

Report of the Chief Executive

APPLICATION NUMBER:	19/00524/OUT
LOCATION:	Former Dry Ski Slope, Cossall Industrial Estate, Soloman Road, Cossall, Nottinghamshire
PROPOSAL:	Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works

This application has been brought to Planning Committee as it is a major application where contributions are also required under a Section 106 Agreement.

1 Executive Summary

- 1.1 This application is a hybrid of two parts. The first is an outline application to construct 64 new dwellings on the northern part of the site. This outline application is for access only, with all matters relating to layout, appearance, scale and landscaping reserved. The full application is for the change of use of the former dry ski slope to a country park with associated parking.
- 1.2 Planning permission was granted for a similar scheme in 2017, although the housing aspect of that application was for 46 dwellings. The additional dwellings are now being sought to improve the viability of the site and because changes to how the land levels are dealt with will increase the developable area.
- 1.3 The site is vacant and situated to the south of the Cossall Industrial Estate. The part of the site where the housing scheme is proposed is not covered by any site specific planning policy. The southern part of the site which will form the country park is within the Green Belt.
- 1.4 The change of use of the land within the Green Belt to a country park is considered to be an exception to inappropriate development in accordance with paragraph 146 e) of the NPPF. The principle of the residential development is considered to be acceptable taking into account the position of the site close to accessible transport routes and local amenities. Whilst the position adjacent to an industrial estate may not be ideal, it is considered that the site can be designed to mitigate against any potentially harmful impact of this.
- 1.5 The Highways Authority has not raised any objection to the proposal and it is considered that suitable access provisions have been made, subject to compliance with recommended conditions.
- 1.6 As the proposed development is for more than 10 dwellings the Council can seek planning contributions in respect of education, highways, affordable housing and health facilities. However, the applicant has reported in a viability assessment that due to the provision of the country park, and non-standard build costs associated with the sloping nature of the site, that any contributions would make the scheme unviable. The Council has had this assessment reviewed by an independent

surveyor, who has agreed with the applicant's assessment. Taking into account the benefits of the proposed scheme in terms of contributing to the Council's housing numbers, and the provision of a public country park for use by new residents and the existing community, that this would outweigh the harm of not receiving any Section 106 contributions. It has also been agreed that a clause can be inserted into a Section 106 agreement for this position to be reviewed should any of the proposed details be changed on the submission of a reserved matters application.

- 1.7 On balance, it is therefore considered that the benefits of the proposal would outweigh any potential harm and therefore planning permission should be granted in accordance with the recommendation in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This application is a hybrid of two parts. The first is an outline application to construct 64 new dwellings on the northern part of the site. This outline application is for access only, with all matters relating to layout, appearance, scale and landscaping reserved.
- 1.2 The full application is for the change of use of the former dry ski slope to a country park. The details of the proposed country park include:
- A commitment to deliver a fully managed country park;
 - New play area;
 - Provision of new paths and park furniture, final details of which to be agreed with the Council;
 - Car park with 13 spaces.

The change of use to a country park will require significant earthworks, and the movement of soil within the site resulting in a re-profiling of the land.

2 Site and surroundings

- 2.1 The application site comprises the former dry ski slope to the west of the village of Cossall and south of the Cossall Industrial Estate. To the north of the industrial estate is Coronation Road which is a main highway linking the site to Ilkeston to the west and the villages of Awsworth and Cossall to the east. The Nottingham Canal runs along the east boundary of the site with open fields beyond this and to the south.
- 2.2 The site is derelict and now appears largely vegetated with grass, trees and scrub land. The land slopes up to the north west corner of the site, and falls away steeply beyond the peak to a wooded area. The land flattens out to the south and east of the site. The northern section of land which covers the outline application for the residential scheme is generally flat, although raised from the ground level to Soloman Road which serves the industrial estate.
- 2.3 The application site is partly within the Green Belt, and partly outside it. The section of the site covered by the outline application for residential development at the northern end of the site is not within the Green Belt, with the rest of the site being within it.

