

20/00888/FUL**Applicant** David Wilson Homes East Midlands**Location** Land Off Rempstone Road East Leake Nottinghamshire**Proposal** The erection of 51 dwellings with associated access, parking and landscaping**Ward** Leake**THE SITE AND SURROUNDINGS**

1. The application site comprises part of a large, former arable field immediately north-east of Rempstone Road, on the southern edge of the village of East Leake. To the north of the site is the Sheepwash Brook, beyond which are equine paddocks and the village of East Leake. A micro-propagation business, together with other commercial units on a former farm are located to the east, accessed off Loughborough Road. To the south is Rempstone Road beyond which is open countryside. Immediately adjacent to the western boundary is a large residential development (by Persimmon), accessed off Kirk Ley Road, which is currently under construction.
2. Until 2020 the site was agricultural in use and land levels slope downwards in a northerly direction from Rempstone Road towards the village. In January 2020 Reserved Matters for 235 dwelling on the site were approved and that development commenced in the latter part of 2020. The site is therefore currently a residential development site for new dwellings. A public right of way runs north/south roughly through the centre of site and onwards towards the village centre. The boundaries of the site comprise of native hedgerows with trees.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for 51 additional dwellings on the site that was granted permission under 16/01881/OUT and 19/01770/REM (as amended by 20/02300/REM) for 235 dwellings.
4. The proposed access to the site comprises the existing (approved) singular vehicular access point off Rempstone Road, located in the centre of the south-eastern boundary.
5. The proposed site layout indicates that the 51 dwellings would be built within the approved site of the 235 houses granted reserved matters approval last year, in two separate locations; along the north-western boundary of the site between the approved development and the approved balancing pond features and along the north-eastern boundary between the approved development and the location of the proposed primary school. The proposed 51 dwellings would therefore remain located broadly in the southern “two thirds” of the site, with the northern “third” reserved for a proposed balancing ponds and a primary school site (as secured through the S106 agreement but without the benefit of

planning permission) with the PROW remaining aligned through the centre of the wider development site.

6. The approved single access point off Rempstone Road would lead to a loop road around the site, off which access roads would create a number of cul-de sacs.
7. The existing PROW would remain on its current alignment and run through landscaped areas of an already approved centrally located Public Open Space (POS) which would include a Local Equipped Area of Play (LEAP) that both formed part of the scheme for the 235 dwellings, and those features are unaffected by the current proposal.

SITE HISTORY

8. Planning application ref 16/01881/OUT, an outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping was refused under Delegated Authority on 31st March 2017 on the following three grounds;

1. *The proposal would comprise residential development of a greenfield site outside of the built up part of the settlement. The site is not allocated for development in the development plan and, although East Leake is identified as a key settlement for growth in Policy 3 of the Rushcliffe Core Strategy, the development would exceed the minimum target of houses to be provided in and around East Leake by over 160% when considered cumulatively with schemes already granted planning permission. This level of housing delivery for East Leake would be contrary to the Council's housing distribution strategy set out in Policy 3 and would lead to the unplanned expansion of development significantly beyond the established built edge of the village with resultant adverse impact on its rural setting, poor connectivity to the village by car and non-motorised modes of transport and adverse impact on access to services.*
2. *The development would not provide a direct vehicular access to the adjacent residential development site under construction and, whilst there would be a connection to the village via a public footpath and potential pedestrian connections to the adjacent development site the only paved and lit pedestrian link that is clearly deliverable by the applicant at this time would be via proposed improvements to Rempstone Road, which would involve a walking distance in excess of the 1.25km to the village centre. It has not been adequately demonstrated that the development would integrate with or provide good connectivity with the existing settlement and would be contrary to Policy 14, particularly paragraphs 1 and 2 of the Rushcliffe Core Strategy and to Policy H6 (a) of the East Leake Neighbourhood Plan.*
3. *Whilst the application proposes to deliver a site suitable for the provision of a new primary school this level of provision is in excess of the need justified by the scale of development proposed and in any event would not provide any funding to provide such a facility.*

It would not therefore adequately or appropriately meet the requirements for improvements to primary school provision arising from the development or weigh in favour of the granting of permission. Furthermore the applicant has not provided an undertaking to enter into an obligation to meet the requirements for improvements to secondary education provision arising from the development. The proposal would therefore be contrary to Policy 19 of the Rushcliffe Core Strategy, which requires all development to meet the reasonable cost of new infrastructure required as a consequence of the proposal. It would also be contrary to Policy H1(b) of the East Leake Neighbourhood Plan which requires all development in East Leake over a cumulative total of 400 dwellings to demonstrate that the provision of improved infrastructure can be delivered in time to serve the needs of the development.

9. The application was the subject of an appeal, considered by way of a Hearing, and was subsequently allowed on 20th November 2017, subject to a number of conditions, a S106 agreement and a legal agreement relating to pedestrian access through the adjacent development site to the west.
10. A Reserved Matters application (ref 19/01770/REM) for the approval of 235 dwellings and associated appearance, landscaping, scale, layout and infrastructure works was approved under delegated authority on 31 January 2020.
11. In September 2020 an application for a Non-Material Amendment (20/01945/NMA) for substitute house types and changes to the road layout was not agreed as the changes were deemed to be materially different to the approved Reserved Matters layout.
12. A subsequent Reserved Matters application (ref 20/02300/REM) for the partial re-plan of approved application ref 19/01770/REM (for the matters refused under application 20/01945/NMA) was approved in December 2020.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Thomas) initially objected to the proposal raising concerns regarding the principle of more homes on the site, the loss of on-site green space for the approved development whilst adding pressure for it by increasing density, the housing mix proposed compared to the requirements of Policy H3 of the Neighbourhood Plan, impact on the infrastructure in the village (schools, medical centre, drainage), the proposed access arrangements for vehicles, impact on traffic (cumulatively) from all the recent developments, and concerns on flooding questioning whether the proposed SUDs are large enough to accommodate all the development on the site. Following the submission of the Transport Assessment (TA) Cllr Thomas further commented on the scope of the TA, the proposed road closures on Rempstone Road, and the Junction Modelling Methodology.
14. Cllr Thomas subsequently withdrew her objection following the submission of further information from the developer and responses from other consultees. However, Cllr Thomas did request that officers seek to address her other

concerns regarding the loss of green space requesting an off-site contribution, requesting that DWH work with the County Council to not impede the delivery of the primary school

15. One Ward Councillor (Cllr Way) also echoed Cllr Thomas' initial objections, adding that impact on the traffic in the village should also factor in other nearby developments (cumulative impact) such as the DNRC, and that the land within the approved scheme for 235 dwellings was not allocated for housing but as green space.
16. Cllr Way subsequently confirmed her objection to the proposal on grounds of the additional development over and above that approved at appeal for this site, the fact that the local services such as health care struggle to cope with the existing populous, the primary school has not yet been applied for therefore this development will place greater pressure on school places in the village, the walking distance to this school is unrealistic for other likely pupils living elsewhere in the village so traffic pressure around the school will impact on the amenity of residents living alongside the school, impact of additional traffic, impact on the sewage system, and the fact that East Leake has already had more than three times the minimum development as stated in the Local Plan with no infrastructure improvements.

Town/Parish Council

17. East Leake Parish Council object to the proposal on the following grounds:
 - a. Loss of green space;
 - b. Impact on infrastructure contrary to Policy H1 of the Neighbourhood Plan;
 - c. Housing Mix does not comply with Policy H3 of Neighbourhood Plan;
 - d. Walking distances to the centre of the village; and
 - e. Impact on safety and capacity of road junctions requesting a revised Traffic Assessment for normal traffic conditions, not those experienced during the Covid-19 pandemic.
18. The Parish Council subsequently confirmed that they maintain their objection, noting that whilst the proposal was revised to be more in compliance with the Housing Mix (Policy H3), nevertheless that the proposal was over intensive and caused a loss of green space in breach of Neighbourhood Plan Policy H1. They also commented that whilst it was not clear if a revised Traffic Assessment had been provided, they note that the Highway Authority have not objected.

Statutory and Other Consultees

19. East Midlands Airport have advised that conditions seeking to control dust, to prevent light spill including from street lights, restrictions on solar panels which can cause glint and glare and measures to prevent flocking birds being attracted to the site should be attached to any grant of permission.
20. National Air Traffic Safety (NATS) have no safeguarding objections to the proposal.

21. Nottinghamshire Police do not object to the proposal subject to conditions in respect of Secure by Design being attached to any grant of permission.
22. The Environment Agency have no comment to make, noting that there are no environmental constraints associated with the development that fall within the remit of the Environment Agency.
23. The Trent Valley internal Drainage Board (TVIDB) advise that the site is outside of the TVIDB district but within the Boards Catchment, however there are no Board maintained watercourses in close proximity to the site.
24. Nottinghamshire Wildlife Trust initially commented that the proposal does not adequately demonstrate adequate mitigation for the loss of habitat which would subsequently lead to a net loss in biodiversity. The applicants subsequently provided a Construction Environment Management Plan (CEMP), an updated Preliminary Ecological Appraisal (PEA) and a BMP (Biodiversity Management Plan) which the Wildlife Trust advised addressed their concerns subject to conditions being attached to any grant of permission.
25. The NHS Clinical Commissioning Groups (CCG) request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
26. Nottinghamshire County Council as Highway Authority initially commented that application should be deferred to enable the applicant to submit an updated Transport Assessment (TA) including any significant committed development in the area to address the specific points set out in the response. Following the submission of the requested information the Highway Authority confirmed that they do not object to the proposal subject to conditions being attached to any grant of permission.
27. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) initially objected to the proposal as it failed to include sustainable drainage systems and therefore failed to demonstrate that the development would not increase flood risk elsewhere. The applicant provided the requested drainage information and the LLFA confirmed that they have no objections to the revised proposal and no further comments to make.
28. Nottinghamshire County Council (Strategic Planning) advised that County Education seek contributions towards the 11 additional primary school places generated by a development of 51 dwellings at a cost of £20,592 per place i.e. £226,512. They also make requests for contributions towards the eight additional secondary school places generated by the proposal (NB Officers note that secondary education is covered by CIL). The County Property Team request clarification over an indication on the plan and that conditions be attached to any grant of permission to ensure that the access road to the school is available for construction traffic to build the school. Finally, the County Council advise that no Highway improvements were sought over and above those already secured as part of 16/01881/OUT.
29. The Nottinghamshire County Council Community Liaison Officer for Heritage has advised that the site does not immediately contain records on the Historic Environment Record (HER) but notes that this does not discount the sites

ability to contain any buried archaeology noting other finds in the locality. The applicant's desk-based assessment was not considered to be sufficiently detailed and accordingly additional information in the form of an updated archaeological desk based assessment was requested from the applicants. This information was provided concluding that no features of archaeological significance were found on site including Phase 1 (approved and Phase 2 (the current proposal). The County Council Community Liaison Officer for Heritage confirmed that the submission met their requirements and that they have no comments or recommendations to offer.

30. The Borough Council's Planning Contributions Officer advised on the CIL liability for the development, estimating a receipt of £277,000 of which £193,900 would likely go towards items on the Borough Council's Strategic Infrastructure List, £69,250 likely towards the East Leake Neighbourhood CIL and £13,850 towards CIL Admin.
31. The Borough Council's Conservation Officer does not object noting the distance to, and the intervening existing and approved buildings between the site and both the Conservation Area and the nearest listed building.
32. The Borough Council's Environmental Sustainability Officer does not object to the proposal requesting that conditions be attached to any grant of permission.
33. The Borough Council's Planning Policy Manager advises that the loss of green space and effect on the sites biodiversity is of concern and that the applicants should provide evidence that the additional units do not conflict with Policies 3.1 and 38 of the Local Plan Part 2 and that net-gains can be achieved within phase 2.
34. The Borough Council's Strategic Housing Officer (affordable housing) does not object to the proposal.
35. The Borough Council's Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions and that the indoor and outdoor sports provision will be addressed via the Community Infrastructure Levy (CIL) contributions. The agent queried the need for the provision based on the size of the development and the existing provision within the scheme for 235 dwellings which this sits alongside. The Community Development Manager subsequently agreed that there was sufficient open space provision as part of the approved scheme for 235 dwellings to mitigate the total requirements of open space for both the approved and proposed development. S106 contributions towards off-site improvements for allotments and play provision were also requested.
36. The Borough Council's Environmental Health Officer does not object to the proposal initially requesting that conditions seeking to control the noise, dust and vibration during construction and controlling the working hours on site be attached to any grant of permission. The applicant subsequently provided the information requested and the Environmental Health Officer confirmed that the condition was no longer required, but that the requirements of the Construction Method Statement should be adhered to during the development of the site.

Local Residents and the General Public

37. A total of forty seven (47) representation have been received, forty six (46) of them objecting to the proposal citing the following:
- a. This is a further unwanted development – East Leake has taken its fair share of new development with no infrastructure improvements as promised.
 - b. Unacceptable to identify further land in East Leake for housing development in the plan period.
 - c. Proposal is contrary to the Neighbourhood Plan.
 - d. Proposal is contrary to Paragraph 3.26 of the Local Plan Part 2.
 - e. Impact on services (schools, dentists, doctors, sewage system, nurseries etc).
 - f. Flooding from yet more development.
 - g. Potholes created by construction traffic.
 - h. Impact on wildlife.
 - i. Visual impact.
 - j. Further traffic impacts.
 - k. Lack of connectivity to the village other than by road.
 - l. Development reliant on cars due to distance from village centre.
 - m. Types of housing proposed does not meet the local need for smaller homes.
 - n. Rempstone Road and Loughborough Road junction is already dangerous.
 - o. Loss of more green space – the importance of which has been highlighted during the pandemic.
38. One (1) neutral response was received stating that as long as the primary school is still in the plan then they do not object.

PLANNING POLICY

39. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). The East Leake Neighbourhood plan also forms part of the Development Plan when considering applications in the Eat Leake area. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

Relevant National Planning Policies and Guidance

40. 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. There are three dimensions to sustainable development, economic, social and environmental.
41. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making 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 planning 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 the Framework as a whole."
42. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
43. Paragraph 91 advises the decision maker to aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 92 further states that decisions should provide the social, recreational and cultural facilities and services the community needs, planning decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
44. Paragraph 98 requires decision makers to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
45. Paragraph 108 states that; *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."* Paragraph 109 goes on to state that; *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

46. Paragraph 124 addresses the need for the creation of high quality buildings and places being fundamental to what the planning and development process should achieve stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
47. Paragraph 127 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and 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.

Relevant Local Planning Policies and Guidance

48. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
49. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
50. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 3.1 - Housing Allocation – Land north of Rempstone Road, East Leake
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 43 - Planning Obligations Threshold

51. The East Leake Neighbourhood Plan was adopted on 19th November 2015, and forms part of the Development Plan for the area. The following policies are considered relevant;
- Policy H1 - Number of New Homes
 - Policy H2 - Phasing of New Homes over the Period 2013 to 2028
 - Policy H3 - Types of Market Homes. On developments of 10 or more homes developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council's and East Leake's most up to date assessments of housing needs derived from projections of household types, as follows; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%. In addition, a diverse mix of home types within each of the categories will be provided in line with projected need.
 - Policy H4 - Aircraft Noise
 - Policy H5 - Design and Building Standards
 - Policy H6 - Sites where Housing Development will be Permitted
 - Policy T1 - New Development and Connectivity
 - Policy T2 - Strategic Network of Footpaths and Cycle paths
 - Policy T3 - Public Transport
 - Policy E1 - Containment of Built Environment
 - Policy E2 - Green Infrastructure: Wildlife and Rural Heritage
 - Policy E3 - Green Infrastructure within the Built Environment
 - Policy L1 - Playgrounds
52. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.
53. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
54. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:

1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 2. There is no satisfactory alternative; and
 3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
55. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
56. Natural Environment and Rural Communities Act 2006 at Section 40 states that "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*" Section 40(3) of the same Act also states that "*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.*"
57. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
58. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
59. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
60. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
61. Environmental Impact Assessment Regulations - The outline planning application (16/01881/OUT) for the development of the 235 dwellings and supporting infrastructure was screened under the Environmental Impact Assessment Regulations 2018 prior to that application being submitted. Whilst this application 20/00888/FUL sits within the redline area of the 235 dwellings, it is a standalone planning application seeking full planning permission for 51 dwellings. The application only just passes the threshold for screening (the threshold being 50 dwellings) in its own right and even as a cumulative assessment of the wider development of 286 dwellings the current application does not significantly alter the parameters or the quantum of development that was secured through the appeal process and this development is considered to accord with the outline application that was initially screened. As such a formal Environmental Impact Assessment is not considered to be required for this application.

APPRAISAL

Principle of Development

62. Policy 3 of LPP1 identifies East Leake as a 'Key settlement identified for growth' and, furthermore, the principle of developing this site for housing was established with the granting of outline planning permission 16/01881/OUT. Despite the Borough Council initially refusing that application, the applicants appealed and following a Hearing, the Planning Inspectorate allowed the proposal, subject to a number of conditions and a S106 agreement. Whilst that application did set a quantum of development, that was only based on the level of development sought under the outline application. The Planning Inspector has not, in allowing the appeal determined the threshold for development on that site, merely determined the appeal before them.
63. Objections received from the public have often quoted paragraph 3.26 of the LPP2 which is part of the text stating the limitations on allocating new development in the village. Paragraph 3.26 states; *"It is considered that it would be unacceptable to identify further land at East Leake for housing development over the plan period. To do so would put at risk the Core Strategy's focus to locate development within or adjacent to the main urban areas of Nottingham. There are also concerns over East Leake's capacity to support and assimilate additional housing at this time and the affect that any further development would have on the character of the village. This Local Plan Part 2 allocated two sites for housing development at East Leake on land to the north of Rempstone Road and the second on land north of Lantern Lane (see Figure 2). Both these sites are outside the existing built extent of the village and both already have planning permission for new housing but development has yet to start."*
64. Paragraph 3.26 of the LPP2 clearly identifies the application site at Land North of Rempstone Road as one of the two development sites within the Plan for development. Officers do acknowledge that planning permission has already been approved for 235 dwellings. However, the current application site is located within the area identified as part of Policy 3.1 in the LPP2 identifying it for development of "around" 235 dwellings. The Planning Inspector, in their determination of that appeal that resulted in the allocation of the site accepted the sites relationship to the village, the walking distances to the village, the impacts on wildlife, ecology, as well as on the villages character and appearance, albeit in principle for a lesser quantum of development than would result from the current proposal on the site.
65. This application proposes an additional 51 dwellings on the site, alongside both the approved 235 dwellings and also alongside the neighbouring approved development of circa 300 dwellings currently being constructed by Persimmon Homes to the west. Officers are therefore satisfied that the principle of dwellings on this site has already been established. Furthermore, the application is not for a new development site as many objectors state, but for additional development on the existing allocated Rempstone Road site. Whilst this might be seen as semantics it is an important differentiation as the current proposal is within the application site of the approved 235 dwellings, but more importantly within the allocation as identified in Figure 2 of the LPP2 identifying housing allocation sites in East Leake.

66. The proposal is therefore considered to broadly accord with the requirements of Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy. Furthermore, whilst the Planning Policy Officers comments are noted about ensuring that the proposal accords with Policy 3.1 of the LPP2, officers note that Policy 3.1 states that the area shown on the policies map is identified as an allocation for “around” 235 homes. The Policy does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 235 dwellings. What this application is seeking to demonstrate is that the proposed additional 51 dwellings are not demonstrably harmful to the environment, the character and appearance of the development or the amenities needed to support these additional dwellings.
67. Therefore, it is the impact of that additional development that must be assessed as part of the determination of this application, i.e. if the proposed resultant densities, the relationships to the surrounding landscape result in any demonstrable harm, and if these additional 51 dwellings have any significant impact on the amenities/services in the village and the highway network, and if so, if those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate.

Access

68. The site would be served by one single point of access off Rempstone Road, as already approved to serve the 235 dwellings. The application is accompanied by a Transport Technical Note prepared by BWB. It is stated within the Technical Note that whilst the planning application was approved for 235 dwellings, the transport work considered the impact of up to 250 dwellings at the site. The current assessment considers the impact of an additional 36 dwellings. The assessment concludes that the additional development would not result in a significant traffic impact, and as such no further assessment should be required.
69. The Highway Authority reviewed the original Transport Assessment and technical notes for the site, noting that capacity issues were previously identified on the local network, in particular the A60/Main Street/Wysall Road (Costock crossroads) and the A6006/Leake Lane junction. These junctions were identified as approaching/close to capacity, and likely to experience further congestion and delay as a result of the development. Capacity issues were also identified associated with the A60 Rempstone traffic signal-controlled junction.
70. Taking into account that the previously approved development has not yet been built out, together with the capacity issues on the surrounding network, and further committed development in the area, The Highway Authority considered that the traffic impact of the total development of 286 dwellings should be assessed, requesting that an amended Transport Assessment should therefore be submitted. The Highway authority also highlighted some technical issues with the proposed layout, requesting tracking details, 2m wide footways, highlighting issues with private driveways and potential visibility spay issues amongst others.
71. In response to the request the applicant submitted a Transport Technical Note – Rempstone Road, East Leake, Nottinghamshire – Phase 2 (Doc. No. REM-BWB-GEN-XX-RP-TR-03-TN-P1). Whilst the document refers to the additional

dwellings as phase 2, it is acknowledged that it is a stand-alone application for an additional 51 dwellings in addition to the previously permitted 235 dwellings.

72. As noted within the Technical Note, the application seeks permission for an additional 51 dwellings, although it is only 36 dwellings over that considered in the previous Transport Assessment which was deemed acceptable. As requested, the Technical Note submitted has provided an updated assessment of the total development of 286 dwellings. Having reviewed the information submitted and considering the scale of trips over that already accepted, and their distribution onto the network, the highway authority advised that impact of the development cannot be considered severe. They therefore conclude that the principle of the development, and its impact on the highway network is accepted.
73. The Highway Authority also advised that the internal layout has secured Technical Approval under Section 38 of the Highways Act 1980 for the adoption of the new roads. Officers understand that the S38 process has now been completed. The Highway authority advised that the revisions addressed their previous concerns and concluded that subject to conditions being attached to any grant of permission, that there were no technical grounds to object to the proposal on either highway safety impacts on site, or on the wider road network as a result of the proposal.
74. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Appearance

75. The proposed housing development would be relatively low density comprising approximately 35 dwellings per hectare, which, when read in the context of an overall development of 286 dwellings would not appear too dense in the context of its location with differing densities across parts of the site. The proposal still allows for open space as part of the development and landscaping to soften its overall appearance.
76. In support of the application, detailed plans and elevations of all the house types, illustrative street scenes, together with details of the construction materials, surfacing and boundary treatments have been submitted.
77. The proposed dwellings range from 2 bedroom maisonettes and 2 and 3 bedroom properties and would be of a high quality with many design details. In terms of materials, the existing housing stock in East Leake comprises a range of construction materials, with variations of red brick found extensively throughout the village. The proposed construction materials would comprise the same range of materials approved as part of the 235 dwellings, namely three different brick types from the Ibstock range comprising Arden Olde Farmhouse, Welbeck Village Blend and Welbeck Red Mixture, together with pockets of Ivory Cladding on some front gables and to the elevations of some corner properties to create a visual break.

