

19/00323/FUL

Applicant Mrs Louise Ward

Location Land East Of Kirk Ley Road (Phase 3) East Leake Nottinghamshire

Proposal Full application for the erection of 83 dwellings (partial re-plan to increase number of dwellings on Phase 3 by 47).

Ward Leake

THE SITE AND SURROUNDINGS

1. The application site comprises of the south eastern half of the third phase of a residential development currently under construction off Kirk Ley Road, in the village of East Leake. The site measures 3.28 hectares and currently has planning permission (as part of a consent for the whole of phase 3) for the erection of 36 dwellings
2. Access to the site is off Kirk Ley Road, through phases 1 and 2 of the existing housing development, which is located to the north and west of the application site. To the south of the site is Rempstone Road, to the east is an agricultural field with outline planning permission for 235 dwellings, which was allowed on appeal in November 2017 (16/01881/OUT).
3. Land levels rise in a southerly direction. The site is located on the edge of the village, with open countryside beyond the southern boundary on the opposite side of Rempstone Road.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the erection of 83 dwellings, which would comprise of 28 no. 2 bed (5 of which would be affordable homes); 44 no. 3 bed (4 of which would be affordable homes) and 11 no. 4 bed. 24 of the dwellings would be 2 ½ storey in height. This compares with the previously approved dwellings, which solely comprised of 4 bedroom two storey properties.
5. The additional dwellings would be accommodated within the previously proposed development area, at a higher density than the previous scheme. The original landscape buffer zones to the eastern and southern boundaries of the site would remain.

SITE HISTORY

6. This site, together with the first two phases of residential development off Kirk Ley Road, have a long and complex planning history. In summary:
 - 12/01840/OUT – outline application for residential development. Approved (conditions of the permission effectively limited number of dwellings on the site to 175).

- 14/01927/VAR – application to vary conditions 2 and 3 of 12/01840/OUT to effectively increase the number of dwellings on the site. Refused but allowed on appeal.
 - 16/01341/REM – reserved matters application for the approval of 78 dwellings (Phase 1). Granted.
 - 16/02842/REM – reserved matters application for the approval of 104 dwellings (Phase 2). Granted.
 - 17/02105/REM – A reserved matters application for the approval of 118 dwellings (Phase 3). Granted.
7. An outline planning application on land to the immediate east of the site for 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping was refused but subsequently allowed on appeal in November 2017 (16/01881/OUT).
8. An outline planning application on land to the north of Lantern Lane for up to 195 dwellings, public open space, landscaping, sustainable drainage system and access was refused but subsequently allowed on appeal in July 2018 (17/02292/OUT).

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Thomas) objects to this application and agrees with all the reasons stated by East Leake Parish Council. In particular:
- Policy H1 of the Neighbourhood Plan is contravened and East Leake cannot be considered a sustainable location for further development.
 - Policy E1 of the Neighbourhood Plan is contravened by the inclusion of 2.5/3 storey homes at the top of the site running up to the ridgeline, which the NP protects.

Town/Parish Council

10. East Leake Parish Council object to this application in its current form for the following reasons:
- i. Objection to further new homes in East Leake in general can be found in their responses to 18/02692/OUT (Field End Close) and 19/00288/OUT (Stonebridge Drive). In brief East Leake can no longer be considered a sustainable location for further housing due to infrastructure capacity being exceeded with the huge amount of housing experienced. Policy H1 of the Neighbourhood Plan requires that infrastructure improvements would have to be made in time to serve the needs of the development and this would not be possible for these additional homes.
 - ii. The principle of developing the site has been established by the outline planning permission, but increasing the density of homes on this site by

more than doubling the number of homes is not acceptable. The original application for the complete site (12/01840/OUT) was for up to 175 homes. The public consultation promoted a scheme with woodland and open space: "The proposal is for about 175 new dwellings together with significant areas of new woodland and publicly accessible open spaces. The proposals include extensive open areas and significant new planting which could make a positive contribution to this area of the village. The site is currently primarily used agriculturally. Woodlands were planted on the site some 20 years or so ago, particularly on the southern and eastern boundaries and these are now maturing to provide visual enclosure. The concept plan links and extends these woodlands to complete a clear definition between village and countryside." Since then the number of houses has increased to 300. Much of the woodland and green space has been removed. The soft edge proposed to link the village to the countryside has largely been lost. If permitted this latest increase would bring the number of homes on the whole site to 347, double that originally planned and consulted on.

