Residential Development of Up To 200 Dwellings Including Affordable Housing, Infrastructure, Public Open Space, Local Equipped Area for Play, Biodiversity Enhancement, Habitat Creation and Public Right of Way Improvements.

Land at Horsley Road, Kilburn, Belper

Supporting Planning Statement
Issue 5

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Wheeldon Brothers Ltd
18.044

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Quality Control

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1 INTRODUCTION

1.1 This supporting Planning Statement has been prepared by Planning and Design Group (UK) Limited ('P&DG') on behalf of Wheeldon Brothers Limited ('the applicant') in support of an outline planning application for the residential development of up to 200 dwellings, including Affordable Housing, Infrastructure, Public Open Space, a Local Equipped Area for Play ('LEAP'), Biodiversity Enhancement, Habitat Creation, and Public Right of Way Improvements on land at Horsley Road, Kilburn, Belper ('the site').

1.2 The site lies outside the settlement boundary of Kilburn and within the Nottingham-Derby Green Belt. The proposal is, therefore, advanced on the basis that it constitutes inappropriate development in Green Belt terms and must be assessed against the test of whether very special circumstances exist. This statement does not proceed on the basis that the proposal benefits from the Paragraph 155 route under the National Planning Policy Framework. Rather, it candidly addresses the proposal as one which conflicts with the development plan when read as a whole, but which is supported by a combination of material considerations of sufficient force to justify continued positive determination.

1.3 That approach reflects the fact that Amber Valley Borough Council has now adopted the Amber Valley Borough Local Plan 2022-2040. The adopted plan confirms a five-year housing land supply position, but it also recognises important continuing housing pressures within the Borough, including a substantial affordable housing shortfall and the need to commence work on a further new Local Plan. The Inspectors also expressly concluded that, even if all allocations in the adopted plan come forward, Amber Valley will not meet all of its affordable housing need over the plan period.

1.4 The principal case advanced in this statement is therefore that, although the proposal is inappropriate development in the Green Belt and does not accord with the development plan when read as a whole, the actual extent of Green Belt harm in this instance would be limited, the site occupies a sustainable edge of settlement location, the scheme would deliver 200 dwellings (including 73 affordable dwellings) in a Borough with acute affordable housing needs. Those considerations, taken together with the social, environmental and economic benefits of the scheme, amount to very special circumstances which clearly outweigh the harm by reason of inappropriateness and any other identified harm.

1.5 The purpose of this statement is to explain the site context, describe the proposed development, assess the application against the adopted development plan and other material considerations, and set out the very special circumstances relied upon by the applicant. It concludes that, whilst the proposal does not accord with the development plan when read as a whole, the cumulative weight of the identified very special circumstances is such that the application warrants continued detailed consideration and, subject to the satisfactory resolution of access and other technical matters, planning permission should be granted.

2 THE SITE

2.1 The application site comprises an irregular-shaped parcel of land that totals approximately 9.88 hectares. The land is bordered by existing residential dwellings to the north (Woodhouse Road) and west (Horsley Road). For ease of reference, the land subject to this application has been highlighted in red below.



Figure 1: Site Identification (Google Maps, 2025).

2.2 The site lies outside the built framework of Kilburn and is within an area of open countryside that falls within the Nottingham-Derby Green Belt.

2.3 We consider the site to be adjacent to a highly sustainable location for new residential development. The Council has identified Kilburn as a 'Key Village' as part of the adopted Local Plan. These 'Key Villages' are a focus for the Council when considering the spatial location for development outside of main urban areas.

2.4 From the site, local services and facilities — including public transport stops (Notts & Derby Buses Route 138, connecting Kilburn — and therefore the site — with Belper, Bargate, Holbrook Moor, Kilburn Toll Bar, Horsley, Horsley Woodhouse, Denby, Heanor, and Langley), the local primary school, village hall, Post Office, and convenience store — are all accessible within a 10–15-minute walk and are less than 1 km from the centre of the site.

2.5 The site has most recently been in agricultural use (ALC Grade 4 – Poor) and is free from built form or associated agricultural structures. It is considered that the site is a combination of six field parcels, each encircled by existing hedgerow, with a number of trees interspersed.

2.6 The site, whilst located immediately adjacent to the built framework of Kilburn, falls within the boundaries of Horsley Parish (majority: 5 field parcels) and Kilburn (minority: 1 field parcel — the easternmost field). Consequently, the public right of way that connects Kilburn and Horsley (south), in a north–south orientation, is detailed as Kilburn Footpath 44 between the residential dwellings of Woodhouse Road before being retitled as Horsley Footpath 6.



Figure 2: Public Rights of Way (Addland Software, 2025).

2.7 There are no listed buildings located within the site or within the immediate surrounding area that would be affected by the proposed redevelopment. The site is also not located within a Conservation Area.

2.8 The site is located within Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding. The site is also at a very low risk of surface water flooding, as per Environment Agency Flood Risk data.

2.9 There are no known Tree Preservation Orders associated with the site.

3 PLANNING HISTORY

3.1 There is no relevant planning application history relating to the site.

3.2 The site was previously assessed as part of the Council's 2018 Strategic Housing Land Availability Assessment ('SHELAA'). The land was referenced as AVBC-2018-006 and included a total of 2no. dwellings which fronted Woodhouse Road (these two dwellings do not form part of the site).

3.3 The only reason that the site was not considered suitable for residential development was its location within the Green Belt. The site was otherwise recognised as being available and achievable.

4 PROPOSED DEVELOPMENT

4.1 The following section should be read in conjunction with the submitted plans and other supporting technical documents that accompany this application.

