

Report of the Chief Executive

APPLICATION NUMBER:	19/00465/FUL
LOCATION:	Bramcote Ridge Open Space, Sandgate, Beeston
PROPOSAL:	Erection of 11 dwellings and provision of infrastructure works to facilitate the creation of a community park

The application is brought to the Committee as the proposal is classed as a major development.

Executive Summary

- 1.1 The application is for a cross boundary development, the majority of the site lying within the Nottingham City Council authority boundary, to the north (Nottingham City Council planning application reference 19/01564/PFUL3). The application seeks planning permission for the erection of 11 dwellings (two in Broxtowe, nine in Nottingham City), and the creation of a community park with associated infrastructure.
- 1.2 The site is currently undeveloped, being mainly laid to woodland, and is currently in private ownership with no authorised public access. The land forms a ridge (known as Bramcote Ridge) which runs in an east - west direction and is part of a green corridor which extends towards Wollaton Road, to the east and Moor Lane, to the west.
- 1.3 There are areas of invasive Japanese Knot Weed across the site, which is expanding over to adjacent properties outside of the application site boundary.
- 1.4 The part of the application site which falls within Broxtowe Borough Council is designated as a Green Infrastructure Asset (Prominent Area for Special Protection) and a Local Wildlife Site as allocated in the Part 2 Local Plan.
- 1.5 The main issues relate to whether the principle of residential development within a protected area would be acceptable; whether there would be an unacceptable level of harm to the Green Infrastructure Asset and to a Local Wildlife Site; and whether there will be an unacceptable impact on neighbour amenity.
- 1.6 On balance it is considered that the benefits of the removal of Japanese Knot Weed and access to the private land could be achieved outside the planning process and that the Knot Weed would need, in any case, to be controlled so as to prevent its' spread outside of the private ownership of the site. It is not considered that the removal of the Knot Weed, and improvements to enable public access and to future management of the site can only be financed by the erection of a total of 11 large detached properties. The benefits of the residential development in itself would not outweigh the negative impacts of the loss of biodiversity habitat, and loss of Green Infrastructure Asset (Prominent Area for Special Protection).

- 1.7 The Committee is asked to resolve that planning permission be refused for the reason outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application seeks planning permission for the erection of 11 dwellings and for the creation of a community park for the remaining part of the site. This is a cross boundary application, with the majority of the site, to the north, falling within the Nottingham City Council boundary.
- 1.2 Two x five bedroom dwellings are proposed to be built within the Broxtowe Borough Council boundary and are shown to be located to the south of 70 and 72 Sandy Lane, to the south west of the site. These dwellings would be accessed from the existing private drive serving 68, 70, 72 and 74, leading east from Sandy Lane. The remaining nine dwellings are proposed to be erected within the Nottingham City boundary, and these are shown to be located to the north of the ridge, accessed from Edenbridge Court.
- 1.3 The 11 dwellings would all be detached and of two storeys in height, each having a garage with off street parking.
- 1.4 Reports submitted as part of the planning application include:
- Air Quality Assessment
 - Transport Statement
 - Drainage Strategy
 - Phase 1 Site Investigation
 - Archaeological Assessment
 - Mining Survey report
 - Ecology Assessment (Habitat Phase 1)
 - Reptile Survey
 - Landscape and Visual Character Assessment
 - Arboricultural report
 - Japanese Knot Weed report
 - Bracken and Bramble Habitat Assessment
 - Arboricultural Impacts Assessment
 - Management Plan.
- 1.5 A community park is proposed for the parts of the site located between the two areas of residential development. The park layout shows a series of footpaths which would provide an east to west link to the wider area and to the existing paths serving the two Local Nature Reserves, beyond the site boundaries. Features such as gated entrances, an apiary, bird hide and viewing point, benches and signage are proposed. Tree planting is also proposed although this does not require planning permission.

2 Site and surroundings

- 2.1 The Broxtowe Borough Council part of the site, which is mainly woodland and allocated as a Green Infrastructure Asset (Prominent Area for Special Protection) and is a Local Wildlife Site (Alexandrina Plantation), is located adjacent to the Sandy Lane Local Nature Reserve, to the south, and Alexandrina Plantation Local

Nature Reserve, to the west. Both LNR's are mainly within the Broxtowe Borough Council boundary, although the Sandy Lane LNR extends northward into Nottingham City Council authority land, where it meets the application site. There is no authorised public access onto or through the site.

