

Report of the Chief Executive

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|----------------------------|---|
| Application number: | 24/00545/REG3 |
| Location: | Brinsley Colliery Headstocks, Brinsley Picnic Site Mansfield Road Brinsley Nottinghamshire |
| Proposal: | Reconstruction of the full wooden structure for the Brinsley Colliery Headstocks and construct new metal estate fencing around the site perimeter. |

This proposal has been brought before Committee as the Council is the applicant.

1. Purpose of the Report

The application seeks to gain planning permission for the reconstruction of Brinsley Headstocks and fencing to the perimeter of the site.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the conditions outlined in the appendix.

3. Detail

The application seeks full planning permission for the erection of replacement headstocks. The proposal will be a direct like for like replacement of the previously demolished structures. Also included within the application is the erection of new boundary fencing measuring 1.2m in height.

The towers will measure 11m in height and be 7.4m in width. The overall structures will cover an area of around 35m in length.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

Nil.

1. Details of Application

1.1

The application seeks full planning permission for the erection of replacement headstocks. The proposal will be a direct like for like replacement of the previously demolished structures. Also included within the application is the erection of new boundary fencing measuring 1.2m in height.

1.2

The towers will measure 11m in height and be 7.4m in width. The overall structures will cover an area of around 35m in length.

2

Location and Site Characteristics

2.1

The site consists of an area of open grassland situated within a wooded site.

2.2

The site is located within the Greenbelt and also within a Local Wildlife site and Local Nature Reserve.

3

Relevant Planning History

3.1

| Planning | | |
|-----------------|--|------|
| 89/00872/CCR | RELOCATE BRINSLEY COLLIERY HEADSTOCKS ON PICNIC SITE | PERC |
| 18/00332/ADV | Erect flag pole | PERC |
| 19/00358/FUL | Site shipping container | PERC |
| | | |

4

Development Plan Policy

4.1

National Planning Policy

National Planning Policy Framework 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 12 - Achieving well-designed and beautiful places
- Section 13 - Protecting Greenbelt Land
- Section 16 - Conserving and enhancing the Historic Environment

4.2

Local Planning Policies

4.2.1

Part 1 Broxtowe Aligned Core Strategy 2014: and

Part 2 Local Plan 2019:

- Part 1 Policy 3 - The Green Belt
- Part 1 Policy 10 - Design and Enhancing Local Identity
- Part 1 Policy 11 – The Historic Environment
- Part 1 Policy 16 – Green Infrastructure, Parks and Open Space
- Part 1 Policy 17 – Biodiversity

- Part 2 Policy 8 Development in the Greenbelt
- Part 2 Policy 17 - Place-making, Design and Amenity
- Part 2 Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets
- Part 2 Policy 27 - Local Green Space
- Part 2 Policy 31 - Biodiversity Assets

5

Consultee and Third Party Comments

5.1

Consultees

- Conservation Officer (Toby Ebbs) – Once erected the towers will need to be re-designated as local heritage assets
- Cllr E Williamson - Brinsely Ward – No Comment Received
- Brinsley Parish Council – No Objection and supports the application.

5.2

Neighbours

- No neighbours were consulted on the application.

6

Evaluation

6.1 Principle

The principle of a like for like replacement headstocks to replace the previously demolished headstocks within a grassed woodland in this location is deemed acceptable in regard to the existing character of the surrounding area.

6.2

Design

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.2.1

The proposed structures of the headstocks are a direct like for like replacement with the previously removed towers with the original heads gears being reinstated within the new towers. The towers and supporting infrastructure will be constructed of hardwood timber beams with metal fencing to the platforms. Given the skeletal nature of the proposal along with the natural construction materials and the fact that this is a like for like replacement with the previously removed towers, it is considered that the proposed towers will have no additional negative impact on the surrounding area especially given its location within a Local Nature Reserve and a Local Wildlife Area.

6.2.2

The site is currently enclosed by a timber fence at an average height of 1m. the proposal seeks permission for the replacement of this fence with a new black metal fencing at a height of 1.2m. The proposed is of thinner construction and with its black finish will provide a more acceptable appearance in this location and with the thinner design will blend easier into the backdrop.

6.3

Amenity

Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

Given the location of the proposal and its relationship and separation distances to the nearest neighbouring properties it is considered that the proposal will have no impact on the amenity of the neighbouring properties.

6.4

Biodiversity Net Gain

The proposal is subject to a BNG provision which in this case is being proposed on site. The proposal is to re seed the entire site with a modified grassland. This will create a 67% increase in the onsite habitat units. BNG requires a 10% increase in the Biodiversity of the site and so the proposed 67% increase is substantially over the required. A condition will be added to ensure the required

Biodiversity Gain Plan and Habitat Management and Monitoring Plan are submitted to ensure the BNG is carried out and maintained onsite for the next 30 years.

