

Report of the Director of Legal and Planning Services

PART 2 LOCAL PLAN – POLICIES

1. Purpose of report

To consider the policies to include in the Part 2 Local Plan.

2. Background

The Jobs and Economy Committee considered a number of housing allocations at the meeting on 26 January 2017. The plan will also need to contain detailed policies some of which may be carried forward from the existing 2004 Local Plan.

3. Details

The draft policies on Design, Flood Risk, Green Belt, Heritage and Local Green Space are included in the appendix. The policies are titles XX because they will be numbered when they are included in the plan. Where appendices are referred to, these will be included and numbered in the plan.

4. Financial implications

The Local Plan examination is likely to cost up to £80,000. This is included in the budget for the 2017-18 financial year.

Recommendation

The Committee is asked to RESOLVE that the policies listed in the appendix be approved for inclusion in the Part 2 Local Plan.

Background papers

Nil

APPENDIX

Policy XX: Place-making and design

1. For all new development, permission will be granted for development which, where relevant:
 - a) Integrates into its surroundings; and
 - b) Provides, or is close to, community facilities; and
 - c) Has good access to public transport; and
 - d) Creates a place with a locally-inspired or otherwise distinctive character; and
 - e) Takes advantage of existing topography, buildings and landscape features; and
 - f) Creates well-defined streets and spaces; and
 - g) Makes it easy to find your way around; and
 - h) Encourages low vehicle speeds; and
 - i) Provides sufficient, well-integrated, parking; and
 - j) Provides attractive, clearly-defined and safe private and public spaces; and
 - k) Provides adequate external storage and amenity space; and
 - l) Ensures a satisfactory degree of amenity for occupiers of the new buildings and neighbouring properties; and
 - m) Enables convenient use by people with limited mobility; and
 - n) Incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity; and
 - o) Ensures that the development would not prejudice the satisfactory development of a larger area.
2. Applicants for housing developments of 10 dwellings or more will be required to submit a design and access statement which includes an assessment of the proposals against each of the 'Building for Life' criteria (see Appendix X).
3. In the case of householder development (including extensions, outbuildings and boundary treatments):
 - a) All such 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;
 - b) Two-storey side extensions should avoid a terraced or cramped effect;
 - c) Dormers should not dominate the roof;
 - d) Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties;
 - e) Fences and walls should not cause risk to pedestrians or road users by reducing visibility for drivers when entering or exiting the driveway.

Justification

Parts 1 and 3 of this policy should be read in conjunction with policy 10 of the Aligned Core Strategy, which includes several other important considerations. Part 1 of the policy relates to proposals of all types and sizes, however not all the criteria will be relevant in all cases.

Part 1 of the policy is largely based on 'Building for Life' ('BfL12'), a widely-used guide to better design that is aligned to the National Planning Policy Framework and the National Planning Practice Guidance and is endorsed by the Design Council and the Home Builders Federation. Details of BfL12 itself are in Appendix X and this should be used as a design tool and a basis for discussion throughout the pre-application and community engagement stages of all major applications.

With regard to part 3 of the policy in most cases the design of extensions should incorporate the following:

- for two storey side extensions, a set-back at first floor level with a corresponding drop of roof level;
- for roof extensions, these should reflect the design, angle of pitch and shape of the original roof;
- for windows in extensions, these should line up vertically and horizontally with existing windows.

With regard to both parts 1 and 3, innovative design will be encouraged in appropriate circumstances.

What the Aligned Core Strategy says

Policy 10 says that part 2 Local Plans will set out best practice guidance and standards for design, sustainability and place making.

What consultation responses say

In response to the 'Issues and Options' consultation, representations were made that design policy should be locally distinctive and should refer to biodiversity and occupiers' amenity, among other things. Other respondents felt that any policy should not be unduly prescriptive and that the Core Strategy is sufficient. At the 'Topics Workshops' there was support for including detailed design guidance in the Plan, however there was also concern, again, that the Plan should not be unduly prescriptive.

Strategic policy context

Aligned Core Strategy Policy 10: Design and Enhancing Local Identity.

Monitoring

For all housing permissions of 10 or more dwellings, in-house assessments will be made of the quality of design with regard to BfL12 criteria. The proportion of permissions which achieve at least nine 'greens' will be monitored. (See Appendix X for more details.)

