

**REPORT NO: 226/2014**

**DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**14<sup>TH</sup> OCTOBER 2014**

**PLANNING APPLICATIONS TO BE DETERMINED BY THE  
DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**REPORT OF THE DIRECTOR FOR PLACES  
(ENVIRONMENT, PLANNING AND TRANSPORT)**

## Rutland County Council

### Development Control & Licensing Committee – 14<sup>th</sup> October 2014

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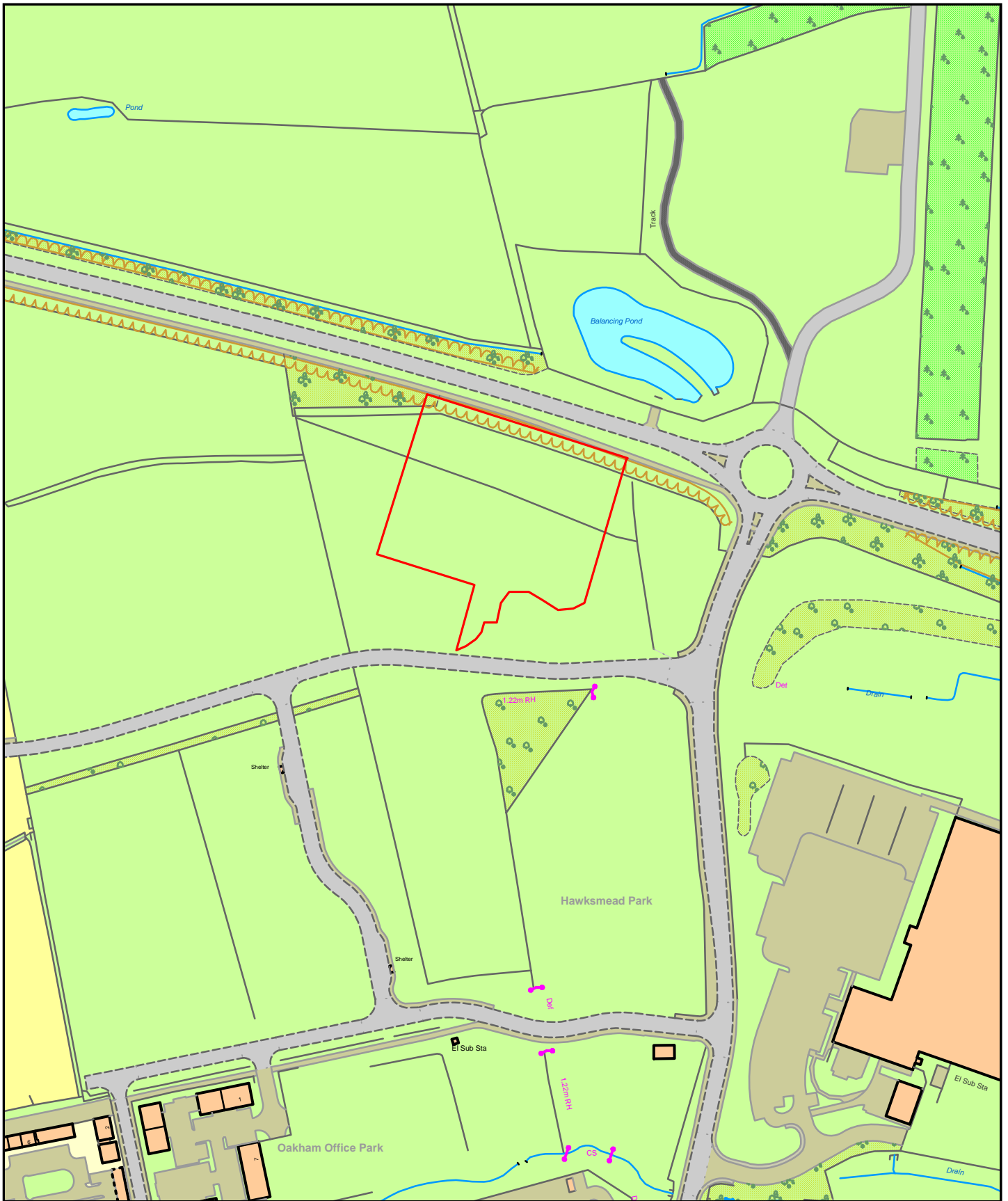
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3	2014/0527/FUL	Larkfleet Homes Land between Barleythorpe & Burley Park Way, Barleythorpe  Replan to plots 6, 7, 8, 10 & 11 on previously approved development. Construction of 9 new dwellings on previously approved allotment land, including garages and associated infrastructure.	APPROVAL	33
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FUL/2003/0502, Condition No. 3 of planning permission FUL/2007/0649 and addition of new Condition to FUL/2008/0693, to amend the range of goods to be sold from the premises, and with no restrictions on retail unit 3.

6	2014/0733/FUL	Mr David Hollis Land to north of Rogues Lane, Cottesmore	REFUSAL	61
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Proposed residential development comprising 13 No. private dwellinghouse and 7 No. affordable homes, construction of new access and provision of car parking area for existing cemetery.

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Ordnance Survey [100018056]

Scale - 1:2500  
Time of plot: 15:38  
Date of plot: 01/10/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP



Application:	2014/0258/FUL	ITEM 1	
Proposal:	New retail unit (Class A1) with associated vehicular & pedestrian access, car parking, landscaping & servicing.		
Address:	Land West of Lands End Way, Oakham, Rutland		
Applicant:	Hawksmead Ltd	Parish	BARLEYTHORPE (OAKHAM ADJACENT)
Agent:	Rapleys LLP	Ward	Oakham North West
Reason for presenting to Committee:	Objections received		
Date of Committee:	14 October 2014		

## EXECUTIVE SUMMARY

The proposed store would be located on designated employment land. The development would result not only quantitatively in the loss of employment land but also qualitatively in terms of it being the prime location for employment land in Oakham, and as such would significantly reduce the potential for future economic development and job creation in the County. As a result the proposals are contrary to the Development Plan.

Members will need to consider whether there are material considerations that outweigh the conflict with the Development Plan. The recommendation is that there are none either singly or in combination that outweighs the conflict with the Development Plan.

## RECOMMENDATION

**REFUSAL**, for the following reasons;

1. The application site is part of a larger area of land allocated and safeguarded for employment-related development (Use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)) in Policy CS13(d) of the Adopted Core Strategy (July 2011) and EM2/1 of the Adopted Rutland Local Plan (July 2001). It is also in a prime location by the Oakham Bypass (A606: Burley Park Way), adjacent to the main highway access into the allocated area. The proposed use for retail development (Use Class A1) would detrimentally reduce both the quantity and quality of employment land supply within Rutland. The loss of part of this strategic site, especially in such a prime location, would inhibit the development of the wider employment site for future economic development and job creation within the area allocated for such development within Policies EM2/1 and CS13(d). Given this, the current application is contrary to saved Policies EM2 and EM11 of the Rutland Local Plan (2001) and Policies CS2(h) and CS13(d) of the Adopted Core Strategy (July 2011).
2. The proposal would have an impact upon linked trips to Oakham Town Centre, and as such would be required to make contributions towards a County Council led planned programme of investment in the town centre to mitigate the agreed impact of the development on the town centre. These developer contributions have not been finalised through a Section 106 agreement, and the proposal is thereby contrary to policy CS2, CS8, CS17, and CS18 of the adopted Rutland Core Strategy and the guidance in the adopted Supplementary Planning Documents on "Planning Obligations and Developer Contributions" (2010).

## Site & Surroundings

1. The application site (0.59 Hectares) is greenfield land, located in north-west Oakham, by the roundabout junction of Lands End Way and the Oakham Bypass (A606). This is approximately 1.6km north of the town centre.
2. The site is part of a larger area (10.54 Hectares) safeguarded in the Core Strategy as employment land and known as 'Employment Site 1'. Outline Planning Permission for Business use (Class B1), Industrial use (Class B2) and Warehousing (Class B8) was granted for the whole area in November 2006 and just renewed in 2014.
3. The site is open, undeveloped and relatively flat. The Oakham Bypass forms the northern boundary, with Lands End Way to the east of the site. The southern boundary faces an existing access road (Panniers Way) which serves new residential and commercial premises to the west. There are small earth bunds to the north and south boundaries. The clearest views of the site are when approaching along the Bypass from the east.
4. Immediately east of the site a petrol filling station with ancillary shop is currently under construction. The petrol station is considered a road side service use, an exception to the safeguards of the Employment Land. Further west into the employment land allocation, permission has been granted for a pub/restaurant and a 60 bed hotel, also considered roadside services (for the purpose of the exemption). Beyond this is the Oakham North housing development, which is also currently under construction.
5. There are bus stops along Lands End Way served by Route 3 of the Oakham Hopper. Future bus stops along Bosal Way to the south of the site have been constructed but are not currently part of the Hopper service.

## Proposal

6. The proposal is to construct a new retail unit. While the applicant (Hawksmead Ltd) is not a retailer, supporting documentation and submitted plans identify the discount food retailer Aldi as the intended end user.
7. The unit would have a net retail area of 990sqm, and gross external area of 1481sqm. The vehicular and pedestrian access would be to the south of the site off Panniers Way, using the same site access as the under construction petrol station.
8. The building is positioned on the western side of the site, with the front elevation facing east over the car park, which provides 80 spaces.
9. The proposed plans are attached at **APPENDIX 1**.

## Relevant Planning History

10. Members will recall that planning permission was refused for a Sainsbury's store in this location in 2011 (FUL/2010/0729). The reasons for refusal related to loss of Employment Land, and that the application failed to satisfy the sequential test for location of new retail development. Sainsbury's have since been granted permission for a store on the former Tresham College site on Barleythorpe Road.

<b>Planning Number</b>	<b>Description</b>	<b>Decision</b>
OUT/2003/1181	Outline application for use of land as B1, B2, and B8 employment development	Approved 09/11/06 and subsequently renewed (2013/0598/FUL)
FUL/2010/0729	New retail unit (Class A1) with associated car parking, petrol filling station, vehicular and pedestrian access, highway works, landscaping and servicing	Refused 14/03/11
<i>Neighbouring land</i>		
APP/2010/1170	Construction of Public House/Restaurant (Class A3) and associated works.	Approved 28/08/12 Minor Amendments (14/0455) Approved 25/09/14
APP/2010/1216	Outline application for erection of hotel and associated works.	Approved 13/09/12
APP/2012/0011	Outline application for petrol filling station, car wash, sales building	Approved 27/06/12
2013/0601/FUL	Construction of a Petrol Filling Station	Approved 24/09/13

## **Planning Guidance and Policy**

11. Members will be aware that the “Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)” is recommended for formal adoption at Full Council on 13 October 2014.
12. If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
13. The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted. The above recommendation is also split into option 1 where the DPD is adopted and option 2 if it is not adopted.
14. Members will be updated further via the addendum report.

## **Option 1: DPD is adopted**

### **Development Plan**

#### **Rutland Core Strategy (2011)**

- CS1 Sustainable development principles
- CS2 The spatial strategy
- CS4 The location of development
- CS8 Developer contributions
- CS13 Employment and economic development
- CS14 New provision for industrial and office development and related uses
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Promoting Good Design
- CS21 The natural environment

#### **Site Allocations and Policies Development Plan Document:**

- SP3 Sites for retail development
- SP15 Design and Amenity
- SP17 Outdoor lighting
- SP19 Biodiversity and geodiversity conservation

### **Other Material Considerations**

#### **National Planning Policy Framework – NPPF (2012)**

- Section 2 Ensuring the vitality of Town Centres
- Section 4 Sustainable Transport
- Section 7 Design

#### **Rutland Planning Policy Documents**

- Rutland Retail Capacity Assessment (2010)
- Rutland Retail Capacity Assessment Update (2013)
- Employment Land Assessment Report (ELAR) (2013)
- Supplementary Planning Documents on Developer Contributions (2010)

## **Option 2: DPD is not adopted**

### **Development Plan**

#### **Rutland Core Strategy (2011)**

- CS1 Sustainable development principles
- CS2 The spatial strategy
- CS4 The location of development
- CS8 Developer contributions
- CS13 Employment and economic development
- CS14 New provision for industrial and office development and related uses
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Promoting Good Design
- CS21 The natural environment

#### **Rutland Local Plan (2001)**

- EN1 Location of development
- EN17 Landscaping
- EN18 Hedgerows and trees
- EN19 Ecology

EN25	Outdoor lighting
EN29	Amenity
EM2	Employment Areas
EM11	Shortfall of employment land
RE9	Retail development and Crime Prevention
HT2	Traffic Management
HT3	Transport Issues
HT4	Development likely to increase traffic
HT5	Road Access & Design
HT6	Parking & Servicing
HT10	Major Development & Public Transport
UT5	Servicing & Drainage
IM1	Infrastructure facilities

## **Other Material Considerations**

### **National Planning Policy Framework – NPPF (2012)**

Section 2	Ensuring the vitality of Town Centres
Section 4	Sustainable Transport
Section 7	Design

### **Site Allocations and Policies DPD: Submission Document with modifications recommended by Inspector**

SP3	Sites for retail development
SP15	Design and Amenity
SP17	Outdoor lighting
SP19	Biodiversity and geodiversity conservation

### **Rutland Planning Policy Documents**

Rutland Retail Capacity Assessment (2010)  
Rutland Retail Capacity Assessment Update (2013)  
Employment Land Assessment Report (ELAR) (2013)  
Supplementary Planning Documents on Developer Contributions (2010)

## **Consultations**

15. Oakham Town Council – “Recommend Approval and would ask that Rutland County Council take into account the public support.”
16. Langham Parish Council – Recommend Approval. Detailed comments relating to increased number of disabled parking spaces, the provision of customer toilets, a bicycle parking facility and mobility scooter park, and further evaluation of flood risk considering the proximity to newly built homes.
17. Planning Policy – Notwithstanding that the impact upon the vitality or viability of Oakham and Uppingham would not be ‘significantly adverse’, the proposal is considered contrary to national and local planning policy as the application is for a new store on land that is allocated for employment uses, not for retail use.

The development will result not only quantitatively in the loss of employment land but also qualitatively in terms of the prime location for employment land in Oakham and as such will significantly reduce the potential for future economic development and job creation.

18. Highway Authority initial comment—No objection, subject to conditions, and the following;
- The provision of a roundabout at the junction of Lands End Way and the Barleythorpe Road is required as there is a history of collisions here and the proposal will increase traffic flows significantly.\*
  - Local public transport will be re-routed to ensure that the northerly stop on Bosal Way is utilised, reducing the distance for pedestrian traffic. Due to this, a contribution towards public transport is required as laid out in the S106 agreement
  - The travel plan must be implemented and revisited regularly to promote the use of non-private vehicle transport methods by staff, visitors and customers.
- \* Subsequent comment. Following consultation with RCC Transport Consultants, due to the reduced size of the store [in comparison to the refused 2010 Sainsbury's application], and committed development, it is not necessary to include the provision of a roundabout at the junction of the B640 and Lands End Way.
19. Environmental Health – Satisfied with the noise assessment, subject to conditions for the loading bay to be operated during the day (07:00-23:00), and extraction/exhausting system be designed to ensure that upper noise limit is not exceeded.
20. Environment Agency – No objection, subject to consideration of surface water management and good practice advice, with conditions for surface water/oil interceptor.
21. Ecology – Report found no evidence of Badgers or Great Crested Newts and the findings are accepted. Concerned over the cumulative impact of piecemeal development in the area on the local badger population. Where possible trees should be retained to meet local wildlife site criteria.

