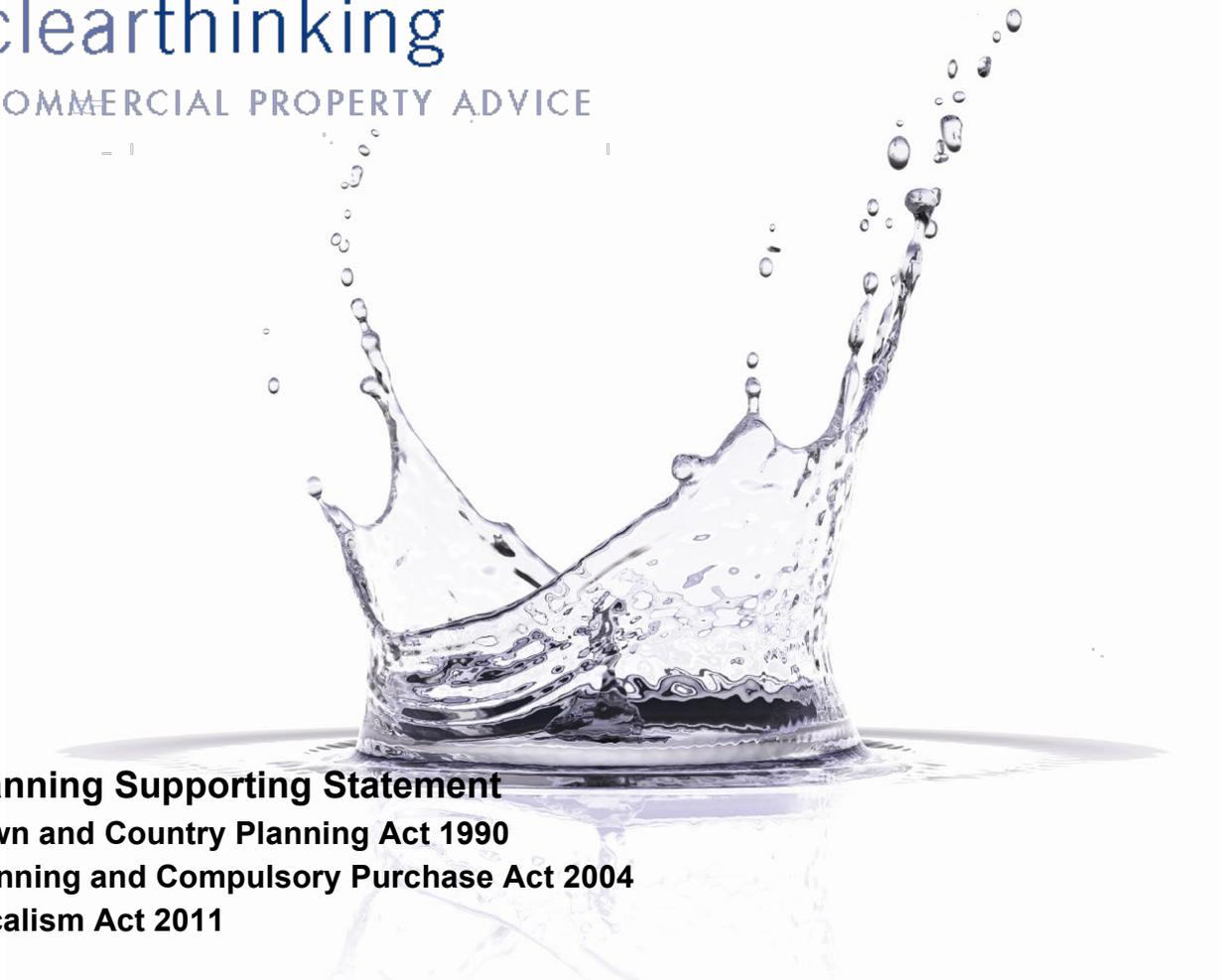


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Planning Supporting Statement
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011

On behalf of Wulff Asset Management Limited

Land at Ilkeston Road/Sowbrook Lane, Ilkeston

Outline Application for up to 196 dwellings with all matters reserved other than the means of access

Prepared By:

Sam Silcocks BSc (Hons) MA MRTPI

Harris Lamb | Grosvenor House | 75-76 Francis Road | Edgbaston | Birmingham B16 8SP

Telephone: 0121 455 9455 Facsimile: 0121 455 6595 E-mail: sam.silcocks@harrislamb.com

PLANNING SUPPORTING STATEMENT

LAND AT ILKESTON ROAD/SOWBROOK LANE, ILKESTON

Main Contributors

Sam Silcocks BSc (Hons) MA MRTPI

Issued By

Signature



Print Name S Silcocks

Date June 2022

Approved By

Signature



Print Name S Hawley

Date June 2022

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1.0 INTRODUCTION

- 1.1 This supporting Planning Statement has been prepared by Harris Lamb Planning Consultancy on behalf of Wulff Asset Management Limited (“**the Applicant**”) in support of an outline planning application for the erection of up to 196 dwellings with all matters reserved other than the means of access (“**the Scheme**”) at Land at Ilkeston Road/Sowbrook Lane, Ilkeston (“**the Site**”).
- 1.2 The Erewash Core Strategy (“**ECS**”) supports the urban area of Ilkeston and sites adjoining it to delivery additional housing growth. The Site is one of the few non-Green Belt sites on the edge of Ilkeston that can assist in providing additional housing land. It is also next to the large regeneration site known as the Stanton Regeneration Site, which is allocated for a large mixed-use development. An outline application for the northern part of the Stanton Regeneration Site has recently secured a resolution to grant and their application site wraps around the eastern and northern side of the of the Site. The delivery of housing on this Site is, therefore, supported by the Local Development Plan.
- 1.3 Furthermore, Erewash Borough Council (“**EBC**”) does not have a 5-year housing land supply and there is a desperate need to identify sites that can assist in meeting this shortfall. The National Planning Policy Framework (“**the Framework**”) provides the tool to rectify a lack of housing land in the short term. This is set out in the presumption in favour of sustainable development in Paragraph 11, which includes a titled balance when a shortfall exists.
- 1.4 Along with this Planning Statement, this outline application has been submitted with the following plans and documents, which combined demonstrate that the Scheme complies with the Development Plan and that the presumption in favour of sustainable development applies:
- Indicative Masterplan