Development will not be permitted in areas at risk from any form of flooding unless:

1. There are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and
2. In the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and
3. Provision is made for access to watercourses (8 metres for 'main river') and flood risk management assets; and
4. Measures are included to: mitigate any residual fluvial flood risk; provide flood compensation where it is appropriate; and ensure that surface water run-off is reduced by 30% compared with pre-development rates.

Justification

The Council will generally be determined and proactive in steering development to areas of lower flood risk. However the south of the borough, including Beeston Rylands and Attenborough, has substantial areas which are within Flood Zones 2 and 3 but nevertheless have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. These highly-protected areas, which are within the 'main built up area of Nottingham' (as defined in the Aligned Core Strategy), include sites with the potential for residential and other forms of development in economically viable locations. Some of these sites are on previously-developed land and some may bring the opportunity to provide affordable housing in areas of substantial need. If these sites were not to be considered for development due to concerns about flood risk there would be increased pressure for development within the Green Belt and in locations which were not consistent with the Aligned Core Strategy's emphasis on urban concentration and regeneration.

In accordance with the National Planning Policy Framework (NPPF) the Sequential Test and, if necessary, the Exception Test (both as set out in the NPPF and the Planning Practice Guidance) must be applied in all cases, taking account of the latest Strategic Flood Risk Assessment (which recognises the Left Bank defences) and information of available urban sites in the latest available SHLAA. In applying these tests, the minimisation of development in the Green Belt in Broxtowe will be treated as a 'sustainability benefit' and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'. In all cases where the Exception Test is applied a site-specific flood risk assessment must be submitted, in accordance with NPPF requirements, and this must address the impact of potential breaches of the flood defences.

With regard to point 4 of the policy, flood mitigation will be required in all cases (whether the site is defended or not); examples of mitigation include flood resistance/resilience measures, emergency planning and good site design that does not increase risk to others. The Environment Agency will also require flood compensation (i.e. at least equivalent replacement of lost flood storage) in areas which are not defended by an appropriate standard of flood protection (such as the Nottingham Trent Left Bank Flood Alleviation Scheme).

What the Aligned Core Strategy says

Policy 1.9 says that, where appropriate, part 2 Local Plans will set out further guidance on the application of the sequential and exception tests.

What consultation responses say

The Environment Agency made detailed comments on the draft policy that was included in the 'Issues and Options' consultation document. Other consultees urged greater clarity and an avoidance of repetition of national policy. Various issues were discussed at the 'Topics Workshops' including: the importance of the Strategic Flood Risk Assessment and potential breaches of the defences; and the need for policy to be clear, unambiguous and locally specific.

Strategic policy context

Aligned Core Strategy Policy 1: Climate Change

Monitoring

The number of permissions in flood risk areas granted contrary to Environment Agency advice will be monitored.

Policy XX: Development in the Green Belt

1. The boundaries of the Green Belt in Broxtowe are as defined on the Policies Map.
2. Applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points.
3. Proposals for diversification of the rural economy will be supported provided that they comply with the relevant parts of paragraphs 89 and 90 of the NPPF.
4. 'Disproportionate additions' to a building will be treated as those that exceed 30% of the volume of the original building
5. It will be assumed that the health and well-being benefits of changes of use of open land to outdoor sport and outdoor recreation will constitute 'very special circumstances' which clearly outweigh the 'by definition' harm to the Green Belt, subject to assessment of their effect on the openness of the Green Belt.
6. References to 'towns' in paragraph 80 of the NPPF will be treated as applying to Awsworth, Brinsley, Cossall, Eastwood, Kimberley, Stapleford, Strelley and Trowell.

Justification

With regard to point 4 of the policy, calculations of increases in volume will not include any existing outbuildings. The need for removal of permitted development rights will be considered on a case-by-case basis and with regard to particular aspects of the General Permitted Development Order.

The government and the Borough Council place considerable importance on promoting healthy communities. The NPPF does not indicate that any changes of use of open land are 'not inappropriate' in the Green Belt. However, the Council believes that in Broxtowe protection of the Green Belt can be combined with supporting changes of use to outdoor sport and outdoor recreation in order to encourage healthy lifestyles, and this belief is recognised in point 5 of the policy. In assessing the impact of such proposals on the openness of the Green Belt, attention will be paid to detailed matters including the scale of the proposal and the parking and lighting arrangements.