## Neighbour Representations

22. This application has resulted in 460 letters of support from the local community. These emphasise:
- Would like to have an Aldi in Oakham
  - Having to currently drive to Corby/Grantham to use their Aldi stores / would prevent consumers travelling out of Rutland for food shopping (and therefore more sustainable/better for environment)
  - Will be a benefit to the town
  - Job creation, especially for young people
  - Increased choice, range and competition
  - Public demand
  - Will encourage tourism
  - Discount items/value for money for low income households
  - Greater capacity, given Oakham extension/new housing
  - New customers would be attracted into Rutland/Oakham
  - New retail should be encouraged given empty high street shops
  - Council have purchased Ashwell Prison for employment use
  - Will free up traffic at the crossing on Melton Road
  - Will free up car parks in the Town Centre
  - More mainstream brand shops (Next, New Look, Savers, Mothercare, Home Bargains, Poundland, Peacocks etc...) are needed in Oakham rather than individual high street shops
  - Good competition for existing supermarkets, including on pricing

- Preferable over Sainsbury's in this location
- Big enough to benefit town, but small enough to not adversely affect other shops

A Rutland Resident has sent in a newspaper cutting from the Daily Mail (Wednesday November 20, 2013) with the title 'One in three of us have shopped at Aldi'.

One response included a reference to the 'nightmare that is Barleythorpe Road', and hoped that it could be 'sorted ASAP'.

One letter of objection has been received from a local resident on the grounds that Oakham doesn't need 2 supermarkets on the by-pass (co-op being the first) as it would detrimentally affect the town centre.

Tim Norton Motors has also objected to the scheme, on the grounds that their motor services site in Oakham is available for store development, and sequentially preferable to the application site.

Additionally, Indigo Planning, acting on behalf of Sainsbury's, has objected to the application, on the grounds that the development would result in the loss of part of allocated site, and that the development fails the sequential test.

Some additional consultation comments offer support, but highlight potential issues;

- Concern over potential increase in traffic flow in the town centre
- Provision of a bus service to run to and from the store would be needed, along with wider pavements and bicycle tracks.
- How can RCC approve Aldi when they so forcefully refused the Sainsbury's application? If approved the Authority could be accused of having double standards

## Planning Assessment

16. The key issues for consideration are:

- Loss of employment land
  - i. Oakham Enterprise Park
  - ii. Market value
  - iii. Land supply
  - iv. Job creation
- Sequential test
- Retail impact
- Highways and accessibility
- Layout and Design

Other issues are then addressed at the end of the report.

### Loss of employment land

17. Policy CS13(d) of the Adopted Core Strategy safeguards the undeveloped high quality employment allocation for employment uses, 'unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land within the County.'
18. The remaining saved policies of the Rutland Local Plan are about to be replaced by the Site Allocations and Policies DPD (going to Full Council on 13/10/14), however until the Local Plan is replaced, Policy EM1/2 (identifying the Employment Land) and EM11 ('Planning permission will not be granted for development which would result in a shortfall of land suitable for high density employment use') remain part of the

Development Plan.

19. The application site is within Employment Site 1 (identified as a 'strategic site' under the criteria of the NPPF and was allocated for 'local and inward investment to match the strategy and to meet the anticipated needs over the plan period' – Paragraph 21 of the NPPF). This site is by far the largest undeveloped employment site in Rutland, big enough to accommodate the needs of regional/national companies in a key location on the edge of Oakham; this option is not possible on any other employment sites in Rutland.
20. Additionally, the recent Planning Inspector's report on the Site Allocations and Policies DPD found that the Council's approach to employment land is sound. The Inspector is satisfied that the safeguarded land is an appropriate response to the identified need and current provision, and that Employment Site 1 is particularly well situated in terms of existing employment development, housing, and transport links.
21. It is therefore important that this site should enjoy a strong degree of protection from uses other than B1 (business)/B2 (general industry) and B8 (storage/distribution) via the above policies in the Development Plan.
22. Furthermore, for non B Class uses, the Employment Land Assessment Report (ELAR) recommends that an applicant would need to demonstrate that;
  - a. the site is no longer suitable or reasonably capable of being developed for employment purposes, and
  - b. the site has been proactively marketed for employment for a reasonable period of time (a minimum of 12 months) at a reasonable market rate (i.e. rent or capital value), or
  - c. there will be a significant community benefit which outweighs the impact of losing the employment site.
23. As highlighted in the planning history above, the overall allocation has had a degree of development approved that falls under 'road side services', which are uses exempt from this protection. The future addition of the pub and hotel, as well as the petrol station and now potentially a supermarket does appear to indicate that the employment site is being gradually developed for service uses, without the provision of B1/B2/B8 uses.
24. The material issues relating to the potential loss of part of the employment land are assessed below.

(i) Oakham Enterprise Park

25. One of the applicant's arguments is that the Council's purchase and subsequent conversion of Ashwell Prison to Oakham Enterprise Park (OEP) has weakened local demand and rental levels for small business accommodation. While this position for small businesses is not necessarily contested, it is important to note that Employment Site 1 is both large enough and in a desirable location as to potentially fulfil the needs of a regional/national business as well as existing local large companies. In comparison, OEP is geared primarily towards supplying small business space.
26. The applicant also argues that the ELAR does not take into account the employment land that has come forward from OEP. For clarification the 2013 ELAR update does take this into account, and has concluded that the scale of additional land supply provided by OEP is not comparable to the scale of Employment Site 1. This position is supported by the Planning Inspector's report on the DPD.
27. Oakham Enterprise Park is not directly impacting the potential take-up of employment



land on the application site or the wider employment allocation, and cannot be regarded as a like-for-like replacement of the employment allocation at Lands End Way.

#### (ii) Market Value

28. The applicant argues that there is low demand for employment at this location, with the site being on the market for some 9 years without significant interest. The land has been marketed at £864,000/ha, however this appears to have been aimed at service uses/road side uses such as the petrol filling station/pub/hotel and retail. In comparison, while the ELAR did not undertake detailed land valuations, consultations through local agents did note that as of 2013, rents were around £60/sqm for industrial uses and £80/sqm for offices. This would indicate that developers or occupiers would be unlikely to pay in excess of £500,000/ha to secure a local site. The £864,000/ha land value would therefore suggest that it is being marketed towards 'higher value' uses such as hot food and retail, rather than B-Class employment.
29. Given the above, the site is priced too high for B Class businesses and associated occupiers, and therefore the fact that it remains largely undeveloped is not necessarily an indication that a more focused marketing campaign, more realistic pricing and an improved economy would not attract the interest of larger businesses in the future. The applicant has not satisfactorily demonstrated that the site has been proactively marketed for employment for a reasonable period of time at a reasonable market rate.
30. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. This is noted; however given the above marketing history, and the Planning Inspector's recent comments on the Employment Land allocation, the continued protection of the employment land is justified.

#### (iii) Land Supply

31. The applicant states that their proposal (0.59ha) is smaller than the previous Sainsbury's refusal (1.9ha) in 2011. While this is accurate, the location of the store would still mean the loss of prime A606 frontage land close to the junction with Lands End Way. This would be the most desirable part of the site for any potential B Class occupier who'd require a prominent and well accessed location.
32. The ELAR studies have shown that based on a short term land take-up scenario (which reflects Rutland's growth rate in a period of recession) Rutland will need 19.57ha of employment land up to 2026 (and 24.72ha to 2031). When using a long term take up scenario (reflecting periods of economic growth and decline) these figures increase to 34.37ha to 2026 and 43.44ha to 2031. The ELAR identifies that (at best) Rutland has a land supply of 19.98 ha. This means that even if the national recession continues for the next 12 years, Rutland would only just have enough land to meet needs to 2026 and have a shortfall to 2031. However, given the present economic recovery, it's more likely that the Council will have land supply shortfalls to 2026 and 2031.
33. The applicant has challenged the forecast models used for the above figures, and offered alternative models. However these models were assessed and subsequently discounted in the ELAR as being flawed.

#### (iv) Job creation

34. Some public comments relate to job creation, especially for young people. It is accepted that the proposed food store will generate some 32 jobs, and that when measured on a square metre per job basis, this represents a higher job density than if the same 0.59 ha was developed for some B uses such as warehousing or distribution. Notwithstanding

this, a B1 use in this prime location would be likely to create a far greater number of jobs (one job for every 12sqm for B1 against 30sqm per job for Aldi).

35. While Aldi would generate some economic and community benefits, this would not outweigh the impact of the loss or exceed the anticipated benefits of a larger development of B1/B2/B8 accommodation, the likelihood of which would be limited if the prime frontage land at the A6006/Lands Way junction was lost. The conclusion is that Rutland cannot afford to lose any of its employment land supply. Therefore the proposed development, on this strategic site (and in a prime location within the site) would inhibit the development of the wider employment site, and would have a detrimental impact upon both the overall supply and quality of employment land within the County.
36. As such the proposal would be contrary to the Development Plan and specifically Policy CS13(d) of the Adopted Core Strategy. If the DPD is not formally adopted by Full Council on 13/10, saved Policies EM2 and EM11 of the Rutland Local Plan (2001) would also be applicable as a reason for refusal. This recommendation would be consistent with the first reason for refusal made for the Sainsbury's planning application in March 2011.

#### Retail Policy Issue - Sequential test

37. Policy CS17 (Town centres and retailing) of the Core Strategy outlines that the vitality and viability of the town centre will be maintained and enhanced, and that main town centre uses (such as retail) should be focused in the defined town centre. Under the NPPF there is no requirement for applicants to specifically demonstrate a quantitative need for a development, provided that there are no sequentially preferable sites available, and no significant adverse impact will arise on existing centres.
38. To this end both CS17 and the National Planning Policy Framework (NPPF) require a sequential test to be submitted for major retail facilities on 'edge-of-centre' and 'out-of-centre' sites. An 'edge-of-centre' site is defined as being within 300m of the primary shopping frontage (PSF).
39. The application site is approximately 1.6km from the Oakham PSF, and is therefore considered an 'out of centre' site. CS17 and the NPPF also advise that potential alternative sites, within the town centre, on the edge of the town centre and also in out of centre locations should all be assessed for their availability, suitability and viability before drawing any conclusions on the appropriateness of the proposed site.
40. The applicant has submitted a sequential test which concludes that there are no suitable sites in more central locations and that therefore the application site is the most sequentially preferable. This has been independently assessed by Planning Policy consultants.
41. Objections to the submitted sequential test have been received from Tim Norton Motors and Indigo Planning. While the Tim Norton site is allocated for retail development in the DPD, the supporting text confirms that it is suitable for comparison goods retail development only. Access is constrained by the complex road system from Melton Road, via Cold Overton Road into Long Row. Queuing traffic, when the barriers are lowered at the Melton Road level crossing, adds further complications to this. Food retail here would generate greater volumes of traffic than other potential forms of non-food retail development. This site is therefore not considered suitable for food retail.
42. Following comments from Planning Policy on the sequential test, a further assessment of the remaining land on the former Tresham College site on Barleythorpe Road has been undertaken (adjacent to the approved Sainsbury's site). This site has been discounted due to its irregular 'L' shape, which would reduce the number of car parking

spaces and also result in a convoluted site layout. Furthermore there are numerous mature trees on the site that would be required to be retained in any subsequent scheme. The store could not be accommodated without the loss of the majority of these trees, which would have a significant detrimental impact upon the street scene and local wildlife habitats.

43. The remaining sites considered are the land to the south and west of Tesco, Brooke Road Surface car park, and Church Street surface car park. Tesco's have an implemented permission to extend the store, and therefore it is reasonable to conclude that this site is unavailable to a third party. The car parks remain in active use and have not been identified for retail development in the DPD. Additionally these are smaller constrained sites that would inhibit a development of the scale proposed.
44. Consequently there are no other available, suitable or viable sites that could reasonably accommodate the development, and therefore the application site satisfies the sequential test and meets the requirements of the Development Plan and NPPF.

#### Retail Impact

45. In addition to the sequential test above, Policy CS17 also requires a retail impact assessment (RIA) to be submitted for proposals upwards of 500m<sup>2</sup> (the proposal is 1481m<sup>2</sup>), to examine the impact of the development upon the vitality and viability of the town centres. Both Oakham and Uppingham are currently considered healthy destinations, exhibiting generally positive signs of vitality and viability. The RIA covers a range of issues such as comparison goods, qualitative need and expenditure leakage/ trade claw back. The submitted RIA has been independently assessed.
46. While the application is for Class A1 retail, the applicant (Hawksmead Ltd) is not a retailer, however supporting documentation and submitted plans identify Aldi as the intended end user. Their RIA includes information and justification of their comparison goods (i.e. non-food) floor space; it is agreed that this would be unlikely to compete with the offer in Oakham and Uppingham town centres to a significant extent. If Members were minded to approve the application, a condition should be imposed to prevent the unit being used for A1 retail use other than a supermarket, as this would otherwise be likely to have a far greater impact upon the town centres.
47. Public comments identify that with the under construction Oakham North housing development there is greater capacity for food retail. This is noted; however the quantitative need for additional convenience goods (i.e. food) provision will largely be satisfied by the previously approved Sainsbury's store on Barleythorpe Road. Notwithstanding this, it is accepted that the introduction of a discount retailer will provide further qualitative choice of a type of convenience good retail (i.e. discount items) which is not currently available to residents in the County. A large number of the public comments also identify the need for more choice in the area and for discounted items/value for money.
48. The majority of the public consultation comments received highlight that they currently drive out of the county to other discount shops for their weekly shop, and that they would like to have this facility in Oakham, in the interests of sustainability. These actions are known as expenditure leakage and trade claw back, which is also an argument put forward by the applicant, and forms part of their retail impact assessment. Additionally some public comments offer the view that the store would also attract new customers to Oakham/Rutland. While the level of claw back trade that the proposed store would create would be considerably more modest than the applicant suggests, it is agreed that some expenditure claw back is likely to take place.
49. The objection from the local resident regarding an additional supermarket on the by-pass

and the subsequent impact on the town centre is noted. However the applicant has provided sufficient information to show that the proposal would not result in a 'significant adverse' impact upon either Oakham or Uppingham. Notwithstanding that the impact would not be significantly adverse; there would still be some impact on town centre trade in Oakham through the loss of linked trips. A planning obligation would be required with any approval to make contributions towards a County Council led planned programme of investment in the town centre to mitigate this impact (see Planning Obligation section below).

