

20/02632/REM**Applicant** Mrs H Dawkins**Location** OS Field 8500 Partial Lantern Lane East Leake Nottinghamshire**Proposal** Application for approval of matters reserved under application ref 17/02292/OUT relating to appearance, landscaping, layout and scale for the erection of 195 dwellings with associated access, landscaping, open space and drainage infrastructure.**Ward** Leake**THE SITE AND SURROUNDINGS**

1. The application site is located to the north east of East Leake village to the north of Lantern Lane. To the south of the site, beyond Lantern Lane, is the Harry Carlton Secondary School, East Leake Leisure Centre and open countryside. To the west of the site is a housing development of 170 dwellings approved in 2013. To the north west of the site is the British Gypsum site. To the north and east is open agricultural land.
2. The rectangular application site measures approximately 14.08 hectares and is split into a number of fields by established hedgerows. The majority of the site is flat, with the northern field rising quite steeply in a northerly direction. It is currently used for herd grazing.
3. The centre of the application site is located approximately 1.25km from the centre of East Leake.
4. The application site was allocated for residential development by the adoption of Local Plan Part 2 and outline planning permission has been granted for a development of up to 195 dwellings with all matters reserved, with the exception of access (reference 17/02292/OUT). The outline planning permission is subject to a Unilateral Undertaking and planning conditions.

DETAILS OF THE PROPOSAL

5. The application seeks reserved matters approval in relation to the appearance landscaping, layout and scale of residential development. Access into the site from Lantern Lane was approved at the outline application stage.
6. The proposal is for 195 dwellings which would comprise eight 1 bedroom houses, fourteen 2 bedroom bungalows, four 2 bedroom flats, fifty eight 2 bedroom houses, eight seven 3 bedroom houses and twenty four 4 bedroom houses.
7. The layout incorporates eleven house types which are a mix of semi-detached and terraced houses. The properties would all be two storeys in height, except for the 14 bungalows which would be single storey. The materials proposed include a mix of red bricks including Ibstock Harwicke Welbeck red mixture,

Ibstock Calderstone Claret and Ibstock Mercia Antique with a grey (Russell Grampian Slate Grey) and a red/brown (Russell Grampian Brown) plain tile, as well as a red pantile (Russell Pennine Cottage Red). White Roughcast Render would be applied to the front and side elevations on some plots. Car parking would be achieved by way of driveways or parking spaces close to the dwelling house they would serve.

8. The layout generally follows that illustrated on the outline application with a central area of public open space, and open space provided in a landscape buffer to the north and east of the buildings. The buildings would be concentrated in the southern portion of the site below the 60m contour line. Two attenuation ponds are proposed adjacent the western boundary of the site, either side of the existing watercourse. A Local Equipped Area of Play (LEAP) providing 6 pieces of play equipment would be provided within the central area of open space. East Leake footpath 27 would be retained running diagonally through the site from south west to the north east.

9. The application is accompanied by:
 - 3D Visuals
 - Site Sections EL-SITE SECTIONS
 - Affordable Housing Plan EL-AH-01
 - Affordable Housing Statement
 - Design and Access Statement
 - Updated Ecology Report
 - Finished Floor Levels (1 of 3) 20055-100C
 - Finished Floor Levels (2 of 3) 20055-101C
 - Finished Floor Levels (3 of 3) 20055-102C
 - Adoptable Drainage Strategy (1 of 4) 20055-103C
 - Adoptable Drainage Strategy (2 of 4) 20055-104C
 - Adoptable Drainage Strategy (3 of 4) 20055-105C
 - Adoptable Drainage Strategy (4 of 4) 20055-106C
 - External Surfaces 20055-108
 - Gypsum Mining Investigation Summary Report
 - Archaeological WSI
 - Noise Assessment Report

10. In response to the comments received to the initial consultation, revised and additional information has been received including the following:
 - Geoenvironmental and Geotechnical Site Investigation Report, RSK, January 2019
 - Vehicle Tracking and Visibility Splay Plan 20055-150B
 - Detailed Planning Layout EL-DPL-01, Rev. B
 - Materials Layout EL-MAT-01
 - Boundary Treatments Plan EL-BTP-01
 - Refuse Plan EL-RCL-01
 - House Type Pack, January 2021
 - On-Plot Landscaping 9707-L-04-09B
 - Landscape and Ecological Management Plan, Rev. A, FPCR, January 2021
 - POS Landscape Proposals 9707-L-01-03E

SITE HISTORY

11. Outline planning application ref. 17/02292/OUT for the erection of up to 195 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Lantern Lane, all matters reserved except for means of access, was refused in February 2018 for 2 reasons:
 - 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 150% 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 and adverse impact on access to services.
 - 2) It has not been demonstrated that a suitable access to serve the new development can be provided or that the traffic generated by the proposed development would not result in an unacceptable increase in danger to the users of the highway due to the use of the access. The proposal would therefore be contrary to the provisions of Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which states that planning permission for changes of use and new development will be granted provided that, inter alia;
 - b) A suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority.
12. The application was subsequently allowed on appeal on 18 July 2019 subject to conditions and a unilateral undertaking for contributions. The above permission is therefore still capable of being implemented.
13. Section 73 application ref. 19/01667/VAR to amend conditions 2, 6i and 6ii of permission 17/02292/OUT to allow revised access arrangements, traffic calming, and other highways improvements was refused for the following reason:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev C and alteration to traffic calming improvements as shown on drawing 24802_03_020_02D would result in a significant and unacceptable risk to highway/pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F. The application is therefore considered to be contrary to Policy 1 of the Local

Plan Part 2 and Paragraphs 108 and 109 of the NPPF.

14. Section 73 application ref. 19/01670/VAR to amend conditions 2 and 6i of 17/02292/OUT was refused for reason:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev C would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F. The application is therefore considered to be contrary to Policy 1 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.

15. Section 73 application ref. 19/02742/VAR to amend conditions 2, 6i and 6ii of 17/02292/OUT to allow revised access arrangements, traffic calming, and other highways improvements was refused for the following reasons:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev D and alteration to traffic calming improvements as shown on drawing 24802_03_020_02E would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F and 1499/18B. The application is therefore considered to be contrary to Policies 10 and 14 of the Local Plan Part 1 Core Strategy, Policies 1 and 3.2 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.
 - 2) The alternative traffic calming improvements as shown on drawing 24802_03_020_02E would result in undue harm to the residential amenity of the neighbouring properties by reason of noise and disturbance. The application is therefore considered to be contrary to Policy 10 of the Local Plan Part 1 Core Strategy and Policies 1 and 3.2 of the Local Plan Part 2.

16. Section 73 application ref. 19/01670/VAR to amend conditions 2 and 6i of 19/02743/VAR was refused for the following reasons:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev D and alteration to traffic calming improvements as shown on drawing 24802_03_020_02E would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F and 1499/18B. The application is therefore considered to be contrary to Policies 10 and 14 of the Local Plan Part 1 Core Strategy, Policies 1 and 3.2 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.
 - 2) It has not been demonstrated that culverting the open drainage ditch to the south of Lantern Lane would protect, conserve or enhance the watercourse corridor in accordance with Policy 19 of the Local Plan Part 2.