Among the national purposes of Green Belt are preventing neighbouring towns merging into one another and preserving the setting and special character of historic towns. In the case of the Nottingham-Derby Green Belt, a fundamental purpose is to prevent the merging of Nottingham and Derby, and in order to achieve this it is essential to prevent the merging of the towns and villages between the two cities. In the absence of the local clarification provided by point 6 of the policy, it could be argued that the merging of villages in Broxtowe with neighbouring towns and villages might be acceptable. Similarly, several villages in Broxtowe have special historic character which needs to be protected by Green Belt policy. This clarification was included in the assessment criteria that were used in the 'Preferred Approach to Site Allocations (Green Belt Review)' consultation of February 2015, following previous consultation and agreement with Ashfield, Gedling and Nottingham City Councils.

What the Aligned Core Strategy says

Policy 3 says that part 2 Local Plans will review Green Belt boundaries; however it does not give guidance on part 2 policies for development within the Green Belt.

What consultation responses say

In response to the 'Issues and Options' consultation, representations were made that the current policy should be retained and that rural diversification should be promoted. At the 'Topic Workshops' there were a variety of opinions expressed, with strong support for the protection of the Green Belt and consensus that sports facilities of an appropriate scale should generally be supported.

Strategic policy context

Aligned Core Strategy Policy 3: The Green Belt.

Monitoring

The number of permissions granted contrary to Green Belt policy by the Council and by inspectors will be monitored, together with the reasons for those decisions.

Policy XX: Proposals affecting designated and non-designated heritage assets

1. Proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.
2. Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.
3. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria, where relevant:
 - a) The significance of the asset;
 - b) Whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;
 - c) Whether the proposals would preserve and enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;
 - d) Whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks;
 - e) Whether the proposals would demonstrate high standards of design appropriate to the historic environment;
 - f) Whether the proposals would contribute to the long-term maintenance and management of the asset;
 - g) Whether the proposals would appropriately provide for 'in-situ' preservation, or investigation and recording, of archaeology; and
 - h) Whether the proposed use is compatible with the asset.

Justification

This policy applies to all heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and non-designated assets of all kinds.

Heritage Statements should accompany all applications relating to heritage assets. These should clearly illustrate the nature of the proposals and their effect on the asset. They should refer to relevant sources of local information including Conservation Area Appraisals and the 'Heritage Gateway'.

There are 16 Conservation Areas in the borough, which are listed below, described in Appendix X and shown on the Policies Map:

- Attenborough Village
- Attenborough, Barratt Lane
- Beeston, St John's Grove
- Beeston, West End
- Bramcote
- Brinsley
- Chilwell
- Chilwell, Cottage Grove
- Cossall
- Eastwood
- Kimberley
- Nuthall
- Sandiacre Lock
- Stapleford, Church Street
- Stapleford, Nottingham Road
- Strelley.

Article 4 Directions restrict certain 'permitted development' rights in Cossall, Strelley and part of Kimberley: details are available on the Council's website.

The Council will aim to produce Appraisals and Management Plans for all its Conservation Areas and will consider the merits of amendments to Conservation Area boundaries. It will also consider the production of a Local List of non-designated assets, criteria for their identification and/or an associated SPD. The Council will look to work proactively with established Civic Societies to aid understanding of the local historic environment.

What the Aligned Core Strategy says

Policy 11.2 says that part 2 Local Plans will set out further details about conservation and enhancement of the historic environment. It identifies DH Lawrence literary heritage, Bennerley Viaduct and Boots D6 and D10 buildings as being of particular importance.

What consultation responses say

In response to the 'Issues and Options' consultation English Heritage (now Historic England) considered that further development management policy is essential and that reference to archaeology should be included. There was also support for a Local List. At the 'Topics Workshops' there was general support for the inclusion of a policy on non-designated heritage assets.

Strategic policy context

Core Strategy Policy 11: The Historic Environment.

Monitoring

The following targets will be monitored, in accordance with the monitoring arrangements set out in the Aligned Core Strategy:

- A decrease in the number of heritage assets at risk on the national register.
- An increase in the number of Conservation Area Appraisals.

Policy XX: Local Green Space

The following areas are designated as Local Green Space, in accordance with paragraphs 76-78 of the National Planning Policy Framework.

Within these areas, development that would be harmful to the character or function of the Local Green Space will not be permitted except in very special circumstances.