78. This would create a visually attractive and cohesive residential development which would respect both the established housing stock and the more recent housing developments within the village.
79. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals will not impact on the amenity of any adjoin properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Landscaping and Ecology

80. The current proposal does not include any areas of landscaping save for the frontages of plots. Detailed landscaping plans for the rest of the site, namely the sites frontage along Rempstone Road and for the open space in the middle of the site have already been approved.
81. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that the Ecological Appraisal that accompanied the submission was up to date and that no protected species were found on site. However, it was also noted that wild birds are highly likely to be present on the site. The submission confirmed that the site currently comprises poor quality grassland ruderal habitats, ditch and plantations bound by species poor hedgerows with trees. As a result, whilst the proposal would not have a material impact on the favourable conservation status of a European protected species, provided mitigation measures are implemented, the development was identified as capable of provide opportunities for a net gain in biodiversity. As a result, an ecological method statement incorporating reasonable avoidance measures (RAMs) was requested along with an ecological landscape management plan, including a full metric biodiversity net gain assessment
82. The applicant subsequently provided additional information, and again the professional view of the ESO was sought. The new information submitted included as biodiversity net gain (BNG) assessment. The ESO advised that they were happy with the proposal to combine the two phases of development (from an ecological perspective) so that they are contiguous. Officers are also satisfied that the submission was a reasonable methodology and that the calculator had been used correctly. However, the ESO did advise that the statement about "*whilst there is an overall loss in habitat units there is significant gain of hedgerow habitats, which is not taking into account by the calculator when providing an overall score figure of BNG. This binary assessment is therefore not considered appropriate for this site, and a more holistic approach to assessing BNG is required*", was more contentious.
83. This is because the metric does not allow the increase in hedgerow units to offset the loss in other habitats because the principles of biodiversity net gain is that habitats should replaced like with like, i.e. grassland with grassland, not hedgerow for grassland. So, for example larger area of low-quality grassland could be replaced with a smaller area of high quality grassland

84. The assessment demonstrates an overall biodiversity net loss of -4.49 habitat units, which is a -16.83% loss. However, a significant increase in hedgerow units of 6.94 units (+116.84%) is recorded. The consultant ecologist has advocated that the increase in hedgerow units should be used to offset the loss in habitat units. The guidance provided by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments states that compensation should be “ecologically equivalent in type” unless justified by “delivering greater benefits for nature conservation”.
85. The ESO did however comment that it is fair to say that the current poor semi improved grassland has low intrinsic biodiversity value, supporting a fairly low faunal population, some of which would be maintained through the provision of the smaller but higher quality neutral grassland and SUDs. They also commented that the hedgerow proposed, if managed appropriately, would also have higher intrinsic biodiversity value.
86. Therefore, officers were advised that it is unlikely that this type of replacement/substitution would be permitted under the proposed measures being brought forward by the Environment Bill 2019-21. However at this time, as the legislation is not in place and as Rushcliffe Borough Council do not have any supplementary planning guidance or other form of policy which sets a specific target for biodiversity net gain, the ESO advised that officers can agree to this approach and accept the biodiversity net gains being offered for this development.
87. The ESO also commented that the strategy includes a management plan and that they are satisfied that the proposed management plan is satisfactory and should be implemented. They also advised that public access is prevented in the proposed Skylark nesting area to reduce disturbance and should also be fenced with sheep netting to reduce disturbance by pets; that all external lighting is designed to provide minimal sideways spread and makes use of low UV/warm spectral colour lighting (greater than 500nm or <3000K) and that monitoring reports should be copied to the local authority.
88. The Nottinghamshire Wildlife Trust (NWT) also reviewed the application noting that the application seeks to erect an additional 51 dwellings within 1.3ha of the previously approved site, noting it would result in a net loss of 1.3ha of open space, comprising mostly proposed meadow grassland which would be of value to insects, including a range of pollinating species as well as birds, small mammals, reptiles and amphibians.
89. The Trust agreed with the Borough Council’s ESO that the ecological report included with the application (Ramm Sanderson, Oct 2019) provided an up to date assessment of the ecological value of the whole site and that the recommendations for avoiding impacts during construction were relevant to this application. However, the Trust advised that the 2019 report did not consider the current application for the addition of 51 dwellings on what was previously approved open space/meadow grassland. In this respect, they considered that the applicant had failed to provide adequate mitigation for loss of approved habitat which would subsequently lead to a net loss in biodiversity, should this application be approved as submitted. Moreover, as this is a new application, they advised that it should be subject to the latest planning policy regarding biodiversity net gain as required by both the current NPPF and Rushcliffe's Local Plan, requesting (as per the ESO’s comments) that a

Biodiversity Net Gain Metric should be used to calculate any gain or loss in accordance with the CIRIA (2019) document/standards.

90. As already reported additional documents were submitted and the Wildlife Trust subsequently confirmed that their previous concerns had been addressed through the CEMP, Biodiversity Management Plan, and an updated Preliminary Ecological Appraisal as submitted. In addition, NWT advised that they understood that a sensitive lighting scheme is to be implemented and secured by a suitably worded planning condition. Therefore, subject to conditions being attached to the grant of any permission to secure the mitigation measures identified in the additional information, the NWT withdrew their previous objections to the proposal.
91. The application is therefore considered to accord with the requirements of Policy 16 of the LPP1 as it provides the requisite retention of green corridors through the site and links into the existing green infrastructure. The proposal is also considered to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Open Space and Play Provision

92. The application site is defined by a red line on the plans which is drawn tightly to the edges of the 51 proposed dwellings and as such there is no open space or play provision proposed as part of this application. The Borough Council's Community Development Manager rightly questioned the impacts of this "additional" development and whether the needs of the new residents was being mitigated, as it appears that the proposal is increasing the housing numbers whilst simultaneously decreasing the amount of open space on the approved development.
93. The applicants have stated that the original application, for 235 dwellings could be accommodated on approximately 80% of the overall site, and this is what they secured permission for under application ref 19/01770/REM, as revised by 20/02300/REM. Whilst this may not have been explicitly stated in those submissions, the applicant is correct that the NPPF does require development to make efficient use of land. Therefore, the current proposal, which seeks to develop approximately 20% of the overall site is what the developer would term "white land" i.e. it is not open space, but land that they seek to develop at a later date and therefore did not form part of the open space offering for the currently approved scheme of 235 dwellings.
94. If only 235 dwellings were to be built on the site, then this would result in a density of approximately 28 dwellings per hectare, and at that low density the developer states that the scheme would not be economically viable to deliver. Therefore, the applicants, advised that the additional 51 dwellings make more efficient use of the site, as per the requirements of the NPPF, whilst still delivering an acceptable density of development in this location at approximately 35 dwellings per hectare. Were the developer required to only deliver the lower density scheme of 235 dwellings, they would need to seek a new reserved matters application to re-plan the layout and whilst the properties may benefit from more private amenity space, they state that no additional

physical area for public open space and equipped play spaces would be provided when compared to the current proposal for the total development of 286 dwellings. The developer states that there is sufficient provision of open space and play areas for the totality of 286 dwellings.