4.2 This application seeks outline planning permission with all matters reserved except access arrangements, for up to 200 dwellings, including Affordable Housing, Infrastructure, Public Open Space, a Local Equipped Area for Play, Biodiversity Enhancement, Habitat Creation, and Public Right of Way improvements

4.3 The application proposals will include the provision of 36.5 per cent affordable housing across the entire site, which equates to 73 affordable dwellings. This level of affordable housing provision is 15 per cent point uplift to the applicable policy requirement within each value zone, which in aggregate produces 36.5% across the site. The Section 106 agreement will secure this level of provision by reference to the minimum 36.5 per cent requirement, so that the absolute number of affordable units adjusts proportionately should the final dwelling total differ from 200.

4.4 The total area of the site comprises 9.88 hectares. The total developable area is considered to be approximately 4.75 hectares. Consequently, we propose that the residential development will be delivered at a density of approximately 42 dwellings per hectare, along with 4.25 hectares of Public Open Space, Green Infrastructure, and Structural Landscaping. (See Figure 3 below — Illustrative Masterplan, P&DG 2025)



4.5 The proposed development will be accessed via a priority junction onto Horsley Road (west). This site benefits from a frontage on the eastern side of Horsley Road, where a new single point of vehicular access is proposed via a priority junction located a short distance to the south of number 29. The proposed layout can be seen at Drawing W154/101/P (see Figure 4 below — Access Layout, Armstrong Stokes & Clayton Limited 2025). As shown, the proposed access layout incorporates a 5.5 m carriageway width, 6 m corner radii, and 2 m wide footways arranged on either side. A footway provision within the development is also provided on the Illustrative Masterplan, which provides pedestrian connectivity to the existing footway provision on Horsley Road, enabling access to existing bus stops on Horsley Road and the Kilburn local facilities to the north.



4.6 The proposed development would include a broad range of housing types, including 1- to 4-bedroom dwellings, to meet the identified local needs of the Borough. The final mix and layout of the proposed development will be subject to future reserved matters.

5 PLANNING POLICY CONSIDERATIONS

5.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The planning system is underpinned by a presumption in favour of sustainable development, as set out in the National Planning Policy Framework 2024 ('NPPF'). For decision-taking 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 applications are out-of-date, granting planning permission unless:*
>
> *i) The applications of the policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposal; or*
>
> *ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, assessed against the policies of the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. '*

5.3 This section identifies national and local policy and guidance relevant to the proposal.

National Planning Policy Framework ('NPPF') (December 2024)

5.4 The NPPF sets out the Government's planning policies for England and how these should be applied. The NPPF must be taken into account in preparing the Development Plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

5.5 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting

infrastructure in a sustainable manner.

5.6 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support 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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.7 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs, and opportunities of each area

5.8 A presumption in favour of sustainable development is at the heart of the NPPF (Paragraphs 10 and 11). As such, this presumption underpins all the policies within the NPPF. Paragraph 11(c) specifically requires Local Planning Authorities (LPAs) to approve "development proposals that accord with an up-to-date development plan without delay". Paragraph 11(d) then states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date", then LPAs should grant permission unless (1) the development would be in conflict with NPPF policies protecting

designated assets, or (2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Development Plan – Amber Valley Local Plan (2026)

5.9 The statutory development plan for Amber Valley is comprised of the Amber Valley Borough Local Plan 2022-2040 that was recently adopted on 2nd March 2026 and replaces the 2006 Amber Valley Local Plan.

5.10 The relevant policies contained within the Local Plan are as follows:

- Policy SS1 – Presumption in Favour of Sustainable Development
- Policy SS2 – Spatial Strategy for Housing and Economic Growth
- Policy SS3 – Settlement Hierarchy
- Policy SS8 – Green Belt
- Policy H1 – Housing Development within and adjacent to Urban Areas & Key Villages
- Policy H4 – Housing Types, Mix & Choice
- Policy H5 – Affordable Housing
- Policy EN1 – Climate Change
- Policy EN3 – Flood Risk
- Policy EN7 – Landscape Features
- Policy EN8 – Biodiversity
- Policy EN9 – Biodiversity Gains
- Policy EN10 – Pollution
- Policy EN11 – Derelict, Unstable and Contaminated Land
- Policy EN15 – Quality and Design of Development
- Policy IN1 – Transport

5.11 Section 8 of this Statement considers the proposed development against national and local policies and other material considerations.

Neighbourhood Plan

5.12 There is no adopted Neighbourhood Plan for the Parish of Horsley or the Parish of Kilburn.

6 THE COUNCIL'S HOUSING LAND SUPPLY POSITION

6.1 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified need, including an appropriate mix of housing types for the local community.

6.2 The Council's latest Housing Land Supply Position demonstrates that it has a supply of 7.39 years of housing land for the period 1 April 2025 to 31 March 2030 (as set out in Appendix 1 of the adopted Amber Valley Local Plan 2022–2040). This is based on a five-year requirement of 2,279 dwellings, derived from an annual requirement of 434 dwellings calculated using the Standard Method set out in the NPPF (2023), plus a 5% buffer to ensure choice and competition in the housing market. Against this requirement, the Council can demonstrate a supply of 3,370 dwellings.

6.3 It should be noted that the recently adopted Local Plan was prepared under transitional arrangements following the introduction of a revised NPPF and an updated method for calculating housing need. The revised Standard Method would result in a significant increase in local housing need within the Borough, from 351 to 615 dwellings per annum.

6.4 The Council is therefore required, under Policy MR1 (Monitoring and Review) of the adopted Local Plan, to prepare and submit a new Local Plan in accordance with the plan-making provisions set out in the Levelling Up and Regeneration Act 2023. This will include provision for a level of housing growth consistent with the revised Standard Method, as well as addressing any unmet housing need within the Derby Housing Market Area.