50. Subject to the completion of this planning obligation, the proposal would comply with the relevant retail policies of the Development Plan and NPPF. The proposal would also generate some economic and community benefits, such as trade claw back. However, these benefits would not outweigh the impact of the proposal on the employment land allocation.

#### Highways and accessibility

51. A Transport Assessment has been submitted with the proposal, and been independently assessed by Highway consultants. It is agreed that the surrounding highway network has capacity to absorb the development. Turning provision for delivery vehicles has been incorporated into the design of the car park, and there are sufficient parking spaces for the size of store. The proposal would not have a detrimental impact upon the highway network or highway safety, and the Highway Authority has no objection to the proposal in principle, subject to conditions and contributions towards public transport (see planning obligation section below).
52. The comment from the local resident regarding wider pavements and bicycle tracks are noted. While these facilities are present along the bypass, there is limited scope to widen the footpath or introduce a cycle path along Lands End Way. The comments from Langham Parish Council are also noted. The number of parking spaces for the disabled is adequate for the store size. Aldi's store business model doesn't include provision of customer toilets, and there are cycle stands proposed under the store canopy. While a mobility scooter park is not shown, there would be adequate space at the store entrance to park mobility scooters under the canopy.

#### Layout and design

53. The proposed store follows the corporate design and scale of modern Aldi stores. It would be single storey, approximately 61m long, 26m deep, and 5.5m high. The store would be situated on the western side of the site, with the store entrance on the north-east corner facing the bypass roundabout. The store's entrance and northern elevation is largely glazed, with a flat roofed canopy.
54. The car park has 80 parking spaces, including 6 parking spaces for the disabled and 6 parent and child spaces. Additionally there are 4 cycle stands under the shop canopy for 8 no. bikes. Landscaping is proposed around the site and its boundaries. This includes a mix of tree (hornbeam and birch) and shrub planting. The site is also partly screened by planting for the bypass and this is starting to now establish itself.
55. While the design is utilitarian in appearance and fails to reflect the Rutland vernacular, it is functional in its design, and is just satisfactory in design terms.

#### Other issues

56. This application has resulted in a significant amount of public support for the scheme. Where relevant these points have been addressed the above sections. Others are assessed below.

57. There are several comments submitted by the public that don't raise material planning considerations that are relevant to this application. These include;
- More mainstream brand shops (Next, New Look, Savers, Mothercare, Home Bargains, Poundland, Peacocks etc...) are needed in Oakham rather than individual high street shops
  - Will encourage tourism
  - Will free up car parks in the Town Centre

Additionally, competition between supermarkets, or individual preference for a particular store are not material planning considerations. This is different from qualitative choice, which is assessed in the retail section of this report.

58. Comments were received relating to the proposal freeing up traffic at the crossing on Melton Road, traffic on Barleythorpe Road, and concern over an increase in traffic in the town centre. It is however anticipated that the majority of traffic to the store would be from the bypass, and the Council is currently looking strategically at potential options regarding the Melton Road crossing and public realm improvements for the town centre. Additionally, the Sainsbury's permission includes provision of a roundabout at the Barleythorpe Road/Lands End Way junction.
59. Several responses considered that the store is big enough to benefit the town, but small enough to not adversely affect other shops. The retail impact section above assesses this point.
60. One concern raised from the public consultation was 'how can RCC approve Aldi when they so forcefully refused the Sainsbury's application? If approved the Authority could be accused of having double standards.' This is noted, however without prejudice to the recommendation every application is assessed on its own merits, taking into account current planning policies along with site specific criteria and other material considerations.
61. Some comments outline that the Council should be encouraging retail given that there are empty high street shops in Oakham. While retail units change occupiers over time, and Oakham and Uppingham are considered to be healthy town centre destinations, any empty high street shops could not facilitate a store of the scale proposed. Notwithstanding this, Policy CS17 of the Adopted Core Strategy and SP12 of the DPD outline how the town centre will be maintained and enhanced.
62. The significant amount of public comments received has been noted, and have been given some weight where appropriate in consideration of the proposal. However the apparent public support for the proposal and benefits that have been raised would not outweigh the impact of the loss of overall supply and quality of employment land within the county (as set out in policy CS13(d)). As always it is the planning merits of public comments that are material rather than the number of such comments.
63. The ecological report submitted with the application found no evidence of protected species and these findings are accepted. Some of the trees to the west have a medium to high probability of bat interest, however these are outside of the application site, and unlikely to be adversely affected by the store. The concern from the Council's Ecology consultants regarding the cumulative impact of development in the area on the local badger population to the south is noted, however given that badgers are not using the application site, this is not directly relevant to the current application and carries limited weight.
64. Positioning of lighting columns is shown on the proposed plans. If Members were

mind to approve the scheme contrary to recommendation, final lighting levels could be controlled by condition. A noise impact assessment has been submitted and agreed with Environmental Health Officers. The store would not have an adverse impact upon the residential amenity of the homes currently under construction.

65. With regard to Langham Parish comments on flood risk, the site is in Flood Zone 1 (low risk) and there is no objection from the Environment Agency. If approved a condition would be included for surface water runoff and installation of a fuel interceptor (shown on the submitted drainage plan).

#### Planning Obligation

66. The Development Plan makes provision for developer contributions to play a part in the delivery of the Councils overall vision for the town centre. This vision derives from assessing the total impact of the growth the plan is making provision for. It prioritises infrastructure investment and identifies financial pressure points where there is a funding gap to be filled by developer contributions (where this is viable).
67. The June 2011 Improvement Scheme sets out scheme objectives, along with consultation proposals, including one-way traffic circulation options, an outline programme and cost estimates. These were drawn on in considering additional growth related funding contributions for the Council's CIL Infrastructure Priority List drawn up in 2013.
68. It has been established that the proposal would impact upon linked trips to Oakham Town Centre, and as such would be required to make contributions towards a County Council led planned programme of investment in the town centre to mitigate the agreed impact.
69. The overall key priority for Oakham is to secure investment in public realm improvements in the town centre. There is scope to improve the vitality and viability of the central area of the town to both increase local spend retention on goods and services and to attract increased visitor/tourism expenditure to the benefit of all retail outlets operating in the town.
70. A sum of £100,000 towards the delivery of these public realm improvements has been agreed in principle with the applicant, and Members will be updated in the addendum report on the progress of this. This contribution would be pooled with other committed contributions from other developments under the heading 'Economic Development – Town Centre Improvements'.
71. By securing this planning obligation the impact of the proposed development can be mitigated in accordance with Core Strategy Policy CS2, CS8, CS17 and CS18. It would also then comply with the Council's Supplementary Planning Document on "Planning Obligations and Developer Contributions" (ref paragraphs 1.31/1.32 and Appendix 1.7).
72. With regard to other potential contributions, the original Highway Authority request for provision of a roundabout at the junction of the B640 and Lands End Way has been withdrawn, following further confirmation with their consultants that showed that the highway network could absorb the development.
73. Provision towards public transport has also been assessed, and the public comments on this are also noted. While the bus service to Aldi could be improved, this could only be achieved by investing in a second Hopper service which is a much longer term Council proposal to be enabled through developer contributions as Hawksmead progresses. Given the significant scale of this in relation to the development it is not taken forward

here. Therefore the contributions are focused on the key priority of public realm improvements.

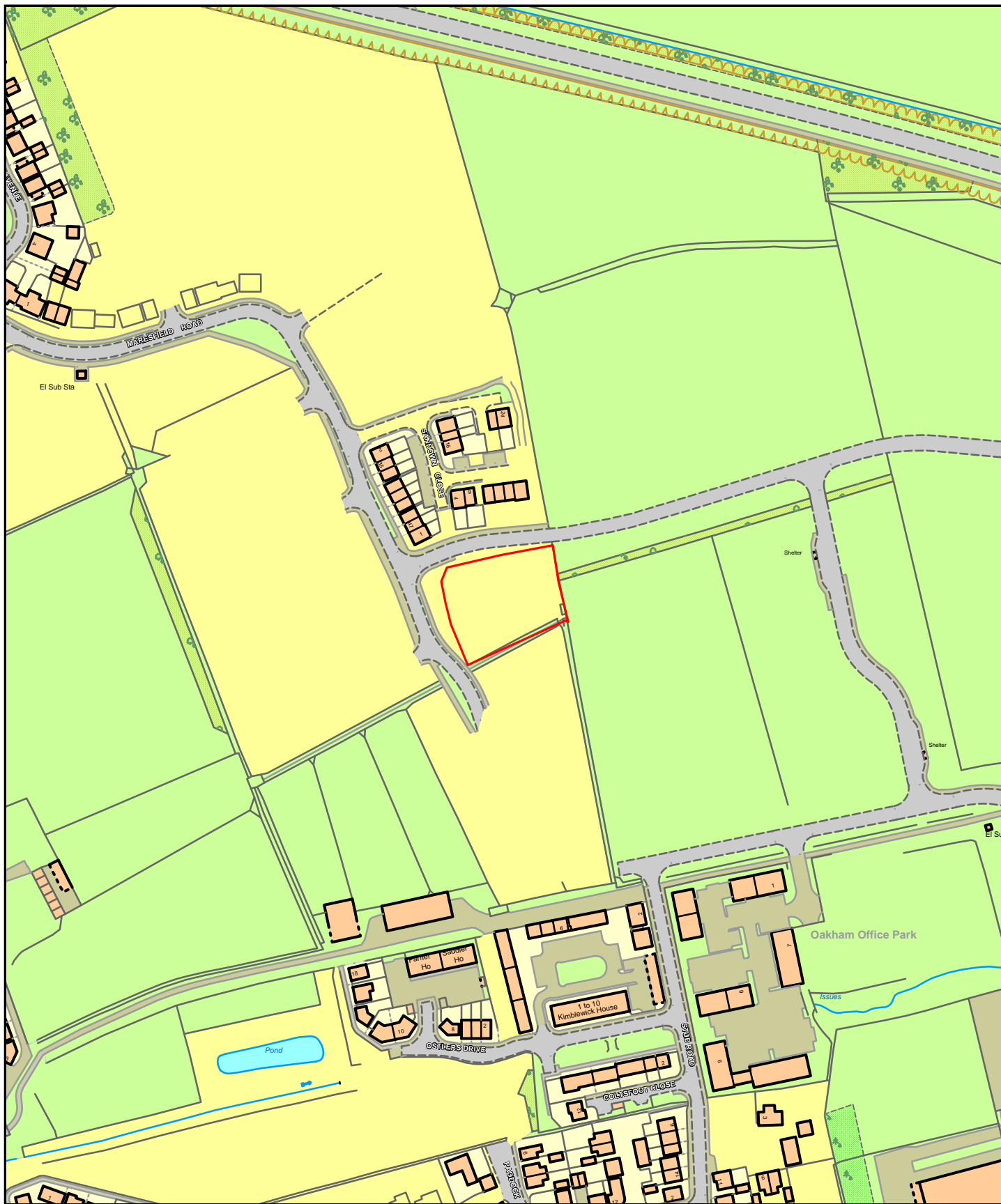
74. Notwithstanding the above, and that the principle of development is not acceptable, progress is being made on preparation of such an obligation. However, given that a final agreement has not currently been signed and completed, Officers are obliged to include it in the recommendation as a second reason for refusal. Should there be an appeal against refusal, this would give the Inspector the opportunity to assess it as a material consideration. If it weren't included as a reason for refusal and any appeal were upheld, the scheme could be allowed without developer contributions. Conversely, if Members are minded to approve the application contrary to recommendation the agreed heads of terms would be fully compliant with the relevant Development Plan policies.





2014/0258 – Appendix 1 - Proposed front and side elevations





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Ordnance Survey [100018056]

Scale - 1:2500  
Time of plot: 15:34  
Date of plot: 01/10/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2014/0386/RES</b>	<b>ITEM 2</b>	
Proposal:	<b>Reserved matters application for the erection of apartment block comprising 12 x 1 bedroom and 18 x 2 bedroom apartments, associated parking and infrastructure following planning application APP/2011/0832.</b>		
Address:	<b>Land To The South Of, Burley Park Way, Barleythorpe, Rutland</b>		
Applicant:	<b>Larkfleet Homes</b>	Parish	<b>Barleythorpe</b>
Agent:	<b>Larkfleet Homes</b>	Ward	<b>Oakham North West</b>
Reason for presenting to Committee:	<b>Local objections</b>		
Date of Committee:	<b>19 August 2014</b>		

## Background

1. This application was deferred at the meeting in August to consider:
  - i) Late detailed plan submission
  - ii) Officers to meet applicant to discuss design and how the scheme meets the spirit of the Design Code – including highways/parking throughout estate
  - iii) Bin/cycle store location/size
  - iv) Overall Affordable housing provision
  - v) Re-use of trees elsewhere on site
  
2. Officers met with the applicant and went through the design issues. As stated previously, the outline permission dictates the overall situation and the consideration of this application can only be against the parameters set out in the outline. On that basis the parking provision is in line with the Design Code and will not detract from the overall provision of 1.5 spaces per unit across the site. In reality this figure will be comfortably exceeded. The applicant is not willing to reduce the number of units. Even with this scheme the overall provision of units on site is forecast to be around 80 below the outline number.
  
3. The principle of 3 storeys along the spine road is also set out in the building height Parameter plans in the outline permission so is established.
  
4. The scheme has been amended to show 2 extra parking spaces (now 34 for 30 units), and details of the bin stores and cycle parking are included. The revised plan is now at **Appendix 1**. A street scene plan is at **Appendix 2**. The applicant has confirmed that the saplings on site will be used on this site and elsewhere within the overall Hawksmead development where it is possible to transplant them. It must be made clear that not all will be suitable for transplant.
  
5. The report below has been modified to take account of the revised plans and the Addendum from the previous meeting.

## EXECUTIVE SUMMARY

The scheme has objections related to scale and parking requirements. The scale is similar to elsewhere on the Hawksmead site and is acceptable. Parking provides 1 space per unit with 4 spare. This is in accordance with the Design Code that calls for an average of 1.5 spaces per unit across the overall development.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL-01B, PL-02A, SS01-A, all received on 1 October 2014, plan numbers MH/L74/DS/01A, 02A, 03A, 04B, 05B, and the Materials schedule received on xx.  
REASON: For the avoidance of doubt and in the interests of proper planning.

## Site & Surroundings

1. The site is located in the centre of the wider Hawksmead development site, immediately to the north of land identified as a Local Centre.
2. Opposite the site to the north are a row of affordable properties on the Bellway site which is being developed by Larkfleet.
3. To the east is the boundary of the employment land which has the benefit of outline permission but has not yet been developed. The site is bounded to the west by the new spine road through the development beyond which is partly open space and partly the Continuing Care/Retirement site.
4. The site comprises mainly self set saplings and was identified as a site for the Community Hall in the Master Plan. That development will not now go ahead on this site and an alternative financial contribution has been agreed by Cabinet and Council.