- Design and Access Statement
- Desk Based Heritage Statement
- Preliminary Ecological Assessment
- Tree Survey, TPP and AIA
- Transport Assessment
- Flood Risk Assessment
- Drainage Strategy
- Phase 2 Ground Investigation
- Coal Mining Risk Assessment
- Noise Assessment
- Statement of Community Involvement

2.0 DESCRIPTION OF THE SITE AND SURROUNDING AREA

- 2.1 The Site is an agricultural field on the edge of Ilkeston. Ilkeston and sites on the edge of Ilkeston being a location identified in the ECS as a location to deliver housing growth over the plan period.
- 2.2 The Site is subject to no designation in the Development Plan. It is one of the few non-Green Belt sites within the authority.
- 2.3 There are a mixture of trees and hedgerows along the boundary and there is one small section of hedge / trees that go west to east along the middle section of the Site.
- 2.4 To the north of the Site is the Nutbrook Canal, Nutbrook Trail and the Nut Brook. These form part of a leisure corridor that run north-west from here through Ilkeston. To the east of the Site is Ilkeston Road, beyond which is the large Stanton Regeneration Site, which allocated in the adopted plan. The northern part of the Stanton Regeneration Site now benefits from a resolution to grant outline planning permission and the application site directly adjoins the eastern boundary of the Site (see latest Masterplan extract below). To the south is Sowbrook Lane with a set of listed cottages and a sub-station on the opposite side. Beyond this are a number of employment sites, which

combined extend to approximately 28 hectares. To the west of the Site is a brook, which the Applicant has a right to discharge into, and the Sowbrook Pond Wildlife Site which is discussed further in the PEA, along with the other habitats within and surrounding the Site.



Figure 1: Extract from the latest Masterplan for the northern part of the Stanton Regeneration Site

- 2.5 There is an existing bus route that runs along Ilkeston Road. Details of which and potential enhancements to are discussed in the Transport Assessment.
- 2.6 There is existing pedestrian connectivity along Sowbrook Lane. This will take residents towards Kirk Hallam, which is also part of Ilkeston, and there is scope to upgrade this as required as part of the Scheme. This is currently the only pedestrian link to the existing employment estate to the south-east of the Application Site from Ilkeston and so any improvements here would not only

benefit the residents of the proposed development, but also those residents in Ilkeston travelling to the existing employment estate.

3.0 DESCRIPTION OF THE PLANNING APPLICATION PROPOSALS

3.1 This is an outline application which proposes a residential development of up to 196 dwellings with all matters reserved other than the means of access. The Design and Access Statement provides a detailed description of the proposed development and the design process taken to get there. Below we set out a summary of the key features of the proposal:

- It would deliver up to 196 dwellings. This assumes a net density of 35 dwellings per hectare, which is normal for this type of edge of settlement location;
- Two points of vehicle access are proposed – one on to Ilkeston Road and one on to Sowbrook Lane;
- Surface water drainage would be managed on site so that the development would not increase the flow of water off site;
- The existing easement and bell pit are accommodated in the Masterplan;
- All of the development is proposed outside of the small area of flood zone at the northern end of the site next to the canal;
- Approximately 44% of the site would be left as green space. This would include the retention of existing trees and hedge rows where possible. Where this is not possible (e.g. to create access) replacement tree and/or hedge planting would be provided;
- Play provision is proposed in the form of two play areas and a trim trail for kids;
- The existing informal footpath that runs along the canal and along the western side of the site would be retained and extended to form a circular walk around the site;
- A tree lined avenue would form the primary route through the site, with a network of lower order roads stemming from this;

- All dwellings would face out from the site toward the existing road network, providing a clear block structure;
- The layout incorporates an existing easement; and
- An offset is proposed to the existing sub-station to the south of the site to create an appropriate living environment for residents.

4.0 PRE-APPLICATION DISCUSSIONS AND PUBLIC CONSULTATION

4.1 A pre-application was original submitted in September 2020 and a subsequently submission made in April 2021 to seek Officer's views in relation to the residential development of the Site. The pre-application response to the original submission confirmed that the Council did not have a five year housing land supply, but raised some concerns with the sustainability of the location to deliver housing. The focus here being on the access to services and facilities from the Site. This came as a surprise as the Site adjoins Ilkeston which is the main settlement within the Borough and is next to the large strategic allocation within the adopted Local Plan.

4.2 In response to this, the Applicant instructed their Highway Consultant to prepare a note to address the point about access to services and facilities by other means of transport to the car. In doing so, they identified that there are a wide range of services, facilities and employment opportunities within the accepted walking and cycling distances and that appropriate walking and cycling routes existed to facilitate access to these.

4.3 However, despite the second submission in April 2022 to address these matters, Officers refused to provide any further pre-application advice and simply stated that the Site would be considered through the review of the Local Plan, which has not been the case.