7 GREEN BELT ASSESSMENT & VERY SPECIAL CIRCUMSTANCES

7.1 This section considers the principle of the proposed development.

7.2 The application site lies immediately adjacent to the built framework of Kilburn, which is identified in the adopted Local Plan as an 'Key Village'. However, the site itself lies outside the settlement boundary and within the Nottingham-Derby Green Belt. The proposal must therefore be assessed having regard to the adopted spatial strategy, the settlement hierarchy, the specific housing policies relating to development within and adjacent to Key Villages, and national Green Belt policy.

7.3 It is acknowledged that in the current Plan context, that the proposal is inappropriate development in the Green Belt. In addition, whilst the site occupies a sustainable edge of settlement location, the proposal does not accord with the development plan when read as a whole. Specifically, there is conflict with the Green Belt policy approach in the adopted plan.

7.4 The principal question for the Council is therefore not whether the proposal accords with paragraph 155 of the Framework, but whether the harm to the Green Belt by reason of inappropriateness, together with any other identified harm, is clearly outweighed by other material considerations so as to amount to very special circumstances.

7.5 In answering that question, it is necessary to assess, first, the actual extent of Green Belt harm arising from the development in this particular location and, second, the weight to be given to the material considerations that support the proposal. Those considerations include the Borough's acute affordable housing need, the exceptional weight that should be given to a scheme delivering 36.5% affordable housing where the adopted policy requirement is materially lower, the site's contained relationship to the existing settlement, the sustainable location of the development, and the wider social, environmental and economic benefits of the scheme.

7.6 The assessment below therefore addresses the principle of development under two broad headings: the effect of the proposal on the Green Belt, and the very special circumstances which, taken cumulatively, are relied upon to justify the grant of planning permission in this case.

1. Impact of the Proposed Development on the Green Belt

7.7 The 2018 Green Belt Review (by DLP Planning Ltd for AVBC) assessed the application site as part of Parcel 23, covering land between Kilburn and Horsley. The review, undertaken at a macro-level, concluded that Parcel 23 contributed 'critically' to Green Belt purposes. However, it must be noted the site only forms a small part of Parcel 23, and accordingly, the conclusion of the Green Belt Review cannot be directly applied to the application site itself.

7.8 Indeed, the application site comprises the part of Parcel 23 that is more closely associated with the existing built framework of Kilburn. The site is bounded to the north by existing development along Woodhouse Road to the north, and the ribbon development along Horsley Road to the west. These urbanising influences would effectively contain the proposed development, and result in a 'rounding off' of the settlement edge to the south of Kilburn.

7.9 Since the Green Belt Review was undertaken, there has been a fundamental shift in Green Belt policy, particularly in how land is assessed against its purposes. Although this application is not advanced on the basis of a Grey Belt argument, the Grey Belt framework nonetheless provides a useful method for assessing land against the relevant purposes. When applied to the proposed development, the site does not make a strong contribution to purposes (a), (b), or (d), reflecting Kilburn's status as a village rather than a large built-up area.

7.10 With regards to Purpose c), this site totals some 9.88 hectares of land. The proposal seeks to develop approximately 48% of the site for the purposes of residential dwellings. Therefore, maintaining some 52% as Green Infrastructure, accessible Open Space and infrastructure. The site will not completely erode the separation between Horsley and Kilburn and through the proposals sensitive landscape-led design it is considered that the *"site's landscape character has the ability to absorb change through the introduction of the proposed development and it is judged that effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm"* (FPCR, 2025).

7.11 We also conclude that purpose e) is not applicable to this site as the development of this site would clearly not undermine urban regeneration elsewhere in the Borough, on the basis of the pressing housing needs in the Borough and lack of available brownfield land for development..

7.12 Consequently, it is our position, whilst acknowledging that the development will encroach into the Countryside, that the encroachment is carefully designed and therefore, the redevelopment of the site would not: 1) fundamentally undermine the purpose of Parcel 23 as it will retain a clear separation between Horsley and Kilburn, and 2) provides the Council with a new defined and defensible boundary edge to the built framework of Kilburn. This means that further development south and east would be considered as a significant encroachment into the Countryside and possibly at odds with the built framework unlike the proposed design and layout of this proposal that has a significant relationship with the existing built framework of Kilburn by virtue of it being adjacent to existing development on Horsley Road and Woodhouse Road.

7.13 Taking into account the total area of the Nottingham-Derby Green Belt and the scale and layout of this proposal, we conclude that the site makes only a limited contribution to Green Belt purposes. Any harm is modest and would be outweighed by the broader benefits of the proposal.

7.14 **Very Special Circumstances**

The acute affordable housing need and exceptional affordable housing delivery

7.15 The Council has a well-recognised and significant affordable housing need that must be addressed by maximising opportunities for affordable housing delivery. The proposed development seeks to deliver 73 (equating to 36.5% percent) affordable dwellings, which must be given substantial weight in the determination of this application.

7.16 Indeed, the Amber Valley Local Housing Needs Assessment (published in December 2023) sets out the Council's latest position with regards to the need for affordable housing within the Borough. Table 3.20 (Page 14) confirms that the Council have a significant affordable housing need for 542 affordable dwellings per annum, which is comprised of 401 social/affordable rented dwellings and 141 affordable home ownership dwellings. The assessment, therefore, concludes that the Council should aim to maximise the delivery of affordable homes when the opportunity arise (see Paragraph 3.43).

7.17 The assessment also confirms that the affordable housing needs of the Borough are increasing year-on-year with the 2022 Local Housing Need Assessment previously identifying a need for

480 dwellings per annum. Given it has been 18 months since the previous update that figure is likely to have increased further.

7.18 In addition to the above, according to the Future Housing Group, in Amber Valley there were 1,932 households on the waitlist for social housing with only 502 new social housing lettings available for the period 2022 to 2023. As such, if no new households joined the list it would take over 3.85 years before every household on the waiting list can move into a home.

