Strategy identifies new woodland planting, enhanced green infrastructure, improvements to biodiversity at different locations within the larger blue land, opportunity for habitat connectivity, new or enhances walking routes, and new footpaths through the site. This wider site would remain undeveloped and be enhanced for ecology and landscape character. This would generally be on land to the north which wraps around the site. There would be a new woodland in the north western part of the site adjacent to Brier Plantation. It is proposed to be a new 3.6ha woodland with mixed planting. No public access is proposed; however, it could be possible be managed by a local volunteer group. This could help provide a biodiversity corridor by enhancing hedgerow planting near Leivers Hill.

The gorse grassland could be improved in quality with better lowland heath creation. Gaps can be enhanced for the existing hedgerows where they are species poor. New hedgerows are proposed at the northern edge of the site at the highest part of the site. The applicants would provide a new bridleway path from Common Lane to Beacon Hill. This would go from the north east side of Leivers Hill along the edge of the field boundary. This currently seems to be used informally without consent. These could be provided through a Section 106 Agreement. At the time of writing, no Heads of Terms have been submitted although the applicants have agreed in principle to provide this.

The applicants consider there would be the opportunity for enhancement through the provision of swales and wetland basins at the front of the site that could attract birds and aquatic life. These could also provide for natural play by local children. More standardised play equipment would also help to create a park life environment.

The proposal would help to add residential development to meet the significant shortage of available houses within the Ashfield Borough Council area. This needs to be given significant weight in the assessment of the application. This provision has to be balanced against the detrimental visual impacts to this locally valued landscape, and very special circumstances need to be provided in order to meet the requirements of paragraphs 147 and 148 of the NPPF in relation to the harmful impacts on the Green Belt. This is weighed below.

Amenity & Heritage:

As the application is seeking outline planning permission for all matters reserved apart from access, the Council is only considering the principle of residential development as part of this application, and the proposed access into the site from Common Lane.

Matters relating to the scale, layout, design, and landscaping of the proposed development will be considered as part of the Reserved Matters application to be submitted to the Council.

The potential impact upon neighbours would be subject to consideration and assessment at a later date, relating to possible impact on privacy, overshadowing, massing, overlooking etc. A Waste Audit could be assessed as part of a Reserved Matters application.

The proposal would require the provision of a minimum of 10% of the gross housing area of public open space, based on policy HG6 of the APLR. This policy is consistent with the NPPF at paragraphs 93 and 98 emphasising the important of open space within developments reflecting both good design and well-being aspects. The submitted illustrative masterplan is a bit light on detail about where this would be located. No large public open spaces have been shown within the red line development site boundary. Details will be required to be submitted as part of the Reserved Matters application. The applicants have indicated that some of this could be within the blue line land, but this could change the character of that land to become more residential and urbanised. This would need to be informal recreational areas only and not formal play space etc. It would not be appropriate to locate play equipment on the higher land outside of the red line boundaries.

Conditions could be imposed at outline stage to require provision of a minimum of provision based on the above local plan requirement. The layout plan would need to show how this can be achieved, and may result in the quantum of development reducing to meet these requirements.

It is concluded that there are no heritage issues associated with the development, and that the development would comply with paragraphs 197 and 203 of the NPPF.

Landscaping would be implemented at the site, and be the subject of any reserved matters submission in the event of an approval. Nevertheless, the proposed development would introduce built development on a site where currently no development exists, which would cause harm to the character and appearance of the area, reducing its openness. A landscape scheme within the site could not hide or ameliorate for the urbanising detrimental visual impact of the development. This overall planning balance is assessed further below.

Ecology and Arboriculture:

The application was supported by an ecological appraisal survey and a separate landscape and open space strategy.

The submitted habitat survey confirms the use of the site by protected species such as bats and badgers. The main findings and conclusions are as follows.

Site surveys have been carried out during the summer of 2022. The development site forms part of arable land and pasture land. Hedgerows are dominated by Hawthorn. Three hedges within the wider surveyed area are species rich. Bats were found within the development site, namely Common Pipistrelle, Nathusius's bats and Soprano Pipistrelle. These were congregated around the dwelling at the corner of Common Lane and The Common. There was greater activity around the Local Wildlife Site to the north. No trees within the development site are affected. There were no records of breeding birds nesting in the development area. There were over flights from a number.

There are no active badger sites within the site, but travel across the site is possible. There were no Hares within the site. For reptiles and amphibians there were no breeding habitats on the development site. There are ponds off the site in the vicinity, but these were not surveyed. There is concluded to be no direct impact on Designated SSSI in the vicinity. The Local Wildlife Site at Long Hill is not affected by the development.

There would be some minimal impact from loss of some hedgerow, particularly where the access is created from Common Lane. This could be mitigated with additional planting across the rest of the site, and particularly within the blue land owned by the applicants in the event of an agreement as part of the Section 106 Agreement.

