

20 June 2013**Agenda Item: 8 (a)****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****STRATEGIC PLANNING OBSERVATIONS ON A PLANNING APPLICATION
FOR MIXED USE DEVELOPMENT, LAND EAST AND WEST OF CHAPEL
LANE, BINGHAM****Purpose of the Report**

1. To seek Committee ratification for comments set out in this report which were sent to Rushcliffe Borough Council (RBC) in response to the request for strategic planning observations on the above planning application for a mixed use development on land East and West of Chapel Lane, Bingham, Nottinghamshire.

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Rushcliffe Borough Council in their role as determining planning authority for this application. A site plan is provided at Appendix 1.
3. The planning application is accompanied by an Environmental Statement, 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, regional and local policy.

Background

4. The County Council previously reported on the above planning application to Cabinet on the 6th April 2011, stating that they did not object to the principle of the development however, they raised objections on the lack of comprehensive traffic modelling, which prevented an adequate Highways response being provided, this has now been resolved.

Description of the Proposal

5. The outline planning application was originally submitted to RBC in November 2010, since that time a number of changes have been made to the proposal, as detailed below.
 - The number of dwellings proposed has increased from 1,000 to 1,050, all of the additional 50 will be affordable dwellings and can be accommodated in the existing 'red line' boundary;

- The industrial units on the main employment site will now be up to 17.5m in height, previously it was up to 13.5m, in order to meet occupier needs;
 - The proposed new allotments has been moved from the north of the employment site and is to be provided separately on Crown Estate owned agricultural land in an agreed location to the north of the proposed flood management lake and park. This will be secured via S106;
 - A site for a community orchard has been identified within the northern part of the lake area, this area was previously identified as landscape open space,
 - The proposed health centre is no longer required and has been removed from the proposed local centre; instead a financial contribution will be made to the new health centre which is being constructed in Bingham;
 - The community hall site has been retained in its original proposed location immediately on Chapel Lane and at the heart of the local centre. The site has been resized to meet confirmed requirements (0.25ha) and will be available during the first phase of residential development;
 - Additional areas of structural landscaping have been incorporated including a substantial landscape buffer between the proposed employment and housing land, with a second belt of vegetation now proposed along the western edge of land adjacent the 'old' A46;
 - Buggins Cottage and the associated A46 milestones are to be retained as local features and incorporated into the scheme; and
 - Chapel Lane to the north of the level crossing will be improved through a traffic management scheme to reduce speeds and improve safety, along with pedestrian and cycle links to Bingham as part of a strategy to encourage walking and cycling. It will also be designed to discourage through traffic that will instead be directed towards the A46.
6. The application site is beyond the Nottingham-Derby Green Belt and lies within open countryside.
7. The comments set out below relate to the proposed changes to the planning application as set out in paragraph 5 above.

Planning Policy Context

National Planning Policy Framework (NPPF)

8. 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, biodiversity and also include the need to adapt to climate change.
9. 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.

10. 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 dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
11. The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.
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.
13. 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".

Rushcliffe Local Plan

14. 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.
15. The NSLP contains a policy which allows for residential development in certain locations, but not those that extend the built-up area, and a policy to protect the open countryside.

Rushcliffe Core Strategy

16. The Rushcliffe Core Strategy was submitted to the Secretary of State in October 2012. The application site is proposed for allocation under Policy 20, as a strategic allocation and supports a large mixed use development, to include housing and employment.

Strategic Planning Issues

Transport

17. The Highway Authority is satisfied that the predicted increase in traffic is sufficiently low as not to warrant an update to the Transport Assessment and associated junction modelling.
18. Detailed Transport Comments are contained in Appendix 2.

Landscape and Visual Impact

19. The Landscape Team are in agreement with the conclusions of the report submitted by the applicant that the proposed changes are insufficient in scale to alter the original conclusions of the November 2010 Environmental Statement, as such no objections are raised.

Rights of Way

20. The Rights of Way team concluded that rights of way should be appropriately accommodated within the development with minimal loss to their amenity, recreational value and rural feel.
21. Detailed Rights of Way comments and a Rights of Way Plan are contained in Appendix 3 and Appendix 4.
22. Further discussions have taken place between the County Council's Rights of Way team and Rushcliffe Borough Council and a condition

Noise

23. The County Council do not anticipate any adverse noise impacts as a result of the changes to the original submission.

Current Situation

24. Rushcliffe Borough Council have recently resolved to grant outline planning permission for the application subject to the signing of a Section 106 agreement with a condition attached which addresses the concerns of the County Council's Rights of Way officer.

Other Options Considered

25. This report considers all of the relevant issues in relation to the above planning applications 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.

Overall Conclusions

26. There are no concerns relating to the impact of the proposed development on the highway network, noise or the landscape of Nottinghamshire.
27. There are concerns in relation to how existing rights of way will be accommodated in the development.

Reason/s for Recommendation/s

28. It is recommended that the proposed alterations to the planning application be supported as the proposal will help bring forward a mixed use development in a sustainable manner.
29. It is recommended that details of how the proposed development intends to address the issue of Rights of Way across the proposal site are provided and that appropriate measures are put in place to ensure that the existing rights of way should be appropriately accommodated within the development with minimal loss to their amenity, recreational value and rural feel.

Statutory and Policy Implications

30. 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

31. There are no direct financial implications.

Implications for Sustainability and the Environment

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

RECOMMENDATION/S

1) That Rushcliffe Borough Council be advised that the principle of such development on the Land East and West of Chapel Lane, Bingham in terms of strategic and National economic, housing and regeneration policies is supported by Nottinghamshire County Council, subject to the concerns regarding the potential impact of the proposal on Nottinghamshire's Rights of Way network being adequately addressed by the applicant.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Constitutional Comments (NAB 16.05.13)

33. Environment and Sustainability Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

Financial Comments (SHB.17.05 13)

34. Committee have power to decide the Recommendation.

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

Councillor Martin Suthers OBE- Bingham