7.19 Whilst the Council recently adopted a new Local Plan, it must be noted that the amount of affordable housing delivery is limited to that which can be viably delivered on the housing allocations. The Inspectors Report states (Paragraph 72):

"Even if all the allocations in the Plan come to fruition, and deliver the required element of affordable housing, the Borough will not meet all of its affordable housing need over the plan period"

7.20 It goes on to state:

"There is no requirement in planning guidance for the Plan to fully meet the identified affordable housing need. We are of the view that H5 has appropriately identified a proportionate contribution to addressing affordable housing needs whilst not undermining deliverability of market housing"

7.21 On the basis of the above, the recently adopted Local Plan does not address the Council's identified affordable housing needs in full. As such, the Council must positively consider potential opportunities for affordable housing delivery.

7.22 The proposed development would deliver 73 affordable homes that would make a significant contribution to meet the identified affordable housing needs within the District, which is a very special circumstance that must be given substantial weight in the determination of this planning application.

Sustainable Location and Ability to Accommodate Development

7.23 According to paragraph 110 of the NPPF "the planning system should actively manage patterns of growth … Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of

transport modes".

7.24 When considering development proposals, paragraph 115 states that: a) sustainable transport modes are prioritised; b) safe and suitable access to the site can be achieved by all users; c) the internal design reflects national guidance; and d) any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

7.25 We set out that the site is adjacent to a highly sustainable location for new residential development. It is identified as a 'Key Village' by the Council. These Key Villages are a secondary focus for the Council when considering development in and around them.

7.26 From the site, local services and facilities including public transport stops (Notts & Derby Buses Route 138 connecting Kilburn and therefore, the site to Belper, Bargate, Holbrook Moor, Kilburn Toll Bar, Horsley, Horsley Woodhouse, Denby, Heanor, and Langley), the local primary school, the village hall, Post Office and convenience store are all accessible within a 10–15 minute walk and are less than 1km from the centre of the site. The site, therefore, benefits from access to an established sustainable transport network for future residents to meet their day-to-day needs. This would offer genuine opportunities to reduce the need to travel by car and promote the use of alternative methods of travel in accordance with the aspirations of Paragraphs 110 and 115 of the NPPF.

7.27 Furthermore, the site will be accessed by an adoptable priority junction and provide both vehicular and pedestrian access across the site enabling residents to access the local services and facilities to the north and the open countryside to the south and east.

7.28 On the basis of the above, the proposed development would, in our professional judgement, be in a highly sustainable location with regard to paragraphs 110–115 of the NPPF.

Adopted Plan Context and Need for Early Review

7.29 The applicant recognises that the adopted Local Plan is now the statutory starting point for decision making and that the Council can presently demonstrate a five-year housing land supply. No contrary case is advanced in this statement.

7.30 However, the adopted plan also contains a clear acknowledgment that it is not the final word

on the Borough's long term housing needs. Policy MR1 requires the Council to prepare and submit a new Local Plan under the Levelling Up and Regeneration Act 2023. The supporting text explains that the revised method for calculating housing need increased the Borough's local housing need from 351 dwellings per annum to 615 dwellings per annum, and that the Council is expected to begin work on a new plan to address that shortfall.

7.31 That is not relied upon as a substitute for a present five-year housing land supply argument. It is, however, a relevant contextual consideration. It demonstrates that the adopted strategy is transitional in nature, that further strategic choices about housing growth will be required in the near future, and that additional opportunities to meet housing and affordable housing needs will have to be considered. In that context, the substantial public benefits of this proposal should not be dismissed lightly simply because the Council has now secured adoption of its plan

Other Public Benefits

7.32 There are a number of social, economic, and environmental benefits that would result from the proposed residential development of up to 200 dwellings. These collective benefits should be given significant weight in the determination of this planning application and are relevant to both the Grey Belt and Very Special Circumstances (VSC) positions.

7.33 The benefits are as follows:

- The delivery of affordable dwellings, which will directly address the substantial affordable housing need within the Borough;
- A contribution towards meeting the significant uplift in annual housing requirements under the revised Standard Method;
- The provision of a broad mix of housing types and tenures to meet the diverse needs of different age groups, household sizes, and housing requirements;
- Economic benefits, including employment during the construction phase and increased long-term household expenditure within the local economy;
- Environmental enhancements, such as biodiversity net gain, the provision of publicly accessible open space, and the enhancement and management of existing habitats,

trees, and hedgerows;

- The site's genuinely sustainable location, being in close proximity to the built framework of Kilburn and within walking distance of a range of services, facilities, and established public transport networks;
- All dwellings will be constructed to modern energy efficiency standards in accordance with the latest building regulations.

Overall Conclusion on Very Special Circumstances

7.34 The proposal is acknowledged to be inappropriate development in the Green Belt and to conflict with the development plan when read as a whole. However, the case for very special circumstances is compelling.

7.35 The combination of an acute and acknowledged affordable housing shortfall, the delivery of 73 affordable dwellings in a location where policy would ordinarily require only a significantly lower proportion of affordable housing, the limited actual Green Belt harm arising from this specific site, the absence of any identified in principle technical impediment to development, and the wider social, environmental and economic benefits of the scheme, together amount to very special circumstances.

7.36 Those considerations are collectively of such weight that they clearly outweigh the harm to the Green Belt by reason of inappropriateness, together with any other identified harm. On that basis, the principle of development is capable of being accepted, subject to the satisfactory resolution of the application's technical and detailed matters.

8 PLANNING ASSESSMENT

8.1 This section considers the proposed development in respect of the other key material considerations (besides Green Belt) relevant to and the potential impacts of the proposals, assessing these against and considering their consistency with local and national planning policy guidance.

8.2 In taking account of the site and its environs, the matters relevant to the determination of this application are:

- Principle of Development
- Affordable Housing Provision
- Design and Appearance
- Highways – Access Arrangements;
- Highways – Parking;
- Biodiversity;
- Arboriculture;
- Flood Risk and Drainage;
- Agricultural Land;
- Land Contamination; and
- Coal Mining Risk Assessment.