3 Relevant Planning History

- 3.1 In 2017, planning permission 17/00237/OUT was granted for outline permission for 46 new dwellings with all matters reserved except access, and full planning permission for the change of use from the former dry ski slope to a country park. This is an extant planning permission that is still implantable subject to the discharging of relevant conditions.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019**

- Policy 8: Development in the Green Belt
- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13: Protecting Green Belt Land

5 Consultations

5.1 **Council’s Conservation Officer:** Awaiting comments.

5.2 **Council’s Environmental Health Officer:** No objections subject to conditions requiring a contaminated land assessment and a noise assessment being carried out.

5.3 **Council’s Parks and Green Spaces Manager:** Raised concerns regarding the steepness of the re-profiled bank behind the proposed dwellings and the prominence of the retaining wall. Notes evidence of motorcycling and horse riding of the site and therefore access points will need measures to control this. Requests condition for a management and maintenance plan.

5.4 **Council’s Conservation Officer:** Considers that the Archaeological Assessment provided offers sufficient detail on the relevant area. Considers that the Nottinghamshire County Council comments from the 2017 application with regards to a watching brief when on site remains relevant, and that any matters of interest that may be revealed during ground preparations should be reported to the Council.

- 5.5 **Nottinghamshire County Council Highways Authority:** No objections to the proposal subject to conditions requiring works to 2 bus stops on Coronation Road, appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site, approval of a range of access measures for the residential development, hard surfacing of residential driveways, access provision to be provided, footway improvement scheme along Soloman Road. Conditions relating to the country park also requested for access and parking and turning areas to be provided prior to use.
- 5.6 **Nottinghamshire County Council Policy:** Requested contributions of £226,538 for primary schools, £238,750 for secondary schools, £23,400 for bus stop infrastructure and £2,254 for libraries. Noted that it would be useful for the applicant to supply a waste audit.
- 5.7 **Nottinghamshire County Council Rights of Way Officer:** No objection raised. Would welcome the opportunity to expand the network of footpaths in the area.
- 5.8 **Nottinghamshire County Council Lead Local Flood Authority:** No objection subject to condition requiring a detailed surface water drainage scheme to be provided and approved prior to the commencement of development.
- 5.9 **NHS University Trust:** Requested a contribution of £58,138.
- 5.10 **Nottinghamshire CCG:** Requested a contribution of £34,680.
- 5.11 **The Coal Authority:** No objection subject to condition require intrusive site investigations and subsequent reports prior to the commencement of development.
- 5.12 **Nottinghamshire Wildlife Trust:** No objection raised subject to condition requiring a detailed translocation methodology/reptile mitigation strategy to be carried out prior to the commencement of development.
- 5.13 **The Environment Agency:** No objection subject to conditions requiring remediation strategy to deal with risks associated with contamination on site, report setting out demonstrating completion of works set out in the approved remediation strategy, informative note to applicant advising that it is highly likely a waste permit will be required.
- 5.14 **Canal and River Trusted:** No objection raised.
- 5.15 **Erewash Borough Council:** Supports the development proposal noting that in their view it will deliver notable benefits, particularly the new country park.
- 5.16 Eight properties either adjoining or opposite the site were consulted and a site notice was displayed. No responses were received.

6 Assessment

- 6.1 The main issues for consideration are the principle of the residential development, whether or not the development of the country park is appropriate in the Green Belt, site viability and highways safety.

6.2 Principle

Residential Development

- 6.2.1 The site for the residential development is not covered by any site specific planning policy, although it adjoins Green Belt land to the south and the existing employment site of Cossall Industrial Estate to the north. The land is identified as an existing housing commitment as it has an extant permission for the construction of 46 dwellings. The site therefore currently contributes towards the Council's 5 year housing land supply, although the existing permission would expire in 2021 if development does not commence.
- 6.2.2 Whilst the location of the site, adjacent to an existing industrial site, may not be considered ideal for residential development, it is considered that the change in land levels, along with the proposed development of the country park to the south, provide an opportunity for the scheme to be designed in a way that mitigates against any potential impacts of the neighbouring industrial site. The proposal utilises a previously developed site to accommodate a significant residential development that will bring benefits on a local and borough wide scale in terms of its contribution to housing numbers. The indicative site plans show that the site is capable of accommodating the number of dwellings proposed, with the final layout to be approved as part of a reserved matters application.
- 6.2.3 The site is accessible for amenities provided in the local village of Awsworth, and the town of Ilkeston to the west of the site. Ilkeston railway station is located to the north of the site and will also be accessible, with further public transport in the form of bus routes close by along Coronation Road to the north of the site. The proposed country park to the south of the site will provide a significant open space asset for the residential development, as well as the wider existing community.
- 6.2.4 The only matter for consideration in respect of the proposed residential development is access. Matters in respect of layout, scale, appearance and landscaping are reserved for approval at a later date. Therefore, the provision of residential amenity for the future occupiers of the site will not be considered further at this time. However, matters in respect of the proximity of the dwellings to the nearby industrial estate and the proposed country park to the south are matters that should be considered at this time, as they are key to the acceptability of the principle of development.
- 6.2.5 The proximity to the industrial estate raises potential concerns for residential amenity, notably in terms of noise pollution. The Council's Environmental Health Officer has been consulted and raises no objections to the proposal. However, a condition has been requested requiring a detailed environmental noise assessment to be undertaken to ensure that all noise-sensitive premises, notably the dwellings, are protected from road and industrial noise. The change in land levels between the industrial site and the elevated dwellings is considered to provide some separation between the two uses. Furthermore, given the residential scheme is outline at this stage, it is considered that the final layout can ensure that any potential impacts from the nearby commercial use is suitably mitigated against.

- 6.2.6 The land to the south of the residential site is proposed to be a country park, as part of this application. The change in land levels means the country park land will be elevated from the residential dwellings, up to circa 2m higher in some areas. This could therefore raise some concerns in respect of the privacy of the future occupiers of the residential dwellings. As the layout of the residential development needs to be approved at reserved matters stage, it is considered that any potential impacts could be overcome in the final design of the scheme. Furthermore, the nearest footpath proposed as part of the country park to the residential dwellings is set well in from the boundary between the two uses, restricting direct views from what will likely be the more heavily used parts of the site. In addition to this it is considered that landscaping as part of the reserved matters scheme can ensure that suitable boundary treatments can be used to prevent unacceptable levels of overlooking and protect the residential amenity of the future occupiers of the site.
- 6.2.7 Overall it is considered that the site for the proposed residential development offers a sustainable development opportunity for a significant number of new residential dwellings which will make a positive contribution to the Council's housing supply. Whilst the proximity to the industrial estate may not be ideal, it is considered that the final layout of the site to be determined at reserved matters stage can be designed in a manner to mitigate against this and make the most of the opportunity presented by the proposed country park to the south.

Country Park

- 6.2.8 Policy 8 of the Broxtowe Part 2 Local Plan (2019) states the for development proposals in the Green Belt, decisions will be made in accordance with the NPPF. Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 identify a number of exceptions to inappropriate development, with loads listed in paragraph 146 being exceptions so long as they preserve the openness and do not conflict with the purposes of including land within the Green Belt. Paragraph 146 e) identifies material changes in the use of land as an exception to inappropriate development. Therefore, a determination needs to be made as to whether the proposed country park would preserve the openness of the site or conflict with the purposes of including land within it.
- 6.2.9 The proposed change of use will not include the construction of any substantial buildings or structures. Furniture such as park benches and railings will be required throughout the area, although these will generally be low lying structures spaced out throughout the park area and are not considered to result in a harmful impact on the openness of the Green Belt. Furthermore, they will be in keeping with features that are found in typical countryside areas. A children's play area will also be provided as part of the country park. Whilst this will include larger structures, they can be designed in a manner that makes use primarily of natural materials, enabling the structures to blend in with the countryside setting. The provision of appropriate facilities for outdoor sport and recreation is identified in paragraph 145 b) of the NPPF as an exception to inappropriate developments long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it. Whilst the final design of the facilities to be provided in the children's play area are yet to be finalised, it is considered that this can be

achieved with a design that is of a scale and style that is not harmful to the openness of the Green Belt.

6.2.10 Paragraph 134 of the NPPF sets out the 5 purposes of the Green Belt:

- To check unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in the safeguarding of the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging recycling of derelict and other urban land.

Taking into account the nature of the development proposed, that being the change of use of the land to a country park, it is considered that the proposal will provide a clear barrier to further development on this land, thus preventing the merging of neighbouring towns and the safeguarding of this sections of countryside. It is therefore considered that the proposed change of use will not conflict with the purposes of including the land within the Green Belt.