The Council would expect protective fencing, as above, to be erected on site prior to the commencement of any development works, and to be retained until construction works on site have been completed. These should not be erected after some 'pre-development works' have taken place, as suggested by the submitted report.

In conclusion, it would seem that the overall impacts on the ecology of the site are relatively low, and could be mitigated, through some biodiversity enhancements, hedgerow replacements, new tree planting and additional bird and bat boxes within the new housing layout. Conditions are recommended to be imposed to provide for a LEMP as suggested by Nottinghamshire Wildlife Trust. On this basis, the proposal would comply with the requirements of paragraphs 179 and 180 of the NPPF.

Flood Risk and Drainage:

Objections have been raised in relation to potential detrimental impacts from flooding at the site, and effects from run off from the development and the treatment of surface water run-off.

There are no objections from the Environment Agency. The site is located within zone 1 of the flood zone, and therefore at the lowest level from fluvial flooding.

A development of this nature has the potential to have detrimental impacts from pluvial flooding, and surface water run-off. There are significant slopes across the site. Residential development will increase run off rates with the additional hard surfacing. This will need to be managed on the site to prevent issues of rainwater running off the site. The illustrative master plan indicates locations for attenuation basins, and swales. This would need to be worked out at Reserved Matters stage, in the event of a grant of planning permission.

Further technical work would be required to assess the ability of the site to deal with soakaway. The applicants have submitted further drainage information in the form of a Flood Risk Assessment at the request of the Local Lead Flood Authority. Based on this document, the conclusions are that the development could be acceptable in principle. Further detailed surface water drainage assessment would need to be carried out to provide for a sustainable drainage scheme at the Reserved Matters stage. This can be dealt with by condition. In conclusion therefore, there are no objections to the development on grounds of impact from flooding and drainage.

Highways and Transport:

The site is well located in relation to local public transport infrastructure and is close to bus stops with a good service to main town centres and other public transport nodes. Improvements can be secured through S106 contributions as requested by the Highway Authority. There are relatively close access to local shopping facilities. On this basis, the site is relatively sustainable, and not isolated from nearby services, which could be accessed on foot, bicycle, or bus for future residents.

The details of parking numbers and highway design each morning can be agreed at the Reserved Matters stage when each dwelling would need to provide adequate parking for its own needs.

In conclusion, based on the comments of the local highway authority, there are insufficient grounds to refuse the proposal based on the impact on highway safety and the local highway network. The proposal would therefore comply with the relevant guidance within Supplementary Planning Documents and paragraphs 109-113 of the NPPF.

Contaminated Land:

It is recommended that further site investigations and monitoring works are undertaken in order to establish the presence or absence of contamination and to enable a quantitative assessment of the associated environmental risks as part of a

Phase 2 intrusive investigation. The Council's Environmental Health Team and the Environment Agency concur with this approach/recommendation.

Section 106 Contributions:

There are several matters which have been raised as a result of the size of the development exceeding the thresholds where Section 106 monies are required to counter the potential impacts of the development on community infrastructure and transport. The requirements are as follows: -

Affordable Housing- A minimum number of dwellings required at the site would be 18.5 houses from 100 dwelling. The applicants had originally proposed 19 dwellings which meets the requirements. They have subsequently offered to increase this to 25 dwellings. These would need to be secured through a S106 Agreement.

Education- There are requests for contributions for Secondary School pupils based on potential demands from the development. These would need to be finalised dependant of final numbers of dwellings at the site, but on the basis of 100 units, these would be **£388,016.00**. For post 16 education this figure would be **£72,753.00**. for Special educational needs the requirement would be **£83,728.00**.

Library- for additional stock at Hucknall Library the requirement would be **£3,524.00**.

Transport- For improved quality of two bus stops on Nabbs Lane a request of **£26,825.00** is made. A bus pass scheme would also be required for new residents.

The applicants have indicated that they are willing to enter into a S106 Agreement to secure the provision of a number of community and transport infrastructure requirements from the development. A draft Heads of Terms has not been submitted at the time of writing, however.

Planning Balance:

The proposal would result in a significant boost to much needed housing supply in the district, with up to a 100 dwellings being provided, 25 of these being affordable houses. This should be given significant weight in the balancing exercise.

The Council does not have a five year supply of housing and is considerably short. The housing strategy and local plan is out of date, and it is possible that some Green Belt land will therefore need to be released to accommodate this shortfall, the locations of which are yet to be determined.

It is concluded that the current Green Belt boundaries in this location are strong and defensible. Common Lane has housing on the south side of the road, and there is a good hedgerow along the north side. The character of the Green Belt here is one of rolling hills, and significant topographical changes from the area of Beacon Hill Lodge to the Local Nature Reserve at Long Hill.

Although there are only relatively low impacts on the harm to the Green Belt from the development of the section of land to the south of the farm track, the visual impacts are higher, because as soon as the user travels along the public footpath, public footpath users feel like they are in the countryside, and not the urban fringe, as the views of Leivers Hill and Beacon Hill open up. Significant detrimental changes to the experience of the user would be experienced with any likely diversion of the footpath through the site. Nevertheless, the benefits of the development are significant.

However, whilst the benefits of an additional potential 100 dwellings would be significant, and whilst there could be opportunities secured through a Section 106 Agreement for some additional woodland planting, and increase in public access to private land, these are not considered 'very special circumstances' to warrant the release of the Green Belt land for residential development. It is therefore concluded that the harm to the openness of the Green Belt should receive a higher weight than the benefits of developing the site to provide some of the shortfall of the Council's housing supply.

Whilst the applicant has submitted a number of appeal decisions where Green Belt land has been agreed to be released for housing, on the basis of the tilted balance being reached of very special circumstances, the lack of a five year supply should not be the determinant factor in itself in terms of allowing the release. Each case is assessed on its merits and in this instance, it is concluded that the benefits identified do not outweigh the harm to the local landscape. A recent appeal decision in Beaconsfield was dismissed where there was a lack of a five year housing supply, and where the Local Plan was 'woefully out of date'. Another appeal decision was in St Albans in 2021 which was even on Previously Developed Land. At an appeal in Sevenoaks in 2021, an appeal was dismissed for residential development where there was only a 2-3 year land supply.

The development site is considered to be a valued local landscape. The provision of development of up to 9 metres in height rising above the existing built development along Common Lane is likely to result in significant harm to visual amenity, and result in a loss to this intrinsic quality and beauty of the countryside. The proposed higher density of development at this site would be inappropriate, and together with the rising land up to Leivers Hill result in a dominance of brick, and roof tile, and other urban domestic paraphernalia which would result in visual scar on this hillside location with rooftops masking the top of the hill from various points within Common Lane and The Common. Further away, the top of the hill is likely to be seen, but part of the green backdrop of Leivers Hill and Beacon Hill would also be dominated with roofscapes and brick walls and gables.

There is therefore considered to be a significantly detrimental impact on the loss of the Green Belt, and also to the visual appearance of the countryside, due to the topography and rising land to the north. The proposal would be contrary to saved policies EV1 and EV4 of the ALPR. It is concluded that the, albeit it 'low' to 'relatively low', the harm to the principles of the Green Belt, should be considered to be given

substantial weight, which outweighs the significant benefits of the housing scheme to help meet the shortfall of available housing land in Ashfield. It is concluded therefore that 'very special circumstances' in this case, do not exist for the development.

It is recognised that there is a severe deficit of housing land as required by the Framework. These circumstances, together with the age of the most important policies deems that they are out of date. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the application.

Overall, the proposal is considered to conflict with policies contained within the ALPR and NPPF and represents an inappropriate form of development which is harmful to the fundamental aims and purposes of Green Belt policy, which amongst other things, seeks to prevent urban sprawl and safeguard the countryside from inappropriate encroachment.

The proposal would also be significantly detrimental to the character of the countryside, and result in significant harm to the intrinsic beauty of the countryside by virtue of failing to protect this locally valued landscape. The proposal would thereby be contrary to paragraph 174 of the NPPF.

It has been made clear by the Courts that the weighing up of every aspect of a case for or against a proposal is not a mathematical exercise, but rather a single exercise of judgement is required to assess whether there are very special circumstances which exist which would warrant the grant of planning permission.

It is ultimately concluded, in this instance, that the substantial weight which is attached to the harm to the Greenbelt by reason of inappropriateness, and the failure to protect this valued landscape, significantly and demonstrably outweighs the significant benefits associated with the delivery of the housing provision within this proposal, when assessed against the context of paragraph 11d of the NPPF and its relevant footnotes.

Conclusion:

Having reviewed all the submitted information and assessing this against all relevant policies and material planning considerations, within the planning balance, a refusal of planning permission is recommended for this application.

Recommendation: - Refuse Planning permission.

REASON

- 1. The proposal is considered to constitute an inappropriate form of development within the Green Belt, which is harmful to the fundamental aims and purposes of Green Belt policy, which seeks to safeguard the countryside from urban sprawl and encroachment to maintain the openness and permanence of the Green Belt. The substantial weight given to protecting the Green Belt from harm is not outweighed by any other matters, and thus the very special circumstances required to allow the development does not outweigh this harm. The proposal also fails to protect and enhance this locally valued mature landscape. The proposal therefore conflicts with Policies ST1 (a and b), ST4, EV1 and EV4 of the Ashfield Local Plan Review (2002), and Part 13 (Protecting Green Belt land) and part 15 (Conserving and enhancing the natural environment of the National Planning Policy Framework.**

INFORMATIVE

1. The application is clearly contrary to the Development Plan and other material planning considerations, as detailed within the above reason for refusal. Working proactively with the applicants would not have afforded the opportunity to overcome these problem, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.