Principle of Development

8.3 The application site is not allocated for residential development and is located within the Nottingham-Derby Green Belt. However, as set out in the previous section of this statement, it is considered that there are very special circumstances that exist to justify the proposed residential development.

8.4 The Local Plan recognises (supporting text 7.1.1) that whilst the majority of the Borough's housing supply is expected to come forward on allocated sites, there is clear evidence that it is reasonable to make an allowance for windfall development (i.e. proposals that come forward on sites that have not been allocated for housing) over the plan period.

8.5 It goes on to state (supporting text 7.1.2) that those villages with the greatest access to a

range of services and facilities are identified as 'Key Villages' in Policy SS3, such as Kilburn. These locations are considered to be the most sustainable location for housing development, including for new dwellings, where the land is not specifically allocated for any other purposes in the Local Plan.

8.6 Policy H1 of the Local Plan provides locational support for housing development on land adjacent to Key Villages where proposals are proportionate in scale, reflect local character, and constitute sustainable development supported by adequate infrastructure. The application site lies immediately adjacent to the Key Village of Kilburn and is therefore appropriately located in principle.

8.7 The site has been identified as a sustainable location, with access to services, facilities, and transport links that support day-to-day needs. Furthermore, there is no evidence to suggest that existing infrastructure would be unable to accommodate the proposed development, and the scheme would contribute towards necessary obligations to mitigate its impacts.

8.8 While the proposal represents a notable extension to the settlement, its scale is justified in the context of the pressing need for housing delivery (particularly affordable housing needs) and the need for windfall developments to help meet the housing needs of the Borough over the plan period.

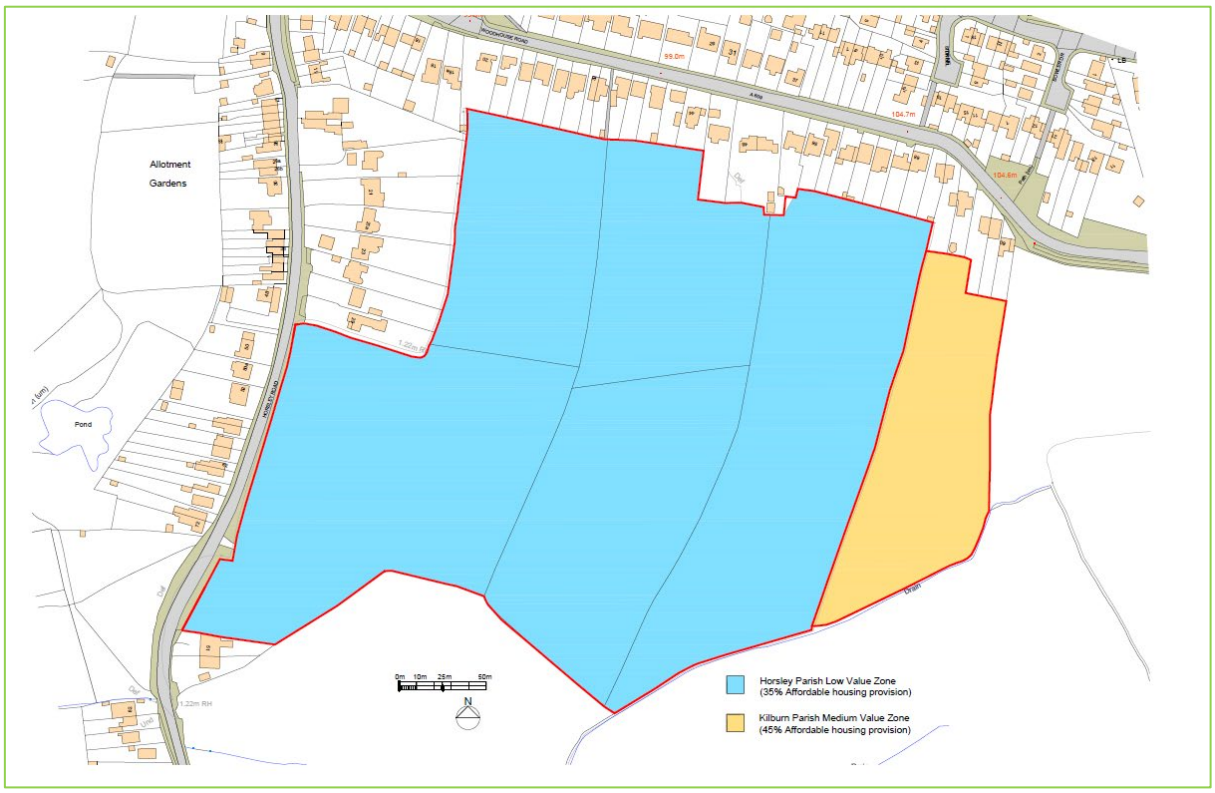
8.9 On this basis, the proposal is located adjacent to the built framework of Kilburn and aligns with the overarching objectives of Policy H1 and should be supported by the Council.

Affordable Housing Provision

8.10 Policy H5 (Affordable Housing) in the Local Plan provides that, based on the defined Housing Value Zone, proposals for housing development of 10 or more dwellings will be expected to deliver the following percentages of affordable housing:

- Higher Value Zone: 40%
- Medium Value zone: 30%
- Lower Value zone: 20%
- Small brownfield sites between 10 and 19 units in the Lower Value Zone: 10%.

8.11 According to the Council's 'Housing Value Zones' map, as embedded in the adopted Local Plan, zone boundaries align with parish boundaries. The majority of this site falls within the Parish of Horsley, adjacent to Kilburn, and is therefore categorised as being within a Lower Value Zone (area shaded blue below). This requires a minimum of 20% of dwellings to be affordable. In addition, a small proportion of the site is located within the Parish of Kilburn (land shaded in yellow below), and is therefore, identified as being within the Medium Value Zone. This requires a minimum of 30% of dwellings to be affordable.