## Proposal

5. The proposal is for a 3 storey apartment block comprising 30 apartments, 12 x 1 bed and 18 x 2 bed units. There are no affordable units in this scheme, the applicant has chosen to incorporate the provision in the adjacent 'Local Centre' where there is a pending application for a further 30 units above retail.
6. The building would be sited on the frontage of the site with parking behind for 34 vehicles.
7. The design is similar to the apartment block under construction on Phase 1. Materials would be red brick on buff brick plinth, render, reconstituted stone, horizontal boarding and a slate replica rather than flat concrete tiles as originally specified.

## Relevant Planning History

Application	Description	Decision
2009/1306	Outline permission for Hawksmead Development	Approved July 2011

## Planning Guidance and Policy National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

### The Rutland Core Strategy

CS19 – Good Design

### Rutland Local Plan

HT4 – Permission will not be granted for development which would be likely to result in an increase in ...parking on roads unsuited for such use, if it would cause a road safety hazard or be detrimental to amenity.

HT5 – Adequate and Safe Access

### Other considerations

Site Allocations and Policies DPD – (Submission Draft, April 2013)

Policy SP14 – Design & Amenity – Adequate vehicle parking must be provided to serve the needs of the development, with provision for vehicles and cycle parking. Provision should meet the standards in Appendix 2. In exceptional circumstances in town centres the standards maybe varied to reflect the accessibility of the site by non car methods.

### Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

## Consultations

### Consultation Responses

8. Planning Ecology LCC  
Our records indicate that badgers have previously been recorded close to the application site. We would therefore recommend that an updated badger survey (completed within the last two years i.e. since May 2012) is completed and submitted in support of the application. As badgers are mobile and regularly move their setts, there is a chance that badgers have moved into the current application site, particularly with the disturbance in the wider area. It is therefore important that any badgers on site are identified and mitigated for as appropriate.
9. Environment Agency  
No objection.
10. RCC Highways  
Parking is insufficient and will cause obstruction and congestion on the surrounding highway. Cycle or two wheeled vehicular parking has not been supplied

11. Housing Strategy

There is no reference in the application to the provision of affordable housing. I am seeking further information from the applicant but in the meantime requested that an objection be raised to the application on this basis.

12. Langham Parish Council

Access: Access to the site is acceptable. Appearance: Some effort has been made to include different building materials in the construction of these apartments, but it is difficult to agree that the design is of a high order as claimed in the application. Large apartment blocks are not typical of this rural area and proposed large L shaped block will be particularly intrusive and more suited to an urban area. A more imaginative design, able to blend in more easily with this development, would be acceptable to both new and existing residents and to prospective purchasers. We acknowledge that single bedroom and small two bedroom apartments are now a priority housing need, but do not agree that this should absolve the need for good spatial and visual environment for these smaller units. Layout. The proposed large block of apartments, of considerable height and close to the road, will have considerable visual impact and an overbearing effect on the adjacent roads and dwellings situated directly opposite. The proximity to the low cost two storey homes, will create an unacceptable local environment for these homes with their outlook upon a large building with windows above and overlooking them. Some additional tree planting may lessen the impact to some extent but it is difficult to see how the building, as planned, can blend in easily with the rest of the development. It would be better to exchange the position of the L shaped block with that of the proposed carparking so that the tree and shrub planted block is positioned in front of the L shaped block, thus alleviating the proximity of the block and the low cost housing, and also the awkward dominance of the block to the corner of the road. The proposed car parking provision of one space per dwelling is totally inadequate. There is no provision for visitor parking or for those apartments where there are two car owners, particularly as 18 of the apartments are two bedroomed. This is unrealistic and will surely lead to parking on roads and perhaps pavements. The space allocated for bin storage is also totally inadequate. If the same system is used as for the rest of the county and assuming no green bins are provided, this still equates to a total of 60 bins, which requires more space than is shown on the plans. Landscaping. The proposed landscaping is generally good, but some additional tree planting within the parking area would be welcome in order to lessen the impact of so many parked cars on the area. Scale The proposed large, L shaped block of apartments is completely out of scale for this development. It may possibly be acceptable within a large city, but even urban areas are choosing to develop several smaller units rather than large 1960s type blocks. Flood Risk. The flood risk assessment for the proposed area has been thorough and makes good sense in present times. Although the point is made that it is a very low risk location, there are three points noted where flooding may be triggered. Details may need to be more secure if it is finally to be effective. A commercial company and the Environment Agency are named as overseers Formal responsibility for actual regular works need to be more locally based, considering the thousand homes in the vicinity of the Barleythorpe Brook, in the event of blockage at the bridge or culvert. Oakham Town Council may wish to see that the named responsible bodies have undertaken their works. Access - Recommend Approval.

1. Appearance - Recommend Refusal
2. Layout - Recommend Refusal
3. Landscaping - Recommend Approval.
4. Scale - Recommend Refusal

13. Oakham Town Council

Recommend Refusal, on the grounds of inadequate parking.

14. Archaeology  
I've checked the scheme against the previous archaeological investigation and the site has a low potential. Consequently, no further archaeological involvement is required

## Neighbour Representations

15. None

## Planning Assessment

16. The main issues for this Reserved Matters submission are those set out in the outline condition. These are layout, scale, appearance and landscaping.

### Layout, Scale and Appearance

17. There are no particular planning policy issues to raise on this application provided that it meets the requirements of Core Strategy Policy CS5 in terms of scale and design, phasing, affordable housing, density and other matters. The proposed density is 116 dwellings per hectare (dph), which is well above the 40 dph required in the policy. However, there was always going to be a range of densities across the development, the Design Code stating up to 55 dph. It is necessary to incorporate some of these apartment schemes into the overall development to give a mix of house types, to add to the affordable housing provision for 1 and 2 bed units and to enable the overall numbers to be maintained.
18. One such block has already been approved and there will be several more on Phases 9 and 10 on the former showground and rugby pitches at the southern end of the development. All of these are along the main central spine road through the development. The 3 storey height is also in accordance with the approved Design Code storey height plan.
19. The design is similar to that approved elsewhere on the site. The applicant has been requested to consider a better quality roof material and has confirmed that this will be done and an alternative has been specified.

### Landscaping

20. A revised landscaping scheme has been submitted and is considered satisfactory for this site.

### Parking Provision

21. The applicant points out that the Design Code requires an average of 1.5 spaces per dwelling across the overall development with additional on street parking where appropriate. A revised plan is awaited showing cycle parking and a better location/detail for the bin stores.
22. Whilst there is an 'under provision' on this site, the scheme would meet the overall average parking figure set out in the Design Code. The only way to achieve a higher parking ratio would be a dramatic reduction in the number of units on the site which is not desirable. To date the average provision over the Larkfleet, Bellway and Charles Church phases is approximately 2.69 spaces per unit.
23. In addition, a lower figure on this site would ensure that more parking is provided for the 3 or 4 bed family dwellings elsewhere on site.

24. The approved apartment block on Phase 1 was for 24 units with 24 spaces plus bin stores, so this scheme is not materially different.

#### Other Issues

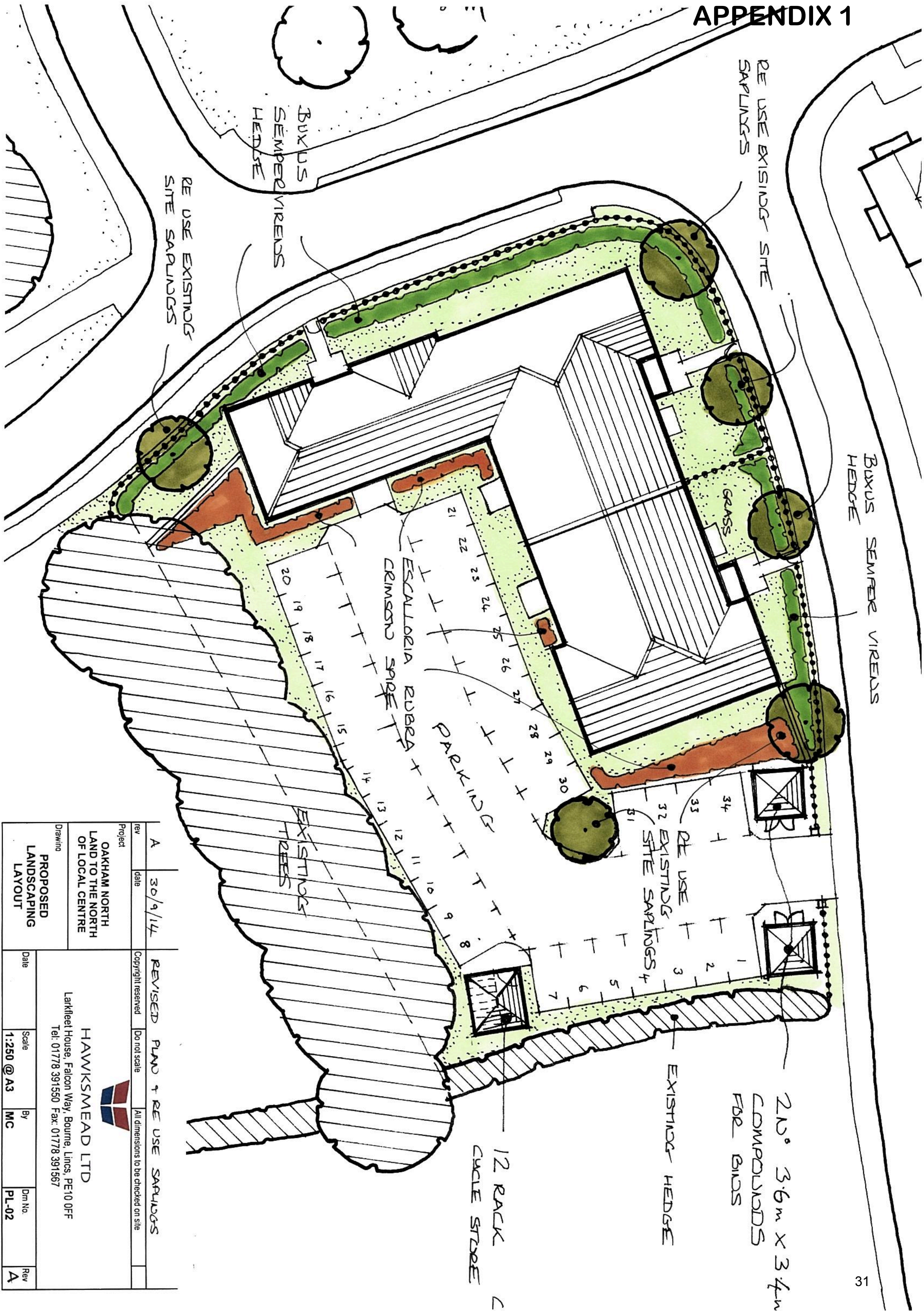
##### Ecology

25. The badger issue has been raised with the applicant; however, ecology is not a Reserved Matter issue so the developer will need to make a Statement of Conformity as required by other outline conditions. It need not hold up a decision on this submission.

##### Affordable Housing

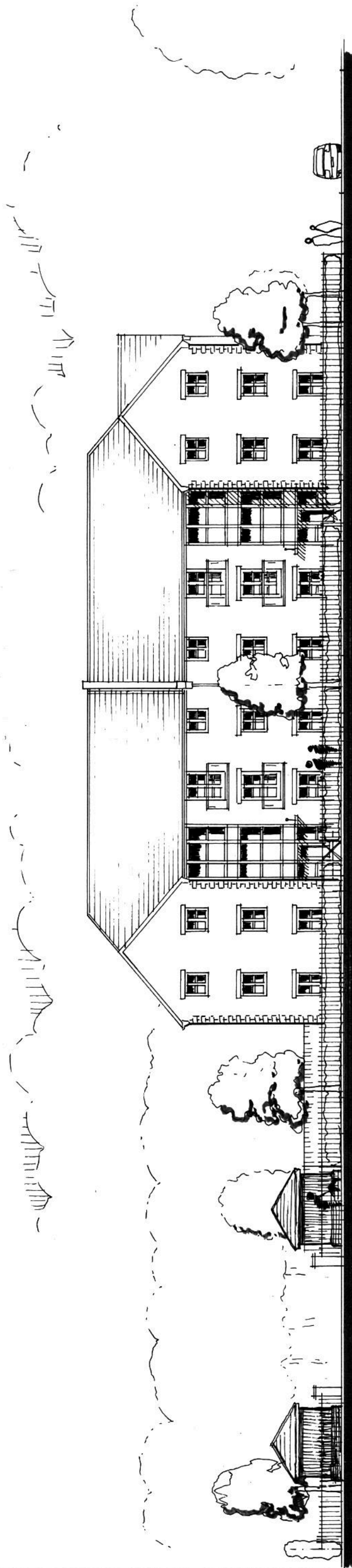
26. It is not possible to insist on affordable housing provision in the scheme as it is not a specified Reserved Matter and the S106 agreement requires an overall percentage to be provided across the development and the developer is able to choose where they go to some extent. Affordable units have been swapped around the development so some could still be provided in this block in the future. The Housing Strategy Officer confirms that social housing providers do not like separate units in apartment blocks and they are not easy to manage unless they have separate entrances and staircases.



