

THIS IS A MEMO

**TO**

Nicholas Thrower, Rutland County Council

CC

Justin Johnson, Rutland County Council
Paul Harvey, Defence Infrastructure
Organisation

FROM

Montagu Evans LLP

DATE

4 April 2024

SUBJECT

Planning Note – Application 23/0822/OUT
Officers Mess, St George's Barracks, Edith Weston

INTRODUCTION

This note has been prepared by Montagu Evans in response to the matters raised by the Planning and Licensing Committee at the meeting held on 19 March 2024 where members voted to defer a decision on Application 2023/0822/OUT. There were two planning matters raised, alongside two highway queries which are covered in a separate technical note by Sweco.

The two planning questions posed by the committee to the applicant related to whether the number of dwellings proposed could be reduced and comments around the use of the proposed Class E Commercial Unit for retail purposes.

PLANNING MATTERS**1.0 NUMBER OF DWELLINGS**

- 1.1 The Officers Mess outline planning application seeks permission for the delivery of up to 85 residential homes. Committee members have asked if the number of dwellings can be reduced by the applicant.
- 1.2 The number of dwellings proposed has been carefully refined through the design process to ensure that the proposed development can deliver a quantum of development which makes best use of previously developed land in line with national and local policies, whilst also responding to the character of the site and surroundings. The capacity of the site has been subject to design evolution by the architect and Kings Foundation (formerly Princes Foundation), in combination with the local community and is significantly below what could be achieved if the Council's adopted density policy is applied to the site.
- 1.3 This note considers the relevant planning policy, the design development process and the benefits of the housing number and mix proposed.

Principle of Development – Previously Developed Land

- 1.4 The National Planning Policy Framework (NPPF) places significant emphasis on the redevelopment of brownfield sites, maximising under-utilised land and bringing forward suitable development sites in public ownership (NPPF 2023, paras 124-125). The re-use of brownfield land, the benefits of housing, and the role that the public sector has in delivering new homes forms part of the Secretary of State's Written Ministerial Statement of 19 February 2024 which is a material consideration.
- 1.5 The Planning Committee report concludes (para 142) that whilst the application site lies outside the Planned Limits of Development of the village of Edith Weston, where development would normally be resisted, the site is previously developed land adjacent to a Local Service Centre and is therefore considered to be sustainable development as defined in the NPPF.
- 1.6 The committee report states that the principle of residential development is appropriate and acceptable in this location. The scheme does not result in the intrusion of built development into the countryside beyond its existing extent and the Site is already in a form of residential use (para 49, bullet point 5). There would, therefore, be no harm arising from the scheme in terms of the safeguarding of the countryside and the existing use is residential in nature.
- 1.7 The proposed residential use also accords with Policy CS6 of the adopted Local Plan relating to the re-use of former military sites. The Committee Report confirms that the proposal complies with the detailed requirements of Policy CS6 a) to f) through the details submitted and the use of appropriately worded planning conditions and reserved matters submissions (para 52).
- 1.8 Finally, the principle of new residential development at this brownfield site aligns with the emerging allocations in the community-led Edith Weston Neighbourhood Plan, as well as the Council emerging Local Plan, both of which identify the Officers Mess site as appropriate for housing.

Housing Numbers and Density of Development

- 1.9 Adopted Local Plan policy CS10 seeks densities of 30dph in the existing villages across the County. Policies CS19 and SP15 require development which is appropriate to its setting.
- 1.10 On a pure capacity basis, this site is capable of delivering 116 new homes were a policy compliant approach taken. However, in recognition of the character of the locality and through the Enquiry By Design process, a reduced density equivalent to 21.9 homes per hectare has been taken, a 27% reduction against what would normally be taken.
- 1.11 As identified in the published Committee Report, Addendum and voiced by Planning Officers in response to member questions during the committee meeting on 19th March 2024, there is no policy basis or technical justification (such as highways) to further reduce the number of dwellings proposed in this outline planning application.
- 1.12 Paragraph 69 of the Committee report states that when establishing the appropriate density and number of dwellings, a number of design considerations are relevant. This includes adopted Policy, the character and density of surrounding development, inclusion of appropriate infrastructure and dwelling mix, and the proposed number of dwellings must be financially viable for the developer.

- 1.13 As identified within the submission documents, the typical density of Edith Weston is low, especially at the core of the village. The more recent development on the edges of the settlement is generally higher density.
- 1.14 The applicant has examined the site and local surroundings during the design development process, looking at the character of the existing settlements. Full details are within the Design and Access Statement and Design Guide. Alongside the local stakeholder workshops facilitated by the King's Foundation, this extensive character review informed the Illustrative Masterplan as submitted with the outline planning application.
- 1.15 The proposed density of the development is 21.9 dwellings per hectare (dph), to comfortably achieve up to 85 new homes. As noted by planning officers in the Committee Report, this proposed density at the application site is more dense than the historic core of Edith Weston, but significantly below the stated aims of adopted Local Policy CS10 which targets 30 dph.
- 1.16 As noted by planning officers, the proposed lower density of development at the Officers Mess is contrary to adopted policy, but the extent of departure is acceptable given the relationship to the existing settlement and provision of open space and supporting infrastructure. On this basis, planning officers considered it reasonable to depart from the 30 dph required by Policy CS10 (para 71), in favour of a significantly lower density of development.
- 1.17 The applicant believes that the 85 units proposed, as illustrated on the Indicative Masterplan, can comfortably deliver a landscape-led development which responds to the character of the surrounding village, provides new open space and respects local heritage assets. It is also capable of delivering design standards such as required levels of car parking as these measures are considered when density policies are adopted.
- 1.18 There is no policy basis to reduce the number of units proposed, or further reduce the density of development at the site which would exacerbate the departure from adopted policy and is contrary to the NPPF's requirement for applicants to make the best use of previously developed land (NPPF Para 123). The applicant does not propose to reduce the number of units proposed as part of this application.