Proposed Affordable Housing Provision Plan (Wheeldons, 2025)

8.12 On an assumed total of 200 dwellings, approximately one sixth of the developable area falls within the Medium Value Zone and five sixths within the Lower Value Zone. However, the applicants propose to deliver a 15-percentage point uplift in affordable housing provision in alignment with the Golden Rules. This results in an expectation of 45 per cent affordable housing in the Medium Value Zone (30 per cent + 15 percentage points) and 35 per cent in the Lower Value Zone (20 per cent + 15 percentage points). This generates a requirement for 15 affordable homes within the Medium Value part of the site and 58 within the Lower Value

part, giving a total of 73 affordable homes across the scheme, equivalent to 36.5 per cent of the overall provision.

8.13 The applicant expressly commits, at outline stage, to delivering no less than 36.5 per cent affordable housing across the site. This figure, and the associated total of 73 affordable dwellings on an illustrative scheme of up to 200 units, has been agreed with the Council's Housing Team as the appropriate application of paragraphs 155–157 of the NPPF and Policy H5 to this two-zone site.

8.14 The Section 106 agreement will secure this commitment by requiring a minimum 36.5 per cent affordable housing provision across the development, with the indicative figure of 73 affordable homes reflecting the current maximum of 200 dwellings. A 'Proposed Affordable Housing Provision Plan' will be appended to the agreement to identify the parcels within each parish boundary and ensure that the agreed level of provision is delivered in practice.

8.15 Whilst the proposals cannot fully satisfy the requirements of Paragraph 155 of the NPPF it is a significant material consideration that the proposals would deliver a Golden Rules compliant level of provision, particular in the context of the recognised need for affordable housing in the Borough.

Design and Appearance

8.16 Policy EN15 (Quality and Design of Development) of the adopted Local Plan sets out multiple criteria that must be met for housing development to be approved. These include that the design should:

- be of a scale and character consistent with its surroundings;
- have regard to distinctive landscape features, with appropriate provision of landscaping;
- provide adequate amenity space for each dwelling;
- avoid unduly affecting the amenities or privacy of adjoining or adjacent properties; and
- ensure the site has satisfactory access to the transport network.

8.17 To support this Statement, the applicant has submitted a separate Design and Access Statement, which outlines the design and access principles underpinning the proposed

development. In addition, FPCR has been commissioned to undertake a Landscape and Visual Appraisal (LVA) and to develop a site-wide landscape strategy.

8.18 It is our position that the proposal accords with Policy H12 of the adopted Local Plan. The scheme reflects the scale and character of its surroundings and demonstrates a clear regard for the area's distinctive landscape features. Moreover, it will enhance the natural environment through the implementation of a comprehensive landscape strategy. The site can accommodate up to 200 dwellings while ensuring each unit is provided with adequate amenity space and that the privacy and amenity of neighbouring properties are not unduly affected. The design also includes a satisfactory and adoptable access arrangement. Furthermore, the FPCR LVA concludes that:

8.19 *"The site's landscape character has the ability to absorb change through the introduction of the proposed development, and it is judged that effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm."*

8.20 The proposal is therefore considered acceptable in terms of both relevant local and national design policies.

Highways – Access Arrangements

8.21 Paragraph 110 of the NPPF states that the planning system should actively manage patterns of growth, focusing significant development in locations which are, or can be made, sustainable. This involves limiting the need to travel and offering a genuine choice of transport modes. Such an approach helps to reduce congestion and emissions, while improving air quality and public health.

8.22 Paragraph 115 further provides that, when assessing planning applications, it should be ensured that:

- sustainable transport modes are prioritised;
- safe and suitable access to the site can be achieved for all users;
- the design reflects national guidance; and
- any significant impacts from the development on the transport network or on highway

safety can be cost-effectively mitigated to an acceptable degree, through a vision-led approach.

8.23 Paragraph 118 requires that development which will generate significant amounts of movement should be accompanied by a travel plan and a transport assessment, enabling the likely impacts of the proposal to be assessed and monitored.

8.24 Additionally, paragraph 116 of the NPPF states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

8.25 Local Plan Policy IN1 (Transport) states that development will be permitted where it can demonstrate satisfactory access, and that any additional traffic generated by the development can be accommodated on the existing transport network. It also requires that proposals generating significant levels of vehicular traffic should be supported by a transport assessment, and, where appropriate, a travel plan.

8.26 In recognition of these requirements, the applicant commissioned Armstrong Stokes and Clayton Limited to advise on access, traffic, and sustainable travel matters. Their report evaluates the accessibility of the site to non-car modes of transport and assesses the proposal against sustainable transport policies set out in the NPPF and Local Plan. The report also outlines proposed access arrangements, including a new priority junction connecting to the eastern side of Horsley Road. In addition, facilities for pedestrians and cyclists are proposed, linking the site to surrounding residential areas. Traffic impacts have been evaluated through an assessment of local highway conditions during weekday peak periods. The report draws the following conclusions:

- The site is within a reasonable active travel distance to local facilities in Kilburn, including education, employment, leisure, and retail opportunities.
- The site is located within a short walking distance of bus stops providing links to higher-order settlements, including Derby City.
- Suitable vehicular and pedestrian accesses into and across the site are proposed.

- The proposal will not have a detrimental impact on the local highway network.
- There are no significant road safety problems in the vicinity of the site.

8.27 Accordingly, the report concludes that the proposed development is acceptable in transport terms. On this basis, we conclude that the proposal complies with the requirements of Chapter 9 of the NPPF and Local Plan Policy TP1.