95. Officers accept that a density of approximately 35 dwellings per hectare is acceptable in this location and is comparable to the density of the neighbouring site to the west, which itself was on the edge of the village when it was granted planning permission a number of years ago.
96. The Borough Council's Community Development Manager has reviewed the proposal, and is satisfied that an on-site delivery of children's play areas and allotments is not achievable for this development due to how the redline has been drawn. However, whilst accepting that there is no opportunity to provide any on site play provision or allotments, there are opportunities to make an off-site contribution to improve and enhance the current offering as part of the approved 235 dwelling scheme. As a result, either a scheme towards improvements on the wider site or, if this is not possible, off-site contributions for the children's play area (equipped) of £559 per dwelling are sought via the S106 agreement to be allocated towards the closest geographic play provision to the site, (which would be on the site that secured planning permission for 235 dwellings). This is required to mitigate the harm of the additional 51 dwellings to enhance the areas of the already approved site, which is in the applicant's ownership, to provide additional facilities and encourage better usage of the public areas beyond the approved equipped provision in the centre of the site. Off-site contributions of £73.00 per dwelling towards allotment provision are also sought.
97. Officers again noted that there was no ability to provide any additional open space within the redline boundary of the application site for the 51 dwellings. It was therefore requested that the applicant demonstrate that the wider approved development provides enough public open space for the overall proposal of 286 dwellings.
98. The Community Development Manager advises that a scheme of 51 dwellings would normally also require the provision of 0.064ha amenity space. As it was not possible to deliver this "on-site", the applicants were asked to calculate the level of provision of open space on the entire development of 286 dwellings to check if the provision complied with the policy requirement. The Community Development Manager advised that for the entire development of 286 dwellings an area of 0.36ha of open space would be required to mitigate the need arising based on their calculations. The supporting calculations submitted with the applicant's response confirmed that a total of 2.84ha of open space would be provided for the entire development of 286 dwellings. Therefore, whilst the proposal would not be able to provide the 0.064ha of open space required for the 51 dwellings, the wider development, within which the proposal would sit and form part of, would far exceed the required 0.36ha of open space provision for this totality of development. Officers calculate that the open space around (but excluding) the central play area for the approved 235 dwellings is circa 0.54ha, so this area of open space alone would be large enough to provide sufficient open space for a development of 286 dwellings. On this basis the Community Development Manager advised that they are not objecting to the proposal subject to the financial contributions towards off-site

improvements to equipped play provision and allotments being secured by S106.

99. Officers are therefore satisfied that the provision of open space, play space and allotments can be mitigated through off-site contributions, which in the case of play provision are requested to go towards the land and facilities surrounding the application. Furthermore, the adjoining development, as approved is considered to provide more than sufficient open space to mitigate the harm of the approved and proposed development. The proposal is therefore considered to be capable of complying with the requirements of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Layout

100. The proposed layout of the site, with the housing as a continuation of the approved built form located either side of the Public Right of Way that bisects the site is considered to be in general accordance with the parameters set out on the outline planning permission, as allowed at appeal.
101. The proposed housing development would be screened from the open countryside beyond the southern boundary by a deep landscape buffer measuring 25-40m in depth, and in due course by the approved 235 dwellings to the south of the areas proposed to be developed as part of this submission.
102. An approved central corridor of public open space would remain running through the centre of the wider site for its entire length from south to north. This would incorporate the existing public right of way and an equipped play area. This Public Right of Way (PROW) connects the site to the village centre via Burton Walk and links up with the proposed footpath linking the site with Brookside through the adjacent development to the west. The walking/travelling distances to the village have already been established and accepted through the appeal process as part of the 2016 outline permission for the 235 dwellings.
103. The proposal would provide ten affordable housing units, as required under Policy 8 of the LPP1, of these, 42% should be shared ownership, 39% affordable rent and 19% social rent. The application was assessed in the context of the affordable housing tenure mix agreed under 19/01770/REM. The Affordable Housing Officer has compared what the applicant is providing and if it meets the Councils preferred mix when considering the site as a whole.
104. In summary, in terms of the affordable housing, the new application is for an additional four 2 bedroom maisonettes, two 2 bedroom houses and four 3 bedroom houses. The additional 2 bedroom maisonettes makes up for the shortfall identified in the 19/01770/REM and is therefore welcomed. The provision of the 2 and 3 bedroom houses is also acceptable. In total the

scheme is considered to present an acceptable range of house types and although the affordable units are provided in one single cluster, given that this forms part of a larger scheme, this is considered acceptable as other pockets of affordable housing are provided elsewhere.

105. As the types of units broadly comply with the requirements set out in previous advice, Strategic Housing have stated that they have no fundamental objections to the affordable housing provision.
106. The dwellings located with corner plots have been designed to be dual aspect so they address both road frontages. Each property would benefit from private garden areas, commensurate in size with the scale of the dwelling, and off street allocated car parking. Some of the properties have garden sizes smaller than those stated within the Residential Design Guide Supplementary Planning Document (SPD), however the presence of the considerable on-site open space provision is considered to suitably mitigate for smaller gardens, as per the exceptions within the SPD. The SPD states that the availability of two or more of the exceptions stated will help in demonstrating why smaller gardens should be allowed, and the list includes *"The close proximity to public open space or accessible countryside"* and *"The development provides for a range of garden sizes including a proportion which are in excess of the referenced size requirements"* which the proposal is considered to comply with.
107. The Highway Authority initially objected to the proposal's layout citing several concerns regarding matters such as the width of the highway, the need for provision of footways, the number of dwellings that can be served off a private highway, the need for turning heads in some locations and their removal from others, visibility splays, substandard width of some parking spaces, vehicle tracking issues, commuted sums associated with highway trees, and the distances between some parking spaces and the properties they are intended to serve. Subsequently, revised plans were submitted that sought to address the above concerns and the Highway Authority advised that the matters regarding refuse tracking and private drive turning provision had been addressed.
108. The layout of the internal roads has also been subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980. The Highway Authority are content to recommend approval of the application, subject to conditions being attached to any grant of permission.
109. The proposal does not affect the Public Right of Way that runs through the wider site which has been established through the 235 dwelling scheme.
110. The proposed layout is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2, which seeks to secure that the proposal will not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation

space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

111. Policy 12 (Housing Standards) states that for developments of more than 100 dwellings, at least 1% should comply with the requirements of M4 (3) (a) of the Building Regulations regarding wheelchair adaptable dwellings. The proposal includes 4 affordable maisonettes, of which 2 would be ground floor, as well as four open market maisonettes, of which 2 would be ground floor, i.e. a total of 4 properties. Therefore, this is well in excess of the 0.51 dwellings (1% of the 51 dwellings) needed to comply with the policy.