- iii. No more trees should be removed.
- iv. It is noted that the scheme would provide some smaller homes, and that the proposed mix is in line with that required by policy H3 of the Neighbourhood Plan, which gives the proposal some merit. However, the hugely increased density proposed is unacceptable. With the right housing mix, conforming to policy H3, the Parish Council might support a scheme with a smaller increase, say to 50 homes, rather than 83. They would be pleased to see bungalows and some 1-bedroom homes – perhaps maisonette style rather than an apartment block.
- v. Policy E1 of the Neighbourhood Plan protects the ridgelines around East Leake. The revised plan would have much more of an impact on the ridgeline (Ridge A in Fig 5.1/1 of the NP) than the currently approved plan, giving a much more built-up appearance from within the village and when looking into it from outside. In particular, they are very unhappy about the proposed 3 storey homes in this area which is the top of the overall site. Homes here should be limited to 2 storey, with no 2.5 or 3 storey homes. Some bungalows instead of 2-storey homes along the very top would help. (There are bus stops quite close by).
- vi. It is noted that there is no public open space on-site and that a S106 contribution for off-site public open space is suggested in the draft S106 Heads of Terms (see Planning Statement). They can see an opportunity to provide foot and cycle path linkage with the neighbouring Rempstone Road site to maximise the benefit of the open space existing on both developments. This would tie in with policies T1 and T2 of the NP, and improve access to the surrounding public footpath network for residents of both sites.
- vii. Concerned about the widths of the roads and on-road parking. This would be made worse by the increased number of homes. On other new developments it has been noticed that where tandem parking for 2 cars is provided, residents are more likely to park one car on the road (and often over the pavement). Side by side parking spaces are preferable. Tandem parking on plots 13-24, 37, 73-77, 82, 83. Some semis and

terraces appear to have fewer than 2 spaces per home, e.g. 3-6, 7-10, 27-29, 30-31, 40-43, 50-53, 58-60, 64-65, 69-71, 79-81. Shared spaces could be problematic.

- viii. Does the SuDS provided for the site have capacity for the additional runoff generated by the proposed development?

Statutory and Other Consultees

11. Nottinghamshire County Council Planning advise that the proposed development is not within nor nearby any Minerals Safeguarding or Consultation Areas. There are also no current or permitted mineral sites close to the application site, therefore they do not wish to raise any objections to the proposals from a minerals perspective. In terms of the Waste Core Strategy, they advise that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.
12. Nottinghamshire County Council as Education Authority originally advised that a development of 47 dwellings would generate 10 additional primary school places and 8 additional secondary school places, and based upon current projections there is no capacity to accommodate these pupils. Nottinghamshire County Council would therefore seek a contribution, based on build cost of £190,480 (10 places x £19,048 per place) to provide new or improved primary provision within East Leake and a contribution of £142,024 (8 places x £17,753) to provide new or improved secondary provision within East Leake. Following clarification on the number of dwellings proposed they advised that Based upon 83 dwellings the following contributions would be necessary; Primary School; £323,816 (17 places x £19,048) to provide new or improved primary provision within East Leake Secondary School; £230,789 (13 places x £17,753) to provide new or improved secondary provision within East Leake.
13. Nottinghamshire County Council as Highway Authority note that the proposal is for a partial re-plan of phase 3 of the development to increase the number of dwellings by 47. Part of the 3rd phase is remaining unaltered and does not form part of this application. The overall number of dwellings as part of this application is 83. The only highway related issue is that there is no parking space for plot 4. They recommend that the visitors space outside plot 4 is allocated to that dwelling. Subject to the resolution of the minor amendment as outlined above, the Highway Authority is satisfied with the proposed layout. In view of this, they have no objections in principle to the proposal, subject to the conditions in respect of the submission of details of new road; surfacing and drainage of all drives and parking areas; provision of wheel washing facilities.
14. Nottinghamshire County Council as Local Lead Flood Authority confirm they have no objections and no further comments to make on the proposals.
15. Environment Agency advise that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency (the site is located within Flood Zone 1). The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development.

16. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority (Nottinghamshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. The location of the site is a known flood risk area. The development should not be allowed until the applicant is able to demonstrate that the development itself is safe from flooding and flood risk to surrounding land and/or properties is not increased. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.
17. NHS (Clinical Commissioning Group) request a financial contribution based on their formula; 83 dwellings x £920 per dwelling = £76,360. They envisage that the new patients from this development would register with East Leake Medical Group on Gotham Road. The existing facility is sub-standard and over-capacity given the recent housing developments, and further housing permissions, and is incapable of extension or adaption given it's CLASP design and constrained site. The building is one of the top priorities to replace. The search for a suitable site for a new facility is proving challenging to the CCG. Any contribution for this development would be put towards replacing the current facility.
18. Natural England have no comments.
19. Nottinghamshire Area Ramblers raise no objections.
20. NATS Safeguarding confirm that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal.
21. East Midlands Airport Safeguarding Authority note that there is potential for this development to increase the risk of Birdstrike to aircraft using East Midlands Airport. They request further details of the large attenuation basin to the immediate north of the phase 3 blocks and within the overall development boundary and ask if any changes in the surface water attenuation proposals have been made since the appeal to 16/01881/OUT was granted in November 2017.
22. RBC Conservation and Design Officer has considered this application which revises the southeast corner of the development at land East of Kirk Ley Road. This corner of the site was previously a relatively spacious part of the site consisting of larger detached dwellings and contained 36 dwellings under the approved scheme. The application seeks to revise this to accommodate 83 dwellings. The layout now includes multiple short terraces of 3-4 dwellings and

semi-detached properties including some areas dominated by frontage parking. I note that the street scenes do not line up with the street scenes indicated on the planning layout, and do little to convey the fact that the streets will be dominated by parked cars rather than the green hedges shown. The house types are relatively bland and uninspiring, however the housing mix complies with the East Leake Neighbourhood Plan.

23. RBC Environmental Health Officer raises no objections, subject to any potential nuisance impacts being controlled under the same conditions as those attached to the previous application, ref: 14/01927/VAR.
24. RBC Ecology Officer confirms that an Ecological Survey has been supplied which appears to have been produced according to best practice. He advises that whilst the survey was completed in December 2018, outside the optimum surveying season, it is a follow up to previous surveys and is in date. He recommends the following; a renewed badger report if no development works commence within 12 months; passive displacement of reptiles; an ecology and landscape management plan should be produced and agreed; permanent artificial wild bird nests and bat boxes should be installed; new wildlife habitats should be created; the existing hedgerows and trees should be retained and enhanced; new trees / hedges should be native species; use of lighting should be appropriate; good practice construction methods should be adopted; consideration should be given to energy efficiency.
25. RBC Landscape Officer has stated that the proposed landscape scheme is very similar to the previous one in terms of species mix and the size of trees and shrubs to be planted. There are some subtle changes in the tree mix, but none of any significance. The landscape plan has had to adapt to the revised change in property sizes and density, this has resulted in a slight loss of road side trees within the area of housing, but not to the point where he would object. There are some positives, the open spaces area on the south eastern boundary seems to be wider in places and the new scheme incorporates an area of native shrub mix, this comprises informal large growing shrubs and small trees which will help reinforce the boundary of the site and provide some screening. The footprint of the residential area appears to be the same and he cannot see any signs that there will be any need to encroach further into the woodland belts. Overall no objection.
26. RBC Strategic Housing Officer confirms that the extant permission for phase 3 (17/02105/REM) provides 24 affordable units on a scheme of 118 units overall, thereby providing the 20% as required under Policy 8 of the Core Strategy. This revised proposal for the same site area, seeks an increase of 47 units, achieved through an increase in density on the eastern half of the phase 3 site. The western half of the site remains as per the extant permission 17/02105/REM. This proposal would result in a total of 165 units on the phase 3 site area, providing a total of 33 affordable units. This again accords with the 20% affordable housing requirement in respect of phase 3.
27. The tenure of the affordable units proposed (4 x Affordable Rent units, 2 x Intermediate Units and 3 x Social Rent units) accords with the overall site requirement split given the affordable units already provided through Phases 1 and 2.

28. The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.
29. An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.
30. RBC Community Development Officer originally requested the provision of/or contributions to; children's play, open space, indoor leisure and allotments. Following further discussions they confirmed that a LEAP has been provided on an earlier phase of the development, and that a contribution towards indoor leisure may be difficult to justify (given that it was not requested on the first three phases). With regards to the Sports Pitches contribution, they confirm that the same formula as previous applies comprising of £428 x number of dwellings.