4.4 Details in relation to the accessibility of the Site are incorporated within both the Transport Assessment and the Design and Access Statement submitted with this Application.

4.5 In addition to the above, the scope and extent of the Transport Assessment has been agreed separately through direct communication between the Applicant's Highway Consultant and the Highway Authority.

5.0 RELEVANT PLANNING POLICY CONSIDERATIONS

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ("**the Framework**") being a material consideration. Both parts of the local development plan were adopted prior to the latest version of the Framework. Consequently, the weight to be given to the policies in the local development plan relates to their degree of consistency with the Framework.

5.2 Set-out below is a summary of the planning policies and guidance relevant to the principle of the Scheme. The other planning application supporting reports should be referred to for an analysis of topic-specific policies.

The Local Development Plan

5.3 The Local Development Plan for Ilkeston consists of:

- the Erewash Core Strategy 2016; and
- Erewash Local Plan Saved Policies Document 2005 (Amended 2014).

Erewash Core Strategy 2016 (ECS)

5.4 The ECS is more than 5 years old. The policies relevant to the distribution of development are therefore out of date, which is evident from the current Core Strategy review which proposes to release a large amount of Green Belt land to meet the development needs identified.

Sustainable development

- 5.5 Policy A sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It then goes on to repeat the wording from a previous version of the Framework and needs to be read in the context of the revised wording in the 2021 version of the Framework.
- 5.6 Policy 1 sets out measures on Climate Change, including sustainable design, reducing carbon emissions and flood risk and sustainable drainage. This policy needs to be read in the context that the Government has subsequently outlined that building regulations will be the mechanism that they use to make new homes more sustainable.

Spatial Strategy

- 5.7 Policy 2 sets out the spatial strategy. In doing so it states “sustainable development in the plan area will be achieved through a strategy of urban concentration with regeneration. Most development will therefore be located in or adjoining the urban areas of Ilkeston (including Kirk Hallam) and Long Eaton (including Sandiacre and Sawley)” (our emphasis).
- 5.8 The settlement strategy is identified with Ilkeston urban area at the top and the rural area at the bottom, with the latter making reference to preventing development on Green Belt land. This is then supplemented with confirmation that sites in or adjoining the urban area of Ilkeston will be the focus for housing delivery, with the allocation of approximately 4,500 homes in or adjoining Ilkeston urban area, which includes the Stanton Regeneration Site. A resolution to grant outline planning permission has now been granted for the northern part of the Stanton Regeneration Site. The redline for this application extends up to Ilkeston Road and then wraps around the northern side of the current application Site, with the Parameters Plan showing development up to Ilkeston Road. Consequently, the Site adjoins the Ilkeston Urban Area and is a location where housing growth is targeted in accordance with the ECS.

5.9 Policy 2 also sets out that sustainable alternatives to using the private car will be encouraged to address the impacts of growth and meet the objectives of Local Transport Plans, with further detail set out in Policy 14. This includes reopening Ilkeston railway station; enhancing bus connectivity to and from Ilkeston; and promoting sustainable travel plans/smarter choice.

5.10 Policy 2 also sets out that:

“The Council will prepare a comprehensive action plan to identify and promote those housing sites capable of delivery in the short term and therefore able to ensure that the housing land supply requirements of the National Planning Policy Framework are met. If these requirements are not being met at the latest by the land supply calculated on the basis of the 2015 Strategic Housing Land Availability Assessment then the plan will be reviewed”

5.11 We can find no record of an action plan nor the 2015 SHLAA. Despite this, a review of the ECS was not instigated at this time. This further emphasises that the ECS is out of date and that the importance of releasing additional housing sites as soon as possible.

Green Belt

5.12 The Nottingham-Derby Green Belt is a long established and successful planning policy tool that is very tightly drawn around Erewash's built-up areas and a number of the Borough's settlements. Consequently, non-Green Belt opportunities to expand Erewash's settlements are extremely limited.

Other relevant policies

- 5.13 Policy 8 sets out a number of factors that will influence the size and mix of new dwellings. These will include the latest evidence of local housing need, the character of the area and accessibility.
- 5.14 Policy 8 also sets out a policy target of up to 30% affordable housing subject to viability, with lower targets for sites in the main urban areas and in the Stanton Regeneration Site.
- 5.15 Policy 10 is the main design policy. It sets out a range of standard design criteria against which proposed residential developments will be considered. This includes guidance on landscape character.
- 5.16 Policy 11 sets out the policy context for the historic environment. This should be read in conjunction with Chapter 16 of the Framework.
- 5.17 Policy 14 sets out that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 2, in combination with the delivery of sustainable transport networks to serve these developments.
- 5.18 Policy 14 goes on to state that sites should be readily accessible by walking, cycling and public transport, but where accessibility deficiencies do exist these will need to be fully addressed. The effective operation of the local highway network and its ability to provide sustainable transport solutions should not be compromised.
- 5.19 Policy 17 sets out how biodiversity will be protected and enhanced. Policy 18 and 19 – new infrastructure and developer contributions. Policy 20 relates to the large strategic allocation of the Stanton Regeneration Site. This is located to the east of the site. Access from this site to the remainder of Ilkeston would be past the application site.

**Erewash Local Plan Saved Policies Document 2005 (Amended 2014)
(ESPD)**

5.20 This is an old document and the policies were originally published before the first version of the Framework in 2012. The policies within it need to be read accordingly. There are no major discrepancies to highlight, but national policy wording has moved on in relation to a number of matters covered in the relevant policies.