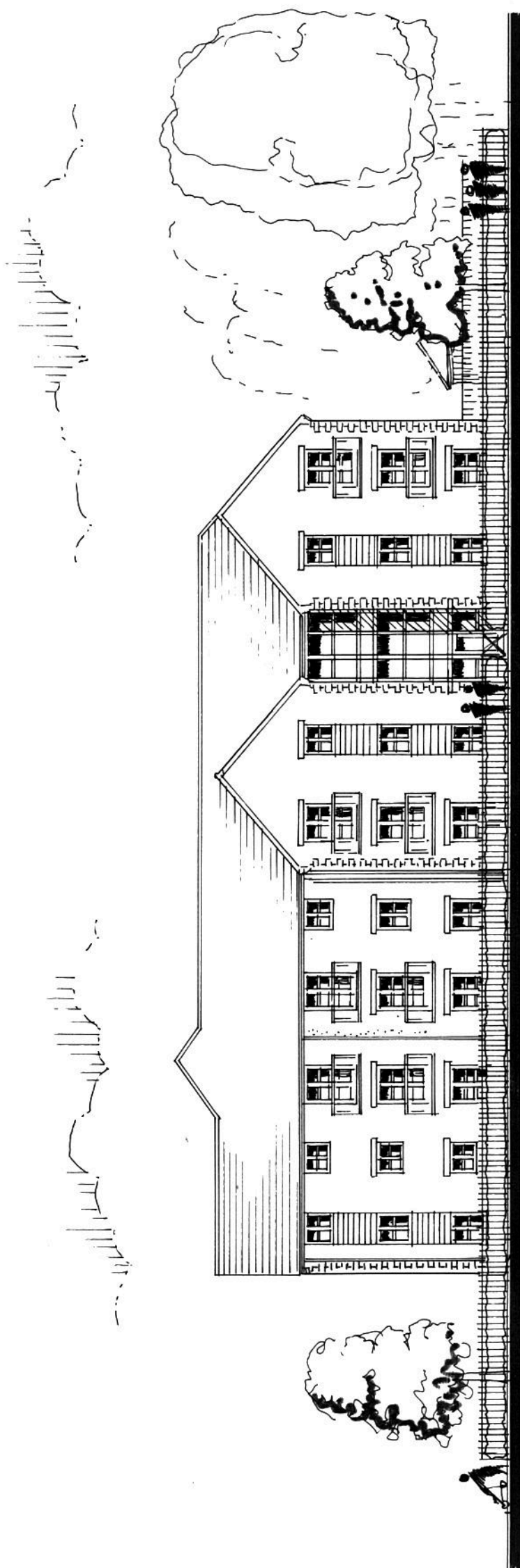


rev	date	30/9/14	A	REVISED PLAN + RE USE SAPPLINGS
Project	OAKHAM NORTH LAND TO THE NORTH OF LOCAL CENTRE			
Project	HAWKSMEAD LTD Larklee House, Falcon Way, Bourne, Lincs, PE10 0FF Tel: 01778 391550 Fax: 01778 391567			
Date	Scale	By	Dm No.	Rev
	1:250 @ A3	MC	PL-02	A
Copyright reserved		Do not scale		All dimensions to be checked on site
<p>PROPOSED LANDSCAPING LAYOUT</p>				



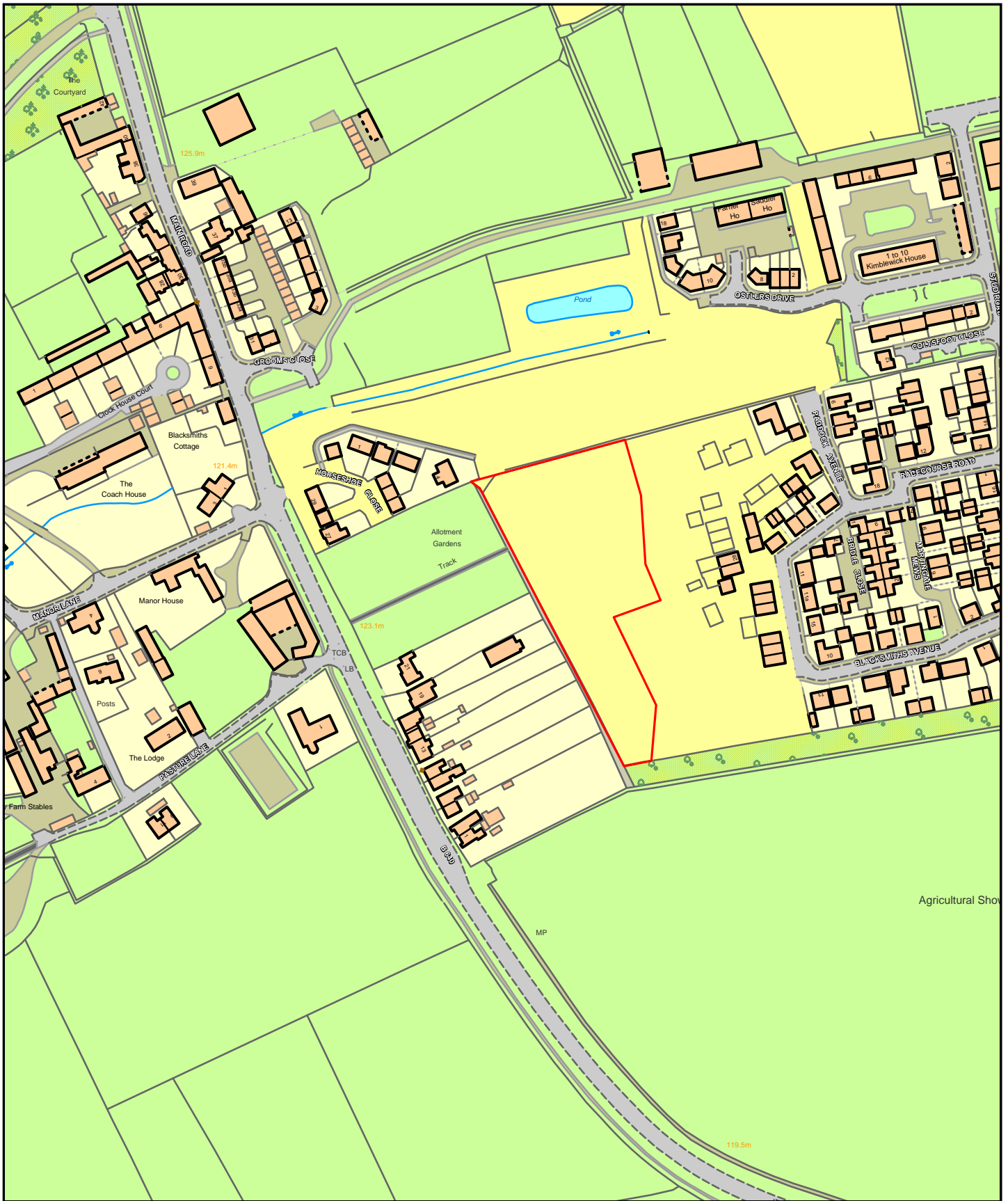


NORTHERN ELEVATION



WESTERN ELEVATION

rev	date	BIN STORES ADDED		All Dimensions to be checked on site	
A	30/9/14	Copyright reserved	Do not scale		
Project		<b>LarkfleetHomes</b>			
OAKHAM NORTH LAND NORTH OF LOCAL CENTRE		Larkfleet House, Falcon Way, Bourne, Lincs, PE10 0FF Tel: 01778 391550 Fax: 01778 391567			
Drawing		Date	Scale	By	Dim No.
STREET SCENE		24/04/14	1:200 @ A3	MAC	SS-01
					Rev
					SS-01



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Ordnance Survey [100018056]

Scale - 1:2500  
Time of plot: 15:36  
Date of plot: 01/10/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2014/0527/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Replan to plots 6, 7, 8, 10 &amp; 11 on previously approved development. Construction of 9 new dwellings on previously approved allotment land, including garages and associated infrastructure.</b>		
Address:	<b>Land between Barleythorpe &amp; Burley Park Way, Barleythorpe</b>		
Applicant:	<b>Larkfleet Homes</b>	Parish	<b>BARLEYTHORPE</b>
Agent:	<b>N/A</b>	Ward	<b>Oakham North West</b>
Reason for presenting to Committee:	<b>Local Objections</b>		
Committee Date	<b>14 October 2014</b>		

This application was deferred at the meeting on 16 September to enable arrangements to be made for a Deputation and a Reply by the Developer.

The report below has been updated to include items contained in the previous Addendum.

## **EXECUTIVE SUMMARY**

**The loss of potential allotments is justified on the basis that the overall Hawksmead development had a significant over provision of amenity open space and the allotments at the eastern end of the site more than provide for the minimum number required.**

**There would be minimal impact on residential amenity. Surface water issues and developer contributions have been agreed.**

## **RECOMMENDATION**

**APPROVAL**, subject to the satisfactory completion of a S106 agreement and to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers L74/PL01M, 2306/L00/DS, 2308/L00/DS, 2318/DS, 2323/L00/DS, 2324/L00/DS, 2401/L00/DS, 2410/L00/DS, 2502/L00/DS3, 2502/L00/DS4, L00/GAR/01, L00/GAR/02, L00/GAR/03 and the materials schedule.  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the boundary of the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

REASON: The site is located in a prominent location and it is important that a comprehensive landscaping scheme is carried out to ensure that the completed development assimilates well into the locality and the adjacent new development.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to make sure it is properly maintained.

5. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays and 0800 to 1300 on Saturdays; and at no time on Sundays and Bank Holidays.

REASON: To protect the amenity of the occupants of nearby dwellings.

## Site & Surroundings

1. The site is located at the western end of Phase 1 of the overall Hawksmead development which is currently being developed by Larkfleet. To the west are gardens to Main Road Barleythorpe to the north is the largest of the open spaces on the development Hawksmead Park and to the south is a tree belt beyond which is Phase 10, on the old showground.
2. The original Phase 1 layout included this land as allotments. There would be 32 remaining allotments at the eastern end of the Phase, which were specifically required to separate Phase 1 from the Mecc Alte factory on Lands End Way.

## Proposal

3. The proposal is to re-plan 5 plots on the original Phase 1 approval and add 9 further plots, of mixed design, to take the total dwellings on Phase 1 to 152 dwellings.
4. The dwellings would be a mix of detached and semi-detached all 2 storeys. There would be 3 affordable homes as part of the 9 new plots. The new units would face onto an access drive on the western edge, separating them from the cycle path that runs to the rear of gardens of dwellings on Main Road. Those dwellings would be a minimum of 70m from the proposed dwellings. Details are shown at **APPENDIX 1**.

## Relevant Planning History

<b>Application</b>	<b>Description</b>	<b>Decision</b>
2009/1306	Outline permission for Hawksmead wider site.	Approved July 2011
2011/0621	Phase 1 Reserved Matters 143 dwellings.	Approved Nov 2011



# **Planning Guidance and Policy**

## **National Planning Policy Framework**

Delivering Sustainable Development  
Delivering a wide choice of quality homes  
Requiring Good Design

Members will be aware that the Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014) is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

### **Option 1: DPD is adopted**

#### **Development Plan**

##### **The Rutland Core Strategy (2011)**

CS4 – Location of Development  
CS5 – Strategy for Oakham  
CS8 – Developer Contributions  
CS9- - Provision and Distribution of new Housing  
CS10 – Housing Density and Mix  
CS11 – Affordable Housing  
CS19 – Promoting Good Design  
CS23 – Green Infrastructure

##### **Site Allocations and Policies Development Plan Document:**

SP5 – Built Development in towns and villages  
SP15 – Design & Amenity  
SP22 – Provision of Open Space

### **Option 2: DPD is not adopted**

#### **Development Plan**

##### **The Rutland Core Strategy (2011)**

CS4 – Location of Development  
CS5 – Strategy for Oakham

CS8 – Developer Contributions  
CS9- - Provision and Distribution of new Housing  
CS10 – Housing Density and Mix  
CS11 – Affordable Housing  
CS19 – Promoting Good Design  
CS23 – Green Infrastructure

### **Rutland Local Plan (2001)**

EN29 – Amenity  
Appendix Open Space requirements

### **Other Considerations**

Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014) (If this document is adopted by the date of this meeting it will replace the Rutland Local Plan Policies set out above).

SP5 – Built Development in towns and villages  
SP15 – Design & Amenity  
SP22 – Provision of Open Space

### **Consultations**

5. LCC Archaeology  
Archaeological comments: Land between Barleythorpe and Burley Park Way, Barleythorpe, Rutland (2014/0527/FUL)

The submitted redesign appears to raise no archaeological implications other than those already addressed in the completed archaeological investigations of the Phase 1 area.

With the above process in hand and no archaeological significant changes to the proposals, I have no wish to comment further on the current application.

6. RCC Highways  
Holding objection. Technical details are required for visibility splays, road widths, tracking, refuse trucks and emergency vehicles. Conditions are requested if approved.

7. Environment Agency  
Thank you for referring the Drainage Strategy Plan for the above application, which was received on 05 September 2014.

We withdraw our objection to the application. We have reviewed the Drainage Strategy Plan (Wormald Burrows Partnership Limited, reference E2155/50) and are satisfied with the proposed surface water drainage scheme.

### **Neighbour Representations**

8. Letters of objection have been received from 15 local residents. These mainly relate to:
- The potential loss of allotments

- They are 10 times more expensive than any other allotments in town and hence there is little take up.
- Larkfleet's marketing literature points out that allotments would be provided at market rates and indicated a lifestyle which they are now trying to go back on.
- Residents on Horseshoe Close consider that the proposal would result in a lack of privacy.
- Adverse impact on residences on Main Road Barleythorpe through noise and car movements
- Green space should not be diminished on the development
- Increased risk of flooding
- Loss of habitat

## Planning Assessment

9. The main issues are the principle of development, loss of allotments, residential amenity, and flooding.

### Principle of Development

10. The site is within the Planned Limit to Development for Barleythorpe which includes the wider Hawksmead site. Policies CS1, CS2, CS4 and CS5 in particular all indicate that development will be acceptable in principle on land in this area.
11. The original outline permission for the site indicated that there would be approximately 1096 dwellings on the completed site. It is likely that this will be underprovided, so 9 extra units on this site will not exceed the overall provision envisaged by the outline permission.

### Loss of Allotments

12. This is the reason for most objections from local residents. The proposal involves the loss of allotment land in this location which has previously been proposed in the approved Masterplan, Design and Access Statement, the Design Code and the approved outline planning application, hence this is a full application rather than the normal approval of reserved matters.
13. The provision of green infrastructure (which includes allotment land) and community, sport and recreation facilities are set out as key requirements for the development of the sustainable urban extension in Core Strategy Policy CS5 (Spatial Strategy for Oakham);
14. The loss of allotment land would potentially be contrary to Core Strategy Policy CS23 (Green Infrastructure, open space, sport and recreation) which states that proposals involving the loss of green infrastructure will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided. However, the allotments are not yet in use and a large stockpile of topsoil from phase 1 has only recently been moved from this site as Phase 1 moves towards this western end of the site (for this reason the loss of habitat issue raised by a local resident is also of little relevance here). The site has also been used as a compound for the building of Phase 1.
15. The allotments at this western end of Phase 1 were not a planning requirement at the outline stage. The developer included them presumably as a way of minimising the impact of the development on the existing dwellings on Main Road. The allotments at



the eastern end of Phase 1 were specifically required to buffer the new houses from industrial uses on Lands End Way.

16. It is necessary to look at the provision of amenity open space on the overall development to make a decision on the need for this site as open space (the new playing fields north of the bypass do not count towards open space on the development).
17. The Rutland Local Plan requirements for open space will be replaced by the Site Allocation and Policies DPD shortly now that the Inspectors Report has been received. This sets out the same requirements as the Rutland Local plan of 0.4 ha of parks gardens and amenity green space per 1000 population. The outline permission provided for 0.89Ha of amenity open space, in addition to other areas of open space around the development
18. Enquiries have been made of Oakham Home Gardens Allotment Society to see whether there are local waiting lists, but no specific figures have been provided, other than a quote that there is a small turnover in allotments. Its website states: '*our waiting list.. is currently nowhere near as long as those in other parts of the country*'. However, the Hawksmead development cannot be required to make up any shortfall in such provision elsewhere.
19. The Local Plan requirement for all forms of open space would have been 6.30Ha whereas a total of 8.64Ha was provided in the original Masterplan. No other areas have been lost so this proposal involves only a small reduction in a significant over provision of overall open space.
20. Most allotment strategies quote the 1969 Thorpe Report which recommends a minimum provision equivalent to 15 per 1,000 households, but this is not legally binding. However, the National Society of Allotment and Leisure Gardeners recommend that the irreducible minimum provision today should be 20 plots per 1,000 households.
21. The allotment site at the eastern end of the site provides for 36 plots. On that basis the loss of this area for such use cannot be resisted as adequate space is provided in accordance with the Development Plan and national advice on allotment provision. Neither can the pricing policy of the applicant's allotments be used as a reason for refusal.