Local Residents and the General Public

31. 6 objections have been received from local residents, on the following grounds;
 - a. Concerned regarding the level of development permitted in East Leake.
 - b. Impacts upon the risks of flooding from increased surface water run-off.
 - c. The East Leake Doctors Surgery cannot cope with more patients and struggles to cope with its current numbers.
 - d. Can the water supply sustain additional users given the low pressure.
 - e. The schools are full.
 - f. There are too many houses, they are crammed into the space and lack adequate landscaping. Encroachment into open countryside.
 - g. Traffic and car parking is still an issue in the village.
 - h. The three storey houses are on higher land and therefore obscure the ridge.
 - i. There are no bungalows for older people.

PLANNING POLICY

32. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy and the East Leake Neighbourhood Plan.
33. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

34. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

35. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. 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. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
36. Paragraph 8 of the NPPF refers to three strands to achieving sustainable development; economic, social and environmental.
37. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in the 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 in this Framework taken as a whole.
38. Paragraph 47 reminds us that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
39. Paragraph 67 states that planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
40. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
41. Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open

space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

42. Paragraph 109 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 would be severe.
43. Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
44. Paragraph 122 of the NPPF states Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
45. Paragraph 127 Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
46. Paragraph 175 promotes opportunities to incorporate biodiversity improvements in and around developments.

Relevant Local Planning Policies and Guidance

47. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 (Presumption in Favour of Sustainable Development), Policy 3 (Spatial Strategy), Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) are relevant.

48. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and, despite the Core Strategy having been adopted, its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. Policies GP1 (Delivering Sustainable Development), GP2 (Design and Amenity Criteria), EN13 (Landscaping Schemes), EN19 (Impact on the Green Belt and the Open Countryside) and MOV7 (Footpath and Cycle Links in New Developments) are relevant.
49. The East Leake Neighbourhood Plan has now been adopted and forms part of the Development Plan, and should be afforded appropriate weight. Policies E1 (Containment of Built Environment), H1 (Number of New Homes), H3 (Types of Market Homes), H5 (Design and Building Standards), T1 (New Developments and Connectivity) and T2 (Strategic Network of Footpaths and Cycle Paths) are relevant.
50. The appeal decisions on 16/01881/OUT - outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping on land adjacent to the east of this site and 17/02292/OUT - for up to 195 dwellings, public open space, landscaping, sustainable drainage system and access on land to the north of Lantern Lane are also considered to be material planning considerations.

APPRAISAL

51. The principle of residential development on this site has already been established through the granting of outline planning permission and the subsequent approval of a reserved matters application for 36 dwellings. The main issues in the consideration of this application are the impacts an additional 47 dwellings would have upon; the layout/density/quality of the housing development; the impacts upon the character and appearance of the wider area, particularly given the sites' edge of village location; and the impacts upon the infrastructure of East Leake including; highway network; schools; health and leisure services; flood risk and drainage;
52. In terms of the quality of the proposed layout, following comments received from East Leake Parish Council, the County Council's Highway Officer and the Borough Council's Design Officer, revised plans and additional information were submitted during the course of the application incorporating the following;
 - i. Improved access arrangements to plot 83 to ensure that the footpath to the plot is fed off the same road as the driveway.
 - ii. Allocating a car parking space for plot 4
 - iii. Breaking up of the car parking areas to front of properties with additional planting.
 - iv. The provision of street scenes to demonstrate how the 2 and 2 ½ storey dwellings would appear having regard to the changes in land levels.
 - v. Details of the construction materials
 - vi. Details of boundary treatments
53. As a result of these amendments the siting, scale, design and appearance of the dwellings, together with the open space and landscaping, and the variety of external materials, would create a visually attractive development of smaller

family homes which would complement phases 1 & 2 of this housing development.