Housing Mix and Affordability

- 1.19 The Planning Committee Report highlights, at paragraph 72, that whilst Edith Weston is currently characterised by larger properties, it is generally accepted within Rutland County that the key requirement is for properties of a smaller scale, generally between 2 – 3 bedrooms.
- 1.20 The outline planning application seeks permission for up to 85 dwellings, of which 30% would be affordable by tenure. An indicative mix of homes is indicated in the table below and detailed on the Illustrative Masterplan.

Unit Size	Number of Units	Percentage of total Units
1 bed	2 flats	2%
2 bed	9 flats 23 dwellings	11% 27%
3 bed	38 dwellings	45%
4 bed	13 dwellings	15%
TOTAL	85 dwellings	

Table 1: Indicative Housing Mix

- 1.21 The proposed development will assist the Council in delivering a range of housing types to meet changing needs and demographics. The suitability and affordability of homes has been identified as an important consideration in the emerging Edith Weston Neighbourhood Plan (December 2023), described as a ‘serious and worsening challenge’ within the Edith Weston NHA 2002, evidence base which notes that “providing smaller homes with fewer bedrooms would help to address this situation” (paragraph 201), and that every effort should be made to maximise delivery of affordable housing in the Neighbourhood Area (paragraphs 12, 20, 125, 131 and report conclusions P59).
- 1.22 Alongside a tenure approach, the provision of smaller homes with fewer bedrooms is suggested as one way to help with this issue. The proposed housing mix includes a larger proportion of smaller homes with 2 -3 bedrooms to respond to the identified need for Rutland and to improve choice in this location.
- 1.23 The proposed development can accommodate a mix of housing types and affordable housing in line with adopted local policy. The outline application proposed is affordable by virtue of its tenure and design. This is a significant planning benefit to the scheme. The final layout and dwelling mix will be established at Reserved Matters stage.

Concluding Remarks on Housing Numbers

- 1.24 Policy and guidance at all levels advocates the use of brownfield land for housing, and the benefits of delivering new homes are widely recognised. A scheme that strictly accords with the policies of the development plan would result in a scheme which delivers over 100 new homes. The proposals are for a scheme that is 27% below policy requirements which allows for a design that reflects the local character.
- 1.25 The principle of residential use is acceptable, and the Neighbourhood Plan evidence base states that every opportunity to maximise the delivery of affordable housing should be taken to help meet local need. This is being delivered by this scheme through a 30% affordable housing provision, as well as improving affordability within Edith Weston by providing small-sized homes.
- 1.26 There are no technical or policy reasons to lower the proposed number of new homes that are to be delivered, thus the outline application remains as submitted with a maximum of 85 new homes.

2.0 USE OF COMMERCIAL UNIT

- 2.1 Discussions at the Planning Committee on 19th March 2024 included queries from Members regarding the proposed use of the commercial unit. We note that several references were made to the commercial unit being a 'shop', with terminology used interchangeably and suggestions made regarding potential restrictions of the use.
- 2.2 This use was introduced into the scheme at the request of the local community during the Enquiry by Design process.
- 2.3 The planning application includes the delivery of a new commercial unit providing 168 sqm (GIA) of Use Class E floorspace. As the application is in outline form, and the end user is unconfirmed, an open Class E use is proposed to provide the flexibility required to ensure that a viable occupier can be found.
- 2.4 In accordance with the Town and County Planning (Use Classes) Order 1987 (as amended), Use Class E encompasses a range of commercial, business and service uses that can be operated without the need for further planning permissions. This includes, but is not limited to;
- retail
 - cafe
 - financial services and other professional services
 - indoor sport and recreation (such as a gym)
 - medical or health services
 - offices
 - research and development premises
 - creche / nursery
- 2.5 As such, the proposed commercial space would be available to provide local services and facilities, within the range of uses encapsulated in Use Class E, for existing and new residents and is not limited to solely retail purposes.
- 2.6 As part of the original submission the applicant has proposed that a marketing strategy is secured through the planning Section 106 agreement, which gives priority to local businesses should they wish to occupy the space for any of the uses permitted under Class E.
- 2.7 Paragraphs 116 – 118 of the Planning Committee report provide details of the Section 106 Heads of Terms.

Concluding Remarks on Commercial Unit

- 2.8 The proposed commercial unit was introduced at the request of the local community to provide additional facilities within Edith Weston. It has been sized so that it is suitable for local businesses and not multinational occupiers so that it complements the existing offer within the area. The proposed open Class E use allows for uses other than retail and the final location within the scheme would be confirmed through the Reserved Matters process.
- 2.9 The Applicant is committed to providing opportunities for local business, with legal obligations proposed to ensure that they are given priority for being able to occupy the space.