6.2.11 Overall it is considered that the proposed change of use to a country park would be an exception to inappropriate development in accordance with paragraph 146 e) of the NPPF, and therefore the principle of development can be supported.

6.3 Access

6.3.1 The proposed residential development and country park will be accessed off Coronation Road and via Soloman Road on the south side of the industrial estate. The Highways Authority note that whilst the scale of the residential development has been increased from 46 dwellings (as approved by the previous application) to 64, the additional volume of traffic is unlikely to have a material impact on the operational capacity of nearby junctions so they consider the principle of development remains acceptable from a highways safety perspective.

6.3.2 There will be a single access from Soloman Road serving both the proposed residential development to the west of the access, and the car park for the country park to the east of the access point. The Highways Authority has commented that whilst the desired gradient of 1:30 has not been achieved at the access, the shortfall is unlikely to result in a highways safety issue and therefore it is considered sufficient.

6.3.3 The car park for the country park will provide spaces for 13 vehicles. The Highways Authority has raised no objection to this.

6.3.3 Whilst the proposed development will be accessed via roads running through the existing industrial estate, it is considered that the surrounding road network is capable of withstanding the increased usage without resulting in an unacceptable impact on highway safety. Conditions are proposed to improve pedestrian routes and crossing linking through the industrial site and Coronation Road and further highways matters that form part of the design of the residential development will be considered in the determination of the layout for the reserved matters part of this scheme.

6.3.4 Overall it is considered that access arrangements for the proposal are acceptable subject to compliance with the recommended conditions.

6.4 Environment

6.4.1 The Environment Agency and Nottinghamshire Wildlife Trust have been consulted on this application, and neither have raised any objections on environmental grounds. The Environment Agency have requested a number of conditions to assess and deal with any potential contamination on the site, which are considered appropriate. Despite a number of emails being sent the Nottinghamshire Wildlife Trust have not responded to this consultation. They did however provide a response to the 2017 application which requested a condition be attached to the permission requiring a detailed translocation methodology/reptile mitigation strategy, which is also considered appropriate to this scheme.

6.4.2 The Nottingham Canal runs along the east boundary of the site, and this is a designated local wildlife site and local nature reserve. The proposed housing part of the development is to the north west of the site and away from the canal, and it is therefore considered that this will not result in a harmful impact on the environment around the canal.

6.4.3 The country park will provide a substantial area of open space, and it is considered that the development and management of the park, in accordance with the recommended conditions could result in overall net biodiversity gain for the area.

6.5 Earthworks

6.5.1 The previously approved scheme required the removal of approximately 72,500m³ of spoil to be removed from the site, involving an estimated 8,055 lorry movements on local roads. This would have a significant environmental impact, as well as having significant cost implications, which would essential result in the scheme being unviable. The works would also require a large, 4m high retaining structure along the southern boundary of the housing, having an adverse impact on the design and appearance of the scheme.

6.5.2 The applicant has therefore commissioned an engineering consultancy to develop an alternative approach. This involves a cut and fill approach to regrade parts of the spoil heap both inside and outside the residential development area to create more gentle slopes. This approach will involve keeping the material inside the site, depositing it on the southern slopes of the spoil heap, avoiding the environmental harm and cost of moving it off site.

6.5.3 Whilst significant earthworks are still required to successfully develop the site, the new approach is considered to be a beneficial alternative to the original scheme, with the key benefit being the reduction in local journeys being made as a result of the land be re-deposited within the application site. Cross sectional drawings of the proposed site have been provided and it is considered that this approach will result in an acceptable form of development for the housing scheme and country park.