- 2.2 A large area of Japanese Knot Weed is present on the site. Japanese Knot Weed (JKW) is a non-native invasive species which spreads rapidly and which can out-compete native species and reduce biodiversity for flora and fauna. Allowing an encroachment into adjoining land and properties could result in prosecution for causing a nuisance. The JKW is currently found within the part of the site which falls into the authority of Broxtowe Borough Council, i.e. to the south and east of 70 and 72 Sandy Lane, and extends northward into the Nottingham City Council part of the site, towards the rear of properties on Wadhurst Grove.
- 2.3 Numbers 68, 70, 72 and 74 Sandy Lane are four large detached dwellings which are located to the north of the two proposed dwellings within the Borough Council part of the site, and to the south of the Nottingham City part (68 and 74 being partly within both council's boundaries). These are served off a private drive which in turn leads from the head of Sandy Lane, at the point where Sandy Lane meets the bridleway and footpath leading into Alexandrina Plantation LNR. This part of Sandy Lane has two storey detached dwellings on the east side of the street, to the south of the access.
- 2.4 Leading east from Sandy Lane is Markham Road, and this in turn leads onto Sandgate. Both of these streets have pedestrian access via footpaths to the Sandy Lane Local Nature Reserve. The LNR can also be accessed at other points from the south of the ridge, including Jasmine Close and Charlotte Grove.
- 2.5 The north of the site, within Nottingham City, is typified by two storey and single storey detached housing built in a series of cul-de-sacs off Appledore Avenue, in the 1970's. These properties were understood to have been built up to the tree line of the ridge at that time. There is no public access to the site from the north, but pedestrian access to the Sandy Lane LNR is possible from Kingsdown Mount, to the east, and access to Alexandrina Plantation LNR from Brookside Avenue and Maidstone Drive, to the north west.
- 2.6 The part of the site which is within the Nottingham City Council boundary is currently allocated in their adopted Part 2 Local Plan (2020) as being part of the Open Space Network and a Biological Site of Importance for Nature Conservation (a BSINC).

3 Relevant Planning History

- 3.1 There has been no relevant planning history for the part of the site within Broxtowe Borough Council. Planning permission has previously been granted for residential development on the adjacent site at 68 and 70 Sandy Lane, for the subdivision of each plot and the erection of two further dwellings, which have since been built. Planning references 06/00366/FUL (70 and 72) and 08/00820/FUL (68 and 74).

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 Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 8 – Promoting healthy and safe communities.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment

4.4 **Broxtowe Borough Council Green Infrastructure Strategy 2015 – 2030**

This document sets out the strategy which seeks to create and maintain a network of living multi-functional natural and semi-natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities.

- Section 5.5.2 – Development Opportunities.

5 Consultations

5.1 **Council's Parks and Environment Officer:** Observes the following:

- The proposal would result in a loss of green space both within Broxtowe Borough Council and within Nottingham City
- The area is very well used at the present time with lots of formal (surfaced) paths and informal (soil surfaced) routes
- The benefits as described in the application are not true benefits as the public already have access to the recently acquired site and have enjoyed the area for a significant number of years
- There are environmental issues associated with felling trees and clearing ground for the construction of houses and the associated infrastructure

- The proposal will potentially have a detrimental impact on the Council's adjacent Local Nature Reserve and Green Flag site
 - Query as to who will manage the newly 'accessible land', for example the woodland play areas, bird hides and viewing points as there will be a revenue cost implication
 - The proposal offers what, on face value, seems to be positive enhancements to the open space. Query as to whether these enhancements are really needed and if they are a sound trade-off for the development of 11 dwellings.
- 5.2 **County Council as Highway Authority:** The private drive off Sandy Lane, which is proposed to serve the two additional dwellings in the Borough, is considered to be sub-standard for its current use serving the existing four dwellings, due to the narrowness of the drive. The addition of two dwellings would require the drive to be a minimum of 5m in width, with an additional 0.5m either side where there is a boundary enclosure. The additional traffic generated by the development will increase the likelihood of two-way traffic which cannot be satisfactorily absorbed, and potentially result in vehicles being reversed towards Sandy Lane. This would result in an increased risk of conflict with other road users, particularly pedestrians and other users of the bridleway. There is no scope to improve the access with passing bays and as such the Highway Authority are unable to conclude that the proposal would not adversely affect highway safety. Following the receipt of an amended layout, where a signage scheme to control vehicular traffic entering and egressing the access is proposed, the Highway Authority are satisfied that these measures would be sufficient to address the original concerns, in regard to development within the Broxtowe Borough Council part of the site.
- 5.3 **County Council Rights of Way Officer:** No objections to the development as the rights of way appear unaffected. All existing rights of way would need to remain open and unobstructed during any development and thereafter.
- 5.4 **County Council Policy Team:** Financial contributions to education provision and to transport would not be required.
- 5.5 **County Council as Lead Local Flood Authority:** No objection subject to a condition requiring a detailed surface water drainage scheme being agreed prior to the commencement of the development.
- 5.6 **Nottinghamshire Wildlife Trust (NWT):** Object to the proposal as there are several concerns:
- Damage to and loss of S41 NERC Act Priority Habitats and Local Wildlife Site, development encroachment onto the City Local Space Network and insufficient habitat and species surveys. Dispute the claim at paragraph 5 of the Ecological Appraisal that the development would only represent 2.5% of the Local Wildlife Site, as this excludes garages and access roadways, and is therefore calculated to result in a 12% loss of the LWS. This is a huge loss and equivalent to a loss of approximately 50% of Alexandrina Plantation Local Nature Reserve. Also disagree with the view of the appraisal that the development would not result in a severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. Of particular concern to the NWT is the narrowing of the wildlife corridor, in some places from 65m width to just over 30m,

and do not accept that the development would enhance the Open Space Network by 'securing the park' because such a large area of existing open space will be impacted on by the proposals.