17. Application ref. 21/00435/DISCON to discharge of conditions 11 (Surface water design and management) and 15 (Nesting Birds Survey) from planning permission 17/02292/OUT is pending consideration.
18. Environmental Impact Assessment Regulations - The proposed development was screened under the Environmental Impact Assessment Regulations 2018 prior to determination. It was determined that any effects of the proposal would be of a local nature which would be dealt with under the normal development control process and a formal Environmental Impact Assessment was not required in this instance. This was also the case when it was previously screened ref 16/03061/SCREIA prior to the submission and determination of planning permission 17/02292/OUT and the two previous section 73 applications ref 19/01667/VAR and 19/01670/VAR.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Thomas) did not initially object but raised a number of concerns which are summarised as follows:
 - a. Made no further objection on matters of infrastructure and access although they continue to cause great concern.
 - b. On several sites in the village applications have come forward for the number of homes approved by outline permission, followed by additional applications to build on green space allocated within the site. This could not be supported on this site.
 - c. The concept of a softer green edge to the site in the design and access statement should not be contradicted by the addition of further homes around the outside.
 - d. Section 2.6 of the East Leake Neighbourhood plan sets objectives for affordable housing in the village. Rushcliffe has insufficient affordable housing, so the addition of an "all affordable" development is welcomed as far as the Rushcliffe stock is concerned. Also, it is felt that East Leake could have been a viable location for a target of 30% rather than 20% affordable, so despite the massive expansion of the village, its potential for affordable housing has not been maximised. The market housing mix provided elsewhere in East Leake has concentrated on larger homes, so the addition of a number of smaller homes to the overall village stock would be welcomed.
 - e. On the other hand, it is not clear that East Leake is the optimal location for affordable homes for Rushcliffe, and the numerous other recent developments have already created a good supply here. An "all affordable" development goes against current best practice of integrating affordable and market housing. There is some opposition from residents in the adjacent estate. Villagers still express the view that they cannot obtain affordable homes in the village, e.g. the young people have to move out of the village when they wish to leave their parental home.
 - f. In view of the unusual injection of a whole development of affordable homes into the village, the following are suggested to mitigate against what are seen as less desirable impacts:

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- i. The usual conditions that affordable homes remain affordable in perpetuity be removed in this case, to facilitate the development moving towards a greater proportion of home ownership in future, for example through the “right to buy”. (Residents on other new estates have had such requests refused).
 - ii. Earmark a number of homes where priority will be given to applicants with a connection to East Leake, similar to the Woodroffe Way estate.
- g. The housing mix table appears in 3 documents – (layout, DAS, affordable statement) and is not consistent between these.
- h. There are one bedroom/2 person houses included in the mix, there is nothing specifically for single people, e.g. studio apartments. There are no one bedroom options in the shared ownership category, which would be of huge benefit to young single people trying to get on the housing ladder whilst staying in the village. As far as known, none of these have been provided on other developments in East Leake either.
- i. Questions whether there are 14 or 12 bungalows in total? 14 would be preferable. It would seem from the plans that the two wheelchair adapted bungalows are the same footprint as the others, and that they could all be built to accommodate less mobile residents in the future. It is much easier to include wider doors, level access etc in the original build rather than add them later. It is requested that consideration be given to this.
- j. It is a shame but perhaps inevitable that some of the semi-detached and bungalow designs appear somewhat “plain” or “box-like”, echoing traditional “council house” styles and exacerbating a feeling that this development is “different” in terms of tenure. However, there is a good variety of building styles and finishes with keynote buildings to aid navigation and create a sense of place. There appears to be good integration of the three categories of affordable homes within the site. The designs compare favourably with some of the other new developments in the village.
- k. Access was agreed in the outline planning permission 17/02292/OUT. Four subsequent applications to change the access have been refused and residents are very confused about the approved scheme. The final agreed plans include substantial modifications to Lantern Lane and Gotham Road and they are buried in the appeal documentation.
- l. Adding a bus service along Lantern Lane so that there are bus stops within 400m of all dwellings would prove problematic, given the approved access arrangements and modifications to Lantern Lane.
- m. Residents already have severe concerns about road safety and congestion on Lantern Lane, particularly at school open and close times. A bus service would indeed be needed to position this concentration of affordable housing within recommended distances of public transport. However, running a new bus service along Lantern Lane would exacerbate the existing problems.
- n. There was a contribution request from NCC therefore needs be accompanied by detailed plans and commitment by them to actually provide this new bus service, including a traffic impact assessment, all to be made available for public consultation and approved by Highways. Otherwise these contributions will simply join similar nonsensical requests made in respect of other developments in the village where public transport contributions have not been spent.

- o. The number of parking spaces per home appears generally adequate, however there is very little provision for visitor parking and many of the plots have tandem style parking for two cars. Side by side parking is preferable to tandem style.
 - p. In several runs of houses (e.g. plots 22 to 27), dedicated spaces are allocated outside other homes, which is not ideal in terms of future neighbour relations.
 - q. Pedestrian and cycle connectivity with the neighbouring estate needs to be assured, as required by the East Leake Neighbourhood Plan and standards/guidelines such as Building for Life and Manual for Streets.
 - r. There appears to be an opportunity to provide this via Woodpecker Close and/or Fieldfare Close. Although those residents may understandably oppose this, it is important that such connections are provided. Properly lit, surfaced, and overlooked connections allowing for access with baby buggies and by wheelchair or mobility scooter would be safer, more secure and more inclusive than allowing desire line connections to form.
 - s. The paths shown around the public open space are welcomed, however the area of public open space at the top of the site should connect with that on the adjacent development for access and for enhanced recreation/exercise opportunities for the benefit of both sets of residents and the public, and this should be explicitly planned.
 - t. What is the reason for removing the mature hedge along Lantern Lane?
 - u. Is a local equipped area for play to be provided?
20. Cllr Thomas subsequently objected to the application. In summary although the objection is not to the principle of the development of 195 affordable homes on the site, there are outstanding questions with these plans. She would also like to record the public outcry to the removal of the hedges and trees before this planning application has been determined.
21. One Ward Councillor (Cllr Way) objects to the application, in summary, on the following grounds:
- a. Concerned that future attempts will be made to increase the number of houses and build on the designated open land. A condition needs to be made for this.
 - b. The areas marked for replanting should be populated with mature plants of native species and more trees need to be included. The planting needs to start early and not be left until the estate is completed. This needs to be a condition.
 - c. It needs to be clear who will adopt and manage the open space and at what cost to the householders? Management charges on other new estates are causing a number of problems including an onerous financial burden, which would be out of keeping with affordable housing.
 - d. The transport documents show that there is to be a bus route along Lantern Lane to this development. Plans for this are vague and need to be specific.
 - e. Important for links to be made through the existing estate towards the school for safety. There are various opportunities for these links to be made.
 - f. The application includes information about alterations to the footpaths along Lantern Lane and Gotham Road. It needs to be clear who is responsible for carrying out this work, and when, and who is bearing the

- cost?
- g. The housing mix, whilst providing a variety of housing options, is questionable in terms of tenure.
 - h. It is unclear how the bungalows are being designed for people with disabilities. Only two are to be designed with doorways wide enough for wheelchair access.
22. One Ward Councillor (Cllr Shaw) objects to the application pending further clarification of several matters.

Parish Council

23. East Leake Parish Council object on the following grounds:
- a. Would like to see different housing mix, there are no one person homes.
 - b. Bungalows all adapted for people with disabilities.
 - c. The release of condition 12 archaeology has not been met.
 - d. No linkage for walking/cycling to existing housing estate.
 - e. Improvements to Lantern Lane due to extra traffic.
 - f. No building should take place on existing pond – could be incorporated into the development.
 - g. Concern about the number of tandem parking spaces, can this be revisited as there may be more than one car at a lot of the houses.
 - h. No further houses to go up in the future on the remainder of the site.
24. The Applicant provided a written response to their concerns, but no further comments have been received from them.

Statutory and Other Consultees

25. Trent Valley Internal Drainage Board confirm there are no board maintained watercourses in close proximity to the site but under the provisions of the Flood and Water Management Act 2010, and the Land and 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 Board advises the applicant 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 design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
26. Nottinghamshire County Council Policy Team advises that at this time the County Council does not have any comments to make.
27. Nottinghamshire County Council Transport and Travel Services comments with regard to bus service provision - A planning obligation for Bus Service provision to the value of £100,000 (indexed) is approved to serve the development for at least two years from commencement of service, subject to review based on usage and revenue. They request that the loop road and swept paths within the site are designed to be accessible for a midi-sized vehicle, to allow all dwellings to be located within 400m walk distance of a bus stop. A £32,500 (indexed) bus stop infrastructure contribution is approved towards the costs of the provision of two new bus stops within the site or in the

vicinity of the site. Locations should be identified within the site for bus stop(s) meeting Highway Design Guide standards, and included on Section 38 and Section 278 agreements where appropriate.

28. Also, that the proposed highway widths, vehicle tracking and new bus stop locations, including accessibility isochrones meeting Nottinghamshire Highway Design Guidelines are marked on all relevant plans going forward. The bus stop locations will be subject to approval by Highway Safety. The provision of detailed bus stop locations and facilities will mean this information is in the public domain for comment from adjacent properties/prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.
29. Nottinghamshire County Council Community Liaison Officer - Heritage confirms that the County Council are monitoring the situation with regard to the discharge of the archaeological condition.
30. Nottinghamshire County Council as the Lead Local Flood Authority have no objection and recommend the approval of the application. Any surface water management conditions on the outline approval will still require discharging.
31. Nottinghamshire County Council Rights of Way (ROW) Officer commented, in summary, the Applicant must be confident that the route of the public footpath is accommodated on the recorded line. The Officer requests the first short section of footpath is stopped up, as it serves no public benefit; a surfaced path for permissive use would be more suitable. The section within the green space, east of the pond is acceptable and it helps retain the identity of the footpath, but it is potentially shown slightly off-line on the Definitive Map. A Breedon Gravel surfaced route of a minimum width of 1.5m is requested; and the surface to be maintained by the developers Management Company following installation.
32. Continuing easterly, they do not support the incorporation of the footpath no.27 upon the footway of the adopted highway, and therefore this would require Stopping Up under s.257 of the Town and Country Planning Act 1990. The final section crossing the Public Open Space, connecting with Lantern Lane – Restricted Byway no 30, is acceptable, and would require surfacing to the same Breedon Gravel specification, to provide for the increased usage and expectations of the public. They request a clear gap of no less than 1.2m width to be retained at the point the footpath leaves the adopted highway. They request the timber style, joined to a ditch crossing is removed as stock control will no longer be required in the future. East Leake - Byway no 11 – Lantern Lane, will under a S278 agreement become adopted highways to serve the new development access. The Officer requests that a 'buffer zone' surface is considered in addition to the adopted footway, to identify this change of status, and reduce the migration of loose surface materials between the two. Also, the safety of the public using the path should be observed at all times. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase, subject to certain conditions.
33. Following the submission of additional information, the ROW Officer commented further; *"Many thanks for returning this information and your proposed amendments for this scheme. I am in overall agreement with the treatment of footpath 27 as described, including the stopping up of sections*

where the public can use the adopted footway as access, the slight realignment over the central greenspace, and the surface treatments to this and the eastern boundary section.”

34. The ROW Officer confirms they are satisfied that the applicant has sufficiently considered the treatment of public footpath no 27 and byway no 11, affected by this scheme, and they will be implementing the following:
- Two sections of footpath no 27 will be Stopped Up in places where the footpath is no longer viable or incorporated within adopted footways.
 - The sections of footpath retained within the open spaces and upon their recorded lines will be surfaced with Breedon gravel to a minimum of 1.5m width. They recommend that the central section be a sealed surface material such as tarmac due to a higher level of use and maintenance expectation.
 - There will be no additional structures upon the line of the footpaths and gaps in landscape infrastructure must be a minimum of 1.5m width. The stile upon the eastern boundary bridge crossing at Lantern Lane will be removed.
 - On byway no. 11, Lantern Lane, the applicant has agreed to consider how the new adopted access provision will offer surface transitions between byways 11 and 12 during S278 technical approval.
 - Legal Orders for Stopping Up rights of way affected will be coordinated through TCPA S257 at the earliest opportunity.
 - Temporary closures to the highways affected will be required and applied for by the applicant and the ROW officer would urge them to make every effort to provide alternative public access along Lantern Lane during the construction phase, due to high public demand for this recreational facility.
35. Nottinghamshire County Council as Highway Authority initially commented that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement under the Highways Act 1980. Until this happens, the site will not be subject to a full technical approval design check. The Highway Authority is generally satisfied with the proposed layout, though they would recommend that the areas within the forward visibility splays should form part of what would be adopted as highway to ensure that these areas could be protected. This potentially has an issue on the splay outside plot 143 as it looks to be tight to the side elevation of a dwelling and crosses a parking bay. The splay has not been annotated with a figure, so they recommend that the applicant informs them with the speed that has been used. As the location is towards the end of a cul-de-sac, it may be possible to reduce the splay to accommodate lower vehicle speeds. They recommend that this is looked at in more detail. Subject to a satisfactory outcome on the forward visibility splays, the Highway Authority has no objections to the proposal.
36. Following submission of further information, the Highway Authority confirmed they are now satisfied with the visibility splays as shown on the drawing entitled

'Vehicle Tracking & Visibility Splay Plan' drawing no. 20062-150, revision B. Also, they have now received a technical approval submission under section 38 of the Highways Act, but the plans have not been given final approval. In view of this, they have no objections to the proposal subject to conditions and note to applicant, which have been included in the recommendation at the end of this report.

37. The Borough Councils Environmental Health Officer (EHO) does not object. With regard to noise, they have reviewed the submitted noise assessment and confirm the mitigation measures proposed are suitable and request the inclusion of a condition to ensure that all attenuation measures detailed in the submitted noise assessment are implemented prior to occupation.
38. With regard to land contamination, having reviewed the mining investigation report, the EHO requested site of the previous reports referred to. They have no further comments to make regarding the construction management as the outline permission has a condition relating to construction noise and dust.
39. The EHO provided updated comments after reviewing the RSK geo-environmental and geotechnical report dated January 2019 and the RSK mining investigation dated 07/10/20. These reports suitably assess the site for issues relating to land contamination and the risk to human health. As the reports conclude that there is no risk to health and no remediation works are required, they have no conditions to recommend.
40. The Borough Councils Environmental Sustainability Officer raises no objections. The Officer notes the updated ecological report provided demonstrates that conditions have not changed on site since the outline application and appears to have been completed according to best practice. He makes general comments in relation to good practise to design for habitats, construction methods, compliance with precautionary recommendations as per the outline permission and provision of a landscape and ecological management plan, as well as the submission of a further ecological survey and assessment report if the work has not substantially begun before September 2022.
41. The Borough Councils Planning Policy Officer (Strategic Housing) advises the principle of housing development in this location has been established through the granting of outline planning permission on appeal and through the allocation of the site for housing development through Local Plan Part 2. Policy 3.2 of LPP2 allocates Land off Lantern Lane for around 195 houses. The application should demonstrate compliance with the four criteria (a-d) included under the policy:
 - Criteria (a) - the submitted detailed planning layout shows a significant area of open space to the north and east.
 - Criteria (b) - the submitted detailed planning layout indicates a public right of way accessible from Lantern Lane, across the site toward the open countryside to the east.
 - Criteria (c) - a Geo-environmental and Geotechnical Site Investigation report which recommends at para 9.2 that "to be protective of any risk

of subsidence relating to collapse of mine workings beneath the north of the site, a buffer zone from the known extent of the workings is required. It is considered appropriate that the buffer zone is 45m from the extent of the workings as mapped by British Gypsum. This should be agreed with the NHBC and British Gypsum". The separate mining Investigation Summary letter dated 7 October included as part of the application states that Miller Homes have received email correspondence from NHBC and British Gypsum that they were in general agreement with the proposed 45 metre buffer zone.

- Criteria (d) - The proposed scheme is for 100% affordable housing comprising of 195 units in total (51% shared ownership, 33% affordable rent and 15% social rent). The proposed mix is as follows: 100 shared ownership units (6 x 2 bed bungalows, 2 x 2 bed flats, 30 x 2 bed houses, 52 x 3 bed houses and 10 x 4 bed houses), 65 Affordable Rent (28 x 2 bed houses, 27 x 3 bed houses and 10 x 4 bed houses) and 30 Social Rent units (8 x 1 bed houses, 8 x 2 bed bungalows, 2 x 2 bed flats, 8 x 3 bed houses and 4 x 4 bed houses).
42. Policy 8 of the LP1 requires 20% of the units in the Leake submarket area on qualifying sites to be affordable. Provision in excess of 20% affordable housing is not, however, precluded by the policy. The supporting text to the policy stipulates a preferred mix of 42% intermediate (shared ownership), 39% affordable rent and 19% social rent. The unilateral undertaking accompanying the outline permission mirrors these requirements.
43. As demonstrated by the evidence supporting the LPP1 (including the SHMA 2007 and subsequent updates), there is a pressing need for the delivery of affordable housing in the Borough. Emerging evidence commissioned as part of the review of the strategic plan for Greater Nottingham demonstrates there remains a high level of affordable housing need in the Borough and highlights that affordability in terms of home ownership remains a key issue. The provision of a significant amount of affordable housing is therefore supported. The three tenure types are evenly distributed throughout the scheme which will help contribute to an integrated and sustainable scheme. The variety of house types provided is also considered acceptable. In terms of phasing, the supporting information indicates the units will be delivered over a four-year period with around 50 delivered each year. It is recommended that the applicant keeps the Strategic Housing team updated on this phasing and the timings for when units are handed over."
44. The Borough Council's Recycling Officer raised a number of concerns regarding aspects of the layout of the development, including:
- There are a number of plots which have no access to the rear of their properties other than a walk round the boundary of other plots, to remove their bin from the street post collection days. The only reasonable outcome will be that those property owners will simply leave their bins on the frontage of their properties causing bin blight.
 - There are many example where the tracking analysis shows the vehicle passing over an area of footfall (ie footpath) and where the rear of the

vehicle also passes over an area of footfall and into a shared drive. Examples are adjacent to:

- Plots 34 forward movement & plots 28 reverse movement.
- Plots 78 & 69 forward movement & 69 reverse movement. In this instance it looks like the forward movement, the vehicle has to mount the pavement.
- There are what looks like 8 x little squares in two banks of 4 on some street corner plots 89 & 108, he assumes these could possibly be street furniture, but the tracking shows the vehicle actually passing over them.

45. The Recycling Officer feels the whole tracking should be reviewed to meet the requirements within the Borough Council's Waste Management advice for planners and developers.

Local Residents and the General Public

46. A total of 22 comments objecting to the proposal have been received which are summarised as follows:

- a. More environmental destruction.
- b. Insufficient services and infrastructure to support more houses and people living in the village.
- c. Lantern Lane is already very busy, the increased traffic generated raises safety concerns.
- d. The access proposed to the site through Woodpecker Close would cause noise and disturbance to residents, as well as loss of privacy.
- e. The access through Woodpecker Close is not shown on all the plans, the submitted plans should be coherent and show consistent information.
- f. Woodpecker Close as its name suggests is a Close and was not designed and built to be a thoroughfare.
- g. The Police would confirm that one of the main uses of shortcuts is for the criminal fraternity to move around easily.
- h. Request separation and screening is provided between the site and the existing housing on Lantern Lane.
- i. The natural environment surrounding the village is slowly being eroded by development.
- j. No mention of floods which affect the area.
- k. If Lantern Lane is made wider and better and provide surgery with better facilities, support may be given to the development.
- l. The introduction of the correct signage and road markings could make

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Lantern Lane safer.

- m. Taking longer to get from centre of village to green spaces.
- n. The roads are in a terrible state from all the trucks delivering materials to sites, none of them have been resurfaced for many years.
- o. Proposing 100% affordable housing goes against the appeal approval. Feel that 20% affordable housing (8% of Rushcliffe's requirement per annum) is more appropriate for one estate within one village.
- p. The housing mix needs to contain many more bungalows and other adapted properties, and one-bedroom properties.
- q. There is not enough parking provision.
- r. Welcome the large areas of green space around the site, but would like confirmation that further building will not happen on these areas.
- s. The access to the site for these 300-400 cars needs to be addressed, two schools come out on to Lantern Lane and to have another 300-400 cars along Lantern Lane past the school is an accident waiting to happen.
- t. Why is this development now a full social housing estate? This has not happened elsewhere in Rushcliffe Borough. 100% affordable housing scheme goes against community housing strategy. How will this promote inclusion with a specific socioeconomic zone in the village being purposefully created? This could be construed as discriminatory?
- u. Potential impact on air quality.
- v. Why are further developments at this rapid rate being enabled, yet not improving the infrastructure as has been historically requested.
- w. Request assurance that bridle path and existing right of way to access across the upper fields to Bunny Hill will not be curtailed or impeded by this proposed development?
- x. Request assurance that no existing hedging will be moved or damaged to create slip paths between the proposed development and Lantern Fields as this will affect sustainability and natural wildlife habitat already present?
- y. Given the problems already experienced with traffic on Lantern Lane, buses now adding to the density of traffic is ridiculous, even if it is a requirement.
- z. Questions the content of the GM11446 Final Noise Assessment Report.
- aa. If a whole development of social housing is to be allowed, has the financial implications for the new residents been costed? E.g. Transport costs? The extortionate bus fares which prevent a lot of shared sustainable travel, as most residents use cars as it is cheaper to travel

to work outside of the village.

- bb. Understood that families are required to have a certain number of children to warrant social housing benefit, this development would therefore likely increase the number of children applying for local over-subscribed schools.

PLANNING POLICY

47. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and the adopted East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Rushcliffe Residential Design Guide (RRDG).

Relevant National Planning Policies and Guidance

48. The NPPF includes a presumption in favour of sustainable development. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
49. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 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.
50. Section 12 - 'Achieving Well Designed Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Relevant Local Planning Policies and Guidance

51. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
52. The following policies in the LPP1 are 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 14 - Managing Travel Demand
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure

53. 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 3.2 - Housing Allocation – Land off Lantern Lane, East Leake
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 Development Affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 22 Development within the Countryside
- Policy 29 - Development affecting Archaeological Sites
- Policy 32 - Recreational Open Space
- Policy 33 Local Green Space
- Policy 34 Green infrastructure and Open Space Assets
- Policy 35 Green Infrastructure Network and Urban fringe
- 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 Obligation Thresholds

54. The East Leake Neighborhood Plan was adopted in November 2015 and forms part of the development plan for Rushcliffe and should be afforded appropriate weight. It is relevant to the consideration of applications in the East Leake area. The following policies are considered relevant in assessing the proposal:

- E1 – Containment of Built Environment
- E2 – Green Infrastructure: Wildlife and Rural Heritage
- E3 – Green Infrastructure within the Built Environment
- H1 – Number of new Homes
- H4 – Aircraft Noise
- H5 – Design and Building Standards
- T1 – New Developments and Connectivity
- T2 – Strategic Network of Footpaths and Cycle Paths
- T3 – Public Transport
- L1 - Playgrounds

APPRAISAL

Principal of Development

55. The principle of residential development on this site has been established by the allocation of the site under Policy 3.2 of LPP2 and by the grant of outline planning permission. The outline permission also approved the access arrangements into the site. This reserved matters application is therefore only considering matters relating to appearance, landscaping, layout, and scale. Policy 3.2 of the LPP2 provides site specific criteria to be addressed in dealing with any planning applications and requires:

- a) in order to reduce landscape and visual impacts elevated land to the north and east should comprise a multi-functional green-infrastructure buffer between the development and open countryside;
 - b) the right of way which crosses the site from Lantern Lane should be preserved, forming a pedestrian corridor to the open countryside;
 - c) a detailed geotechnical and mining study should be undertaken to ensure an acceptable buffer between gypsum mining operations and the development can be established; and
 - d) it should be consistent with other relevant policies in the Local Plan.
56. A development framework plan and associated Planning Statement were submitted with the outline application indicating how the site could be developed and the design principles to be applied at Reserved Matters submission. The outline planning permission at condition 2 states that the application for approval of reserved matters shall be generally in accordance with the parameters set in the Development Framework Plan (dwg. No. a 5409_202_A) and shall not extend building beyond the 60 metre contour line. This reserved matters submission shows how these design principles have been applied to this site.
57. Matters relating to financial contributions towards education and health capacity, highway improvements and public transport provision, and open space and play provision are addressed under the S106 agreed at the outline stage and do not form part of the consideration of this application.

Appearance, Layout and Scale

58. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of the LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties. Policy 14 of the Neighbourhood Plan requires applications to demonstrate how the design of the new development will make a positive contribution and satisfies certain criteria including, amongst other things, creating a public realm which is welcoming, attractive and promotes a feeling of safety which enables access for all.
59. On the basis of the layout plans, the proposed dwellings generally follow the illustrative layout of the outline permission, which is largely dictated by the need to locate buildings below the 60m contour line of the site and that the elevated land to the north and east should comprise a multi-functional green-infrastructure buffer between the development and open countryside, as well as the watercourse and public rights of way which run through the site.
60. The properties proposed along the frontage of the site would be set back a similar distance from Lantern Lane to the dwellings within the neighbouring residential site. The existing hedgerows along the frontage would be removed, as approved at outline stage, to allow for the widening of the BOAT to an adoptable standard. Replacement native hedgerow planting would be provided, and landscape provision would be enhanced by additional planting throughout the site, including the provision of the required landscape buffers

to the north and east of the site. In addition to these the proposed layout includes the provision of a central area of open space creating opportunities for relaxation and recreation, therefore promoting healthy communities. A LEAP including 6 items of play equipment would be provided within the central area of open space, to the south of the watercourse and west of the public right of way (East Leake footpath 27). Two attenuation ponds adjacent to the western boundary, either side of the existing drainage ditch, provide the necessary provision for drainage requirements, it also provides opportunities for ecological enhancement. The layout provides for trees to be planted within the areas of public open space as well as between parking spaces throughout the site to create a sense of space and provide visual interest and ecological benefit.

61. The properties would be located within suitably sized plots and have garden sizes, in the majority of cases, in line with the minimum recommended within the residential design guide, one and two bedroom properties having around 55sqm and the 3 and 4 bedroom semi-detached properties around 90sqm. The residential design guide indicates the need for a variety of garden sizes, which is reflected in this development. Although some properties would have smaller gardens, future occupiers would have ease of access to the surrounding open space and the wider countryside. Adequate rear garden lengths of 10m, as recommended in the Borough Council's Design Guide, are achieved and in most cases, the few plots where garden lengths fall slightly short is to allow for direct access for bins or parking provision.
62. Concerns have been raised from local residents regarding the proposed pedestrian access between the site and Woodpecker Close to the west, relating to loss of amenity including privacy and as a result of noise and disturbance. It is also noted that two of the Ward Councillors, Cllr Thomas and Cllr Way, are in favour of providing this pedestrian access. The Applicant has looked into this matter and it has not been possible to provide a pedestrian access due to matters of land ownership. The provision of a pedestrian access at this point is not necessary to make the scheme acceptable and it was not included on the framework plan attached to the outline application.
63. There is currently no formalised access between the application site and the neighbouring residential development other than via Lantern Lane. The creation of a pedestrian access between the site and Woodpecker Close has the potential to provide the residents of Woodpecker Close, and the neighbouring development, easier access to the site and the surrounding countryside. Given the limited number of pedestrians who are likely to make use of the access from the site to Woodpecker Close is unlikely to lead to a significant harm to their amenity as a result of loss of privacy or noise and disturbance.
64. However, it would be of limited benefit to future occupiers of the site in terms of ease of access to the local amenities and services outlined in policy T1 of the Neighbourhood Plan. The approved improvements to pedestrian and cycle access routes would provide easy access for pedestrians and cyclists to (a) The centre of the village and Health Centre; (b) Brookside and Lantern Lane Primary Schools and East Leake Academy; and (e) The nearest bus stop on the No. 1 Loughborough to Nottingham route. Due to the site's location, future occupiers of the site would also have easy access on foot and cycle to (f) the strategic network of footpaths and rights of way around the village and into the

surrounding countryside.

65. The comments made by Cllr Way that a connection at this point could be used by school children are noted, however, their safety has been addressed through the financial contribution towards the provision of a school crossing patrol and traffic calming measures on Lantern Lane, secured through the Unilateral Undertaking associated with the outline permission. The scheme has been amended to provide the possibility of a pedestrian access in the future.
66. The existing hedgerow along the western boundary would be reinforced with additional hedgerow to stop up the gaps and tree planting, providing some screening and reflecting the illustrative plan submitted at the outline stage. A significant distance between the proposed dwellings and those within the neighbouring site of over 20 metres would be provided. These measures are considered sufficient to achieve a satisfactory relationship with neighbouring properties and protect the amenity of existing neighbouring properties. The hedgerow along the eastern boundary would be retained, tree planting is included within the area of open space between it and the proposed dwellings. This would adequately protect the amenities of the small group of residential properties located to the west of the site.
67. In relation to the design of the properties, the proposed development is traditional in its approach. Attention has been paid to providing visual stops at the end of streets in the form of boundary hedges and strategically planted trees. Trees and hedgerows are interspersed between the parking spaces throughout the site to break up the hard landscaping. Dual aspect buildings are included to ensure adequate natural surveillance over the areas of open space, as well as on corner plots so that buildings appear to address the street. Terraces are described in the Neighbourhood Plan as helping to produce a village rather than a suburban feel to developments, so the inclusion of terraced properties in particular along the main spine road is welcomed. Render is predominantly used on corner plots and buildings overlooking the areas of open space. Red brick would be the predominant building material but render is used on corner plots and buildings overlooking the areas of open space which would add variety and interest to the simple design of the dwelling house types. The details of the materials are considered appropriate for this part of East Leake.
68. Overall, it is considered that adequate levels of residential amenity would be provided for all future occupiers and that no significant adverse impacts would result in respect of existing adjacent properties.
69. The comments of the Borough Council's recycling officer are noted. The swept path analysis plans submitted show that for the most part, the refuse vehicle can be accommodated within the highway without overhanging any pavement/pedestrian areas. The few areas where limited overhang of the vehicle body and overrun would occur would be in the turning areas within the site, where parking areas or a private drive are accessed off the turning head. As such, it is not considered that this creates a significant threat to the safety of pedestrians, particularly given that this would occur for a very short period, once a week when collections take place.

70. Amended planning layout plans were submitted making provision for bin collection points and bin storage areas for the plots as requested. The Waste and Recycling Officer confirmed that the amended plan does meet the bin storage issues, although they thought plots 169 and 170 would also benefit from storage. No further amendments have been submitted to address the concerns relating to these two plots however, this would have a very limited impact on the overall scheme. Therefore, the layout as proposed is considered to be acceptable without this extra provision.

Landscaping

71. The application is supported by a full landscaping scheme which has been reviewed by the Borough Council's Landscape Officer. Whilst the layout proposed results in the loss of some hedgerow within the site, the layout of the site however allows for the retention of the hedgerow to the site's north, east and west boundaries. Part of the hedgerow would be removed along the frontage of the site adjacent to Lantern Lane to allow for the proposed access points and associated visibility splays, provision of drainage, and the widening of the BOAT to an adoptable standard, as approved at the outline stage. The hedgerow removed from within the site provides for the creation of a new ditch course on site which would replace the existing one that is affected by the BOAT widening. A tree would also be removed. This detail was agreed at the outline stage.
72. To mitigate this loss, substantial hedgerow planting is proposed along the southern boundary adjacent to Lantern Lane. Additional hedgerow planting is also included within the site to the north of the watercourse and between the dwellings and the area of open space to the east of the site, as well as to gap up the western hedgerow. The net gain in relation to hedgerow and tree planting is sufficient to outweigh the harm by the loss of these relatively small sections of hedgerow. The details of the landscaping scheme are considered acceptable and appropriate for the site's context. There are conditions on the outline permission to secure the protection of existing hedgerows which are proposed to be retained by this application.
73. Two attenuation ponds are proposed within the central area of open space to the north and south of the existing watercourse, which will incorporate a wet grassland surrounded by a meadow grassland. In accordance with Policy 3.2(a) a green infrastructure buffer would be provided on the land to the north and east of the built development comprising retained grassland with the addition of tree planting. Areas of amenity grassland would also be provided within the central area of open space, as well as surrounding the built development, including along the site frontage. Tree planting would also be included within the plots. Overall details of the landscaping will result in a significant gain in terms of the number of trees on the site.
74. The Unilateral Undertaking requires the submission of a 'Management Plan' for the Open Space Scheme which shall include the timing, location and method for securing the provision, permanent availability, management and maintenance of the open space. It also requires that the open space is transferred to a management company. The amount paid by each household to the management company is not a matter relevant to planning.

75. Condition 8 attached to the outline application already sets out the timescale for the implementation of the landscaping scheme; *“All planting, seeding or turfing comprised in the detailed landscaping scheme submitted and approved in compliance with condition 6) shall be carried out in the first planting season following the substantial completion of the development. 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 others of similar size and species.”*

Housing Mix

76. Policy 8 of the LPP1 relates to housing size, mix and choice with the general approach being that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes to create mixed and balanced communities. The approach to affordable housing is that new residential development should provide for a proportion of affordable housing and that within East Leake 20% should be sought through negotiation. The outline planning permission requires that the developer deliver 20% of affordable units.
77. The delivery of affordable housing is a priority for the Borough Council and is challenging due to viability issues often being raised and a number of the strategic sites are not delivering the level of affordable houses envisaged in the LPP1. This application however includes information to confirm that it is proposed that all houses would fall under the ‘affordable homes’ definition and this would be a mix of shared ownership, affordable rent and social rent homes. The suggested mix is 51% shared ownership - 100 units (6 two bedroom bungalows, 2 two bedroom flats, 30 two bedroom houses, 52 three bedroom houses and 10 four bedroom houses), 33% affordable rent - 65 units (28 two bedroom houses, 27 three bedroom houses and 10 four bedroom houses) and 15% social rent - 30 units (8 one bedroom houses, 8 two bedroom bungalows, 2 two bedroom flats, 8 three bedroom houses and 4 four bedroom houses). The housing mix has been reviewed by Strategic Housing who consider the proposed mix to be appropriate and welcome this additional provision to both the number of affordable housing units available in the Borough and to the proposed housing tenure mix.
78. Condition 16 of the outline planning permission requires that the mix of market housing within the site shall comply with the housing mix set out in the East Leake Neighbourhood Plan Policy H3 ‘Types of Market Homes’ unless otherwise agreed. This scheme is being promoted as an affordable housing development with no open market housing and therefore direct compliance with such a condition is not achievable.
79. The Neighbourhood Plan, looks to achieve a broad mix of properties, the table at para 2.3.6 sets out the housing mix needed for East Leake including 1 and 2 bedroom properties between 30% and 40%, 3 bedroom homes between 40% and 60%, 4 bedroom homes between 10% and 20% and 5 bedroom homes between 0% and 5%. The housing mix within the site would comprise approximately 44% 1-2 bedroom homes, 45% 3 bedroom homes and 12% 4 bedroom homes broadly in line with this policy.
80. Policy 8 of the LPP1 requires 20% of the units in the Leake submarket area on qualifying sites to be affordable. Provision in excess of 20% affordable housing

is not precluded by the policy however, the supporting text to the policy stipulates a preferred mix of 42% intermediate (shared ownership), 39% affordable rent and 19% social rent. The scheme includes a slightly higher percentage of intermediate housing and less of both affordable and social rent although it is broadly in line with this policy. For these reasons the mix does allow for appropriate diversity of house type and tenure, thereby satisfying the general spirit of the policy within the LPP1 and the Neighbourhood Plan.

81. The proposal would provide a relatively large number of affordable units within a single site however, it must be viewed within the wider context of the extensive housing development experienced in East Leake over the past 10 years. Over 1000 new homes have been built within or adjoining the settlement. Although the majority of the large housing sites, of 10 or more units, included the required 20% affordable housing provision as outlined in policy H3 of the Neighbourhood Plan, there has been a general undersupply of smaller housing units. As stated at para.2.3.5 of the Neighbourhood Plan; *“Recent new developments of market housing in East Leake have generally provided for the higher end of the market – i.e. 4 and 5 bedroom detached houses. This is leading to an imbalance in the housing provision in the village, working against population diversity, exacerbating the difficulties facing first time buyers, and meaning that the housing market “ladder” is developing some serious gaps. Policy H3 seeks to address the imbalance for the future.”* As well as providing house sizes in line with the neighbourhood plan the housing types include 14 bungalows, two of which would be wheelchair accessible, as well as 4 two bedroom flats. The proposal therefore would go some way towards addressing this imbalance.
82. As highlighted by the Planning Policy Officer the three tenure types are evenly distributed throughout the scheme which will help contribute to an integrated and sustainable scheme. The variety of house types provided is also considered acceptable. In terms of phasing, the supporting information indicates the units will be delivered over a four year period with around 50 delivered each year. Each phase will have a range of house types and tenures to prevent large clusters of just one tenure or property type.
83. Although the site is located on the edge of the existing settlement it was determined to be a sustainable location within 1.25km, or walking distance, of the village centre and the wide range of services it provides. Cycleway and footway improvements between the site and the Village centre were approved at the outline stage and secured through the Unilateral Undertaking. It is also located within close proximity to a primary and secondary school, as well as the local leisure centre. Bus service improvements have been secured through the Unilateral Undertaking at the outline stage to ensure occupiers of the site have easy access to public transport. The public right of way across the centre of the site would be retained and draw residents of the village through the site to the countryside beyond. It is considered that the application site’s strong links in locational and practical terms with the adjoining settlement, means that a mixed and balanced community will be delivered. It is not therefore considered that the mix of house types or tenure is a reason to justify a refusal of permission and the provision of additional housing of an ‘affordable’ tenure is welcomed in this location by the Strategic Housing Officer.
84. The concerns raised by Councillors are noted. Tenancies for affordable housing tend to be shorter than in the past to allow tenants to move between

housing to meet their current need. Bungalows are not just for older people looking to downsize, they may be suited to a wide range of people. There are no one bedroom shared ownership properties but a two person household could potentially meet the criteria for a two bedroom property of which there are thirty proposed including bungalows, flats and houses. Although the mix does not include two bedroom social rent houses, two bedroom social rent properties, including bungalows and flats, are proposed (a total of 10) which may be suitable for a 4 person household. In addition, a four person household may meet the criteria for a 3 bedroom property, 8 three bedroom social rent houses are proposed. Only two of the bungalows proposed are wheelchair accessible. The parking spaces serving them are considered acceptable in size and location.

85. It is not considered necessary to query why this site is proposed to be fully affordable in tenure. Although the majority of 100% affordable housing schemes within the Borough tend to be within small scale rural exception sites, planning permission was recently granted for a scheme proposing 100% affordable housing comprising 55 dwellings at Land South and West of Grooms Cottage, Radcliffe on Trent. As the Unilateral Undertaking associated with the outline application for the Lantern Lane site refers to 20% affordable housing, it is necessary for a deed of variation to be entered into by the applicant should they wish to pursue the level of affordable housing currently proposed. The determination of this application is not contingent on the fact that this is a fully affordable housing scheme and it is not considered that a decision on this application needs to be deferred until the deed of variation is finalised.

Mining

86. Policy 3.2 of LLP part c) requires that *“a detailed geotechnical and mining study should be undertaken to ensure an acceptable buffer between gypsum mining operations and the development can be established”* which reinforces condition 18 attached to the outline application; *“Prior to the commencement of the development hereby approved a detailed geotechnical and mining study shall be carried out and an acceptable “buffer zone” to the former mine workings shall be submitted to and approved by the Local Planning Authority. The “buffer zone” specified in the approved scheme shall be implemented in accordance with the approved details and retained thereafter.”* The required geotechnical and mining study has been completed (RSK geo-environmental and geotechnical report dated January 2019 and the RSK mining investigation dated 07/10/20) and submitted along with details of the proposed buffer zone.
87. It is noted that the Environmental Health Officer considers these reports *“suitably assess the site for issues relating to land contamination and the risk to human health. As the reports conclude that there is no risks to health and no remediation works are required they have no conditions to recommend.”* It is therefore considered that part c of LLP2 policy 3.2 have been met.

Noise

88. East Leake Neighbourhood Plan Policy H4 ‘Aircraft Noise’ seeks to alleviate the impact of aircraft noise on the Parish of East Leake. A noise condition was attached to the outline application to ensure dwellings are insulated from aircraft noise from flights into the East Midlands airport. Condition 17 required the submission of a scheme to demonstrate that the internal noise levels within

the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings. In any event, it has been established following consideration of another scheme within the village that this would be a requirement to satisfy the Building Regulations.

89. A noise assessment has been submitted as part of the application, Wardell Armstrong noise assessment ref GM11446 dated October 2020. One local resident has questioned the content of the supplied noise assessment. However, the Environmental Health Officer has reviewed the submitted document and confirms the mitigation measures proposed are suitable. A condition has been suggested to ensure the sound attenuations measures are fully implemented.

Public Right of Way

90. Policy 3.2 of LPP2 and by the grant of outline planning permission requires; “*b) the right of way which crosses the site from Lantern Lane should be preserved, forming a pedestrian corridor to the open countryside*”. The scheme includes the retention of the public right of way East Leake footpath 27 which passes through the site. Amendments have been made to the scheme to ensure the footpath is correctly aligned to their recorded lines and the surface treatments have been amended to include Breedon gravel to a minimum of 1.5m width, and the central section to be surfaced in a sealed surface material such as tarmac due to the higher level of use and maintenance expected. A condition has been suggested for inclusion to ensure this. A pedestrian corridor to the open countryside would therefore be provided in accordance with part b of LLP2 policy 3.2.
91. Two sections of footpath no. 27 would be Stopped Up in places where the footpath is no longer viable or incorporated within adopted footways. A separate application under Section 257 of the Town and Country Planning Act is required to legally stop up the rights of way affected. It is necessary for the Applicant to apply for the temporary closures to the highways affected. The Rights of Way Officer urges them to make every effort to provide alternative public access along Lantern Lane during the construction phase, due to high public demand for this recreational facility.
92. In addition to East Leake footpath 27, East Leake no.11 byway open to all traffic (BOAT), Lantern Lane adjoins the site’s southern boundary, and East Leake no.12 byway adjoins the southside of this. The ROW Officer is satisfied that consideration of how the new adopted access provision will offer surface transitions between byways 11 and 12 can be agreed during S278 technical approval.

Flood Risk

93. The site is located within the Environment Agency’s Flood Zone 1, an area at lowest risk of flooding from fluvial processes. In addition, the surface water flood maps indicate that there is some risk of flooding from surface water, although this is relatively limited, including in the vicinity of the watercourse which runs through the site. At the outline stage neither the Environment Agency or the Local Lead Flood Authority raised objections to the principal of residential development within the site. A sustainable drainage strategy has

been submitted to manage surface water run-off within the site and avoid increasing flood risk to the surrounding area as a result of surface water run-off. It is noted that concerns have been raised by the by local residents relating to the potential flood risk resulting from development.

94. An Adoptable Drainage Strategy has been submitted as part of the application which demonstrates how surface water run-off would be dealt with within the site. The Lead Local Flood Authority is supportive of the proposal and it is considered there would be no significant increased risk of flooding on neighbouring sites as a result of surface water run-off.
95. Condition 11 attached to the outline application requires the submission of a detailed surface water design and management plan and it is noted that the LLFA highlighted the need for this to be formally discharged.
96. Condition 11 also requires an eight metre easement to be retained to allow for suture access and maintenance to the watercourses that cross the site. In accordance with LLP2 policy 19 'development affecting watercourses', a ten metre buffer, which is free of built development, has been provided either side of the watercourse.

Highway matters

97. Access into the site has been approved at the outline planning application stage and the internal road layout has been reviewed by the County Council as the Highway Authority. Revised plans have been submitted to overcome an initial concern relating to an internal visibility splay. This has resulted in a development which satisfies the recommended car parking standards within the Highways Design Guide and provides adequate and safe movement of vehicles, including refuse vehicles within the site. The proposal is therefore considered to comply with Policy 1 of the LPP2 in terms of highway safety.
98. Concerns raised relating to the safety of the access and the increase in traffic along Lantern Lane were dealt with as part of the outline application and do not warrant further consideration under the current application.
99. With regard to the safety of school children a 'School Crossing Contribution' was secured at the outline stage, meaning *"the sum of £30,000 towards the cost of walk trips to school and a new school crossing patrol in the vicinity of the traffic calmed section of Lantern Lane."* This shall be paid to the County Council prior to the occupation of any part of the development. The traffic calming and other Highway Improvements to Lantern Lane are shown on drawing no. 1499/18/B and secured by condition 6 attached to the outline application. These measures include two speed reduction plateaux/tables on Lantern Lane and Falcon Way and an extension of the school keep clear markings (no stopping Mon-Fri 8am – 4.30pm).
100. Concerns are raised by Cllr Way regarding the seemingly vague nature of the proposed bus route and footpath improvements. The bus service contribution as defined in the Unilateral Undertaking attached to the outline permission means *"the sum of £100,000 (one hundred thousand pounds) payable towards the cost of bus service improvements to provide additional capacity and/or re-routing to cater for the additional demand arising from the Development for the local Navyline (1) Bus Service and/or the Nottsbus Connect 863 Service"*

(including any equivalent replacement service).” The bus service contribution shall be paid to the County Council in instalments, 50% prior to the occupation of the 50th dwelling, and the remaining 50% balance prior to the first occupation of the 100th dwelling. The developers and the Borough Council have no control over the routing and delivery of this service, the contribution was requested by the County Council and they will ultimately determine the service delivered.

101. The footway contribution is defined as *“the sum of £20,000 (twenty thousand pounds) payable towards the cost of additional footway widening on Gotham Road to the south of Stonebridge Drive.”* This shall be paid to the County Council by the developer prior to the commencement of development. The footway improvement works, to provide a 2m wide footway, on Lantern Lane are shown on drawing no. 1499/20; and the provision of a new combined cycle/footway between Lantern Lane and East Leake Village Centre, as a result of widening the footway to 2.5m as well as the introduction of tactile paving at existing dropped kerb locations, is shown on drawing no. 1499/22 both are secured by condition 6 attached to the outline application.

Ecology

102. With regard to the comments made regarding impact on wildlife and their habitats, it should be noted that the outline planning application was supported by the relevant ecological surveys and condition 14 was attached to the outline planning permission requiring the completion of a further protected species survey, if development had not commenced within 2 years of the date of the outline permission. Therefore, an updated ecology survey has been provided which demonstrates that there have been no significant changes to the site's ecology.
103. As requested by the Environmental Sustainability (ES) Officer a condition has been suggested requiring the submission of a Landscape and Ecological Management Plan prior to the commencement of development, which should include the recommendations of the preliminary ecological appraisal, details of the proposed ecological enhancements and long term management of retained and created habitats. Although the Applicant has chosen to provide this document prior to determination it is yet to be fully assessed by the ES Officer, and would form part of a separate process to discharge the condition.
104. Also, as recommended by the updated ecology survey, a pre-commencement condition has been suggested requiring the submission of a sensitive lighting scheme and the requirement for a further updated ecological survey to be carried out if works do not commence within the next 2 years.
105. Concerns are raised in the comments received from Ward Members relating to the loss of the hedgerow along the site frontage with Lantern Lane and within the site. The works to remove hedgerow were completed outside of bird nesting season, as required by condition 15 attached to the outline application, and evidence has been submitted under application ref: 21/00435/DISCON that a suitably qualified ecologist carried out a visual inspection of the hedgerows prior to their removal and found no evidence nesting birds. Although the hedgerow removal was approved at the outline stage, for reasons including the widening of Lantern Lane across the site frontage, the Applicant should have waited for condition 15 to be formally discharged prior to carrying

out the work, nevertheless the necessary information has been provided to the Borough Council.

Other Matters

106. Concerns relating to the financial implications on future residents of the site with regard to transport costs have been raised by one resident. The principal of providing affordable housing within the application site was established at the outline stage, and it was determined to be a sustainable location for future housing growth. To improve connectivity between the site and the surrounding area, improved pedestrian and cycle routes between the site and the centre of the Village, as well as additional public transport provision were secured. It is therefore considered that future residents of the site, who may not have access to a private car, should not be left isolated from services and jobs. This matter could be further addressed as part of the Travel Plan, secured by condition 13 attached to the outline application, which will include a package of measures aimed at reducing car use, and promoting/facilitating walking cycling and the use of public transport.
107. Concerns raised that as a 100% affordable housing scheme, the proposal is likely to increase the number of children applying for local schools over and above market housing is unfounded. The housing mix in terms of size of properties proposed accords with Neighbourhood Plan Policy H3, as required by condition 16 attached to the outline application.

Requirements of previous permission

108. The requirements and conditions of the relevant outline planning permission granted on the 18 July 2018 and the associated Unilateral Undertaking remain enforceable against this development
109. For the reasons set out above, it is considered that the details pertaining to the Reserved Matters relating to Appearance, Landscaping, Layout and Scale satisfy the requirement of condition 3 of the Outline Planning Permission and the associated policies as set out in the development plan. Accordingly, it is recommended that approval is granted for these reserved matters subject to conditions.
110. Pre-application advice was sought and provided prior to the submission of the planning application and revisions have been made to the scheme in an attempt to overcome concerns raised as a result of the consultation period. This has resulted in a scheme which is recommended for approval.

RECOMMENDATION

It is RECOMMENDED that approval of Reserved Matters be granted for the appearance, landscaping, layout and scale of the development subject to the following conditions(s)

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Site Sections EL-SITE SECTIONS

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- Affordable Housing Plan EL-AH-01
- Finished Floor Levels (1 of 3) 20055-100C
- Finished Floor Levels (2 of 3) 20055-101C
- Finished Floor Levels (3 of 3) 20055-102C
- Adoptable Drainage Strategy (1 of 4) 20055-103C
- Adoptable Drainage Strategy (2 of 4) 20055-104C
- Adoptable Drainage Strategy (3 of 4) 20055-105C
- Adoptable Drainage Strategy (4 of 4) 20055-106C
- External Surfaces 20055-108
- Vehicle Tracking and Visibility Splay Plan 20055-150B
- Materials Layout EL-MAT-01
- Boundary Treatments Plan EL-BTP-01
- Refuse Plan EL-RCL-01
- House Type Pack, January 2021
- On-Plot Landscaping 9707-L-04-09B
- POS Landscape Proposals 9707-L-01-03E
- Detailed Planning Layout EL-DPL-01, Rev. C
- Mining Investigation Summary Report, 7th October 2020
- Updated Ecology Report, 16th October 2020
- Noise Assessment Report, October 2020

[To ensure an acceptable development in accordance 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].

2. Prior to the commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Borough Council. This plan shall include the recommendations in the protected species survey and follow up survey ref. 9707 / MPG /RAG dated 16 October 2020 including details of the proposed ecological enhancements and long term management of retained and created habitats. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

3. Prior to the commencement of development, in accordance with the mitigation/compensatory measures referred to in the protected species survey and follow up survey ref: 9707 / MPG /RAG dated 16 October 2020, a sensitive lighting scheme shall be submitted to and approved in writing by the Borough Council to safeguard bats and other nocturnal wildlife by retaining dark corridors along retained and created habitat, especially around the boundaries of the development. The lighting scheme shall provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan should be provided to demonstrate acceptable levels

of light spill to any sensitive ecological zones/features. It shall include the following measures to ensure minimal light spill from the site:

- During the construction period, no artificial lighting should be used at night in the vicinity of the brook or field perimeter habitats.
- The lighting scheme should ensure lighting is directed to where it is needed, avoiding light spillage, particularly along the woodland habitats, hedgerows/scrub lines, wildflower grassland and waterbodies
- The lighting scheme should incorporate LED luminaires as these have a sharp cut-off, lower intensity, good colour rendition and dimming capability. All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats; and
- Security lighting on properties backing on to sensitive habitats such as hedgerows, trees or waterbodies will be low wattage (<70W)9 motion censored lights on short (1min) timers. These should be provided on any properties (along the site boundaries) at construction to dissuade future homeowners from installing unsuitable lighting which could adversely impact bats.

Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

[To ensure that adequate compensatory measures are undertaken and to comply with policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters including protected species are adequately protected during all stages of the development].

4. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted, a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies 1 (Development requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of development (other than for the access to Lantern Lane approved under the outline planning permission) details of the new road shall be submitted to and approved in writing by the Borough Council 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 ensure the development is constructed to adoptable standards and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to

avoid abortive works at a later date].

6. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[In the interests of highway safety, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The boundary treatment/means of enclosure as detailed on drawing no. EL-BTP-01 shall be erected prior to the occupation of the respective dwelling(s) or in the case of hedgerow planting, in the first planting season following completion of the plot. In addition, details of the timing of the provision and ongoing maintenance of the hedgerow proposed along the southern boundary of the site, shared with Lantern Lane, shall form part of the open space scheme required pursuant to the S106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

[To ensure an acceptable appearance to the development 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].

9. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

10. Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. If any plots not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would not be technically feasible. None of the dwellings on the site shall be first occupied until an EVCP serving it has been installed in accordance with the approved

scheme. Thereafter an EVCP must be retained on each dwelling in accordance with the approved scheme in perpetuity.

[In the interests of sustainable development and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The sound attenuation measures detailed in the noise assessment supplied [Wardell Armstrong noise assessment ref GM11446 dated October 2020] shall be fully implemented prior to the first occupation of the development hereby approved and retained in perpetuity for the lifetime of the development.

[To ensure noise attenuation is achieved and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]:

12. East Leake footpath 27 shall be retained within the open spaces and upon their recorded lines shall be surfaced with Breedon gravel to a minimum of 1.5m width. The central section shall be a sealed surface material such as tarmac.

[To ensure the footpath is suitably finished in a material appropriate to the level of usage expected and in accordance with policy 34 (Green Infrastructure and Open Space Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to applicant

This permission relates to matters reserved by Condition 3 and 4 of planning permission 17/02292/OUT, dated 18 July 2018 and does not constitute the discharge of any of the remaining conditions on the outline approval. Separate application/applications for the discharge of the remaining conditions should be submitted to the Local Planning Authority either prior to works commencing on site, or prior to the occupation of the dwellings, as appropriate.

Condition 10 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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 S106 agreement dated 22 June 2018 requires the submission of an Open Space Works Specification and the Management Plan, the SUDs Scheme, Affordable Housing Scheme, and Affordable Housing Scheme prior to the development commencing.

A Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.
- Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

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

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This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.