6.6 Contributions

- 6.6.1 Policy 32 of the Broxtowe Part 2 Local Plan (2019) states that financial contributions may be sought from developments of 10 or more dwellings for the provision, improvement or maintenance of a range of local facilities, affordable housing and highways. As identified in Section 5 of this report, contributions have been requested for educations, highways and health, with the standard 30% affordable housing also being required for the site.
- 6.6.2 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with these should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker (in this case the Council), having regard to all circumstances in the case.
- 6.6.3 The applicant has submitted a viability assessment, which assesses the viability of the site against a Benchmark Land Value (BLV) as required by national planning guidance. The assessment then compares the BLV to the output land value calculated by a residual development appraisal. If the output land value exceeds the BLV, the scheme can make planning contributions. If it is below the BLV, then the scheme is not sufficiently viable to make any planning contributions.
- 6.6.4 The applicant's assessment concludes that the BLV of the application site is £1,531,200. The applicant has adopted the Land Value approach to calculate the residual value of the site based on the proposed scheme. Whilst the residential part of the scheme is outline only, the assessment is based on the indicative plans and housing mix. The assessment is based in rental revenue estimates, BCIS build costs and other appropriate inputs. The output residual land value produced by the appraisal is £624,421. As the output residual land value of the application scheme is less than the BLV, it is concluded by the assessment that the application scheme is not sufficiently viable to make any planning contributions.
- 6.6.5 The Council instructed HEB to carry out an independent review of the applicant's viability assessment, and a report of their findings was provided to the Council on 11 December 2020. In order to compile their report, HEB has reviewed the supporting information for the planning application, obtained further supporting information from the applicant in respect of the specification of the country park, and undertaken their own appraisal to test whether the applicant's conclusions made are justified when considered in the context of being consistent with the principles set out in the NPPF.
- 6.6.6 HEB carried out a full financial appraisal of the scheme and prior to the inclusion of S106 requirements, based on the assumptions as set out within the report, conclude that the site has a residual land value of £463,483. This is compared to a BLV of £752,400. HEB therefore concludes that there is a negative viability gap of £188,917, and as such the scheme cannot withstand any additional Section 106 costs.

- 6.6.7 It is noted that there are differences in the Residual Land Value and BLV calculated by the applicant and by HEB in their review of the assessment. Having sought clarification from HEB on this matter they concluded that the applicant did not include enough finance cost, which is why their Residual Land Value was higher. In respect of the BLV, they acknowledged that the BLV is often an area that assessors disagree on as it is a matter of opinion of the minimum amount a landowner will sell a site for. HEB noted that the reason for the difference is that the applicant relies on a generic figure from the Council's CIL viability report dated 2018, which covers a much wider area, whereas HEB have made a site specific judgement.
- 6.6.8 HEB acknowledge in their report that the appraisal is based on the proposed layout, house types and sizes as set out within the outline application. They therefore recommend that if the scheme changes in any way at reserved matters stage then a further viability review should be undertaken. Following discussions with the Council's legal officer, it is understood that a suitable clause can be included within a Section 106 agreement to cover this.
- 6.6.9 The requested contributions include £226,538 for primary school places, £238,750 for secondary school places, £23,400 for bus stop infrastructure, and £34,680 for health services from the CCG. Further requests include £58,138 from the NHS Trust, and £2,254 for libraries, although these are not considered to be policy compliant in line with the requirements of Policy 32 of the Broxtowe Part 2 Local Plan (2019). There would also be a requirement of 30% affordable housing.
- 6.6.10 Whilst the scheme would not be making the requested contributions, it is considered that the key infrastructure such as road access, will be acceptable to serve the proposed development. Planning conditions will secure the provision of an acceptable access point, as well as requiring improvement to pedestrian route along Soloman Road. The requested transport contribution was for a new bus stop as opposed to major infrastructure improvements in the local road network. Whilst contributions will not be made towards additional school places there are other funding streams available for increases in demand for school places, and therefore it is not considered this will result in a significant shortfall. Whilst the proposed development may result in a funding gap for local GPs, it is considered that this is not sufficient to warrant a refusal of planning permission, especially taking into account the viability assessment provided.
- 6.6.11 Having considered the applicant's viability assessment, and the review undertaken by HEB, it is clear that if Section 106 requests are pursued, the site would be unviable, likely resulting in the land remaining undeveloped. Given the current condition of the site, and the benefits that would come from the provision of 64 new homes contributing towards the Council's housing supply, and the provision of a publically accessible country park, it is considered on balance that the benefits of the development would outweigh the harm resulting from the scheme not including nay Section 106 contributions. Therefore, it is considered reasonable to accept the conclusions from the 2 reports provided and not pursue the contribution requests on this occasion.