6.5

Greenbelt

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Policy 8 of the Part 2 Local Plan 2019 states that Applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points. 1. Proposals for diversification of the rural economy will be supported provided that they comply with the relevant paragraphs of the NPPF.

6.5.1

Paragraph 152 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF (2024) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2024) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.5.2

Development in the Greenbelt is considered as inappropriate development unless very special circumstances can be proven. In this case the proposal is a direct like for like replacement for the previous headstocks and although the structures are large in terms of their scale, the skeletal structure along with the natural materials used in the construction of the towers, the openness of the Greenbelt will be maintained.

6.5.3

In conclusion it is considered that the proposal would be appropriate development within the Greenbelt and although very special circumstances do not exist the facts raised above are considered sufficient allow the approval of the structures.

6.6

Heritage

Policy 11 of the Aligned Core Strategy states that development will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their assets and significance.

Policy 23 of the Part 2 Local Plan 2019 states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

6.6.1

The original headstocks were Local Listed Heritage Asset. Once the previous structures were removed then the listing with it was also lost. Sections of the previous headstocks will be reused within the new structures and so the heritage officer was consulted on the application who confirmed that once completed, the Local Listing will need to be re scheduled onto the new structures.

7

Conclusion

7.1

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

8

Recommendation

8.1

It is recommended that planning permission be Granted subject to the following conditions stated below.

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| <u>Recommendation</u> | |
| The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions: | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 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 development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 15 August 2024:</p> <ul style="list-style-type: none"> • Site Location Plan, • Proposed Site Plan (Drawing Reference CW24.021), • Proposed Trestle elevations (Drawing Reference CW24.021), • Proposed Side Elevation (Drawing Reference CW24.021),, • Proposed Front Elevations Plan (Drawing Reference CW24.021),, <p>And in accordance with the following plans received by the Local Planning Authority on 20 August 2024:</p> <ul style="list-style-type: none"> • Proposed Fencing Elevations (Drawing Number: CW24.021), • Proposed Boundary Plan (Drawing Number: CW24.021). |

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| | <p><i>Reason: For the avoidance of doubt</i></p> |
| <p>3.</p> | <p>The Headstock towers and fencing shall be constructed using materials as specified in the application form and approved drawings received by the Local Planning Authority on 30 March 2023, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</p> |
| <p>4.</p> | <p>Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.</p> <p>The effect of the relevant paragraphs of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ul style="list-style-type: none"> a. a Biodiversity Gain Plan has been submitted to the planning authority, and b. the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Broxtowe Borough Council.</p> <p>Key Requirements:</p> <p>A Biodiversity Gain Plan (BGP) must be submitted to the Local Planning Authority, in writing no earlier than the day after planning permission has been granted and should be in accordance with the Small Sites Metric and Biodiversity Net Gain Supplementary Note received by the Local Planning Authority on 6 October 2024, both documents dated 4 October 2024 and prepared by Dave Haslem MSc. Ecologist.</p> <p>The biodiversity gain plan must include:</p> <ul style="list-style-type: none"> (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; (b) the pre-development biodiversity value of the onsite habitat; (c) the post-development biodiversity value of the onsite habitat; (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development; (e) any biodiversity credits purchased for the development; and (f) any such other matters as the Secretary of State may by regulations specify. |

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

Template available here;

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

The development shall not commence until a Habitat and Monitoring Management Plan (HMMP) has been submitted to ensure that the development meets all the requirements of the Biodiversity Gain Plan (BGP).

The Habitat Management and Monitoring Plan (the HMMP) must include:

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- (a) a non-technical summary;**
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];**
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and**
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,**

Template available here;

<https://publications.naturalengland.org.uk/publication/5813530037846016>

Notice in writing shall be given to the Council when the:

- (a) [HMMP] has been implemented; and**
- (b) habitat creation and enhancement works as set out in the [HMMP] have been completed.**