- Disagree with the statement at section 5 of the appraisal that the proposal for the 8 dwellings to the north would take place on areas of low nature conservation importance and as such there are no constraints to the development at these points from habitats, and that whilst an integral part of the LWS, the extent is small and the habitats to be developed on are not those for which the LWS was selected. NWT note that as stated, the habitats are an integral part of the LWS. No detailed Phase 2 Vegetation survey or historic mapping, in sufficient detail, has been submitted and this information is vital to assess the quality of the habitats proposed to be lost. Whilst the bracken habitat is too small or close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. No specialist invertebrate study has been carried out to inform the application.
- The Ecological Appraisal also fails to provide a detailed plant / NVC survey, to establish the extent of native Golden Rod, a perennial plant found in woodland areas, and also fails to provide a breeding bird survey. NWT are surprised by the results of the survey in regard to badger activity in particular, since there are significant badger populations in the surrounding suburbs of Wollaton, Bramcote and Beeston. No bat activity surveys appear to have been carried out either.
- Local Wildlife Site Policy Protection. Concerned that the appraisal (particularly Section 4.1) downplays the importance of the LWS designation. The designation receives strong policy protection by means of policy wording and their boundaries are included in the relevant Local Plans.
- Proposed Enhancements and Future Management. NWT have concerns in regard to the nature of the enhancements and the absence of a clear and simple delivery mechanism. Whilst some active management is likely to be beneficial, including removal of non-native woody species, concerned regarding the potential scale of planting. No details of what the planting would comprise of and where the trees are to be planted have been submitted. The removal of the Knot Weed should not be viewed as an enhancement. No details have been submitted in regard to the other enhancements such as the new paths, car parking, bird and wildlife viewing platforms, community beehive, signage, sculptures etc, and as such the ecological impact of these cannot be assessed.
- Questions how investment into the 'park' can be guaranteed, as only limited details have been submitted. The involvement of NWT has not been discussed with them.
- In summary, the NWT are concerned that over 1.8ha of Local Wildlife Site will be permanently destroyed and a very unique and valuable wildlife corridor significantly narrowed as a result of the proposals. The habitats throughout the wider site are present already and are of value given they qualify as LWS and formalising access arrangements will not alter this. NWT question the value of a substantial tree scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The ecological impacts of installing the proposed infrastructure have not been assessed and the level of ecological survey carried out is considered to be insufficient. It would be expected to see surveys in relation to bats, breeding birds, invertebrates and a detailed (phase 2) vegetation survey.
- Further comments received 08.07.20 following consultation on additional/amended information. The NWT still object to the proposal, as it is

considered that in the absence of a Phase 2 vegetation survey, and in the absence of an acceptable vegetation habitat map, the proposal fails to adequately provide essential information on the value of wildlife resources found at the site. Furthermore, the ecological survey as submitted is considered to be insufficient in that the NWT would expect to see surveys in relation to bats, breeding birds, invertebrates as well as the Phase 2 vegetation survey, as detailed in the previous response.

- 5.7 **Severn Trent Water:** No objections. Advise contacting Severn Trent Water to discuss the proposal.
- 5.8 **NHS CCG Team:** As the development is for less than 25 dwellings, no contribution to primary healthcare would be requested.
- 5.9 **Council's Waste and Recycling Officer:** No objections, sets out the requirements for bin sizes, and requires bins to be presented at the edge of the adopted highway for collection.
- 5.10 **Council's Private Sector Housing Officer:** No objections.
- 5.11 **Council's Environmental Health Officer:** No objections, subject to a pre-commencement condition in regard to a report outlining the potential for ground and water contamination and for gas emissions, and for any mitigation measures as necessary to deal with any contamination.
- 5.12 **Council's Tree Officer:** Agrees that the Japanese Knot Weed, which is extensive across the Broxtowe Borough Council part of the site, does need to be eradicated and inevitably this will lead to the loss of trees. However, it is considered that this will not lead to a significant loss of tree cover.
- 5.13 **Woodland Trust:** No comments.
- 5.14 39 properties either adjoining or opposite the site, within both authority boundaries were consulted and site notices were displayed. 80 responses were received. One letter raised no objections.
- 5.14.1 57 letters of objection were received, with the following concerns:
- The residential development will result in a lengthy period of demolition and building creating a huge amount of noise and disruption.
 - The access road (Nottingham City side) would disrupt peace and privacy with vehicles, pedestrians and street lights
 - The large executive houses would overlook the adjacent dwellings
 - The development would make the rear of the existing properties easily accessible
 - Shocked that the development is being considered for short term financial gain. The proposed park would not provide the naturally occurring dense trees and shrubs that currently exist, and even if new trees were to be planted, they would be a poor substitute for dozens of mature trees that have been growing for decades
 - The development would lead to the destruction of natural habitats for birds, small mammals and insects