#### Residential Amenity

22. The objectors raise loss of privacy, noise and disturbance as issues to consider in this case.
23. The nearest dwellings to the proposed 9 new ones on this site are on Main Road Barleythorpe and in Horseshoe Close, part of the wider phase 1 Larkfleet scheme.
24. The dwellings on Main Road are a minimum of 70m between buildings. There is approximately 10m from the front elevations of the new plots to the boundary of Main Road dwellings, with a public area comprising an access drive and cycleway in between.
25. The nearest plot on Horseshoe Close is considerably closer but it is the front of that property that faces the adjacent 'Hawksmead Park'. There are some first floor

windows that would face each other at a minimum of around 22m on Plot 7, but that would normally be acceptable back to back and certainly to a front elevation.

26. On that basis there is no reason for refusal based on Policy EN29 or SP14.

#### Flooding

27. The Environment Agency was concerned that the site may not have capacity to deal with surface water run-off due to the extra hard surface. A revised Flood Risk Assessment has been submitted and the EA has withdrawn its objection.

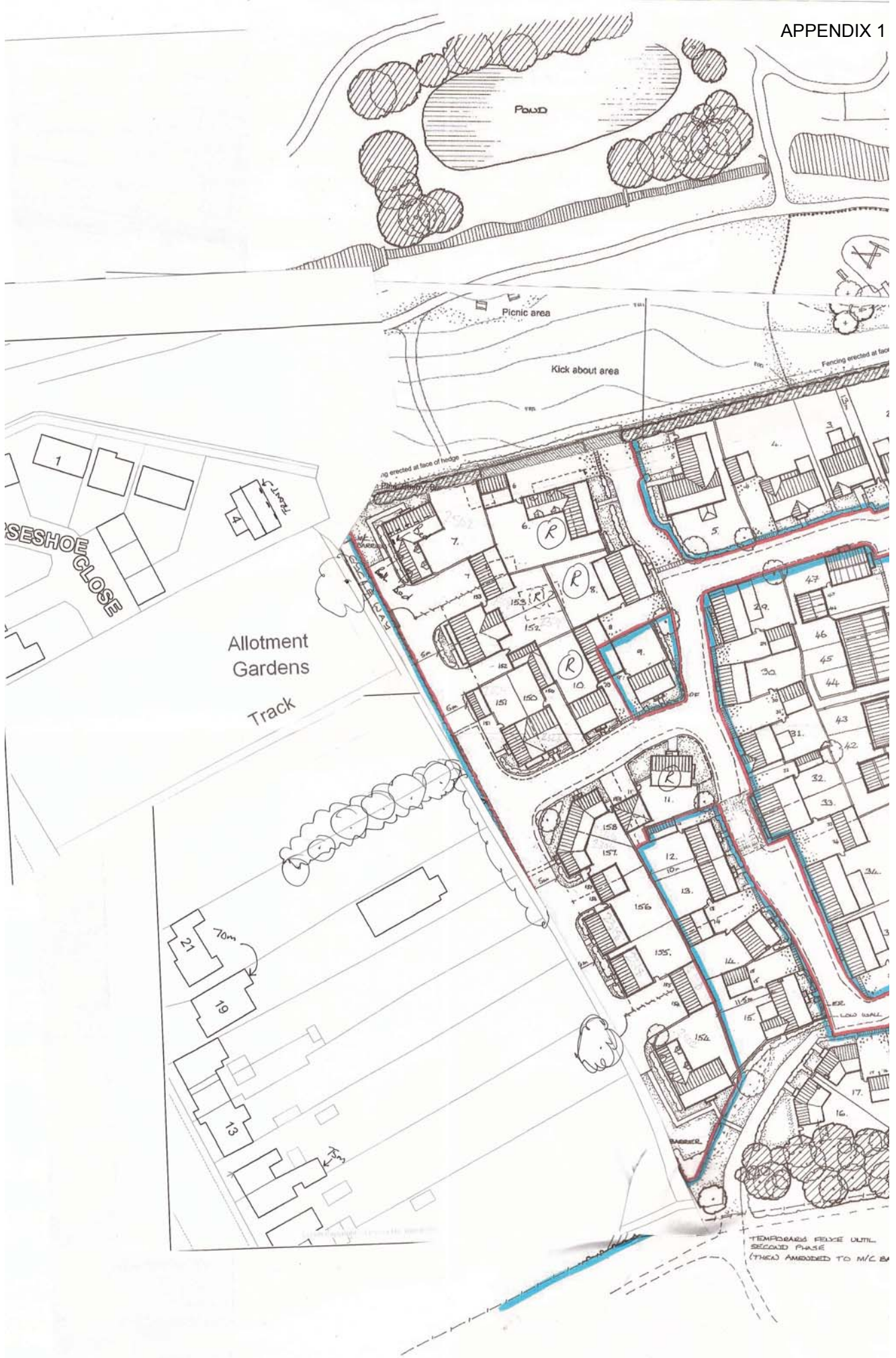
#### Other Issues

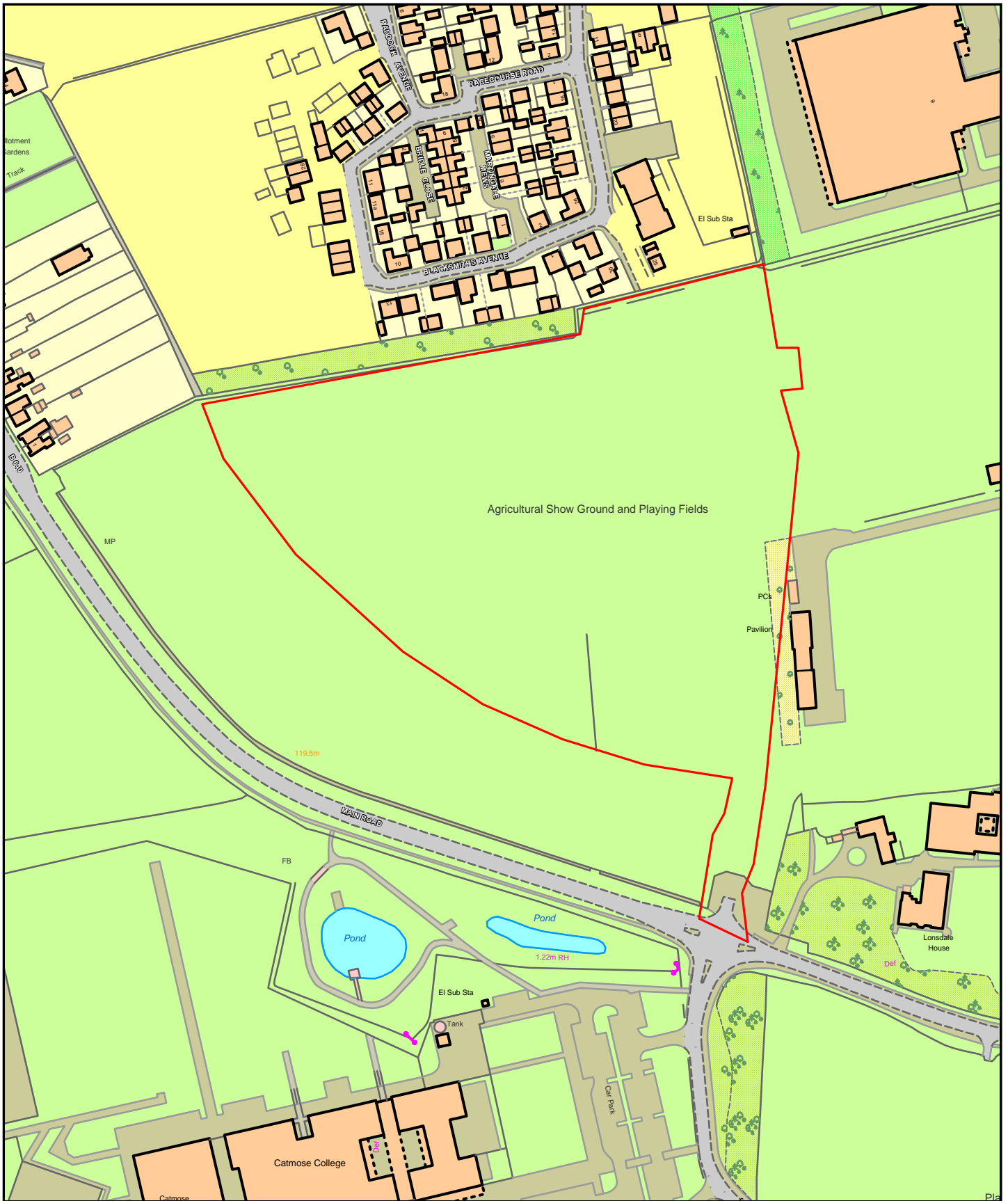
##### Developer Contributions

28. The Developer has agreed to make the relevant contributions which have been requested.

29. Highway Objection

The concerns of the highway authority are to do with the detailed design of the roadways in order that they can be adopted. This information will need to be provided at the relevant stage and is not a planning consideration.





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Ordnance Survey [100018056]

Scale - 1:2500  
Time of plot: 15:46  
Date of plot: 01/10/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2014/0581/RES</b>	<b>ITEM 4</b>	
Proposal:	<b>Reserved matters application for the construction of 187 new residential dwellings, garages and associated infrastructure (Area 10).</b>		
Address:	<b>Land between Barleythorpe and Burley Park Way, Barleythorpe</b>		
Applicant:	<b>Larkfleet Homes</b>	Parish	<b>BARLEYTHORPE</b>
Agent:	<b>N/A</b>	Ward	<b>Oakham North West</b>
Reason for presenting to Committee:	<b>Major Development – local objections</b>		
Date of Committee:	<b>14 October 2014</b>		

## EXECUTIVE SUMMARY

**The reserved matters scheme is for Phase 10 of the Hawksmead development and follows the approved Masterplan and Design code in its design and layout. There have been objections to the scheme but they are not material to the approval of reserved matters on layout, design and landscaping.**

## RECOMMENDATION

**APPROVAL**, subject to the following condition:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers..... .

Reason - For the avoidance of doubt and in the interests of proper planning.

## Site & Surroundings

1. This site comprises the western half of the former RAS Showground at the southern end of the overall Hawksmead site. It comprises open grassland and was until recently used for rugby and junior football. There is a row of redundant buildings used for changing etc by the Rugby Club. It is bounded by Phase 1 to the north, Phase 9 (yet to be submitted) to the east and hedgerows and Main Road Barleythorpe to the south and west.

## Proposal

2. This is a submission seeking approval of Reserved Matters following the original outline permission. Those matters only relate to layout, scale and appearance of the buildings to be erected and the landscaping. Any other issues are dealt with by discharge of outline conditions for this phase and are not included in this submission.
3. The scheme provides 187 dwellings and apartments in various forms from 1½ storey to 3 storey. Although not a reserved matter, the application states that 16 affordable housing units would be provided on this site.
4. Density is around 43 dwellings per hectare and parking is provided both on plot and in garage courts and under flats. There are 386 spaces shown, together with 35



designated visitor spaces also shown. All conventional dwellings have their own off street parking, 32 of which have 3 spaces on plot. This equates to 2.25 spaces per unit on this phase.

## Relevant Planning History

Application	Description	Decision
2009/1309	Outline application for the overall site.	Approved July 2011

## Planning Guidance and Policy

### National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

Members will be aware that the Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014) is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

### **Option 1: DPD is adopted**

#### Development Plan

#### The Rutland Core Strategy

CS19 – Good Design

#### Site Allocations and Policies DPD (2014)

Policy SP15 – Design & Amenity – Adequate vehicle parking must be provided to serve the needs of the development, with provision for vehicles and cycle parking. Provision should meet the standards in Appendix 2. In exceptional circumstances in town centres the standards maybe varied to reflect the accessibility of the site by non car methods.

#### Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

## **Option 2: DPD is not adopted**

### **Development Plan**

#### **The Rutland Core Strategy (2011)**

CS19 – Promoting Good Design

#### **Rutland Local Plan (2001)**

HT4 – Permission will not be granted for development which would be likely to result in an increase in ...parking on roads unsuited for such use, if it would cause a road safety hazard or be detrimental to amenity.

HT5 – Adequate and Safe Access

### **Other Material Considerations**

Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)

SP15 – Design & Amenity

Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

## **Consultations**

See **APPENDIX 2**

## **Neighbour Representations**

Agents on behalf of Meccalte, Lands End Way

5. Although our clients site does not adjoin the application site, , they still wish to comment in relation to layout plan 300-SK-03 submitted with the application. This shows an indicative layout for Phase 9 and Mecc Alte are concerned that it shows dwellings close to their factory. On Phase 1, allotments were used to mitigate the proximity of the houses and similar treatment should be used in the case of Phase 9.

Resident of Stud Road

6. Were not consulted direct. Concerned that others were not notified and that due to holiday period they have not had a chance to comment. The proposal is for a very high density development of which there are 2 parts Area 10 West & Area 9 East - to follow. We moved to Rutland from Birmingham and have some very poor experiences of the social impact of such developments in our professional lives. The planned height of many of these buildings at 3 storeys creates a canyon effect as the roads are narrow and insufficient parking has been allowed. Oakham Plan states that there should be 1.5 to 2 parking spaces per 4+ roomed dwelling. The density of the housing and very small sized rooms on the plan is not conducive to family living especially when it is terraced into blocks. There appear to be no planned variation in

styles or building materials. In the original Rutland Plan for Oakham North Compliance condition 4 states taller properties of 2.2 and 3 storeys at Key Vistas and pause points. These indicate that 2.2 and 3 storey would be a feature and an exception not a norm. There are no small bungalows planned within the development. There are insufficient green spaces planned within the development. Hedges and trees should be retained. Can the original large white gates that marked the original Rutland Showground entrance stay? This would enhance the entrance to the development. Larkfleets proposal for housing on the employment site could relieve the pressure from them to have such a high density development on area 9 & 10. There is also growing pressure on the education and medical facilities within Oakham with so much development. Can it be a stipulation that the site traffic is prohibited from using Stud Road, Racecourse Road and Blacksmiths Avenue on Leighfield Park. Could a compound be sited away from Leighfield Park Area where we have put up with incessant noise, mud and dust for the past year+ and into the foreseeable future while this part is completed. The original plan for Oakham North was 1000+ houses, do we actually need them? Many of the houses on Leighfield Park have been bought as Buy to Let (not terribly successfully!) and others are already trying to sell but finding it impossible as the development is crowded and insufficient parking spaces are leading to problems with parking on pavements.