6.7 Flood Risk

6.7.1 The application site is outside of flood zone 2 and 3. The Lead Local Flood Authority has been consulted and has not raised any concerns in respect of flooding. It is therefore considered that the proposal will not result in unacceptable flood risk.

6.8 Archaeology

6.8.1 The applicant has submitted an Archaeological Assessment for the application site. This is the same assessment that was provided for the 2017 application, which was assessed by the County Council's Archaeology Officer. The officer concluded that the assessment was a thorough piece of work and that the development is likely to uncover the remains of buildings and features associated with colliery. As these remains would have heritage value the officer recommended a condition requiring a level of archaeological supervision over the development.

6.8.2 The Council's Conservation Officer has reviewed the Archaeological Assessment for the current application, as well as the comments provided previously. She has concluded that it would be appropriate to attach the same condition to this permission, requiring archaeological supervision of the development and for any historical remains to be reported to the Council.

7 Planning Balance

7.1 The benefits of the proposal are that it will contribute towards the Council's housing, utilising previously developed land in a sustainable location. The proposal will also provide a country park, offering a substantial open space for use by the existing community and the future occupiers of the proposed residential development.

7.2 Whilst the proposed residential development will be sited in relatively close proximity to the Cossall Industrial Estate, it is considered that potential negative impacts of this can be mitigated against in the final design of the scheme, with a view to focusing the development towards the benefits of the country park to the south.

7.3 The lack of S106 contributions to be paid from this scheme is unfortunate, although the viability assessment provided has been independently verified and demonstrates that a viable scheme cannot be brought forward with the requested contributions being paid. It is considered that the local infrastructure can cope without the requested contributions, and whilst ideally they would be paid, to enforce this would likely result in the site remaining undeveloped. The delicate viability case of the site is highlighted by the fact that it has had permission for residential development since 2017 but remains undeveloped.

7.4 Overall it is considered that the benefits of the proposal, notably the provision of 64 dwellings on a brownfield site and the provision of a public country park, outweigh the limited harm, and therefore on balance it is considered that the scheme is acceptable and planning permission should be granted.

8 Conclusion

- 8.1 The proposed provision of the country park would be an exception to inappropriate development in accordance with paragraph 146 of the NPPF. It will provide key open space provision for local residents and overall is considered acceptable.
- 8.2 The outline application for 64 dwellings is not considered to be contrary to local or national policy and will provide housing in a sustainable location.
- 8.3 Overall it is considered that the proposal is acceptable and that planning permission should be granted.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <ul style="list-style-type: none"> (i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of a fully managed and publically accessible country park, and a review of the viability of the proposed scheme should alterations to the layout and housing mix be made at reserved matters stage; (ii) the following conditions: 	
	<p>Application for approval of reserved matters in relation to the housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The housing scheme hereby permitted shall be commenced before the expiration of two years from the date of approval of the last reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered 7067-L-01, PB103 B-03c,</p>

	<p>7067-L-06-B; received by the Local Planning Authority on 13 September 2019.</p> <p>This outline permission for housing relates to Indicative Layout Drawing 7067-L-07 (1:1250); received by the Local Planning Authority on 13 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>4.</p>	<p>For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:</p> <ul style="list-style-type: none"> a. Appearance b. Landscaping c. Layout d. Scale <p>The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The housing part of the application was submitted in outline only and to ensure that the details of the scheme are acceptable to the Local Planning Authority.</i></p>
<p>5.</p>	<p>Prior to the commencement of the development, details of the children’s play area, footpaths, benches, access point control measures, shall be submitted to and approved in writing by the Local Planning Authority. These features shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on site.</p> <p><i>Reason: To ensure the community facility is delivered to a high standard of design in accordance with the Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
<p>6.</p>	<p>The country park hereby approved shall be completed and available for general public use, including the associated park network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:</p> <ul style="list-style-type: none"> a) Prior to the first occupation of the twentieth dwelling; or b) Within 24 months of the commencement of development, <p>Whichever is the sooner.</p> <p><i>Reason: As per the terms of the hybrid permission where the country park is essential to giving the residential element an</i></p>