5.21 The main policies of note for this outline application are:

- Policy H12 - Quality and Design
- Policy T6 - Cycling
- Policy EV6 - Listed Buildings
- Policy EV11 - Protected Species and Threatened Species
- Policy EV16 - Landscape Character

Material Planning Considerations

5.22 There are several documents that are material considerations in the determination of the application. These are detailed below:

The National Planning Policy Framework

5.23 The revised version of the National Planning Policy Framework (“***The Framework***”) was published in February 2021. The Framework sets out the Government’s planning policies for England and guidance on how they are expected to be applied. It is confirmed that planning law requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework must be taken into account in preparing Development Plans and is a material consideration in planning decisions.

5.24 Part 2 - Achieving Sustainable Development, of the Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the

planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways:

- 5.25 An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improve productivity; and by identifying and coordinating the provision of infrastructure.
- 5.26 A social objective - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing; and
- 5.27 An environmental objective - to contribute towards protecting and enhancing the natural, built and historic environment; including making efficient use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 5.28 These objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework, they are not a criteria against which every decision should be judged.

The presumption in favour of Sustainable Development

- 5.29 Paragraph 11 of the Framework advises that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:
- Approving development proposals that accord with an up-to-date Development Plan without delay or;

- Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, grant permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

5.30 The Framework explains that the policies will be considered out of date where the Council is not able to demonstrate a 5 year housing land supply. Consequently, the tilted balance is engaged in this instance.

Decision Making

5.31 Part 4 of the Framework provides guidance on decision making. It requires Local Planning Authorities to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area. Decision makers at every level should seek to approve applications for sustainable development where possible.

Delivering a Sufficient Supply of Homes

5.32 Part 5, Delivering a Sufficient Supply of Homes, of the Framework, confirms that it is the Government's objectives to 'significantly boost' the supply of homes. Paragraph 68 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

5.33 The Framework requires Local Planning Authorities to identify and update annually a supply of specific and deliverable sites sufficient to provide a

minimum of 5 years' worth of housing against the housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than 5 years old.

5.34 The Framework also includes policies on:

- Promoting healthy and safe communities;
- Open space and recreation;
- Promoting sustainable transport;
- Making effective use of land and achieving appropriate densities;
- Achieving well designed places;
- Meeting the challenge of climate change, flood and coastal change;
- Serving and enhancing the natural environment; and
- Serving and enhancing the historic environment.

5.35 The requirements of these policies are addressed as appropriate in the supporting application documents.

The Landscaped Character of Derbyshire 2014

5.36 The Site is within the area defined as the Coalfield Village Farmlands. The Stanton Regeneration Site and the other employment sites to the south and north Low's Lane are also in this area.

5.37 The Landscaped Character of Derbyshire sets out the key characteristics of this character area. The summary is set out below. Other than being an arable field, the Site does nothing to contribute to this character of the Coalfield Village Farmlands area. Development can be undertaken without disrupting the field pattern and the field boundaries can be enhanced where appropriate. Furthermore, the site is on the edge of a Town and would do nothing to impact on the setting of the villages in this character area. Other than the immediate impact that comes with developing on a greenfield site, it is not considered that the site would have a negative impact on the the Coalfield Village Farmland character area:

“Summary

A broad, gently undulating landscape, the Coalfield Village Farmlands is characterised by pastoral farming with localised arable cropping.

Small villages retain a distinct character; their historic cores constructed of local sandstone. Red brick former mining terraces and small strip fields give a clear indication of how the settlement and landscape has developed over time.

Small relict woodland occurs on the steeper slopes, with mature trees found scattered along hedgerows and beside watercourses. Ecological interest is largely associated with the strip fields around the villages. Here, mature oak trees, species-rich hedgerows and unimproved grassland provide an important refuge for wildlife.

The diverse history of enclosure and industrialisation has created a patchwork of land-uses. Widespread industrial and housing development has subsumed many of these villages and new development continues to impact upon their distinctive character”.

Erewash Borough’s 5-year housing land supply position: December 2019

- 5.38 Paragraph 74 of the Framework requires local planning authorities identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing. The latest 5 year position published by the Council was in 2019, which was 2 and a half years ago, which means

the Council have not updated this for the last two years contrary to the requirement of Paragraph 74.

- 5.39 In 2019, the five-year supply presented by the Council was 3.43 years.
- 5.40 There is nothing we have seen in the public domain that would suggest that any steps have been taken to rectify this shortfall or that the shortfall has not increased in the last two years. This being particularly pertinent as most of the Borough is designated as Green Belt and there are very limited opportunities to rectify this shortfall.
- 5.41 We have not been through the supply of housing sites in any detail. Partly because there is not a consolidated list. However, a review could reveal the supply is worse than presented. For example, 100 dwellings are shown as being delivered on the Stanton Regeneration Site, which seems highlight unlikely as we are not aware of any progress on the residential part of this site.

Core Strategy review

- 5.42 The Council are in the process of reviewing their Core Strategy. This has reached the publication stage. Overall, only limited weight can be given to the emerging plan owing to it stage in production, but there are certain elements that should not be given any weight because they are fundamentally flawed and not supported by planning policy. There is also one element that can be given more weight.
- 5.43 In the emerging plan, the allocation for the Stanton Regeneration Site has been extended to the west and now includes all the land up to the Ilkeston Road. A resolution to grant outline planning permission has now been granted for this part of the site, confirming the new extent of the Stanton Regeneration Site. In the context of this outline consent, full weight can be given to the revised extent of the Stanton Regeneration Site.