1. Prominent Areas for Special Protection:

- (a) Bramcote Hills
- (b) Bramcote Ridge
- (c) Burnt Hill, Bramcote
- (d) Catstone Hill Ridge, Strelley
- (e) Stapleford Hill
- (f) Windmill Hill, Stapleford

2. Protected Open Areas:

- (a) Beeston Fields golf course and land to west
- (b) Bramcote Ridge
- (c) Chilwell Manor golf course

3. Land east and west of Coventry Lane at Bramcote and Stapleford**Justification**

The National Planning Policy Framework indicates that Local Green Space can be designated when plans are reviewed in order to provide special protection for green areas which are of particular importance to local communities. It says that policy for Local Green Space should be “consistent with policy for Green Belts” (paragraph 78); Green Belt policy (paragraph 87) is that harmful development should only be approved in “very special circumstances”. The same test is used here.

The land at Bramcote and Stapleford (item 3 in the policy) comprises a former area of Green Belt between Moor Farm Inn Lane, Moor Lane, Derby Road, Ilkeston Road and Coventry Lane, with the exception of land occupied by the schools which was previously designated as a ‘Major Developed Site within Green Belt’. Land to the north of Moor Farm Inn Lane is proposed for housing development and redevelopment is also proposed for some of the other

school land. It is therefore particularly important that the rest of the land to the south of Moor Farm Inn Lane is protected from development. This area includes the Bramcote Hills Prominent Area for Special Protection, which is also referred to in item 1 in the policy, and areas of existing and proposed open space (see policies X and Y).

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. Protected Open Areas provide important breaks in the built-up areas, contributing to visual amenity and recreational opportunities.

All the sites listed in the policy have been assessed as according with the criteria set out in the National Planning Policy Framework (paragraph 77) and are considered to be: in reasonably close proximity to the community they serve; local in character and not an extensive tract of land; and demonstrably special to the local community, holding a particular local significance.

Further areas of Local Green Space may be designated through forthcoming Neighbourhood Plans.

What the Aligned Core Strategy says

Policy 16.4 says that parks and open spaces should be protected from development and implies that this should be done through part 2 Local Plans.

What consultation responses say

In response to the 'Issues and Options' consultation, representations were made that designations as Local Green Space should be made on the basis of robust and transparent assessment against the criteria in the National Planning Policy Framework. Comments were also made (without reference to the 'Local Green Space' term) for and against the protection of particular areas or types of area, and for the expansion or contraction of particular areas. At the 'Topics Workshops' there was general support for protecting green open spaces and other valued aspects of the local environment.

Strategic policy context

Aligned Core Strategy Policy 16: Green Infrastructure, Parks and Open Space;

Aligned Core Strategy Policy 17: Biodiversity.

Monitoring

The number of applications relating to designated Local Green Space will be monitored, together with the outcome of those applications.

JOBS AND ECONOMY COMMITTEE

23 FEBRUARY 2017

Present: Councillor A Harper, Chair

Councillors: M J Crow
E Kerry
W J Longdon
M E Plackett
M Radulovic MBE

Apologies for absence were received from Councillors B C Carr, J W Handley, M Handley and R S Robinson.

37. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

38. **MINUTES**

The minutes of the meeting held on 26 January 2017 were confirmed and signed.

39. **PART TWO LOCAL PLAN – UPDATE**

The Committee considered the key policies that were to be included in the Part Two Local Plan.

There was a question as to why insurers and planning authorities did not recognise the benefit of the flood defences, particularly in areas near the Trent where there had been substantial investment in protection. It was noted that development schemes and insurers still needed to take into account a possibility that the flood defences could fail.

There followed a discussion about permitted development, what constituted an outbuilding and the current design standard. The importance of the balance between having detailed policies, whilst maintaining an element of planning discretion was agreed. It was noted that a glossary would be included in the Part Two Local Plan to clarify exactly what was meant by certain technical terms.

The Committee considered the categorisation for local green space, which was split into three distinct classifications. The possibility of combining these into one category was discussed. It was noted that the designated areas

were protected from development except in very special circumstances, which was in line with the greenbelt policy. The Committee noted that should they agree the protection for areas set out in the policy, the planning inspector who was to make a determination on the Bramcote Golf Course development would be informed immediately of that decision.

RESOLVED that the policies listed in the appendix be approved for inclusion in the Part 2 Local Plan.

40. WORK PROGRAMME

RESOLVED that the Work Programme be approved.