- The application states that only two trees would need to be felled which is incorrect
- Feel that the Bramcote Ridge area is an area of natural beauty and an essential habitat that should be preserved
- Lack of measurements on the plans to indicate proximity of development to existing property boundaries
- Noise and air pollution from the new road (City side)
- Increased traffic along Appledore Avenue (City side)
- Concerned that the development would reduce the efficiency of newly installed solar panels
- Green belt land is precious and should not be developed
- No guarantee that the proposal has sufficient funding and monitoring procedures to ensure the developer will complete and improve the public areas for sustainable community use
- The proposed private dwellings including driveways would occupy a large proportion of the space instead of improving the community park environment, and a lot of open views would be lost
- The proposed dwellings (City side) would tower over and dominate the properties below. They would be more obtrusive in destroying the at present uniform tree line visible from much of Wollaton
- The hillside will have to be stripped of trees to make way for the road, houses, gardens and heavy earth removal and construction equipment
- Replanting of trees will only provide partial restoration after 20 years and residents and visitors will only see the product of a prominent building site in place of prime mixed woodland
- The damage to the local environment in order to add 11 dwellings seems unbalanced and unreasonable
- Local residents have good access to the naturally wooded area and make full use. The established green corridor provides a great habitat for wildlife and is completely irreplaceable. Even if the City side of the hill were to be fenced off, it would make little difference to the amenity value of the hillside
- The building of the estate (Appledore Avenue area, north of the site) was deliberately restricted in its progress up the hill and the dwellings at the top were less obtrusive bungalows. The building of large two storey houses would be to abandon the common sense approach of some years ago
- The development would result in a loss of sunlight to adjacent properties
- Have concerns in regard to the use of the park as a public open space, with lots of people, cars and social events in close proximity to the existing properties. Do not want a tourist attraction
- Current house values will decrease
- Loss of the green ridge
- The current Bramcote Ridge is already a natural park. The proposed development is embezzling the name of 'park' and a real park should have no houses. The main purpose of the development is to build 11 new expensive houses and as such it is a commercial residential building project
- The area is designated as an area of non-development in the Nottingham City Plan
- Hugely increased sense of enclosure as a result of proximity of dwellings
- Light pollution from the new access road (City side)

- The proposed provision of honey bee hive in no way compensates for loss of the bumble bee
- Access from Edenbridge Court (City) would lead to additional traffic on the adjacent suburban roads
- It would be better to have two accesses from the Appledore estate to the private drive as one access could lead to a bottle neck, particularly if the gates to the private road are to be on the boundary of Edenbridge, and this may restrict access to the existing houses
- The current wooded area is better than a community park as it is almost as nature intended, with paths
- The creation of a woodland adventure play area on the land off Kingsdown Mount close to the access would draw potential users to that end of the development, where there is no provision to park vehicles, leading to congestion, blocking of driveways and use of the turning head as a parking area. The play area adds nothing, as there is an existing play area in the Sandy Lane LNR and also a proposed woodland play area by the Sandy Lane access, which is more accessible
- The play area would also attract anti-social behaviour particularly in the evenings / night-time
- What assessment has been made by the Highways Agency in regard to the increase in traffic?
- Have enjoyed walking on Bramcote Ridge for over 40 years and without feeling the need for the addition of more houses. The area is being used more frequently during the pandemic
- The proposed houses are unnecessary and will destroy the integrity of the open area as designated by both Broxtowe Borough Council and Nottingham City Council
- The claim by the developers that they are creating a park is disingenuous. The enhancements involve a few impractical or easily implemented items such as beehives or bird watching sheds which could be subject to vandalism and could, in any case, be done without the expenditure of '£1 million'
- The £1 million expenditure is not broken down but may include the purchase of part of the former golf course site on Thoresby Road, which does not form part of the application site
- The large plots would inevitably have high secure fences around them, and as a result what would be left would be a long narrow corridor that will only be a fraction of the space currently available to both citizens and wildlife
- There is no requirement for large executive homes in this area as there is no shortage of these, and would be the complete opposite of 'affordable' homes
- There was no pre-application meeting with either local authority
- There is no demonstrable support or evidence submitted as to the need for the community park
- The description of the development is misleading as the creation of the park (change of use), planting of trees and other minor enhancements would not require planning permission in themselves; the description should lead with 'the erection of 11 dwellings'

- The proposed residential development on the northern side of the ridge could not be regarded as small scale or having no significant impact on the open space
- No reason to create a park, when the space is already there
- With recent flooding and more frequent storms likely, the value of open spaces to absorb the water is valuable, especially as the ridge is sandstone which is good for this
- There are other planning proposals being carried out in the area which will further erode existing green space
- The proposal appears to paint the area in a negative light as useless scrub, when in fact it provides useful green space and essential habitat for local wildlife
- Can the improvement to public access to the adjacent old golf course, which would provide some benefit, be guaranteed
- Plenty of green fields in the area which would be more suitable for housing
- The development cannot be considered as small scale or having no significant impact on the open space and the houses will be highly visible in the landscape
- The sum of £200,000 to be put toward the future maintenance of the site could be put toward the removal of the Japanese Knot Weed
- The supporting information with the application virtually threatens that no development would lead to wider expansion of the Japanese Knot Weed. This approach should be unacceptable
- If the Council do determine that some development is acceptable this should be the two houses on the Broxtowe side of the ridge, as this should provide sufficient return, with the £200,000 offer on the open space transfer, to pay for the removal of the knot weed
- The proposed 'community park' is a red herring as planning permission is not required and is not a change of use, only minimal aspects such as footpath creation may require planning permission
- If the proposal goes ahead the area will become the victim of unnecessary urbanisation based on property value rather than social need
- Will destroy the area for greed for political reasons and make profits for the council. This area is supposed to be protected, so do not understand why the council can change the goal posts
- The space should not just be for the benefit of the 11 future householders and the developer, it should stay free to be enjoyed by all
- Agreeing to the 11 houses would set a precedent for the area

5.14.2 Three letters of observation:

- Concerned regarding the potential impact on the ridge, woodlands and the nature reserves. This land should be an area of protected open space
- Query as to whether the site notice has been up since 15th August as only just noticed it (in response – a photo was taken of the site notice as erected on this date and sent to the enquirer by the case officer)
- Query need for 11 houses as there is a house that has been empty for many years in close proximity to the site.