- 5.44 The Core Strategy review proposes to release large amounts of Green Belt land to meet the housing requirement identified. These sites are on the edge of the main urban areas, but at this stage the land to be released only meets the current needs. It does not consider any additional sites to assist in delivering land beyond the new plan period and there is no explanation as to how this approach complies with the Framework which states that “strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”.
- 5.45 Whilst only limited weight can be given to the proposal to release Green Belt land, what this does show is that to rectify the shortfall in housing supply, is that greenfield, Green Belt sites will be needed. This being relevant in setting the context for considering how a greenfield, non-Green Belt site should be considered at this time (i.e. this is the only current option to help boost the supply of housing and should be seen as sequentially preferable at the Local Plan stage to the release of Green Belt sites).
- 5.46 Somewhat curiously, the Core Strategy review also seeks to add sites to the Green Belt. This is very unusual when also proposing to release Green Belt to meet the development needs identified. It is even more unusual when it is considered that this was not proposed at the Draft Plan stage and it is not clear what has changed. Only in exceptional circumstances would the designation of new Green Belt be support. No attempt has been made to explain what these exceptional circumstances are contrary to Paragraph 139 of the Framework.
- 5.47 The Site is one of the bits of land proposed to be added to the Green Belt. The only commentary in the emerging plan is that the allocation of this site as Green Belt is to prevent coalescence between Kirk Hallam and the Stanton Regeneration Site. However, this commentary is fundamentally flawed. Kirk Hallam and the Stanton Regeneration Site are both part of the Ilkeston Urban Area. They are not two separate towns. They are part of the same whole. Consequently, it is not possible for coalescence to occur in this instance, and the second purpose of including land in the Green Belt as set out in Paragraph

138 of the Framework would not be offended. Our objections have been submitted to the plan in this regard, and **no weight** should therefore be given to the proposal to include this Site in the Green Belt in accordance with Paragraph 48 of the Framework.

5.48 Similarly, very limited evidence has been produced in support of the proposed Green Infrastructure corridors. Whilst we have no objection to the principle of these, and in many ways support their provision, there is absolutely no justification for the inclusion of this Site within them. It does not contribute to the key elements identified and the part to be developed is just an arable field. Again, this was not a proposal in the draft Plan and **no weight** should be given against the proposal in this context.

5.49 In summary, there is no evidence to support the inclusion of the Site in the Green Belt or the Green Infrastructure corridor. Consequently, neither of these should weigh against the grant of planning permission. The only reason we can see for the approach taken is to try and stifle development on this non-Green Belt site. By contrast, the emerging plan shows that greenfield, Green Belt sites are needed to rectify the housing land supply and this shows that substantial weight should be given in favour of the Scheme which seeks to deliver housing on a non Green Belt site in the short term.

Supplementary Planning Documents

5.50 There are a number of Supplementary Planning Documents. The design principles within the Masterplan have been developed in this context, and the Applicant will seek to agree the Heads of Terms for the s.106 agreement in the context of Developer Contribution SPD.

SHLAA 2019

5.51 The latest SHLAA considers this Site as part of a much larger parcel of land which extended to 35.1 hectares and the conclusions need to be read in this context. This notwithstanding, it identified the following constraints that need to be addressed for this larger Site to come forward (the bold text represents

our commentary and demonstrates all these matters have been positively addressed within the support pack of information):

- Early engagement with the Planning Department and Environmental Health Department is crucial to establish whether the land is determined as contaminated under Part 2A of the Environmental Protection Act 1990. This will clarify what assessment is needed to support any planning application. **A Phase 2 Ground Investigation has been undertaken and submitted. Remediation is needed, but this does not identify any fundamental issues that would prevent a residential development being delivered.**
- The appropriateness of the site for housing should be considered against the neighbouring land uses upon receipt of an application. **A noise survey has been submitted to assess the compatibility with adjoining land uses, which did not identify any negative impact on the operational requirements of nearby employment occupiers.**
- With some of the site at risk from Flood Zone 3b (functional flood plain) then flood risk assessment must be undertaken as part of any future plans to develop land. **A small amount of Flood Zone 2 is located at the northern end of the site next to the canal. No residential development is proposed in this location and the Masterplan shows how a Scheme can come forward that achieves this.**
- A Coal Mining Risk Assessment must accompany any planning application. Contact with the Local Authority should be made at an early stage of the application to establish any ecological issues and mitigation methods. **A Coal Mining Risk Assessment has been submitted. Combined with the Phased 2 Ground investigations this demonstrates that a residential can be delivered on this site.**
- The benefit of housing on this site must be weighed up against the competing surrounding land uses before planning permission can be granted. **It is not clear what this means. However, it has been**

demonstrated that a scheme can come forward that does not undermine the operation of adjoining land uses.

- The site owner is unknown. The site owner must be supportive of development for the site to be considered available. **There is one landowner and they actively support the development of this site.**

5.52 The Council's assessment of the site in the SHLAA does not raise any issues in relation to whether this is a sustainable location to deliver housing or a landscape perspective.

6.0 THE CASE FOR THE APPLICANT

6.1 Following our review of the nature of the application scheme, the application site and surroundings and the development plan position, we now provide an analysis of the issues identified and their relevance to the determination of the application.

6.2 Section 38(6) of the PCPA states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise; the Framework being a material consideration. It is considered that the proposal complies with the development plan and that there are no material considerations that indicate a decision should be made contrary to the development plan.