Resident of Blacksmiths Avenue

7. As residents living adjacent to the tree belt to the north of the proposed development we wish to raise some points for consideration. In the 10 months we have lived here on the Larkfleet development we have noted tawny owls, buzzards, green woodpeckers, bats and a wide variety of other birds, butterflies and dragonflies. The former playing fields designated for building at present provide an important wildlife resource, eg ants for woodpeckers, and mice, voles and shrews for owls. The compliance document (C32-34) describes this area as having 'no significant ecology' but, given our direct observations, this cannot be true! The proposed development could be considerably enhanced for both wildlife and humans by giving more attention to wildlife corridors. The proposed apartment blocks would create large sterile areas of tarmac car-parking and no garden spaces, whereas providing small individual homes would add gardens and gravel driveways, as on previous phases of the development. Impermeable car parks increase surface run-off and decrease infiltration, robbing adjacent trees, hedgerows and plants of water.. Other responses, including those from Langham Parish Council, also query the acceptability of three-storey apartment blocks for a variety of reasons and we hope you will consider these carefully, possibly visiting the apartment block on Stud Road to assess its environmental impact compared with other alternative designs nearby. We chose to retire to Oakham because of its predominantly rural character. We chose to live on Leighfield Park because it promised a mixed community with imaginative and varied designs of property. We feel that some minor alterations to the new proposals could enhance the future environmental quality for everyone living here - and for the wildlife too!

## Planning Assessment

8. Members are reminded that the only issues that can be considered in a Reserved Matters submission are layout, scale and appearance of the buildings to be erected and the landscaping. Other issues raised cannot be considered in this application.
9. The main issues are those matters set out above as reserved matters.



## Layout

10. The overall layout of streets follows very closely that shown on the MasterPlan and the Design Code. The dwellings themselves are at a relatively high density but are all considered to meet normal standards.
11. A revised layout showing tracking for highway purposes has been received and further comments are awaited.

## Scale and appearance of the buildings to be erected

12. The scale and design of the proposed units follows that approved on Phase 1 to the north. Additional 3 storey units are located along the main spine road, in accordance with the scale heights plan approved at outline stage which indicated up to 3 storey along the spine road.
13. The design of the properties follows those on other phases, with additional 3 storey units being located along the Spine Road and along the central south-west to north-east road in the centre of the Phase.
14. 2 storey dwellings would face onto the open space (outside this application site) which runs along the Barleythorpe edge so 3 storey would not be prominent and would generally be set back into the development. This is in accordance with the approved Building Height Parameter plan approved at outline stage. It would also compliment existing 3 storey dwellings on Main Road nearer to the railway station.
15. The dwellings facing Main Road would be 60-90 metres back from the Main Road boundary hedge. The open space in between will eventually be equipped with some play equipment and surfacing (currently subject to separate discussion with Hawksmead) as well as providing general open space.

## Landscaping

16. Final details of the landscaping are still awaited and will be included in the Addendum. There is unlikely to be any major issue with landscaping.

APPENDIX 1

House Type Schedule - Phase 1

1	2015-2016	1
2	2017-2018	2
3	2019-2020	3
4	2021-2022	4
5	2023-2024	5
6	2025-2026	6
7	2027-2028	7
8	2029-2030	8
9	2031-2032	9
10	2033-2034	10
11	2035-2036	11
12	2037-2038	12
13	2039-2040	13
14	2041-2042	14
15	2043-2044	15
16	2045-2046	16
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328	2669-2670	328
329	2671-2672	329
330	2673-2674	330
331	2675-2676	331
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333	2679-2680	333
334	2681-2682	334
335	2683-2684	335
336	2685-2686	336
337	2687-2688	337
338	2689-2690	338
339	2691-2692	339
340	2693-2694	340
341	2695-2696	341
342	2697-2698	342
343	2699-2700	343
344	2701-2702	344
345	2703-2704	345
346	2705-2706	346
347	2707-2708	347
348	2709-2710	348
349	2711-2712	349
350	2713-2714	350
351	2715-2716	351
352	2717-2718	352
353	2719-2720	353
354	2721-2722	354
355	2723-2724	355
356	2725-2726	356
357	2727-2728	357
358	2729	

## Consultation Responses

1. Environment Agency  
We have no objection to the reserved matters application as submitted. The applicant is reminded that they will need to comply with the requirements of the drainage strategy for the proposed development as agreed in application APP/2011/0832.
2. Natural England  
No objections.
3. Network Rail - York  
No observations to make.
4. Planning Ecology  
Our records indicate that badgers have previously been recorded close to the application site. We would therefore recommend that an updated badger survey (completed within the last two years i.e. since May 2012) is completed and submitted in support of the application. As badgers are mobile and regularly move their setts, there is a chance that badgers have moved into the current application site, particularly with the disturbance in the wider area. It is therefore important that any badgers on site are identified and mitigated for as appropriate. We have concerns about the cumulative impact of development in this area on the local badger population. Our records indicate that a main badger sett has previously been recorded to the east of Oakham Office Park (along the watercourse corridor). If this badger sett is still occupied, the development to the south may cause both the loss of badger foraging grounds and the badgers into the developed area. Has this been considered? An updated survey of this area would be useful in order to assess the impact of the current development on the badger population. Without a more detailed mitigation plan for the whole of the Barleythorpe area there is a real risk that the badgers will become isolated and trapped. The significant loss of foraging grounds for the badger are likely to encourage badgers into private gardens to forage. This often causes conflict between badgers and homeowners and should be avoided.
5. Archaeology  
Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements. The Leicestershire and Rutland Historic Environment Record (HER) notes the presence of significant heritage assets within the affected development area, including cropmark, and geophysical evidence for a pair of probable Early Bronze Age round barrows (HER ref.: MLE5020 & 5021), these form part of a small barrow cemetery including the excavated remains of a barrow recorded prior to the development of Phase 1 (MLE16640). The archaeological investigation of the latter demonstrated good quality preservation of buried remains, including in situ human burials, flint and pottery as well as less well preserved environmental evidence. It can be assumed, subject to the effects of differing land use, that the expected barrows within the development area offer a similar level of archaeological information, overall the complex of features can be assessed as of at least regional importance. Additional archaeological remains of other dates and differing types are also recorded within and in the immediate vicinity of the development area, adding to the potential of the site, however the extent, quality and character of these remains is yet to be established. In each of

the above two cases the developer must make provision for the further investigation by trial trenching of the archaeological deposits, this should be submitted in support of their development proposals. The preservation of archaeological remains is, of course, a material consideration in the determination of planning applications. The proposals include operations that will impact upon the expected archaeological remains present, however, the archaeological implications of this cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains will be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. This will require provision by the applicant for: A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this. This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals. Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 12, paras. 128, 129 & 135). Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration. The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with this Department Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland and relevant Institute of Field Archaeologists Standards Code of Practice and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable. Information on suitable archaeological organisations to carry out this work can be obtained from HNET. Should you have any further queries please do not hesitate to contact us.

6. Langham Parish Council Access. The accessibility to, and within the site for vehicles, cycles and pedestrians is generally acceptable. Recommend approval. Appearance. The location of this segment of the Oakham North development is situated on the Oakham town side, originally the Rutland Showground. The 3 storey

apartment blocks, though not typical of the wider rural area, are located close to the new build surrounding Oakham train station. This is fronted by 3 storey housing. The 3 storey construction will not integrate with the rural parish of Barleythorpe, and apartment blocks of reduced size and height may be more acceptable. There is some variation of house design, but no indication of materials to be used. Chimneys are included in some house designs, but there are no working fireplaces shown on the plans. Bin stores and bin collection points are as stated on the plans, but these may not be sufficient. However, a balance must be struck in a limited local area. Parking facilities are insufficient, and parking will increase, as acknowledged in the application Planning Compliance Statement June 2014. Further consideration needs to be given to House Design 3310, a 3 storey family house with 4 bedrooms. There is little room for family scale eating in the house, only available in the kitchen/utility room. There is no further dining space available on the kitchen level unless the garage is converted. It would appear to be better if the full dining-kitchen area and the living room were adjacent on the first floor. The 4th bedroom, en-suite and WC could then occupy the ground floor. At present, it is a very poor and unrealistic design for family use. All other houses presented in the plans appear to respond to family living and needs. Recommend approval for the houses, subject to addressing the design as indicated. Recommend refusal for the 3 storey apartment blocks. Landscaping. There is some tree planting and an area of structural planting which is commendable. The area between the Main Road (old A606) and the proposed houses is not to be developed. There is to be some planting of trees in this area, but additional tree planting along the border with the Main Road would enhance this approach to Oakham, provide a habitat for wildlife and help make the development more acceptable. Apart from the latter it would be difficult to provide additional landscaping in this cramped development. Green and sport related spaces edge the development which is commendable. Recommend approval. Layout. Within the confines of such a high density development, much of the layout is acceptable. However, although the number of off road parking spaces may comply with guidelines, parking provision is inadequate. In reality, many residences will have at least two car owners as two adult occupants will need to work, usually outside the area, in order to service a mortgage. Garages are often used for storage, as modern homes are small and lack storage space. Apartments are only allocated one parking space each and there is no provision for visitor parking. It appears that some on road parking is planned, but, this too, will not be adequate for the number of proposed dwellings. There is likely to be a considerable amount on overflow parking on the roads and this will cause problems, particularly for emergency services, for those seeking access to dwellings. The Flood Risk assessment appears to be thorough and acceptable. However, as much of this land will be concreted over, consideration should be given to providing gravel or other suitable permeable materials for drives and parking areas. This would be preferable to tarmac, block paving or similar materials which do not allow water to penetrate below the surface. Many specialists now encourage the use of permeable materials in order to reduce the risk of flooding. Recommend refusal. Scale: The long, three storey blocks of apartment to be situated along the Avenue are completely out of scale for this area. Although there

is a slight staggering in two areas and a change of direction in one, these apartments will have a continuous frontage (i.e. width) of approximately 78 metres. This large block will have significant visual impact and an overbearing effect on both adjacent dwellings and on the wider area of development. Such blocks are not typical of the area and will have a detrimental effect on Barleythorpe Parish, the Hawksmead development and on the setting of the ancient market town of Oakham. Considerably smaller apartment blocks with a maximum height of two storeys may be acceptable. Is there such a high demand for so many apartments in this area or is this just a means of the developer reaching the target number of dwellings? Taking in to account the limited amount of land available for such a large development and mindful of existing outline planning consent, the scale of the other dwellings is acceptable. Recommend refusal for three storey apartment blocks. Recommend approval for dwellings other than above.

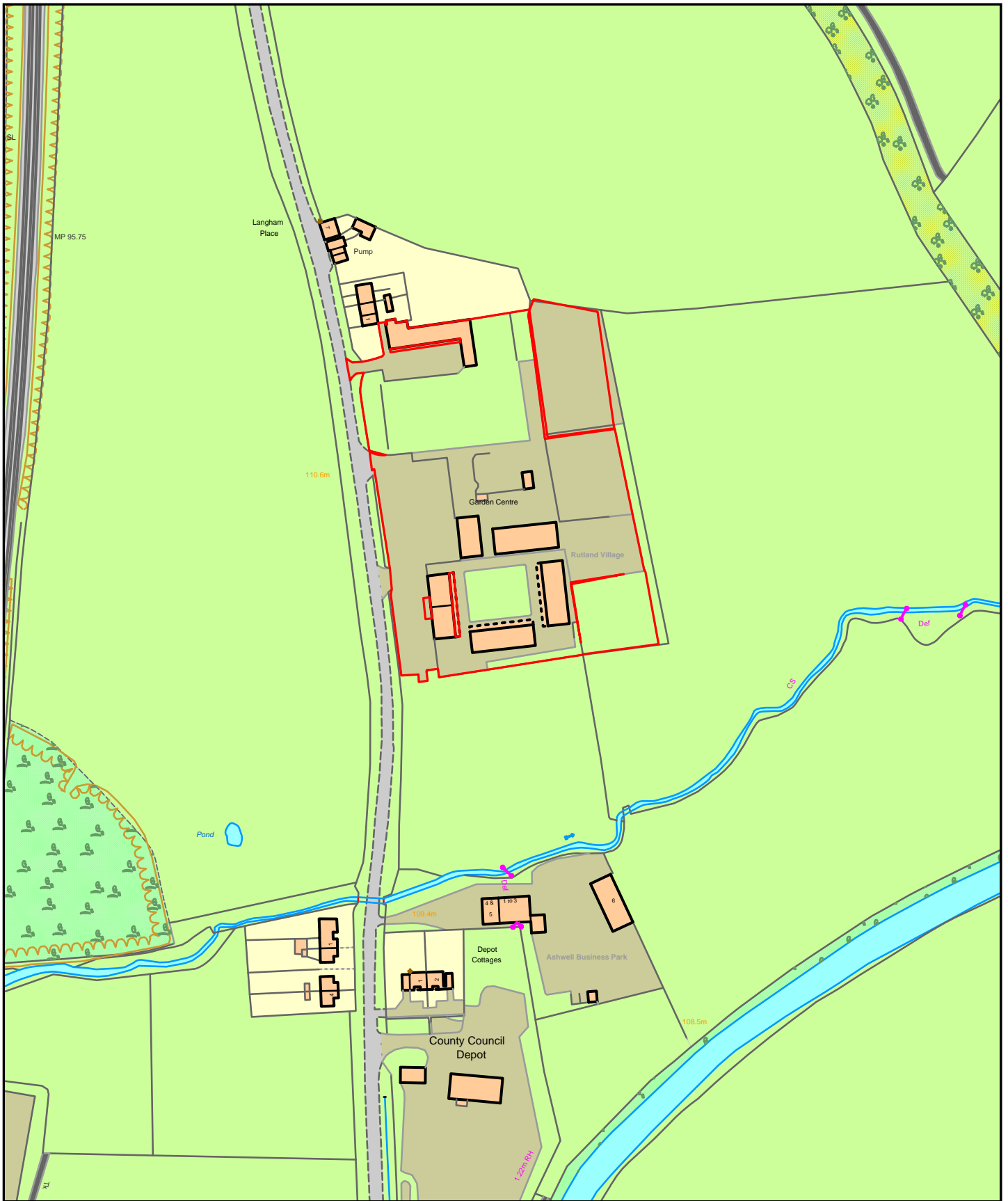
7. Sport England
 

The site includes the playing fields last used by Oakham Rugby Club, who also sublet part of the playing field to Royce Rovers Football Club. Condition 5 of the outline consent was intended secure the replacement rugby and football playing fields and ancillary facilities. Sport England supported the discharge of condition 5 subject to the both the new rugby and football pitches being fit for purpose and available for use. Sport England does not have an issue with the approval of the reserved matters if the replacement playing field area will, as agreed, be available for use before the start of the 2014/15 season. We would be grateful if you would advise us of the outcome of the application by sending a copy of the decision notice.
8. Oakham Town Council
 

We note that the application does not comply with the Core Strategy Plan (CS5) on many points. Therefore unable to approve the application, in particular the 3 storey block is out of character for the rural scene
9. Highways.
 