5.14.3 20 letters of support (seven letters of which are from outside of the immediate area of Bramcote / Wollaton, and four of the remaining 13 had no address and no reference to being local to the site):

- Good way to improve the terrain, make the area more accessible, bring together local communities and allow the land to be used in perpetuity for leisure purposes
- Whilst it is disappointing that 11 houses will be built, this is the only way the project can come forward, and if it doesn't go ahead, would leave the land vulnerable to mass development in future years causing the land to be lost forever. The development offers a genuine opportunity for community engagement for many years to come
- The development will see the removal of the Japanese Knot Weed which is close to residential property and acknowledge that as the costs of removal are high, the removal would not be possible without the development of housing to fund it.
- Pleased at how sympathetic the plans are to the area and that the remaining land will be managed, maintained and upgraded for the benefit of the local community
- Support the development provided that a line of trees is left along the boundary and there is no road or footpath proposed from Hawkhurst Drive (City)
- Considers that the development would potentially have benefits for the community, environment, and wildlife
- Would be good to have somewhere different with facilities to visit / walk dogs / use the space for training
- Rare opportunity for the local community to receive an additional 7 acres of parkland currently privately owned, and a generous financial investment
- The erection of 11 dwellings is a good amount, will not overcrowd the park or get in the way
- The provision of the community park would be a good way of improving mental health through getting outdoors
- Good that there will be a volunteer aspect as it would enable elderly or retired to join
- Positive that this would join up with other adjacent areas such as Deddington Plantation and Alexandrina Plantation
- Queried if a cycle lane can be included
- An addition to protected green space is a benefit to local wildlife and to the health of the local population, as green spaces are disappearing. To see a project aiming to do the opposite is refreshing
- As the developers are local to the area, they will have an interest in building a high quality development and the creation of a wonderful green space.

5.15 In addition to the above, a covering letter has been submitted to inform both councils that an online petition, with 1064 signatures, and a manual petition, with 49 signatures, have been carried out, objecting on the following grounds:

- The development would see trees being cut down, leading to a tragic loss of habitat for birds and other wildlife – a loss of mature trees cannot be remedied

- The development would lead to increased noise and pollution, both whilst the dwellings are being constructed and once purchased
- The development would result in the loss of the beautiful, wild, natural green space forever.

6 Assessment

6.1 The main issues for consideration are the impact of the development on the Green Infrastructure Asset; impact on biodiversity; appearance and design of the residential development; and impact on the occupiers of neighbouring property.

6.2 **Principle**

6.2.1 Bramcote Ridge is identified as being a Prominent Area for Special Protection and as such is a Green Infrastructure Asset. A Green Infrastructure Corridor also crosses the site in a generally east – west direction. Part 2 Local Plan Policy 28 states that permission will not be granted for development that results in harm or loss to a Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm. For the reasons set out below, it is considered that the development fails to demonstrate that the benefits of the proposed development outweigh the harm.

6.2.2 There has been some dispute in regard to the description of the development. The applicant and agent wish the description of the development to read ‘new community park comprising footpaths, 1072 new trees, recreation, education and biodiversity infrastructure and facilities together with enabling works comprising 11 dwellings’. It is considered, by both Broxtowe Borough Council and Nottingham City Council, that the creation of the community park and planting of trees does not, in itself, constitute development, and that the works that do constitute development relate to the erection of the 11 dwellings and some infrastructure such as the construction of footpaths. Therefore, the description of the development used by both authorities, i.e. ‘Erection of 11 dwellings and provision of infrastructure works to facilitate the creation of a community park’ is considered to be an accurate reflection of the development which is being applied for and this description of development was agreed between the agent and Broxtowe Borough Council in July 2019.

6.3 **Impact on the Green Infrastructure Asset and on Biodiversity**

6.3.1 Prominent Areas for Special Protection are hills and ridges comprising prominent areas of attractive landscape which provide distinct and permanent landmarks near the edge of the Greater Nottingham conurbation. Bramcote Ridge, which is afforded this protection, is visible over a great distance, including from south of the A52, the north east from Wollaton and Wollaton Park, the west from Wollaton, and from the south west when approaching along the A52 from Stapleford. Policy 28: Green Infrastructure Assets of the Part 2 Local Plan states that any development proposals which are likely to lead to an increased use of the Green Infrastructure Asset

will be required to take reasonable opportunities to enhance the identified Asset.

- 6.3.2 The Council has adopted a Green Infrastructure Strategy which covers the period between 2015 and 2030. The aims and objectives of the Strategy are to allow the delivery, protection and enhancement of Green Infrastructure and to provide or enhance green space that is publically accessible. The Strategy also identifies that Green Infrastructure Assets should be protected from development. The application site is identified as being part of a secondary Green Infrastructure Corridor (Corridor 2.10: Bramcote Corridor and Boundary Brook, part of the Erewash to Wollaton corridor) within this document and it lists Alexandrina Plantation and Sandy Lane Open Spaces as assets to protect.
- 6.3.3 The site is also identified as being as a Biodiversity Asset by virtue of it being allocated as a Local Wildlife Site. As such Policy 31 of the Part 2 Local Plan is relevant. This policy states that planning permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. The policy concludes that permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm.
- 6.3.4 The application states that there are some benefits of the proposal, as outlined in the supporting documents accompanying the application. There are areas of Japanese Knot Weed on the site, which is a non-native species to the UK and is invasive, easily spread and competes with native species. As such, it is an offence to plant or otherwise cause to grow this plant in the wild and the onus is on the landowner to ensure that this does not occur. The removal of the Knot Weed can be carried out independently of the planning permission and the refusal or granting of permission would not be a barrier to this removal. It is proposed that the Japanese Knot Weed would be removed as part of the proposed development and that the costs of the removal would be met through the proceeds of the residential development. It is understood that a large number of trees would need to be removed in order to achieve the successful removal of the Japanese Knot Weed.
- 6.3.5 The applicant considers the development of housing to be a benefit as the sale of the housing would contribute financially to enable the eradication of the Japanese Knot Weed on the application site, which is privately owned, for it to be opened up for public access and to allow for connections to the existing green corridor and Local Nature Reserves (LNR's). The application states that the financial benefit would also be used to plant in excess of 1000 trees, the creation of wetland areas, and for the proposed public park infrastructure, that is, the gated entrances, apiaries, bird hide and viewing points etc. A portion of the financial gain would also be put into a charitable trust to enable the long-term stewardship of the land for the public benefit.