Principle of Development

6.3 The development plan in Erewash consists of the ECS and ESPD. The Site is subject to no particular designation within the development plan. It is not within the Green Belt and there are no countryside policies that would seek to restrict development in non-Green Belt locations. Ilkeston does not have a settlement boundary within the Local Plan and is defined only by the Green Belt that surrounds it. This is confirmed by the ECS which states that

Green Belt boundaries are “very tightly drawn around Erewash's built-up areas and a number of the Borough's settlements”.

- 6.4 The principle of residential development on this site is further supported by Policy 2 and Policy 14. Both of these policies identify that housing growth will be targeted to the most sustainable locations, which includes the sites in or adjoining the Ilkeston Urban Area at the top of the hierarchy. This Site falls into this category. It is confirmed by both the adopted and emerging plan that the Stanton Regeneration Site forms part of the Ilkeston Urban Area. The recent resolution to grant outline planning permission for the northern part of the Stanton Regeneration Site shows the Stanton Regeneration Site wrapping around the eastern and northern boundary of the current application Site, with the Parameters Plan showing development proposed all the way up to the Ilkeston Road. Consequently, the Site directly adjoins the now approved Stanton Regeneration Site, which is further supported by the emerging plan, which shows the Stanton Regeneration Site extending all the way up to the Ilkeston Road in line with the now approved outline application.
- 6.5 Policy 14 also sets out that where deficiencies exist in terms of foot, cycle and bus connections, these will need to be addressed. The Site is generally well served in all respects, as evidence by the Transport Assessment. However, a couple of potential measures are proposed to improve these further, with the potential to widen the footpath on Sowbrook Lane and the provision of bus shelters on Ilkeston Road. The former also being a benefit for residents of Kirk Hallam who work in the establish employment estate to the south and east of the Site, which adds additional weight in favour of the grant of planning permission.
- 6.6 The principle of residential development, therefore, supports the principle of residential development in this location.
- 6.7 The above notwithstanding, it is also pertinent to note that the Council accepts it cannot demonstrate a five year housing land supply and the Local Plan is now more than five years old. In accordance with Paragraph 11 of the Framework this means that the relevant policies are out of date and the tilted

balance engaged. In practice, this means that the planning permission should be granted for the proposed development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is worth noting here that whilst the relevant policies should be seen as out of date, this does not prevent weight being given in favour of the proposal when it complies with these policies.

6.8 What is evident from the above is that there is a desperate need to deliver more housing land within Erewash Borough Council to meet the identified housing need. This Application proposes a housing scheme on a deliverable site, which could be delivered in full within the next five years. This will make a notable contribution to the supply of not only market, but also affordable housing, and for the reasons set out in the policy section of this statement, both the delivery of market and affordable housing should be given **substantial weight in favour of the grant of planning permission.**

6.9 It is also evident that the sustainability of this location is only set to improve. The Stanton Regeneration Works is now likely to come forward earlier than envisaged, with an application submitted for an employment scheme. This will add to the critical mass of employment opportunities in this part of Ilkeston and result in allot more Ilkeston residents travelling past the Site to access their jobs. The Masterplan suggests significant changes in bus and pedestrian links back into the main body of Ilkeston to the north. This will further enhance the sustainability of the Site and we would expect these features to be coming forwards whilst this Site is under construction. It is also evident that delivery of housing here will complement the large influx of jobs which are about to be created in this location, thereby providing much needed houses for staff and reducing travel distance daily to get to and from people's place of work. In this context, it is pertinent to note that the Stanton Regeneration Site was initially envisaged to deliver significantly more housing than is now being proposed and this Application will help rebalance this mix of land uses within this location making for a more sustainable mix uses.

6.10 In summary, the principal of development complies with the local Development Plan. Furthermore, the tilted balance is engaged, which means

planning permission should only be refused if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. We now consider the other matters relevant to the proposal.

Sustainable Development

- 6.11 Paragraph 8 of the Framework explains that there are three strands of sustainable development; economic, social and environmental. The proposal contributes to all three strands.
- 6.12 From an economic perspective, the proposal would secure jobs through the construction phase and additional funding for the Council would be secured through the New Homes Bonus. From a social perspective, the proposal delivers a high-quality residential scheme with good access to a range of services and facilities. It would also add to the diversity of homes available, provide much needed affordable housing against a demonstrable need and contribute to the Council's 5-year housing land supply. From an environmental perspective, the proposal would secure the redevelopment of this non Green Belt site, key landscape features will be retained where possible and biodiversity net gain will be secured on site. The proposal also preserves the significance of nearby designated heritage assets.

Affordable Housing

- 6.13 Policy 8 sets out a policy target of 30% affordable housing. The Applicant proposes that 30% of the dwellings will be secured through the s.106 agreement. The final mix of these units can be agreed at the Reserved Matters stage to reflect the local need at that time.

Indicative Masterplan

- 6.14 An Indicative Masterplan has been prepared by the Applicant's Architect. The Design and Access Statement sets out how the Masterplan has evolved and

how it positively addresses the constraints and opportunities presented by the Site. Allowances have been made for the existing easement, the small section of Flood Zone 2 towards the north of the Site, provision of sustainable urban drainage systems, public open space and replacement tree planting / biodiversity net gain. When all of these matters have been factored in, this has generated a net area of 5.6 hectares, which at a net density of 35 dwellings a hectare has given us the number of dwellings on which we have based this Application (i.e. 196 dwellings).