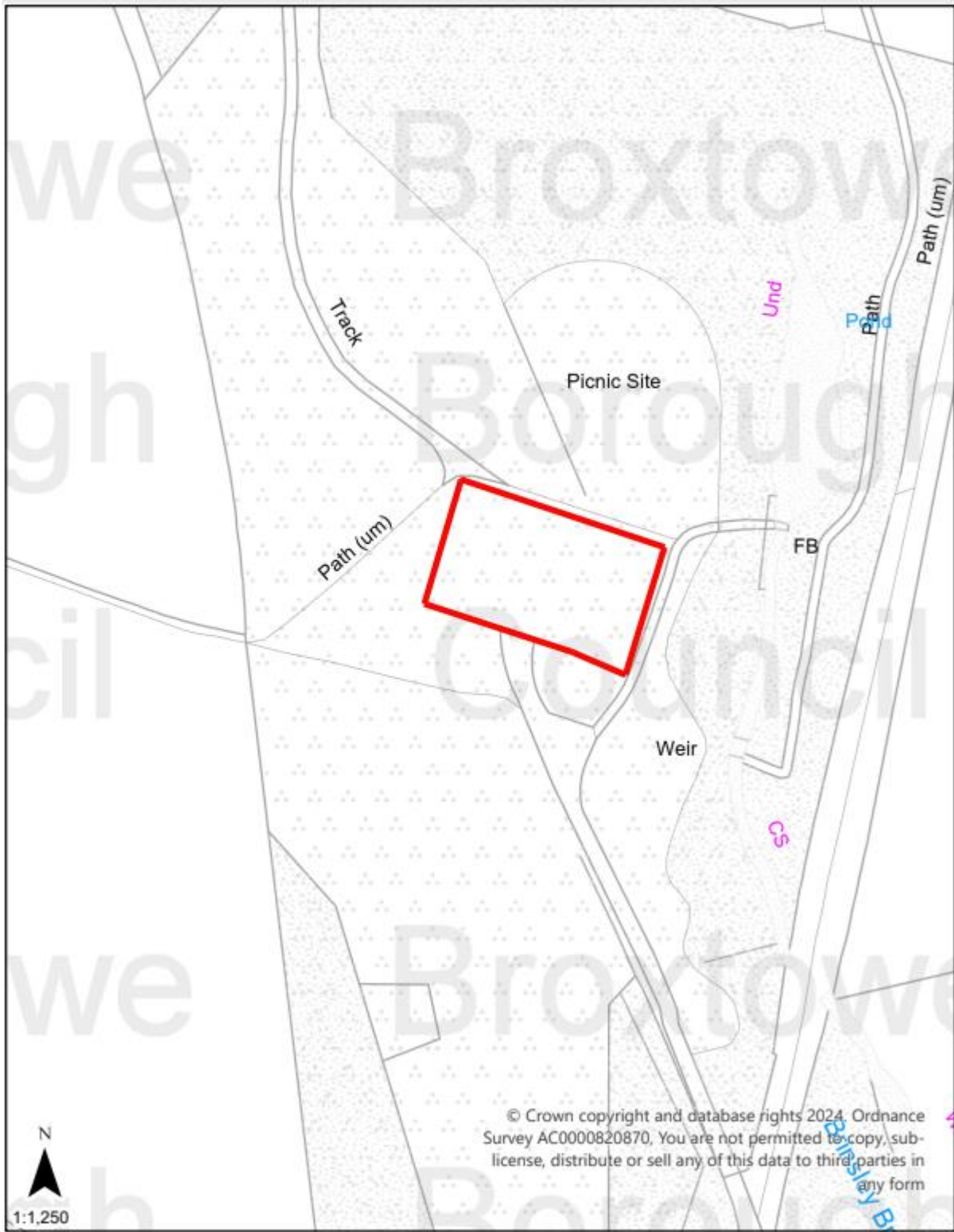
No part of the development hereby approved shall be in operation until:

- (a) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and**
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority**

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

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| | <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].</p> <p>Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990, and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 31 of the Aligned Core Strategy (2014), and Policy GI 3 of the Awsworth Neighbourhood Plan, and in accordance with the National Planning Policy Framework December 2023.</p> |
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| | <p>NOTES TO APPLICANT</p> |
| <p>1.</p> | <p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p> |

Location Plan

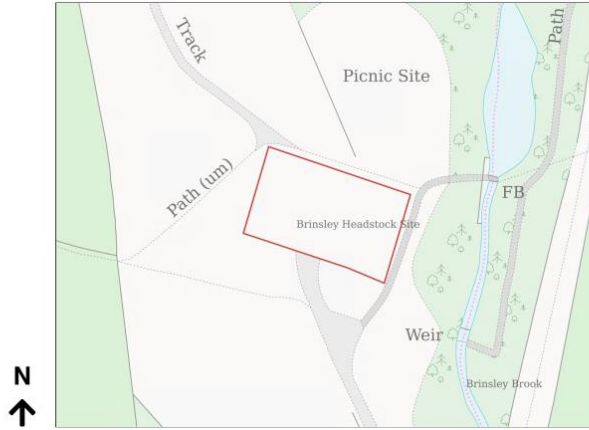


Location Plan
 Site Address: Brinsley Picnic Site, Mansfield Road, Brinsley, NG16 5AE

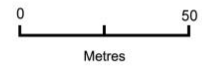


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Scale: 1:1250 @A4



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Notes:
Do not scale dimensions.
If in doubt, please ask!

PLAN

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| | |
| Broxtowe Borough COUNCIL | |
| Asset Management & Development Council Offices Foster Avenue Beeston Nottingham NG9 1AB Email: capitalworks@broxtowe.gov.uk | |
| Project: Brinsley Colliery Headstocks Refurbishment | |
| Title: Site Plan | |
| Scale: 1:100 | Date: 06/08/2024 |
| Drawn: ASB | Check: SG |
| Size: A3 | |
| Dwg No: CW24.021 | |