	<p><i>identity and setting whilst also increasing leisure and recreational opportunities. This condition is in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No dwelling shall be first occupied until an appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site to the public transport provision on Coronation Road have been implemented, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Authority.</p> <p><i>Reason: To improve pedestrian connectivity, in the general interest of highway safety.</i></p>
8.	<p>The formal written approval of the Local Planning Authority is required prior to commencement of any housing development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council’s current Highway Design and Parking Guides and shall be implemented as approved.</p> <p><i>Reason: In the interest of highway safety.</i></p>
9.	<p>Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing ADC1340-DR-004 Revision P1 has been provided.</p> <p><i>Reason: In the interest of highway safety.</i></p>
11.	<p>Occupation of the proposed dwellings shall not take place until a footway improvement scheme has been provided along Solomon Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety.</i></p>

<p>12.</p>	<p>No part of the country park hereby permitted shall be brought into use until the site access on Solomon Road has been constructed to base course level unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the future users of the country park have an appropriate means of access by vehicle.</i></p>
<p>13.</p>	<p>No part of the development hereby permitted shall take place until the country park access has been surfaced in a bound material for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
<p>14.</p>	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas as shown for indicative purposes only on drawing 7067-L-05 have been provided. The parking and turning areas shall be maintained in accordance with the approved plan and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p><i>Reason: In the interest of highway safety.</i></p>
<p>15.</p>	<p>No part of the development hereby permitted shall be brought into use until the country park access has been constructed in accordance with the details as shown on drawing Highway Profile 7067-L-05.</p> <p><i>Reason: In the interest of highway safety</i></p>
<p>16.</p>	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p>

	<p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
<p>17.</p>	<p>Prior to works commencing on any phase of the housing development, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by, the Local Planning Authority, specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <ul style="list-style-type: none"> - An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime); - An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime); - An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 hours (night time); - An LAmax, fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time). <p>Those premises requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures, shall be identified and agreed with the Local Planning Authority prior to construction commencing. In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation must be provided.</p> <p>Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of amended buildings commences.</p> <p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect future occupiers from excessive environmental noise.</i></p>
<p>18.</p>	<p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and</p>

	<p>approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).</i></p>
<p>19.</p>	<p>Prior to any part of the development hereby permitted being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p><i>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>