54. The original scheme proposed 36 detached four bedroom properties within large garden plots, resulting in a low density development. In order to respond to the local housing market, the number of four bedroom properties has been reduced to 11 (13%), with 28 (34%) 2 bedroom properties and 44 (53%) 3 bedroom properties being introduced. It should be noted that increasing the density of housing development on this site would make more efficient use of land, as promoted by the NPPF, and provide a greater number of more affordable family homes within the village. Furthermore the proposed housing mix would accord with Policy H3 (Types of Market Housing) of the East Leake Neighbourhood Plan and Policy 8 of the Core Strategy, which seeks to achieve a mix of housing tenures, types and sizes in order to create mixed and balanced communities.
55. In terms of the impacts upon the wider area, although this application would result in an increase in the number of proposed dwellings by a further 47, the extent of the proposed residential development would be contained within the previously approved area of development. The wide belts of landscaping to the southern and eastern boundaries of the site would be maintained. Due to the retention of these trees and vegetation, together with additional planting along the southern edge of the built development, it is considered that the proposal would provide a suitable buffer between the development and the adjacent open countryside, and be sympathetic to its edge of countryside location.
56. Policy E1 (Containment of the Built Environment) of the East Leake Neighbourhood Plan seeks to protect the ridges around the village, by limiting the heights of any buildings on the slopes up to these ridges (although there is no maximum height specified). Ridge A runs along Rempstone Road (to the south west of the site) and is the dominant southern view from the West Leake Road. Despite the introduction of 2 ½ storey dwellings within this phase of the development, as demonstrated on the cross sections provided by the applicants, these would be no higher than the two storey houses located on the most elevated parts of the site. As a result, there would be no further visual intrusion into the countryside to the south than the current approved scheme. Furthermore, the development of the land to the east, off Rempstone Road (which has outline planning permission for the erection of 235 dwellings), would mitigate the impact of this development when viewed from the east. As a result, it is not considered, despite the objections raised by the Ward Councillor and the Parish Council, that the proposal would be contrary to the East Leake Neighbourhood Plan.
57. In terms of the affordable housing, these units would be dispersed into 2 clusters, including one adjacent to phases 1 & 2. It is considered that the affordable housing units would be sufficiently integrated into the development. With respect to the tenure mix, 4 affordable rent, 3 social rent and 2 intermediate units would be provided, which would accord with the 20% affordable housing requirement across all 3 phases. This provision of 20% affordable housing on the site, as detailed above, would be secured through a S106 agreement to ensure it is retained as affordable housing in perpetuity.

58. The impact of the additional 47 dwellings on village infrastructure has been taken into account. No statutory consultees have raised an objection on the grounds of infrastructure capacity. However, education, health and leisure contributions would be required to mitigate the impacts of this increase in housing numbers on local infrastructure demand, secured by way of a S106 agreement. The contributions, based upon the total number of 83 dwellings, would comprise of; £323,816 (17 places x £19,048) to provide new or improved primary school provision within East Leake; £230,789 (13 places x £17,753) to provide new or improved secondary school provision within East Leake; £76,360 (83 x £920) towards the provision of a new or upgraded medical facilities in East Leake; £35,524 (83 dwellings x £428) towards the provision / improvements of facilities at Costock Road Playing Fields. The S106 agreement would be worded as such to ensure that contributions for the original 36 dwellings and the additional 47 dwellings are secured. A scheme would also be sought for the maintenance of the public open space areas.
59. With respect to sewerage/drainage and additional traffic, the relevant technical consultees have not raised any objections. Conditions are proposed which would require details of the new road to be submitted for approval, and ensure that the development is carried out in accordance with the surface water drainage strategy and foul drainage proposals as set out in the Flood Risk Assessment Addendum.
60. Whilst East Midlands Airport Safeguarding Authority have raised concerns regarding the increased risk of bird strike, there are no proposed changes to the on-site balancing ponds serving the wider development as part of this application.
61. In terms of ecological enhancement, conditions are proposed which would ensure both bat and bird boxes are provided throughout the development as promoted by Paragraph 175 of the NPPF.
62. A phase II contaminated land report for the site has previously been submitted (under 17/02984/DISCON) which demonstrated that there is no contaminant risk, and minimal ground gas was recorded, therefore the site is suitable for residential development without the need for remediation or gas protection measures. In terms of archaeology, a programme of trial trenching has previously been carried out, the results of which were submitted (16/00880/DISCON), and these confirmed that no significant archaeological remains were discovered.
63. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 11 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, the NPPF states that for decision taking this means granting 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 in this Framework taken as a whole.

64. In terms of benefits, the proposed development would make a further contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a temporary economic benefit during construction, and future occupants are very likely to use local services/facilities in East Leake. There would also be a social benefit from widening the choice of available homes and providing 20% affordable housing on site. It is not considered that there would be any adverse impacts, as the additional demand for services within the village would be mitigated through financial contributions secured through a S106. It is, therefore, considered that the proposal constitutes sustainable development contained within the NPPF, having regard to the economic, social and environmental objectives.
65. The proposal was subject of pre-application discussions with the agent, and advice was provided on the acceptability of the original proposals. During the course of the application, further negotiations have taken place having regard to the site layout. Such negotiations have resulted in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan PL_ELPH3-RP_03; Planning Layout PL_ELPH3-RP_01 rev A; House Type Pack Planning Housetypes - Persimmon Phase 3 Re-Plan - 07.01.19; Landscape Plans P17-1947_01A DSLP 1 of 6; P17-1947_02B DSLP 2 of 6; P17-1947_03E DSLP 3 of 6; P17-1947_04E DSLP 4 of 6; P17-1947_05D DSLP 5 of 6; P17-1947_06E DSLP 6 of 6; Materials Plan PL_ELPH3-RP_06.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

3. The development hereby approved shall be constructed using materials as detailed on the Materials Plan PL_ELPH3-RP_06, unless otherwise approved in writing by the Borough Council.