- 6.3.6 The application includes only limited details in regard to the location / species of the proposed 1072 new trees, and limited details of the proposed infrastructure (that is, the play areas, bird hides, apiary, gateway accesses, benches and signage). Only limited details have been submitted in regard to which trees will be removed; and, where trees are to be retained, limited details in regard to tree protection measures. As such, it has not been possible to fully assess the potential impact on the trees within the Green Infrastructure Asset. Whilst details of some of the minor aspects, such as signage, benches, and the bird hide could be the subject of a suitably worded condition, it is considered necessary that a detailed plan of the proposals for tree planting, including details of sizes and species, are submitted in order to fully assess the impact. Should the proposal have otherwise been found to be acceptable, these details would need to be submitted and agreed prior to the determination of the application.
- 6.3.7 The NPPF states, in paragraph 175, that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. There is insufficient evidence that the environmental mitigation proposed (creation of public park; planting of trees) outweighs the impact that the development would have on the established habitats within the site. The proposed residential development would result in large areas of the whole site being cleared to enable the development of the dwellings, gardens and associated accesses. The percentage of the site area to be given over to residential development (including gardens and the private access drive / verges) represents 40% of the total of the application site. It is considered that this would result in an unacceptable loss to habitat, areas of which are designated as UK BAP (Biodiversity Action Plans) Priority Habitats, and also Nottinghamshire Local BAP Habitats, in this case Bracken-Bramble Habitat. Bracken- Bramble habitat are often present in a mosaic with acid grassland and woodland and it is often difficult to establish boundaries as sometimes the habitats will be an intermediary between the two. Therefore bracken habitat should not be assessed solely as a single habitat due to its mosaic habitat importance.
- 6.3.8 The applicant states that the area is currently privately owned and that whilst access by the public has been possible due to damaged fencing, should planning permission be refused, the owners would have the option of enclosing the site, to the loss of the public who currently use the area for walking and exercising dogs etc. Whilst the enclosure of the site would result in no public access, albeit unauthorised, the land would still contribute to the overall openness of the ridge, the views of which can be enjoyed and appreciated by members of the public from a number of viewpoints, and would not alter its status as a Green Infrastructure Asset. The desire expressed by the applicant to 'link up' the site to the adjacent Local Wildlife

Sites and other green spaces such as the Deddington Plantation beyond is acknowledged, however access to the surrounding spaces is already considered to be available and convenient for users to access.

6.3.9 Reference has been made by the applicant to a development nearby, to the east of the site and beyond Appledore Avenue, (Land to the rear of 13 Middleton Crescent, NG9 2TH, planning reference 18/00377/FUL) where Planning Committee resolved to grant conditional planning permission subject to the prior signing of a Section 106 Agreement, to construct 14 houses, garages and an associated access road. The applicant considers this as being similar to the proposed development in that there is a Green Infrastructure Corridor running through the site and that the impact would be the same. It is considered that the Middleton Crescent site, which was formerly the garden of no. 13 and therefore not allocated as a Green Infrastructure Asset, is not comparable to the application site. It is acknowledged that there is a Green Infrastructure Corridor running through the Middleton Crescent site. However, that corridor will be protected and retained through mitigation measures, with no detrimental impact to the biodiversity on that site.

6.3.10 It is considered that the proposal has failed to demonstrate that the benefits of the development would clearly outweigh the harm to the Green Infrastructure and biodiversity assets, or demonstrate that the proposal would not cause significant harm to biodiversity assets, contrary to the policies contained within the NPPF and the Local Plan.

6.4 Design and Appearance of the Residential Development, including Impact on the Local Landscape

6.4.1 This paragraph will assess the impact of the residential development pertaining to the area of the site which falls within Broxtowe Borough Council only.

6.4.2 There are two detached dwellings proposed which fall within Broxtowe Borough Council. These are proposed to be located to the south of 70 and 72 Sandy Lane and accessed from the private drive which serves 68, 70, 72 and 74 Sandy Lane. The dwellings would be east of 62, 64 and 66 Sandy Lane.

6.4.3 The dwellings would both be two storey, with house B being on a split level due to the differences in ground levels. The design of the dwellings, which see two gable roof elements linked by a single storey flat roof element, would be built of a variety of external materials including sandstone facing elevation, render, timber cladding, and a tiled roof. There are a variety of house styles and mix of materials in the immediate area and as such the scale, design and choice of materials (subject to details) would, in itself, be considered acceptable.

6.4.4 Notwithstanding the above, as this part of the site proposed for residential development is allocated in the Part 2 Local Plan as a Prominent Area for Special Protection (Green Infrastructure Asset) and a Local Wildlife Site

(Biodiversity Asset), any development must not result in significant harm or loss to the Asset unless the benefits clearly outweigh the harm.

6.4.5 Whilst it is acknowledged that views of the proposed dwellings from the public domain would be limited, the residential development represents a further incursion into the open space at this point, and it is considered that the residential development does not represent a public benefit that would clearly outweigh the harm to the open space, which is, the loss of biodiversity habitat and loss of the green infrastructure, as the development would see the loss of established mature trees and vegetation.

6.5 Amenity

6.5.1 In regard to the residential development, it is considered that the proposal would not have a significant impact on the amenities of the occupiers of 62 to 74 Sandy Lane, due to the distances between the proposal and the neighbouring properties.

6.5.2 The residential development would provide a good standard of internal space, with access to natural light and an outlook for the intended occupiers.

6.5.3 In regard to the part of the site within Broxtowe Borough Council, it is considered that the proposal would not have a significant impact on the amenities of the occupiers of nearby property.

6.5.4 Impact on the amenities of the occupiers of the properties within the City Council Authority boundary, affected by the development to the north of the ridge, will be considered separately by the City Council.

6.6 Highway Safety

6.6.1 In regard to the access to the two dwellings off Sandy Lane, the County Council as Highway Authority consider the existing access to be substandard to serve the four existing properties. The proposed two additional dwellings, which would generate additional traffic, may have the potential to have a detrimental impact on highway safety, as two-way traffic could not easily be absorbed. An additional plan to show proposed traffic signage to prioritise incoming traffic has been submitted, and this has addressed the concerns of the Highway Authority. Should the application be otherwise acceptable, a condition to ensure the erection of this signage would be recommended.

6.7 Other Matters

6.7.1 There are concerns regarding noise and disturbance during construction of the dwellings. A note to the applicant outlining acceptable hours of work can be included should the development otherwise be considered acceptable. Should an unacceptable level of noise and disturbance occur, this can be referred to the Environmental Health team for investigation.

- 6.7.2 Security of existing properties has been raised as an objection. Should the development otherwise be considered acceptable, an appropriate planning condition in regard to details of boundary enclosures would be imposed. Any details of enclosures should also address permeability for wildlife, for example, hedgehogs.
- 6.7.3 In regard to existing solar panels and the impact of the development on their efficiency, it is not considered that the siting of the new dwellings would significantly affect the efficiency of the panels such to warrant any amendments to the scheme or to refuse it.
- 6.7.4 The application site is not allocated as being part of the Green Belt.
- 6.7.5 Increase in use of the newly created park and its' impact on the occupiers of nearby property, resulting in additional traffic and disturbance has been raised as a concern. It is not considered that the creation of the park in itself would result in a significant increase in traffic or visitors and, in any event, the opening up of the land for public use does not constitute 'development' requiring planning permission.
- 6.7.6 House values and the effect of the development upon them is not a material planning consideration.
- 6.7.7 Light pollution can be addressed through a suitably worded condition in regard to details of lighting, should the development be otherwise considered acceptable.
- 6.7.8 The provision of bee hives and their appropriateness would not be a planning matter; and similarly the provision of formal play equipment; however, should the development be otherwise considered acceptable, details of the infrastructure to be erected within the park could be obtained and agreed by condition.
- 6.7.9 The creation of an additional access onto Appledore Avenue would be a matter for Nottingham City Council to consider.
- 6.7.10 It is not considered that the development would result in a significant increase in anti-social behaviour through the use of the land as a park.
- 6.7.11 Matters relating to the finance of the park are considered elsewhere in this report.
- 6.7.12 Whilst a pre-application discussion between the developer and the local authority would have been useful in identifying any planning issues, it is not a formal requirement to do so.
- 6.7.13 The inclusion of a cycle lane would be a matter for the developer to consider.
- 6.7.14 The concern regarding flooding is noted, however as the site is not in a Flood Risk Zone, there has been no requirement for the submission of a

Flood Risk Assessment. There have been no objections in regard to flood risk from the County Council as Local Lead Flooding Authority or from Severn Trent Water.

7 Planning Balance

- 7.1 The benefits of the proposal are the removal of the Japanese Knot Weed, provision of housing, and the provision of public access to otherwise private land.
- 7.2 The negative impacts are the loss of biodiversity assets including habitats at risk, loss of Green Infrastructure Asset (Prominent Area for Special Protection), and impact on visual amenity of the area.
- 7.3 On balance it is considered that the benefits of the removal of Japanese Knot Weed and access to the private land could be achieved outside the planning process and that the Knot Weed would need, in any case, to be controlled so as to prevent its' spread outside of the private ownership of the site. It is not considered that the removal of the Knot Weed, and improvements to enable public access and to future management of the site can only be financed by the erection of a total of 11 large detached properties. The benefits of the residential development in itself would not outweigh the negative impact of the loss of biodiversity habitat, and loss of Green Infrastructure Asset (Prominent Area for Special Protection).

8 Conclusion

- 8.1 It is considered that the proposal would not be of significant public benefit such to outweigh the harm to the Green Infrastructure Asset and Biodiversity Asset that would be caused by the development.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reason:	
1.	The proposed housing development, by virtue of the built development and the loss of habitats, would result in an unacceptable harm to the Green Infrastructure Asset and would result in a net loss to biodiversity. No benefits which clearly outweigh this harm have been demonstrated. Accordingly, the development is contrary to the aims of Policies 28 and 31 of the Broxtowe Part 2 Local Plan (2019), Policy 16 of the Broxtowe Aligned Core Strategy (2014) and Section 15 of the National Planning Policy Framework (NPPF) 2019.
NOTES TO APPLICANT	

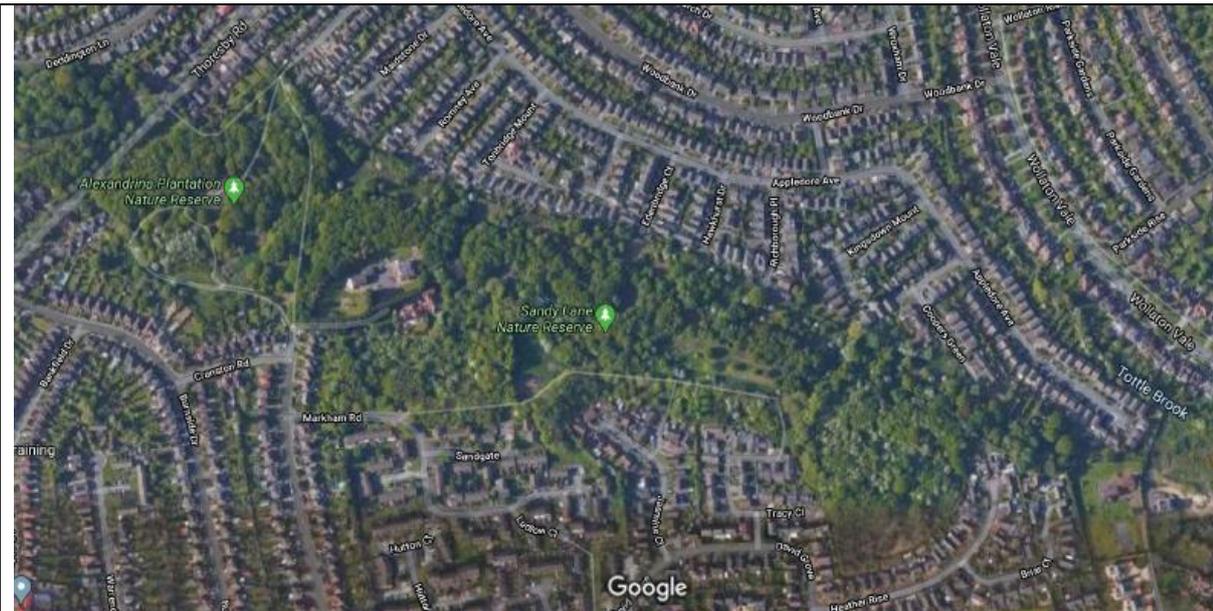
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
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Legend

- Site Outline
- Flood Zone 3
- Flood Zone 2
- Bridleway
- Footpath
- Local Wildlife Site
- Local Nature Reserves
- Green Infrastructure Corridor
- Broxtowe Boundary

Photographs



Aerial view of Bramcote Ridge courtesy of Google images



3D aerial view of the existing dwellings on Sandy Lane, courtesy of Google images



Access from the head of Sandy Lane leading to nos. 68, 70, 72 and 74 Sandy Lane which will provide access to the two new dwellings within Broxtowe Borough Council



Footpaths to Alexandrina Plantation Local Nature Reserve, at the head of Sandy Lane, adjacent to the access



Looking south from the access drive toward site of the two new dwellings



Footpath leading to Sandy Lane Local Nature Reserve, leading from Markham Road



Informal football pitch within the Sandy Lane LNR



View of the north side of Bramcote Ridge taken from Parkside Rise

Plans (not to scale)



Site plan showing adjacent Local Nature Reserves (Alexandrina Plantation to the west, and Sandy Lane to the south and west)



Application site layout showing the whole development. The blue line indicates the borough and City Council boundary and the two proposed dwellings within Broxtowe Borough Council authority are shown to the south east



Housing layout within Broxtowe Borough Council authority land



House A elevations

House A Floor Plans

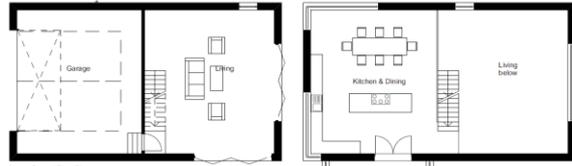


House A floor plans

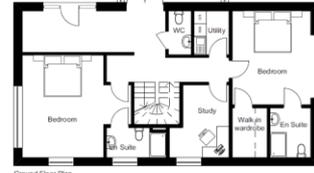


House B elevations

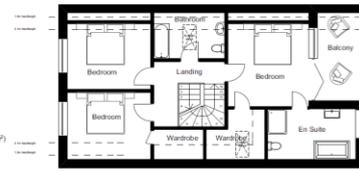
House B Floor Plans



Lower Ground Floor Plan



Ground Floor Plan



First Floor Plan

Areas
 Lower Ground Floor - 43m² (plus garage @ 42m²)
 Ground Floor - 173m²
 First Floor - 82m²
 Total - 298m² / 3207sq ft (340m² / 3659 sq ft including garage)

House B floor plans