Scale

112. Officers have assessed the revised submission against Policy H3 (Types of Market Housing) of the East Leake Neighbourhood Plan which requires; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%.. The open market housing proposed comprises twenty 2 bedroom properties and twenty one 3 bedroom properties. This would equate to 48% 2 bedroom and 52% 3 bedroom properties. This application therefore exceeds the requirements for two and three bedroom properties, whilst failing to propose any 4 or 5 bedroom properties. Therefore, whilst the proposal does not strictly accord with the requirements of Policy H3, it does seek to address some of the imbalance permitted in allowing the approval of the adjoining development of 235 dwellings by increasing the provision of 2 and 3 bedroom properties.
113. 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. The location of the proposed development is such that, from any public vantage point and from any buildings that have a clear line of sight of the site, it would be read against the backdrop of the existing/approved development on this and the adjoining Persimmon Development. The proposed housing is of a similar scale and density to these adjoining developments and, therefore is considered to be in character with the existing approved forms of residential dwellings in this location.
114. The proposed scale of the development is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2 and is also in general accordance with the East Leake Neighbourhood Plan.

Flooding

115. Resident's and Councillors have voiced concerns that yet more development in the village will further exacerbate existing known flooding and sewage systems issues experienced in the village. Officers note that the site is not within either Floodzones 2 or 3 and therefore a Flood Risk Assessment was not required. However, due to the known issues in the village, officers have liaised with the County Council, who are the Lead Local Flood Authority (LLFA), asking them to review the submission and comment on the proposal. The LLFA commented that the original submission failed to include sustainable drainage systems and therefore failed to demonstrate that the development would not increase flood risk elsewhere.
116. The application proposes that surface water is to be managed on the wider site through appropriate attenuation sized for the combined proposals (i.e. the approved and the proposed development) and foul water is managed appropriately in line with the submitted drainage strategy and the required S104 approval, a process related to the adoption of drains by the drainage authority that sits outside of the planning system. The submission included a copy of the response from the applicant's engineers detailing there is a betterment to the situation at Sheepwash Brook as a result of the drainage works for this site. Furthermore, the applicants correctly state that Condition 11 on the Outline Permission relating to foul and surface water strategies has been discharged and that the discharge includes the sizing of the infrastructure to accommodate the current proposal. Officer's note that the LLFA have advised that they no longer object to the proposal and that they have no further comments to make.
117. On the basis that the LLFA are no longer objecting to the proposal, officers are satisfied that the proposal meets the objective of Policies 17 and 18 of the LPP2 which state, inter alia, that planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided the development does not increase the risk of flooding on the site or elsewhere, and that development should be located taking account of the level of flood risk and promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems.

Aircraft Noise

118. Policy H4 (Aircraft Noise) of the East Leake Neighbourhood Plan states that *"Where required following a noise assessment, planning conditions will be imposed to ensure that new dwellings include appropriate measures to mitigate the effects of aircraft noise."* The East Leake Neighbourhood Plan was adopted on 19 November 2015 and the outline appeal was granted on the 20 November 2017 following the hearing being held 6 days earlier. Therefore, the Neighbourhood Plan was adopted and a material consideration at the time that the outline appeal was determined. The issue of compliance with the East Leake Neighbourhood Plan would therefore have been assessed at the Hearing, with the Inspector allowing the appeal. Nevertheless, the Policy remains a material consideration, however the Environmental Health Officer advises that there are no major roads adjacent to the site and the application proposes setting back the houses from Rempstone Rd with a landscaped buffer. The Environmental Health Officer also comments that there are no

known local noise sources and that the noise environment does not raise any significant concerns. It is also noteworthy that the National Air Traffic Service (NATS) do not raise any safeguarding objections to the proposal. As such the proposal is judged to be acceptable in terms of potential impacts from all noise sources, including aircraft noise.

119. The submitted Phase 1 desk top study together with Borough Council's own records indicate that there should not be any land contamination issues and no significant risk of a pollutant linkage(s) existing on the site and therefore there is no need to mitigate against any such issues.
120. The Environmental Health Officer also noted that there are also no major roads nearby nor any known local sources of concern with regard to air quality in proximity to the site that require mitigation measures. The application is therefore considered to have adequately addressed the assessment of potential noise requirements, as per the intentions of Policy H4 of the East Leake Neighbourhood Plan.

Bird Strike

121. The Airport Authority have requested that a condition be attached to any grant of permission securing measures to prevent birds flocking to the site to prevent the risk of bird strike. Officers advise that the current application does not propose any open space or any bodies of open water as part of this application, both features being part of the previous approved schemes. Officers also note that the Airport Authority did not request such a condition as part of the approved scheme and, therefore, as no open space or any bodies of open water are proposed, the scheme for 51 dwellings alone are unlikely to attract flocking birds to the site and as such, it is not considered necessary to attach such a condition.

Adjacent School Site

122. In accordance with the requirements of the S106 and the outline permission for the 235 dwellings, part of the application wider site is required to facilitate a new primary school building, with the provision of the playground/outside space already secured on the neighbouring parcel of land that forms part of the Persimmon development. Following consultation with Nottinghamshire County Council's Education and Property Teams, they confirm that the size and location of the site for the new primary, to be located towards the northern boundary of the site, is acceptable in principle. This application does not impede the delivery of the school (which benefits from outline permission) and contributions towards the impact of the 11 primary school children generated by this proposal can be secured via a S106 agreement.
123. The County Property Team request clarification on what the hatched area represents in the school site. Officers sought clarification that this is as per the submitted Drainage Strategy, which denotes a drainage easement for a piped surface water discharge to the existing ditch in the north-east corner. The applicants clarified that this is accurate referring to Drawing H8112_002_02 (RACE). The applicant also advises that the specific details of this can be secured by condition, to develop in accordance with the drainage strategy, and the necessary S104 approvals process which relate to this proposal and the existing approved development.