[To ensure the appearance of the development is satisfactory and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

4. No dwelling shall be occupied until the boundary treatment to serve that plot has been completed in accordance with the details set out on the approved Planning Layout PL_ELPH3-RP_01 Rev A.

[To ensure the appearance of the development is satisfactory and provides future residents with an acceptable level of privacy, to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

5. The proposed soft landscaping as shown on the Landscape Plans P17-1947_01A DSLP 1 of 6; P17-1947_02B DSLP 2 of 6; P17-1947_03E DSLP 3 of 6; P17-1947_04E DSLP 4 of 6; P17-1947_05D DSLP 5 of 6; P17-1947_06E DSLP 6 of 6, shall be carried out in the first planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written approval to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that finished ground and floor levels are approved before development commences to ensure there would be no harm to the character or visual amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

7. No dwelling shall be occupied until space within that plot has been provided for the storage of 3 wheeled bins.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

8. No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[This is a pre-commencement condition to ensure that the new road layout is approved before construction works commence on site, in the interests of highway safety and to comply with Policy GP2 (Amenity and Design Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

9. No part of the development hereby permitted shall be brought into use until all drives and parking areas have been surfaced in a bound material with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The surfaced and drained drives and parking areas shall thereafter be maintained as such for the life of the development.

[To reduce the possibility of deleterious material and surface water being deposited on the public highway causing dangers to road users and to comply with Policy GP2 (Amenity and Design Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

10. The hedgerows on the boundaries on the site shall be retained at a minimum height of 1.5m, any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plans, of such size and species, details of which shall be submitted to and approved in writing by the Local Planning Authority, within one year of the date of any such loss being brought to the attention of the Local Planning Authority.

[The hedges are an important feature in the area and their retention is necessary to help preserve the character of the area in this edge of village location, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

11. The site shall be developed in accordance with the Construction Method Statement by Persimmon Homes dated 1st March 2016 previously submitted and approved under 16/00649/DISCON.

[In the interests of highway safety, and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy].

12. The site shall be developed in accordance with the Employment and Skills Plan by Persimmon Homes dated March 2016, previously submitted and approved under 16/00649/DISCON.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy].

13. No work shall be carried out, and no plant, equipment or materials shall be brought onto the site until a scheme detailing the tree protection measures to be implemented across the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented prior to work commencing on site. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the protection measures, nor is any excavation work to be undertaken within the confines of the protection measures without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council. The development shall be constructed in accordance with the approved tree protection scheme.

[This is a pre-commencement condition to ensure that no trees are damaged before appropriate tree protection measures are put in place, in accordance with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

14. No dwelling shall be occupied until a scheme detailing the provision of bat boxes and / or access points to bat roosts and a timetable for their installation, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be installed in accordance with the approved timetable. The bat boxes and / or access points to bat roosts shall thereafter be retained and maintained for the life of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. No dwelling shall be occupied until a scheme detailing the provision of bird nesting boxes and a timetable for their installation, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be installed in accordance with the approved timetable. The bird nesting boxes shall thereafter be retained and maintained for the life of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The site shall be development in accordance with the surface water drainage strategy and foul drainage proposals as set out in the Flood Risk Assessment Addendum by Farrow Walsh Consulting dated January 2019 and shown on drawings; Drainage Strategy Sheet 1 of 3 FW1644-D-400 P2; Drainage Strategy Sheet 2 of 3 FW1644-D-401 P2; Drainage Strategy Sheet 3 of 3 FW1644-D-402 P2, unless otherwise approved in writing by the Local Planning Authority. The surface water attenuation shall be retained and maintained for the life of the development.

[To ensure that adequate surface water and foul drainage facilities are provided in the interests of the living conditions of future residents, and to prevent the increased risk of flooding downstream, in accordance with policy WET2 (Flooding) and policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the NPPF].

Notes to Applicant

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

All correspondence with the Highway Authority should be addressed to:-
NCC (Highways Development Control) (Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP