

6th March 2014**Agenda Item:****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****STRATEGIC PLANNING OBSERVATIONS ON AN OUTLINE PLANNING
APPLICATION FOR RESIDENTIAL DEVELOPMENT, LAND EAST OF
MEETING HOUSE CLOSE, COSTOCK ROAD, EAST LEAKE****Purpose of the Report**

1. To inform Committee of the formal response which was agreed by the Chairman of Environment and Sustainability Committee and sent to Rushcliffe Borough Council on the 19th December 2013 in response to the request for comments on the above outline planning application for residential development on land east of Meeting House Close, Costock Road, East Leake.

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above outline planning application for residential development and this report compiles responses from Departments involved in providing comments and observations on such matters. A site plan is provided at Appendix 1.
3. The planning application is accompanied by a Planning Statement, a Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national and local policy.
4. The application site is beyond the Nottingham-Derby Green Belt and lies within open countryside adjoining the eastern edge of the built-up area of East Leake.

Description of the Proposal

5. The proposal is for residential development of up to 150 dwellings with associated infrastructure and an overspill car park for East Leake rugby and cricket club. The site area is approximately 6.1 hectares and lies off Costock Road on the eastern edge of the village of East Leake.
6. The site is currently grazed pasture land, bounded by fences and mature hedgerows. A residential area is located immediately to the west of the site, whilst

immediately to the east are the local rugby and cricket club's facilities and playing fields. The southern site boundary is abutted by arable farmland and the northern boundary adjoins Costock Road, from which the proposed development would be accessed.

Planning Policy Context

National Planning Policy Framework (NPPF)

7. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment and biodiversity, together with the need to adapt to climate change.
8. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
9. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
10. The Government is committed to securing economic growth, including housing, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.
11. Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "*...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*".
12. Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

Nottinghamshire Minerals Local Plan

13. The Tutbury Gypsum formation is found in the south of the County to the east of the Soar Valley and south of Gotham and Bunny, particularly around East Leake and Costock. Policy M10.1 of the adopted Nottinghamshire Minerals Local Plan (2005) states that planning permission will not be granted for underground mining of gypsum from beneath settlements. The policy also requires that, where permission is granted for underground gypsum mining, adequate support pillars are left to protect isolated buildings and other surface features which could be adversely affected by subsidence.
14. The emerging Minerals Local Plan (Preferred Approach, 2013) identifies, in Policy MP7, the Marblaegis Mine at East Leake as a permitted site where the extraction of remaining reserves will contribute towards the provision of an adequate supply of gypsum. Permitted reserves at the Marblaegis Mine are sufficient until at least 2026 and represent the full extent of the mine within Nottinghamshire. When these reserves are utilised mining will move eastwards into Leicestershire.
15. The application site overlies potential gypsum reserves but these are not identified in the British Gypsum licence area as economic to work and there are sufficient economically viable reserves identified elsewhere. Planning permission was granted in 2012 for gypsum mining to the east of the application site, however the distance between the permitted mining area and the proposed development is sufficient to ensure that it does not raise any issues relating to the sterilisation of the reserves.
16. Based on the information available there are no minerals planning policy objections to the proposed development.

Rushcliffe Local Plan

17. Rushcliffe Borough Council has formally adopted a Non-Statutory Replacement Local Plan (NSLP) and has determined that it carries significant weight in determining planning applications. This is following the abandonment of the Local Plan process. There are no housing or employment allocations in the NSLP.
18. The NSLP contains a policy which allows for residential development in certain locations, but not those that extend outside the built-up area. The Plan also contains a policy to protect the open countryside.

Rushcliffe Core Strategy

19. The Rushcliffe Local Plan Part 1 - Core Strategy was submitted to the Secretary of State in October 2012, but the Examination was suspended whilst additional work was undertaken to address the shortfall in proposed housing development which was identified by the Planning Inspector. On 12th December 2013 Rushcliffe Borough Council approved a number of modifications to the Core Strategy in order to make provision for 13,150 new homes by 2028 and a formal consultation will take place on these changes.
20. Policy 2 of the Core Strategy sets out the spatial strategy for Rushcliffe and includes the provision of a minimum of 400 new homes in or adjoining East Leake. This remains unchanged.

Strategic Planning Issues

Planning Policy

21. The proposal is consistent with the NPPF in terms of boosting the supply of housing and ensuring that the housing needs of the area are met.
22. The Rushcliffe Core Strategy is at an advanced stage of preparation and identifies East Leake as a location, both in and adjoining the settlement, for the provision of a minimum of 400 dwellings.
23. As such, there are no strategic planning policy objections in principle to the proposed development.

Transport

24. Rushcliffe Borough Council is currently finalising transport modelling to provide the necessary supporting evidence to underpin an Examination-in-Public of the Core Strategy. This work will identify an infrastructure package required to support all development in the Borough within the Local Plan period.
25. Detailed transport comments are contained in Appendix 2.

Landscape and Visual Impact

26. The proposal will have both a positive and a negative effect on the character of the landscape. It conserves and reinforces some of the major character features identified in the Landscape Character Assessment Policy Zone – hedgerows and vernacular style of buildings, but it is also reducing one locally characteristic feature, by changing the area from pasture to housing. However, overall the general effect on the landscape will not be significant.
27. The proposed development will not have a significant visual impact on long distance views. There will, however, be a significant visual impact on viewpoints within close proximity, though more during the construction phase than when the development is completed. On completion the significant visual impact of the development will mainly be on the residents along Costock road and for users of a right of way in close proximity to the south of the development.
28. Considering the overall impact of the development, including both positives and negatives, no objections to the proposal in landscape and visual impact terms are raised at this stage.
29. Detailed landscape and visual impact comments are contained in Appendix 3.

Nature Conservation

30. The proposal will not affect any designated nature conservation sites and no protected species have been identified on the site, apart from a barn owl on one occasion.

31. A series of planning conditions, as detailed in Appendix 4, are recommended to ensure that mitigation is secured and the biodiversity value of the proposed development is maximised.

32. Detailed nature conservation comments are contained in Appendix 4.

Land Contamination

33. The Mining Report accompanying the application addresses the main concerns relating to the contamination potential at the site. The application is supported by a robust set of technical reports showing no significant indications of ground contamination or geological constraint, therefore no objections are raised to the proposal in this respect, but it is requested that the investigation of the farm buildings area and the completed ground gas risk assessment are forwarded for consideration when available.

34. The following planning condition is recommended to ensure that any unsuspected contamination is dealt with appropriately:

‘If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the LPA. This method statement must detail how the unsuspected contamination shall be dealt with.’

35. Detailed land contamination comments are contained in Appendix 5.

Developer Contributions

36. Should the application proceed Nottinghamshire County Council will seek developer contributions relating to the County Council’s responsibilities in line with the Council’s adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Rushcliffe Borough Council to ensure all requirements are met.

37. Appropriate contributions towards transport infrastructure will be sought.

38. In terms of education provision, a proposed development of 150 dwellings would yield an additional 32 primary places and the feasibility of physically accommodating these places in East Leake is currently the subject of ongoing discussions.

Overall Conclusions

39. There are no strategic planning policy objections to the proposal in principle.

40. There are no objections at this stage to the impact on landscape character or the visual impact of the proposed development.

41. Provided that any planning permission granted is subject to the recommended planning conditions set out in Appendix 4 there are no objections in respect of nature conservation.
42. The main concerns relating to contamination potential at the site have been addressed and it is requested that the findings of subsequent investigation of the farm buildings area and the completed ground gas risk assessment are forwarded for consideration. Provided that any planning permission granted is subject to the recommended planning condition in respect of land contamination, set out in paragraph 34, there are no objections on this matter.
43. Developer contributions will be required towards transport infrastructure and education provision.

Other Options Considered

44. This report considers all of the relevant issues in relation to the above planning application which have led to the recommendations, as set out below. Alternative options considered could have been to express no, or full, support for the application.

Reason/s for Recommendation/s

45. It is recommended that the formal response approved by the Chairman is noted in accordance with the protocol for dealing with strategic planning comments on planning applications approved by the Committee in November 2013.

Statutory and Policy Implications

46. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

47. There are no direct financial implications.

Implications for Sustainability and the Environment

48. There are no direct implications for Sustainability and the Environment.

RECOMMENDATION/S

- 1) That Committee note that a formal response approved by the Chairman of Environment and Sustainability Committee, in line with the information and advice set out in this report, was sent to Rushcliffe Borough Council on the 19th December 2013.

Jayne Francis-Ward
Corporate Director - Policy, Planning and Corporate Services

For any enquiries about this report please contact: Kathryn Haley, Principal Planning Officer, Planning Policy Team 0115 9774255

Constitutional Comments (NAB 20.12.13)

49. Environment and Sustainability Committee has authority to consider the recommendations set out in this report by virtue of its terms of reference.

Financial Comments (SEM 20.12.13)

50. There are no specific financial implications arising directly from this report.

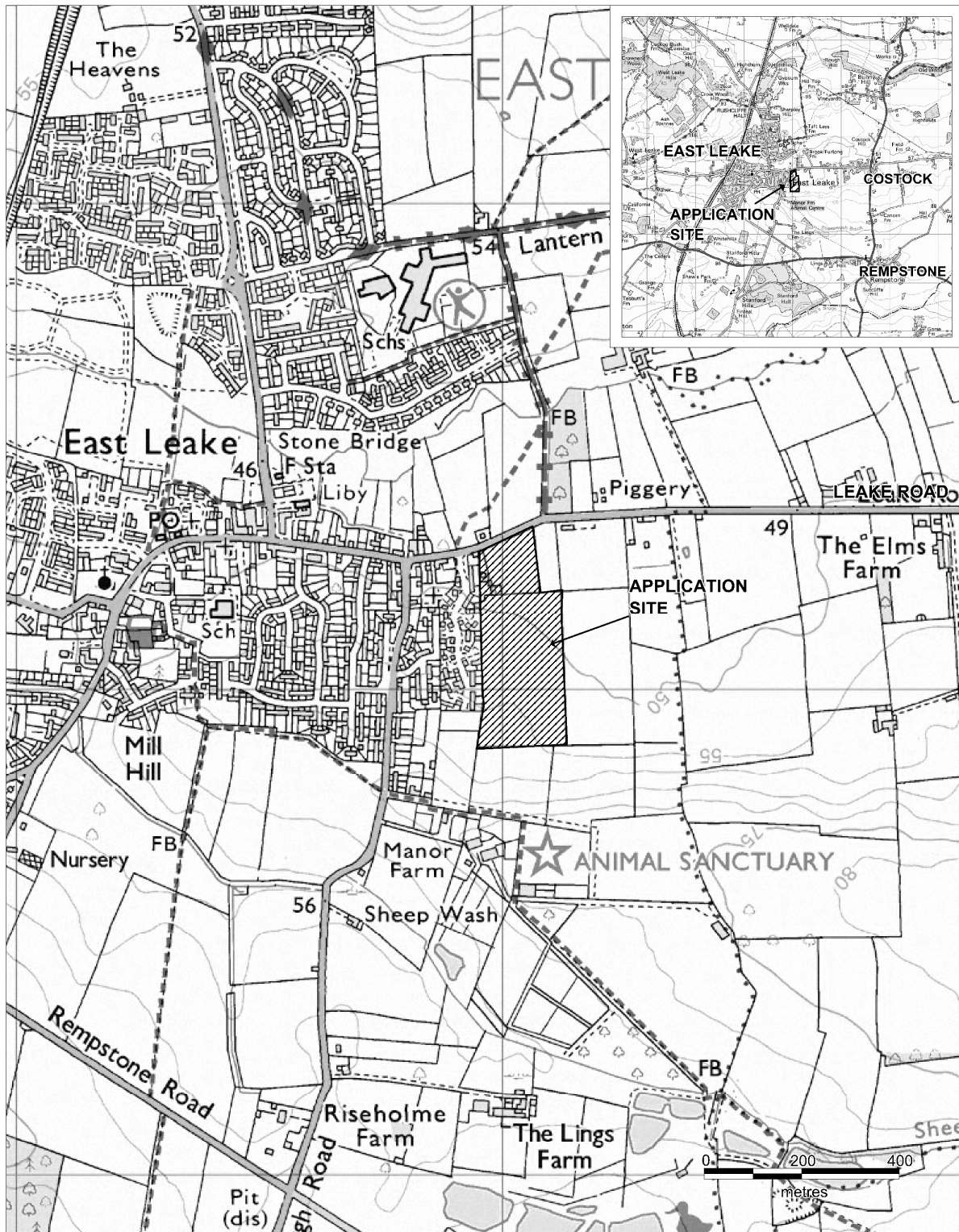
Background Papers and Published Documents


Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Soar Valley – Councillor Andrew Brown

Appendix 1: Site Location Plan



 Nottinghamshire County Council	<p>Residential development of up to 150 dwellings with associated infrastructure; overspill car park for cricket and rugby club. Land To East Of Meeting House Close, Costock Road, East Leake, Nottinghamshire. Planning Application No. 13/02228/OUT</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2013)</small></p>	<p>N W E S</p> <p>Scale 1:10,000 Produced by: JW Date: DEC 2013</p>
---	--	---

Appendix 2: Transport Comments

As I am sure you are aware Rushcliffe Borough Council is currently reviewing its Local Plan Core Strategy. The emerging RBC Core Strategy identifies that;

All development will be expected to:

- a. Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- b. Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- c. Provide for the future maintenance of facilities provided as a result of the development.

Rushcliffe Borough Council intends to introduce a Community Infrastructure Levy (CIL) to secure infrastructure that has been identified as necessary to support new development and to achieve Core Strategy objectives. Prior to the implementation of a CIL, and following implementation where it remains appropriate, planning conditions and obligations will be sought by RBC to secure all new infrastructure necessary to support new development either individually or collectively. The Borough Council is currently finalising supporting transport modelling to provide the necessary supporting evidence to underpin an Examination in Public of the Core Strategy. This work will identify an infrastructure package required to support all development in the Borough within the Local Plan period. All development should therefore be expected to contribute to the new infrastructure required, in which case if the Borough Council is minded to grant planning permission in advance of any CIL policy then planning obligations should be sought from the applicant requiring a financial contribution towards necessary transport infrastructure.

In summary I think it necessary to remind RBC that appropriate contributions towards transport infrastructure should be sought from the applicant by way of planning obligations i.e. in advance of any formal policy on CIL or otherwise the opportunity will be lost and a shortfall in funding for the delivery of necessary infrastructure may result.

David Pick
Environment and Resources
0115 977 4273

Appendix 3: Landscape and Visual Impact Comments

Existing Site

The application site lies on the eastern side of East Leake, south of Costock Road, in between East Leake and the East Leake Cricket and Rugby Club fields. The surroundings to the north and south of the site are composed of arable land. The application site lies within the Policy Zone NW02 East Leake Rolling Farmland of the Greater Nottingham Landscape Character Assessment.

The comments are based on the document '*Landscape & Visual Impact Assessment Proposed Development at Costock Road, East Leake*' November 2013 by Influence-cla Ltd. The document outlines the visual baseline and the locations of the viewpoints, whose position was informed by a zone of theoretical visibility and consultation with Rushcliffe Borough Council. The document states that the methodology used is in accordance with the principles set out by Landscape Character Assessment Guidance for England and Scotland (CA and SNH, 2002) and Guidelines for Landscape and Visual Impact Assessment 3rd Edition (LI and IEMA, 2013). Comments are also based on the document '*Design and Access statement*' October 2013 by Barratt Homes and the layout drawings: '*Tree retention plan figure 3*' drawing no 6513-A-03 by fpcr and '*Landscape strategy*' drawing no INCLA_N0220 PL07 by Influence.

Impact on Landscape Character

The landscape action for this policy zone is '*Conserve and Enhance*'; Landscape condition is '*Moderate*' and landscape strength is '*Strong*'. The area has a gently rolling landform and a strong rural character with open views, often over quite long distances, across mostly arable farmland. The southern edge of East Leake is prominent within views. The field pattern includes small, medium and large scale fields and the field boundaries are mainly generally intact hedgerows consisting of mostly hawthorn. Horse grazing and pasture have a localised influence in character especially around East Leake.

Key actions are:

- Conserve the rural character with built form infrequent in views
- Conserve hedgerows and where present ensure that infill planting is undertaken where gaps occur
- Conserve areas of permanent pasture where present in the DPZ and ensure hedgerows and hedgerow trees at the boundaries are maintained.
- Minimise the influence of larger settlements through small scale woodland planting along fringes.
- Conserve the rural scale and vernacular style of buildings in smaller villages through restricting new development. Where development occurs it should make a positive contribution to the local vernacular, scale and massing of the village.
- Conserve the use of red brick and pantile roofs within farmsteads, barns and properties in villages.

The masterplan shows that the hedgerow around the development will be retained, and also reinforced to the south and east of the development. This is consistent with the actions for the policy zone, which emphasise the importance of hedgerows for the landscape character. But to keep the landscape character and to follow the policy zones key actions - to minimise the influence of larger settlements with small scale woodland planting - it is of high importance that the retained and reinforced hedgerows shown on the masterplan are given sufficient space to grow and form a buffer.

The design and access statement shows red brick as a representation of materials to be

used, which also is in line with the actions for the policy zone and will be coherent with the landscape character.

The development will have an impact on the landscape character by changing the land use from pasture horse grazing, which is a characteristic feature for the landscape, to a housing estate. This will have a negative impact on the landscape character. But if the development is carefully designed and makes a positive contribution to the local vernacular and scale, it will create a coherent view with East Leake.

Overall the development will have a low impact on landscape character with a minor significance since it will have the same style and scale as the existing character in East Leake, and will conserve and reinforce the hedgerows surrounding the development in line with existing landscape character.

Visual Impact

The applicant has done a complete visual impact assessment in line with the LI guidelines. Ten viewpoints have been identified and the applicant has provided a systematic assessment of each viewpoint, and presented both receptors affected and the magnitude of change for each viewpoint. The viewpoint locations are shown in a Viewpoint Location plan in the Landscape and Visual Impact Assessment accompanying the application.

The Landscape and Visual Impact Assessment document also contains photographs of the individual viewpoints and, in Appendix D, further details about each viewpoint.

Overall the applicant has identified that the visual impact of the development will have a moderate significance. The magnitude of the impact varies from nil impact to medium impact and the receptors sensitivity is mainly medium to high with the exceptions of road users, where impact is low. With the statement '*Major effects are usually deemed significant. Similarly, effects of medium magnitude on a highly sensitive receptor or effect of high magnitude on receptors of medium sensitivity may also be judged significant*' the visual impact has been judged as significant for two (2) receptors during construction; Residents of Meeting House Close and Residents along Costock Road, and for one (1) receptor during operation; Residents along Costock Road.

However in viewpoint three (3) which is taken from a PRoW close to Manor Farm, the application site is very visible due to the rolling landscape. The existing view is a long open view over mainly pasture and arable land. The proposed development will create a major change and be a prominent part in the view and therefore the magnitude of impact should be high rather than medium. This will mean that the visual impact will be significant for one (1) additional receptor both during construction and operation; users of the local footpaths to the south of the application site. But only at the PRoW along Manor Farm, not at the PRoW along Rempstone Road.

The assessment shows that the visual impact will be more prominent for receptors and views in close proximity to the development, whilst the impact will be lower from views further away where the development merges with the existing East Leake. The retained and reinforced hedgerows surrounding the application site will provide some screening and it is therefore important that the hedgerows are allowed sufficient space to be able to provide a buffer zone.

Conclusion

The proposal will both have a positive and negative effect on the character of the landscape; it conserves and reinforces some of the major character features identified in the policy zone - hedgerows and vernacular style of buildings. But it is also reducing one locally characteristic feature, by changing the area from pasture to housing. So overall

there will be both positives and negatives but the general effect on the landscape will not be significant.

The development will not have a significant visual impact on long distance views; there will however be a significant visual impact on close proximity receptors, though more during the construction phase than when the development is completed. On completion the significant visual impact of the development will mainly be for the residents along Costock Road and for users of a close proximity Rights of Way south of the development.

Considering the overall impact of the development, including the positives and negatives, there is at this stage no objection to the proposal.

For more information please contact: Sara Pallin (0115 9772005)

Appendix 4: Nature Conservation Comments

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues:

- The application is supported by up-to-date ecological assessments, including a general Ecological Appraisal, a Bat Survey Report and a Reptile Survey Report.
- The proposals will not affect any designated nature conservation sites; the nearest Local Wildlife Site is located c.380m to the south, whilst the nearest SSSI is c.1.9km to the north-west.
- The predominant habitat on site is species-poor semi-improved grassland (which is considered to be of low ecological value), bounded by native-species hedgerows. Development would result in the loss of the majority of the grassland (with part used to accommodate a balancing pond) and the removal of one hedgerow (along with the creation of an access point in the hedgerow on Costock Road, which is the most diverse of the hedgerows present).
- With regards to species:
 - No bat roosts have been identified on site, and an overall low level of bat activity was recorded during surveys
 - No reptiles were encountered during surveys
 - No specific great crested newt surveys were carried out, but the nearest pond is over 250m from the site across generally unfavourable terrestrial habitat, and no further surveys are recommended
 - A barn owl was recorded hunting over the northern part of the site on one occasion
- By way of mitigation, the following measures should be secured through appropriate **conditions**:
 - The protection of retained trees and hedgerows
 - The gapping-up of retained hedgerows
 - No vegetation clearance to take place during the bird nesting season unless otherwise approved following an inspection by an ecologist
 - The incorporation of integrated bat and bird (sparrow and starling) boxes into buildings within the development (e.g. garages)
- In addition, **conditions** should be used to require the submission of:
 - A detailed landscaping scheme for the northern area containing the balancing pond; this should ensure the use of native species appropriate to the local area (and of native genetic provenance) and the establishment of areas of trees and scrub and a wildflower meadow around the facility, in accordance with the recommendations made in paragraph 4.10-4.12 of the Ecological Appraisal (FPCR, October 2013). In addition, it is suggested that a replacement hedgerow should be planted along the northern boundary of the housing area to replace that which will be lost to the development.
 - Details relating to the design of the balancing pond, such that its biodiversity value is maximised.
 - A lighting scheme, to ensure that retained boundaries (i.e. hedgerows) are left unlit) so as to minimise impacts on foraging and commuting bats, to be in accordance with the recommendations made in paragraph 4.9 of the Bat Report (FPCR, September 2013).

We trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact us.

Nick Crouch
Senior Practitioner Nature Conservation
0115 969 6520

Appendix 5: Land Contamination Comments

Compliance with Planning Condition Requirements:

If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the LPA. This method statement must detail how the unsuspected contamination shall be dealt with.

Land Contamination Impacts: The geo environmental report presents a conceptual site model which identifies the main risks as those associated the ancillary farm buildings; building materials and the storage and use of agri-chemicals and the infilling of ground and subsequent generation of ground gases. The agri-chemical use is particularly pertinent given the named water course of "Sheepwash Brook". Indeed para 2.2.5 identifies these buildings and states that access to the buildings was not possible and later recommends subsequent investigation once access is possible.

Para 3.7.1 indicates the potential for asbestos containing materials within the fabric of the buildings, the presence of such in the made ground around the buildings should not be discounted.

Para 4.4.1 indicates the identified contamination sources and includes for the made / infilled ground surrounding the site i.e. ponds and burial ground.

A site investigation is carried out to validate the conceptual site model, the extent of the investigation and the range of testing appears adequate for the site circumstance with the exception of the access to the farm buildings.

Paras 5.3-5.4

The results do not indicate any significant degree of impact from farm and farm related activities. The analytical suite deployed addresses the key areas of potential contamination including the issue of organo-phosphate pesticides.

The investigation did not identify significant quantities of soluble gypsum, however of the four borehole formed to depth; three going to 30m bgl and the fourth to 40m bgl, none were observed to find significant soluble gypsum. Para 3.8.1 indicates that according to BGS record gypsum is to be expected at 30m plus, the investigation would appear to be short with respect to the verification of the gypsum deposit.

The Wardell Armstrong Mining report indicates the Tutbury Gypsum beds are at 40 – 85 m depth and that mining has occurred through the use of room and pillar technique, closest approach to the proposed development site is estimated at 165m, with limited/ minimal risk of subsidence.

At the time of the report writing the ground gas monitoring had not been completed, results and interpretive report dealing with this issue was awaited.

Conclusions and Recommendations:

The report addresses the main concerns relating to the contamination potential at the site, we

request that when available the investigation of the farm buildings area (para 10.1.a) and the completed ground gas risk assessment (para 10.1 f) are forwarded for consideration.

These issues apart, there is no reason to object to the application, indeed the application is supported by a robust set of technical reports showing no significant indications of ground contamination or geological constraint.

If you require clarification on any of the above points, please do not hesitate to contact me.

Derek Hair

Principal Project Engineer

Landscape and Reclamation Team (0115 9772175)