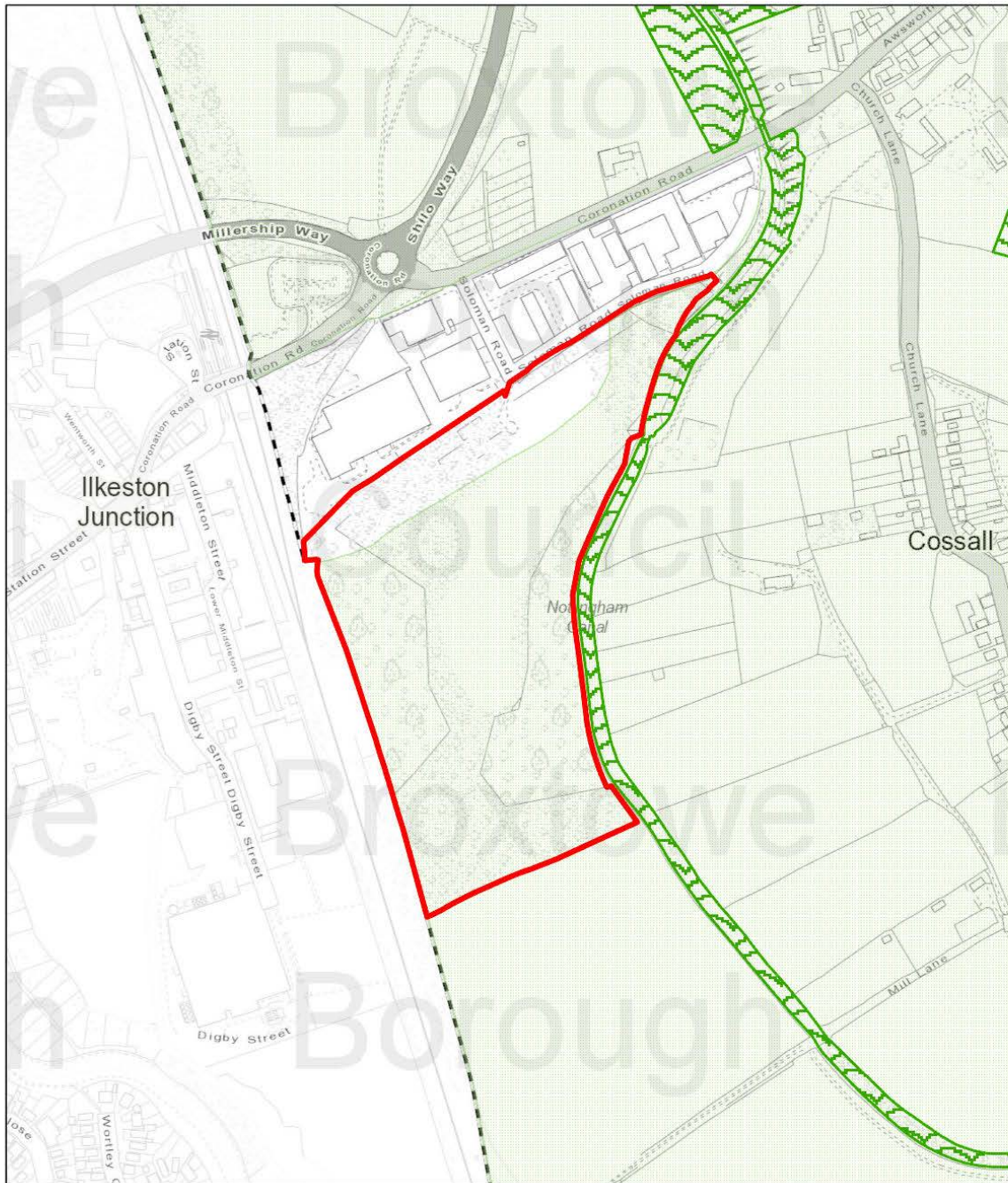
<p>20.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>
<p>21.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy re: w10933-190725-FRA & Drainage Strategy, 03/10/2019, Waterco, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. In addition to aforementioned document the scheme to be submitted shall:</p> <ul style="list-style-type: none"> • Provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. • Demonstrate that the development will use above ground SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • Show that all exceedance is to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure. • Show consideration has been given to potential surface water run-off from the steep area adjacent the site. To the south on the provided plans. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments</i></p>

	<p><i>have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i></p>
22.	<p>No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 and 2 of the Reptile Survey Project No. 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect reptile species within the site and in the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
23.	<p>No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:</p> <p>The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval; The undertaking of that scheme of intrusive site investigations; The submission of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and Implementation of those remedial works.</p> <p>These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
24.	<p>No development shall commence on any part of the site until a management plan for the maintenance and upkeep of the country park has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the country park is maintained in a manner that is safe and acceptable for use by members of the public.</i></p>
25.	<p>No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.</p> <p><i>Reason: To record archaeological features affected by development in accordance with the requirements of paragraph 189 of the NPPF.</i></p>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Coal
3.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.</p> <p>Correspondence with the Highway Authority should be addressed to: hdc.south@nottsc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details.</p> <p>Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.</p>

	<p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.</p>
4.	<p>The Regulated Industry team have decided it is highly probable that this will require a waste permit and consultation with the EA.</p> <p>The colliery spoil must be fit for purpose, in that measures are taken to avoid the risk of pollution such as treatment, containment.</p> <p>Further details on applying for a waste permit can be found by visiting https://www.gov.uk/guidance/waste-environmental-permits</p>

19/00524/OUT - Former Dry Ski Slope, Cossall



12/9/2020, 2:13:06 PM

-  Site
-  Local Wildlife Site
-  Green Belt



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Photographs



Looking east along Soloman Road toward proposed site access.



Photo taken from north boundary of the site looking south.



Photo taken from top of slope in the southern part of the site looking north towards Bennerley Viaduct.



Photo taken from top of slope in the southern part of the site looking north east.



Photo taken from top of slope in the southern part of the site looking south west towards Ilkeston.



Land at the top of the slope (southern part of the site).



Photo taken from north east part of the site looking south towards the top of the slope.

Plans (not to scale)



Illustrative Master Plan



Indicative Layout.