Transport Assessment and Access Design

6.15 The submitted Transport Assessment has been prepared in accordance with the scope agreed with the Local Highway Authority. This included the assessment of the following junctions:

- A1: Access / Ilkeston Road
- A2: Access/Sowbrook Lane
- J1: Ilkeston Road/Sowbrook Lane/Lows Lane
- J2: Lows Lane/Littlewell Lane
- J3: Quarry Hill Road/Merlin Way
- J4: Quarry Hill Road/Elka Road
- J5: Quarry Hill Road/Longfield Lane
- J6: Quarry Hill Road/Little Hallam Hil

6.16 Where the assessment identifies the junctions would operate over capacity, either improvements are proposed, or improvements are already committed by other developments.

6.17 In undertaking this assessment it became apparent that the Site presents the opportunity to reserve land to widen Sowbrook Lane and / or for further junction improvements to the junction of Sowbrook Lane/Ilkeston Road. The emerging plan proposes a link road around the outside of Kirk Lane, which would feed into Sowbrook Lane to the west of the Site. Sowbrook Lane reaches a relative pinch point to the south of the application site and so

making land available for improvements could be a significant benefit of the scheme. The Applicant remains open to discussing this with the Council during the application.

- 6.18 Two points of access have been shown to the proposed development. One from Ilkeston Road and the other from Sowbrook Lane. The required visibility splays are shown on the access designs and the Indicative Masterplan shows how the internal road arrangement could be designed in the context of these two points of access. Some vegetation would need to be removed to create these access points, but there is plenty of scope for new planting within the Site to compensate for the loss of this habitat.
- 6.19 It is evident that the proposal would not undermine the safe and efficient operation of the surrounding highway network in accordance with the development plan.

Flood Risk and Drainage Strategy

- 6.20 A Flood Risk Assessment and Drainage Strategy have been prepared by MAC Consulting. This demonstrates that most of the Site is in Flood Zone 1 and that all the proposed houses have been focused on this part of the Site. An Indicative Drainage Scheme has been designed to show how service water could be managed on the Site. This includes two balancing ponds and the water being discharged into the existing water course to the west of the Site. This water course is within the Applicant's control, and we can, therefore, have confidence that this is a deliverable solution.
- 6.21 The Flood Risk and Drainage Strategy demonstrate how the Site could be delivered without increasing the risk of flooding elsewhere and the delivery of the final drainage scheme can be controlled by condition.

Biodiversity

- 6.22 A Preliminary Ecological Appraisal has been undertaken by Harris Lamb, including the relevant species specific surveys. Measures are proposed to

ensure that the proposal would not have an adverse impact on protected species.

- 6.23 Areas of habitat will be lost to create the new development. The exact extent will not be known until the Reserved Matters application and so at this stage an initial assessment has been undertaken based on the Indicative Masterplan to get an understanding whether net gain could at least in principle be secured on site. The relatively low value of the habitat to be lost, plus the ample opportunity to deliver improved habitat confirms that BGN can be secured on site.

Ground Conditions

- 6.24 The Site is partly located in an area at high risk from coal mining activity. A Coal Mining Risk Assessment has been undertaken by BWB and shows there is no mining activity near to the Site, but there is a former bell pit on Site. Further work has been undertaken by ST Consult in the form of an intrusive site investigation. This has revealed any mining activities likely to have been taken from the surface, with some potential areas of backfill and it is unlikely that there are shafts under the Site. The intrusive investigation also identifies a low risk in relation to ground gases. Further investigations are recommended to establish what is required to ensure that the proposed residential development can come forward in a way that will provide a safe living environment for future occupiers. It is considered that these additional ground investigations can be secured by condition and undertaken prior to the commencement of development on site.

- 6.25 The above notwithstanding, the Masterplan has taken into account the findings of these reports and currently shows no development around the location of the bell pit on the Site. Of course, if the intrusive investigations establish that development can go closer to this feature then this is something that can be discussed in more detail at the Reserved Matters stage.

Noise

- 6.26 A Noise Assessment has been undertaken by Hepworth Acoustics. The main noise sources identified were vehicle traffic on the adjoining roads and the substation to the south of the Site, which is located just to the west of the existing listed cottages.
- 6.27 The Noise Assessment makes recommendations as to how the scheme could be designed in a way to minimise the potential impact from these noise sources and where necessary, mitigation measures are proposed to secure an appropriate living environment for future occupiers.
- 6.28 The Noise Assessment has informed the proposed Masterplan and Officers will note that dwellings front out onto the surrounding highway network in order to shield the gardens to the rear and that a 50 metre buffer has been allowed to the substation in order to create what we consider to be an appropriate degree of separation to provide an appropriate living arrangement for future occupiers. Again, dwellings will front out towards the substation and this area will create a nice area of open space along Sowbrook Lane. As an outline application, this is not intended to be the final arrangement of dwellings that would come forward at the Reserved Matters stage, however, what this does show is that a scheme could come forward in a way that positively addresses this constraint.

Trees

- 6.29 A Tree Survey has been undertaken by Westside Forestry. The trees of importance largely occupy the boundaries of the Site and will be retained wherever possible. The only exception to this would be the creation of the vehicle access points along with appropriate visibility splays. Replacement planting has been allowed for within the Masterplan to compensate for the loss of these trees. Creating appropriate access points is of course a necessary function of a proposed residential scheme and it is considered that the loss of these trees is justified in this context.
- 6.30 The Masterplan also suggested that part of the tree belt / hedge that extends from east to west in the middle of the Site from Ilkeston Road would also be

removed as part of the development. This allows for a more integrated layout to be provided when all the other site constraints are factored in. Of course, this is not the final layout and the exact extent to any loss would need to be agreed through the Reserved Matters application, however, we do think that the principle of this is justified to secure the best design for the site and that the loss of these trees can be mitigated through replacement planting elsewhere on the Site.