Highways – Parking Provision

8.28 Local Plan Policy IN1 (Transport) also states that development will be permitted where it can be demonstrated that the proposals will comply with the relevant car parking standards. However, the NPPF (Paragraph 113) clarifies that maximum parking standards for residential development should only be applied where there is a clear and compelling justification—either to manage the local road network or to optimise the density of development in city and town centres and other locations that are well served by public transport.

8.29 At this stage, the proposal seeks Outline planning permission for up to 200 dwellings. Technical matters such as the precise parking provision and layout will be addressed at the Reserved Matters stage. However, it is anticipated that the development will incorporate both car and cycle parking in accordance with the relevant adopted standards of the Local Planning Authority. Full details will be provided as part of the subsequent Reserved Matters submission.

Biodiversity

8.30 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (paragraph 187 a)) and minimise impacts on and provide net gains for biodiversity (paragraph 187 d)).

8.31 Local Plan policies EN8 states that all development should protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance, minimise impacts on biodiversity and features of geodiversity value; and deliver measurable and proportionate net gains in biodiversity. Policy EN9 sets out statutory 10% biodiversity net gain requirements.

8.32 To support the proposal, the applicant commissioned Elton Ecology to undertake a

Preliminary Ecological Appraisal (PEA) of the site. The report recommends further ecological surveys to be conducted to inform the impact of the proposed development. These surveys related to Hedgehogs, Breeding Birds, Roosting Bats, and Reptiles.

8.33 The applicant is accepting of the report's recommendations and is working proactively with Elton Ecology. Upon completion of these surveys an Ecological Impact Assessment (EcIA) will be produced, to assess the impact of the development proposal on ecological features, identify any significant effects or impacts, and detail any mitigation measures required. This EcIA will be presented to the Council at the earliest opportunity.

8.34 The report also recommends biodiversity enhancements for the site that include enhancements to woodland blocks at the east and south boundaries, planting of new trees and hedgerows, and creating 30m wide wildlife corridors. In addition, it is recommended that there be six generic bird boxes mounted on retained trees and the installation of four external bat boxes, mounted on retained trees. Finally, it was recommended that the proposed landscaping scheme should prioritise native species planting and planting important for wildlife and pollinator species.

8.35 All of the above have been accepted by the applicant and have informed the works of FPCR in their design of the proposals landscaping strategy. To further support this proposal the applicant has undertaken the necessary Biodiversity Net Gain assessments. Elton Ecology, in collaboration with FPCR, have calculated the sites biodiversity net gain following a site visit in May 2025. The statutory Biodiversity Metric is submitted in support of this proposal along with a Biodiversity Net Gain Report. This report concludes that -

8.36 "via the proposed scheme of on-site habitat creation and enhancement, hedgerow creation, and watercourse enhancement assessment has shown that a biodiversity net gain in habitats (11.70%), hedgerows (10.03%), and watercourses (86.72%) can be achieved. Trading rules for habitats, hedgerows, and watercourses were satisfied".

8.37 These calculations are significant and clearly demonstrate that the proposal can demonstrate the statutory 10% BNG requirement as set out in the Environmental Act 2021. Consequently, through a combination of further surveying and positive landscaping and planting this proposal is in accordance with the NPPF and can demonstrate accordance with Local Plan policies EN8 and EN9.

Arboriculture

8.38 We share the Government's position, as outlined in Paragraph 136 of the NPPF, that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees within development designs, that measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

8.39 Policy EN7 (Landscape Features) states that development will be permitted where it would protect or enhance the character, quality and the local distinctiveness of the landscape. This includes the retention of features such as hedgerows and trees.

8.40 To support the proposal, the applicant commissioned Outline Trees to undertake arboricultural assessments. The tree survey identified 20 individual trees, 7 tree groups, 6 wooded areas, and 24 sections of hedgerows. The proposed design retains all Category A and B trees and allows for the appropriate placement of protective fencing to ensure their preservation throughout the construction phase, while also maintaining adequate space to facilitate unobstructed construction access.

8.41 While some sections of hedgerow will need to be removed to accommodate the road network, a significant programme of new planting is proposed as part of a comprehensive site-wide landscaping plan. This is considered to "more than compensate for the loss of canopy cover associated with the project" and will "increase arboricultural interest and diversity compared to the existing baseline" (Outline Trees, 2025).

8.42 In conclusion, Outline Trees state:

8.43 "Provided that the arboricultural information presented in this report and any practical recommendations, measures and guidance are adopted throughout the implementation of the project, then there are no objective and demonstrable arboricultural reasons as to why this project cannot be implemented".

8.44 Accordingly, we conclude that the proposed development, supported by a robust site-wide landscaping strategy, will ensure compliance with Paragraph 136 of the NPPF and Policy EN7 of the adopted Local Plan.

Flood Risk and Drainage

8.45 According to Paragraph 170 of the NPPF, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk.

8.46 Policy EN3 (Flood Risk) of the adopted Local Plan states the Borough Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. Additionally, all developments will be required to manage surface water through keeping the creation of non-permeable areas to a minimum and the incorporation of SuDS.

8.47 As detailed in the accompanying Flood Risk Assessment (FRA) undertaken by Armstrong Stokes and Clayton Limited, the application site lies within Flood Zone 1 (page 7), which represents land at the lowest risk of flooding. Furthermore, the site is not considered to be at risk from groundwater, surface water, or sewer flooding. By virtue of its location within Flood Zone 1, the development will not displace floodwater in a 1 in 100-year flood event. Therefore, no floodwater storage or mitigation measures are required.

8.48 However, to ensure responsible water management, the proposal incorporates a drainage strategy based on attenuation through a Sustainable Drainage System (SuDS), as detailed in Section 5 of the FRA. This approach is designed to reduce the risk of flooding to surrounding areas by effectively managing post-development surface water runoff.

8.49 Accordingly, it is our professional position that the proposed development avoids land at risk of flooding and will deliver betterment in terms of surface water management. It therefore complies with the flood risk management objectives of both the NPPF and Policy EN3 of the adopted Local Plan.

Agricultural Land

8.50 Policy EN9 of the adopted Local Plan states that where a proposal would lead to a significant loss of Best and Most Versatile Agricultural Land, this harm will be weighed against the benefits of the scheme.

8.51 As identified earlier in this Statement, the site — previously used for agricultural purposes — is not considered to be best and most versatile agricultural land, as it is classified as Grade 4

according to the Agricultural Land Classification. Consequently, the redevelopment of this land will not result in the irreversible loss of high-quality agricultural land. The proposal, therefore, complies with Policy EN9 of the adopted Local Plan.

Land Contamination

8.52 According to paragraph 196(a) of the NPPF, planning decisions should ensure that a site is suitable for its proposed use, taking into account ground conditions and any risks arising from land instability and contamination. Where a site is affected by such issues, the responsibility for securing a safe development rests with the developer and/or landowner.

8.53 Policy EN10 (Pollution) states that the Borough Council will ensure that all new development is appropriate to its location, by taking into account the agent of change principle. New development should not itself lead to an increase in adverse impact on the existing levels of air, water, noise, light, or other forms of pollution.

8.54 Policy EN11 (Derelict, Unstable and Contaminated Land) states that planning permission may be granted for development on land suspected or known to be contaminated, provided a detailed and independent assessment is undertaken to identify the nature and extent of the contamination and any necessary remedial or mitigation measures. The policy further states that planning conditions may be imposed to ensure effective remediation or containment measures are undertaken, to prevent unacceptable risks to future occupiers or the contamination of watercourses or aquifers.

8.55 To assess the condition of the site, the applicant commissioned Geo-Matters Ltd to prepare a Phase 1 Land Contamination Report, which accompanies this Statement. Importantly, no potentially contaminative former land uses have been identified on the site or within influencing distance. Consequently, it is our position that the proposal accords with paragraph 196(a) of the NPPF and Local Plan Policies EN10 and EN11.

Coal Mining Risk Assessment

8.56 As previously mentioned, paragraph 196(a) of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination. This includes risks associated with former mining activity.

8.57 To support this planning application, the applicant has commissioned Geo-Matters Ltd to undertake a Coal Mining Risk Assessment (CMRA), which accompanies this Statement. The CMRA provides the Council with relevant information regarding coal mining and assesses its potential impact on land stability.

8.58 The report concludes that "the site would need to undergo intrusive site investigations, including mine probing works, in order to fully assess the risks from historical mine workings beneath the site."

8.59 The applicant acknowledges the conclusions of the CMRA and confirms their willingness to accept a suitably worded planning condition requiring the recommended intrusive site investigations to be undertaken, submitted to, and approved by the Council prior to the commencement of development.

Planning Assessment Summary

8.60 The supporting evidence submitted with this application has not identified any significant external impacts arising from the proposed development that would preclude the granting of planning permission.

8.61 The proposal has been assessed in the context of both national and local planning policies, as well as the respective weight that must be attributed to each policy and other material considerations. It is evident that the proposal represents a sustainable form of development that broadly accords with the relevant provisions of the Development Plan. There is no justification for withholding permission, and the presumption in favour of sustainable development should therefore apply.

9 PLANNING BALANCE & CONCLUSIONS

9.1 This Supporting Planning Statement has been prepared on behalf of Wheeldon Brothers Ltd in support of an outline planning application, with all matters reserved except for access, for the proposed residential development of up to 200 dwellings on land off Horsley Road, Kilburn.

9.2 The proposed residential development is located within the Green Belt to the south of Kilburn. The proposal is therefore inappropriate development in Green Belt terms and does not accord with the development plan when read as a whole. In particular, the application conflicts with the Green Belt policy approach in the adopted Local Plan and, by reason of its scale and location, cannot properly be characterised as policy compliant development under the settlement hierarchy and housing policies for Main Urban Areas and Key Villages.

9.3 That is not, however, the end of the matter. The planning balance in this case is not a conventional one. The scheme would deliver 73 affordable dwellings in a Borough where the affordable housing need is acute and where the Inspectors have expressly recognised that the adopted Local Plan will not meet all affordable housing needs over the plan period. The significance of that benefit is heightened by the fact that the adopted policy requirement for affordable housing in this location is only 20%, whereas the proposal would provide 36.5% affordable housing.

9.4 In addition, the degree of harm to the Green Belt arising from this proposal would be limited. The site is located immediately adjacent to the defined settlement edge of Kilburn and is well contained by existing residential development to the west along Horsley Road, such that it would represent a logical and defensible rounding-off of the settlement rather than encroachment into the wider countryside.

9.5 The proposal would result in limited harm to the openness of the Green Belt, and would not conflict materially with its fundamental purposes, particularly in terms of safeguarding the countryside from unrestricted sprawl or preventing the merging of settlements.

9.6 Furthermore, the site occupies a sustainable location with good access to local services and facilities. The development would deliver a range of public benefits, including increased housing choice, provision of publicly accessible open space, biodiversity net gain, high-quality

landscaping, and the delivery of energy-efficient homes. In addition, there would be short- and long-term economic benefits associated with construction and future occupation.

9.7 The adopted Local Plan and five-year housing land supply position are acknowledged. Nevertheless, the adopted plan also confirms that further plan making will be required, reflecting the fact that the Borough's long term housing needs extend beyond those presently addressed by the adopted strategy. That is a relevant contextual consideration which adds further support to the careful and continuing determination of this application on its merits.

9.8 Taking all matters together, the applicant considers that the very special circumstances in this case clearly outweigh the harm to the Green Belt by reason of inappropriateness, together with any other identified harm. The application should therefore continue to be positively progressed and, subject to the satisfactory resolution of all technical matters and the completion of any necessary planning obligations, planning permission should be granted.