124. The County Council's request that the spine road through the residential development be completed and is available for construction traffic to build the school is not considered to be reasonable. Furthermore, the applicant advises that "...access to the school land is covered by Schedule 3 of the signed S106 relating to the original Outline approval which requires access up to the site. The actual transfer of the land will be on the basis of the School Land Undertaking. This application does not include the school land and these provisions are better established by the existing S106." RBC Officers agree with this position.

Secure by Design

125. Nottinghamshire Police request that the development be conditioned to require full Secure by Design (SBD) compliance. Officers are mindful that this was not a request on the wider approved scheme for 235 dwellings that this proposal will ultimately form part of, and therefore officers do not consider, in this instance, that the request meets the six tests for imposing the requested condition as this is an extension to an existing development.

Conclusion

126. The proposal is considered, on balance to be an efficient use of the allocated site. Officers note that the proposal, in combination with the already approved development, does not strictly adhere to the quantum of development indicated in the Local Plan Part 2 allocation, nor is it, in isolation, able to provide on-site levels of biodiversity net gain, on site play provision, amenity open space or allotments. However, the 'additional' dwellings should be viewed as part of the wider development of this site and officers are satisfied that these matters can be adequately mitigated for the reasons expressed in the above report. The proposed development is considered to be of a scale and density that is appropriate to its context and that any impacts of the development are capable of being mitigated through a combination of planning conditions, S106 contributions or CIL payments to the satisfaction of both technical consultees and officers. As such the application is recommended for conditional approval.
127. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and 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. This permission shall be constructed in accordance with the approved plans and documents as stated in the drawing register, document reference H8112-ELP2-001-DRAWING REGISTER received on the 27.01.2021.

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies].

3. The materials, as specified on drawing number H8112/002/02 Rev C, shall be used for the external walls and roof of the development hereby approved. If any alternative materials are proposed to be used, prior to the plots affected by any proposed change of materials advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be undertaken in accordance with the materials as approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) or the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No dwelling shall be occupied until the vehicle access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use. Thereafter they shall remain as such for the lifetime of the development.

[To ensure a suitable access is provided in the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. No reflective materials, surfaces or finishes shall be used in the construction of any of the buildings or structures hereby approved.

[Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

7. Notwithstanding the provisions of Schedule 2, Part 14, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015

(GPDO) (or any order revoking or re-enacting that order with or without modification) no solar panels or solar photovoltaics may be installed on any of the dwellings hereby permitted without first obtaining planning permission to do so.

[To be able to first assess any impact on Flight safety, specifically to ensure that they would not cause any ocular hazard and distraction to pilots using East Midlands Airport].

8. The development hereby approved shall be carried out in accordance with the guidance and recommendations contained within the following:
 - a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE_3254_01_V3_CEMP) dated February 2020, specifically but not exclusively Section 4 “Practical Measures” and the relevant Figures in Section 5 “References” of the report;
 - b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE_3433_03_V1) dated September 2020, specifically but not exclusively those contained within Section 5 “Management Plan” of the report; and
 - c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE_3254_L1_V1) titled “Rempstone Road, East Leake – Ecology Update Survey” dated 21 October 2019.

[For the avoidance of doubt, for reasons of flight safety as dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers and to ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the first occupation of any dwelling hereby approved, bat and bird boxes shall be placed on or built into the new dwellings and hedgehog boxes shall be located within retained hedgerows or ornamental planting in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bat, bird and hedgehog boxes shall be installed in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and the guidance contained within para xi of the updated PEA].

10. Any brash vegetation removed from site shall be chipped, and any small logs retained, and placed onsite within the site margins.

[To provide reptile and amphibian refuge habitats and ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated

Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the installation of any lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy should provide details of the chosen luminaires and any mitigating features such as dimmers; PIR sensors and timers. The strategy should also include a lux contour plan to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Furthermore, all lighting shall be capped at the horizontal. Thereafter all lighting shall be installed and retained in accordance with the approved details for the lifetime of the development.

[To safeguard bats and any other nocturnal wildlife in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and for Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

12. No hedgerows, trees, shrubs, brambles or long grass (over 100mm) shall be removed from the site between 1st March and 31st August (inclusive), unless a survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period. If any nesting bird interest is found on the site, details of measures to protect any nesting bird found on the site, including the timescales for implementing and retaining said measures, shall be submitted to and be approved in writing by the local planning authority. Thereafter the approved measures shall be implemented and retained for the time periods set out in the approved details.

[To safeguard against any harm to nesting birds and their nesting sites in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

Note to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see:

<https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts. Email ops.safety@eastmidlandsairport.com with reference number 2019-S29 to arrange a meeting, due to the construction activity being under the approach to East Midlands Airport.

If the use of a crusher is required on site, this should be sited as far as possible from nearby dwellings and be operated in accordance with its process authorisation.

Details of the sensitive lighting on site, as required by condition 11 should follow the guidance set out in Bats and Lighting in the UK (BCT and ILP, 2018). Therefore, associated site lighting proposals must consider the following:

- Avoid lighting where possible;
- Install lamps and the lowest permissible density;
- Lamps should be positioned to direct light to avoid upward spill onto any green corridors that could be used by commuting bats or features with bat roost potential;
- LED lighting - with no/low UV component is recommended;
- Lights with a warm colour temperature - 3000K or 2700K have significantly less impact on bats;
- Light sources that peak higher than 550nm also reduce impacts to bats; and
- The use of timers and dimmers to avoid lighting areas of the site all night is recommended.

Where new landscape planting is proposed native species commonly occurring locally should be specified and planting of species known to encourage invertebrates, particularly those that are night-flowering would be beneficial for foraging bats (further information can be found in para ix of the updated PEA).