Pedestrian and Cycle Connectivity

- 6.31 The Site is well connected by other means of transport to the car as set out in the Transport Assessment. From a pedestrian perspective, there is an existing footpath along the southern side of Sowbrook Lane which provides the existing link between Kirk Hallam (a suburb of Ilkeston for the purposes of the ECS) and the existing employment units to the east and south of the Site. Residents that currently walk to work will pass the Site to do this and this is an established connection between these two parts of Ilkeston. The Transport Assessment identifies opportunities to upgrade this footpath link to provide a better connection for future occupiers of the proposed development to get back into Kirk Hallam. This will also be a benefit for those residents living in Kirk Hallam that wish to walk to the existing employment estate and / or the new logistic that is proposed immediately to the east of the Site.
- 6.32 The Site also includes two public rights of way. One which runs along the canal and the northern side of the Site and the other which extends along the western boundary between the canal and Sowbrook Lane. These footpaths have been integrated into the Masterplan and will provide access for future occupiers into the leisure corridor to the north of the Site. The leisure corridor includes the canal footpaths and the old railway line which is now a public bridleway for pedestrians and cyclists to use. There are opportunities to do some quite extensive walks from this location and this will be an excellent leisure facility for future occupiers.
- 6.33 Looking forward what is planned as part of the Stanton Works Regeneration allocation in the adopted Local Plan, the Masterplan shows improved

pedestrian connectivity across the canal and railway line towards Ilkeston to the north. Residents from the proposed development will be able to utilise the existing pedestrian facilities on Ilkeston Road to link into these new pedestrian links which will provide connectivity between the main body of Ilkeston to the north and the various parts of Ilkeston on the side of the leisure corridor, including the Application Site, the Stanton Works Regeneration allocation and the existing employment estate.

- 6.34 By bike, future occupiers of the development will be able to travel north on Ilkeston Road straight into the main part of Ilkeston and all the employment, services and facilities this has to offer. The Train Station is also within normal cycle distances, which provides further sustainable transport links around the Country. Residents will also be able to cycle along Sowbrook Lane to the existing employment estate to the east and Stapleford on the opposite side of the M1, and to the west towards Kirk Hallam.
- 6.35 Overall, the Site has good pedestrian and cycle links, which will only improve through time. These improvements including the provision of a large employment estate to the east, which would provide residents with an even larger level of job opportunities right on their doorstep. This combination of uses is what good planning is about and reduces the need to travel by proximity.
- 6.36 Consequently, the proposal not only provides a sustainable location to deliver housing in its own right, but also forms a logical and considered addition when considering future development opportunities from a strategic perspective.
- 6.37 It is also relevant to note that regardless of where houses are located, a notable proportion of residents will still drive. Consequently, by providing homes in a sustainable location line with the ECS (i.e. on the edge of ilkeston), when residents do drive, the proximity of the site to Ilkeston will reduce the length of these trip when compared to other sites lower down the hierarchy.

Planning Obligations

- 6.38 Due to the limited pre-application discussions, we have not been able to identify the full extent of any planning obligations that might be needed in order to provide the necessary infrastructure to support the additional residents that would live within the proposed development. The Applicant remains open to discussing these through the Application process and we would request that any requests are supported with the evidence to demonstrate they meet the tests within CIL Reg 122.
- 6.39 Once the Heads of Terms have been agreed, the Applicant will instruct their solicitor to engage with the Council in order to draft the S.106 Agreement

7.0 PLANNING BALANCE AND CONCLUSIONS

- 7.1 Section 38(6) of the PCPA requires planning permission to be granted in accordance with the development plan unless material considerations indicate other. It has been demonstrated above that the proposed residential development on this Site accords with the provision of the development plan. It adjoins the Ilkeston Urban Area and so is at the top of the hierarchy set out in Policy 2. Whilst the Ilkeston Urban Area is not defined on the Proposal Map, the adopted and emerging Core Strategy confirms it includes the Stanton Regeneration Site. The northern part of the Stanton Regeneration Site has recently secured a resolution to grant outline permission and the application site from that application wraps around the eastern and northern side of the Site.
- 7.2 The Framework is an important material consideration and the Scheme has been demonstrated to deliver benefits against all three strands of sustainable development, which weighs in favour of the grant of planning permission. These benefits include:

Benefits

- compliance with the Development Plan in line with S38(6) of the PCPA.
- the delivery of a high-quality scheme that responds to the unique constraints and opportunities presented by this site;
- the delivery of market housing which will contribute toward addressing the council's 5 year housing land supply shortfall and the objective set out in the Framework of boosting significantly the supply of houses;
- the delivery of affordable housing which will contribute toward addressing the demonstrable shortfall in EBC;
- the delivery of a Site in a location to deliver the majority of the housing requirement as set out in ECS;
- existing footpaths will be retained and enhanced;
- the Proposal would add to the mix of dwellings available;
- securing ecological enhancements, and
- potential to upgrade the footpath provision on Sowbrook Lane and the bus service and infrastructure on Ilkeston Rd.

7.3 No significant or demonstrable adverse impacts have been identified and it has been demonstrated that any potential negative impacts can be mitigated using appropriately worded conditions and planning obligations.

7.4 When considered as a whole, the benefits of granting planning permission would significantly and demonstrably outweigh the adverse impacts. Planning permission should, therefore, be granted in line with Section 38(6) of the PCPA and Paragraph 11 of the Framework.

7.5 Accordingly we respectfully request that planning permission be granted accordingly.

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