Bus stops agreed in the masterplan have been omitted..Lack of sufficient parking for residents and substandard internally dimensioned FOG garages will result in on-street parking causing obstruction and congestion.Tracking for large vehicles has been omitted. Details on visibility splays at junctions and bends has been omitted. Parking courts serving 10 or more spaces should be accessed via a kerbed radii junction, not a dropped crossing of the footway / verge. A planning meeting with the Highway Authority is still required and has not been fulfilled.





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## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP



Application:	2014/0679/FUL	ITEM 5	
Proposal:	<b>Variation of:</b> <ul style="list-style-type: none"> <li>• Condition No. 4 of planning permission FUL/2002/0294</li> <li>• Condition No. 8 of planning permission FUL/2003/0502</li> <li>• Condition No. 3 of planning permission FUL/2007/0649,</li> </ul> and addition of new Condition to FUL/2008/0693, to amend the range of goods to be sold from the premises, and with no restrictions on Retail unit 3.		
Address:	Rutland Village, Rutland Garden Centre, Ashwell Road, Oakham		
Applicant:	Mr Chris Hamilton	Parish	LANGHAM
Agent:	Marrons Planning	Ward	Langham
Reason for presenting to Committee:	Previous Committee Decisions		
Committee Date:	14 October 2014		

## EXECUTIVE SUMMARY

**This proposal clarifies the range of goods to be sold from an out-of-centre retail facility. The different restrictions currently imposed on each retail unit, via four separate permissions, are rationalised into a single range of goods to be sold from any of the units. Appropriate restraint is still maintained via this specified range of goods.**

**Unit 4 is currently unrestricted, but this proposal would transfer the restrictions from Unit 3 onto Unit 4, with Unit 3 then becoming unrestricted. This does not reduce the current extent of control and is therefore reasonable.**

**If approved, this application would provide a single new permission to replace the four extant permissions.**

## RECOMMENDATION

That Delegated Authority be granted to the Director for Places (Environment, Planning & Transport), to **APPROVE** this application subject to no material representations being received in the additional consultation period up to 23 October 2014, and subject to a new Condition and associated Advisory Note, as a replacement for:

- Condition No. 4 of planning permission FUL/2002/0294,
- Condition No. 8 of planning permission FUL/2003/0502,
- Condition No. 3 of planning permission FUL/2007/0649

and as an addition to planning permission FUL/2008/0693.

Condition:

1. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any order amending or re-enacting that order, Units 1, 2, 4 and 5 of the approved development (as identified on the location plan submitted with the application) shall only be used for the sale of goods and services set out below:
  - Horticultural products, trees, plants, bulbs, seeds, shrubs.
  - House plants and flowers of any type.
  - Garden equipment, garden tools, garden machinery and garden accessories.
  - Weed killers, pesticides, fungicides and pest control products.

- BBQs, BBQ fuels and their associated cooking accessories.
- Lawnmowers, turf, lawn care products and equipment.
- Garden pots, garden vases, garden planters, garden troughs and garden terracotta ware.
- Garden ornaments.
- Conservatories.
- Conservatory furniture, conservatory furnishings and conservatory accessories.
- Outdoor garden furniture.
- Sheds, greenhouses and garden buildings.
- Outdoor garden play equipment, garden games and garden toys.
- Swimming pools and associated equipment.
- Fencing, trellis and their care products.
- Landscaping materials; stones, gravels, slabs and decking.
- Fish, aquatics, water garden equipment and their accessories.
- Garden lighting.
- Garden books and garden journals.
- Baskets, wicker work and country crafts.
- Artificial trees, plants and flowers and cut flowers.
- Artificial Christmas trees and Christmas decorations.
- Camping equipment and supplies.
- Farm shop and speciality foods.
- Pets, pet accessories, pet care and advice
- Gardening and outdoor country clothing and footwear.
- Outdoor pursuits and equipment.

REASON: To ensure that the development is used for related purposes to the existing Garden Centre and not as an un-related out-of-centre retail facility, in the interests of the vitality and viability of Oakham Town Centre.

Advisory Notes:

1. For clarity, with regard to Condition 1, the goods, services or products listed below cannot be sold from Units 1, 2, 4 or 5 of Rutland Village:
  - Pharmacy products for human use.
  - Motor vehicles or their parts.
  - Computers.
  - Domestic electrical appliances, radios and televisions.
  - Musical instruments.
  - Carpets.
  - Dry cleaning.
  - Post office.
  - Newsagents.
  - General grocery and convenience products other than as a farm shop as above.
  - Fashion clothing, shoes and other fashion accessories.
  - Opticians.
  - Mobile and other telephones

## Site & Surroundings

1. The Rutland Garden Centre is within open countryside on the east side of Ashwell Road, just over a mile north of the Planned Limits to Development (PLD) of Oakham. The north of the site comprises a series of polytunnels and single storey buildings used as a retail garden centre. The central area of the site is used as a customer car park.
2. The south of the site is branded as “Rutland Village” and comprises a series of five separate buildings (Units 1 to 5) around a central landscaped courtyard. Some of these are subdivided into smaller retail outlets. The “Village” currently includes a pet shop, and others selling clothing and outdoor leisure products (primarily camping). Unit 3 is currently vacant. The total retail floorspace is some 1,500 square metres.
3. These retail buildings are subject to separate planning permissions (see “Planning History”, below). In common with the planning permissions for the Garden Centre itself, three of these include a condition limiting the range of goods to be sold. This ensures that the range of goods is appropriate to a Garden Centre and therefore acceptable in an out-of-centre location. For two of the three, this limits the sales area to “garden materials, equipment and ancillary products”; on the third permission, the condition doesn’t specify the range of goods to be sold, but requires the prior approval of the range of intended goods. A fourth permission (for the building occupied by the outdoor goods shop) has no limit on the range of goods to be sold.

## Proposal

4. This application proposes that the “category of goods” condition on each of the three specified permissions be replaced by a new condition that increases and clarifies the range of goods that can be sold from the premises. It applies just to the specified units within Rutland Village; not to the rest of the Garden Centre. Other than the detail identified in paragraph 5, below, this Condition has the same wording as that previously recommended for approval (via application 2014/0107/FUL) in the agenda papers for the committee meeting of 4 March 2014. The applicant then withdrew the application before the meeting, so it was not considered by members.
5. The current application also proposes that this new condition be imposed on Unit 4, which is currently unrestricted, but that it not be imposed on the currently vacant Unit 3. This would transfer the unrestricted benefits from Unit 4 to Unit 3.
6. If approved, the replacement condition would require a new permission to be issued to replace the specified extant permissions.

## Relevant Planning History

Application	Description	Decision
<b><i>Garden Centre</i></b>		
76/0187/9	Nursery and Garden Centre	Approved: 29-06-76
82/0383/9	Extension to existing shop	Approved:

	for horticultural displays	06-12-82
88/0610/9	Extension of Garden Centre	Approved: 11-10-88
89/0630/9	Garden Centre Cafe	Approved: 10-10-89
FUL/2009/0656	Expansion of Garden Centre site, to create staff parking area, external storage, outdoor sales area (seasonal) and growing area	Approved: 07-02-14

### ***Retail Village***

FUL/2002/0294 (Unit 1)	Single storey retail building	Approved: 17-05-02
FUL/2003/0502 (Units 2 and 3)	Two retail buildings and lean-to tractor shed	Approved: 08-07-03
FUL/2005/0294 (Unit 4)	One retail building comprising two retail units	Approved: 10-10-05
FUL/2008/0693 (Unit 4)	One retail building, for a single retail unit, with storage over (retrospective)	Approved: 20-01-09
FUL/2007/0649 (Unit 5)	Two retail outlets	Approved: 13-11-07
2014/0107/FUL (Whole site)	Amendments to previous conditions, to consolidate the control over range of goods to be sold	Withdrawn: 04-03-14

NOTE: This schedule excludes previous applications that are not relevant to the current proposal, particularly refusals of permission and withdrawn applications. For brevity, it also excludes some of the less significant applications at the Garden Centre part of the site.

## **Planning Guidance and Policy**

Members will be aware that the "Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)" is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

### **Option 1: DPD is adopted**

#### **Development Plan**

##### **Rutland Core Strategy (2011)**

- CS4 Location of Development
- CS16 Rural Economy
- CS17 Town Centres and Retailing

##### **Site Allocations and Policies Development Plan Document:**

- SP6 Non-residential Development in the Countryside

#### **Other Material Considerations**

##### **National Planning Policy Framework – NPPF (2012)**

- Section 2 Ensuring the vitality of Town Centres
- Section 3 Supporting a Prosperous Rural Economy

### **Option 2: DPD is not adopted**

#### **Development Plan**

##### **Rutland Core Strategy (2011)**

- CS4 Location of Development
- CS16 Rural Economy
- CS17 Town Centres and Retailing

##### **Rutland Local Plan (2001)**

- EN1 Location of Development
- EN26 Development in the Countryside
- EN29 Amenity
- RE1C Vitality and viability of existing town centres

#### **Other Material Considerations**

##### **National Planning Policy Framework – NPPF (2012)**

- Section 2 Ensuring the vitality of Town Centres
- Section 3 Supporting a Prosperous Rural Economy

##### **Site Allocations and Policies DPD: Submission Document with modifications recommended by Inspector**

- SP6 Non-residential Development in the Countryside

## Consultations

7. Langham Parish Council  
Recommend approval for the restrictive range of goods to be sold at the Retail Village, and for this to be applied to Unit 4, but not for Unit 3 to become unrestricted.

## Neighbour Representations

8. None received.

## Planning Assessment

9. The main issue is the potential for general retail sales in this open countryside location.
10. Other matters are then summarised at the end of the report.

### Retail development in the open countryside

11. Planning Policy and Government Guidance both control the location of new retail development to ensure that it is concentrated in accessible central locations. This is in the interests of sustainability, and of the vitality and viability of existing central areas.
12. Development in the open countryside is also controlled by policy and guidance to ensure that only appropriate new development takes place in the rural area. This involves a balance between ensuring that rural land uses and businesses are supported, but that development likely to impact on the rural character is resisted.
13. As part of this balance, Garden Centres are regarded as acceptable in principle, as many (such as the Rutland Garden Centre) have developed from horticultural enterprises and continue to sell plants and other gardening/horticultural products. The sale of some other goods has also been accepted as they are related to this core business. However, at many Garden Centres, the dividing line has become blurred in recent years between products that are genuinely related and those that are not.
14. The applicant's Supporting Statement refers to the various permissions granted for both the Garden Centre and Rutland Village and contends that control over the range of goods to be sold has been achieved in an ad hoc manner via these permissions. It then refers to recent permissions for larger Garden Centres in Peterborough, where the range of goods to be sold is in keeping with "...the latest evolution of Garden Centres", before suggesting that the permissions for Rutland Village be regularised along the same lines.
15. This opportunity to rationalise the control imposed on Rutland Village is to be welcomed, with the key purpose to ensure that the Garden Centre and Rutland Village is limited, in total, to garden centre products and related goods/services, as specified on the extant permissions for most of these retail units.
16. The range of goods to be sold, as suggested by the site owner via this application, is also more restricted than at the larger garden centres referenced in the Supporting Statement.

17. Many of the products suggested by the applicant are easily accepted as relevant to a garden centre. Others are not defined as gardening materials or equipment, but can still be accepted as related products in this secondary area of the overall site. Other products (for example, within the pet shop), are not well related to a Garden Centre.
18. However, given that many of the existing businesses are well established at Rutland Village, and in the spirit of Section 3 of the NPPF, it would not be appropriate to consider any action against current occupants because of any breach of the conditions imposed on their existing permissions. Any approval of a new condition which includes these uses would regularise their position without significant deviation from the key principle of seeking to control the extent of retail activity in this non-central location. It would not, however, be justifiable to increase the range of such uses, so the recommendation at the start of this report excludes anything that isn't, or wasn't, sold from the premises.
19. The recommended condition now provides helpful clarity by imposing the same detailed constraints throughout. The detailed range of goods within the condition also accords with current policy and guidance, and is consistent with the broader principles set out in the extant conditions.
20. An Advisory Note is also recommended to provide clarity on the reworded condition, and set out examples of products that would not be acceptable within the Retail Village.
21. The current application also proposes that this condition be imposed on Unit 4, which is currently unrestricted, and not be imposed on the currently vacant Unit 3. This is to enhance the letting potential for Unit 3. This is reasonable, as:
  - the total floorspace of these units is similar, with Unit 3 at 300 sq. metres and Unit 4 at 360 sq. metres
  - the current occupant of Unit 4 is in compliance with the recommended condition and any subsequent new occupant would also need to comply.
22. Consequently, this proposal would merely transfer the unrestricted benefits from Unit 4 to Unit 3, with a small net reduction of 60 square metres to the extent of uncontrolled floorspace. This also addresses the concerns expressed by Langham Parish Council that an approval would increase the scope for uncontrolled retail activity in the countryside.

#### **Other Matters**

23. This application only proposes that the range of goods to be sold within the various retail units at Rutland Village be rationalised. It does not propose any new building or other operational development. As such there are no concerns regarding amenity impact, access and parking, or other specific issues.
24. Due to the extent of floorspace at Rutland Village (1,500 sq, metres) this proposal has been re-advertised as a major application, with the timescale for replies expiring on 23 October 2014. This is incorporated into the recommendation at the start of the report.





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Date of plot: 01/10/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2014/0733/FUL	ITEM 6	
Proposal:	<b>Proposed residential development of 13 No. private dwellings, 7 No. affordable homes, construction of access and provision of parking area for existing cemetery.</b>		
Address:	<b>Land North of Rogues Lane, Cottesmore</b>		
Applicant:	<b>Mr D Hollis</b>	Parish	<b>COTTESMORE</b>
Agent:	<b>Wardle Evans</b>	Ward	<b>Cottesmore</b>
Reason for presenting to Committee:	<b>Major application - Applicant is a member of Council</b>		
Date of Committee:	<b>14 October 2014</b>		

## EXECUTIVE SUMMARY

**This is a full application for 20 dwellings on land adjacent to The Rookery off Rogues Lane. The site is outside the Planned Limit to Development and in open countryside, adjacent to an area designated as Important Open Space in both the Rutland Local Plan and the emerging Site Allocations and Policies DPD. The site is within the Cottesmore Conservation Area.**

**The site was submitted as a potential housing site in the Site Allocations and Policies DPD process but was not allocated as a development site in the Submission document. The Local Planning Authority can demonstrate an up to date 5 year land supply, including the 20% margin required by the National Planning Policy Framework. The application is contrary to policy and there are no material considerations that would suggest that the development should be approved. The relationship between some plots and existing dwellings is also not acceptable.**

## RECOMMENDATION

**REFUSE PLANNING PERMISSION**, for the following reasons (specific policies subject to finalisation depending on adoption of the Site Allocations and Policies DPD):

1. The site lies outside the Planned Limit to Development for Cottesmore where policies in the Rutland Local Plan (2001) and the Rutland Core Strategy (2011) limit development in the countryside to certain essential uses provided that these meet certain criteria. The recommended for adoption Site Allocations and Policies DPD (Including modifications recommended by the Inspector August 2014), also shows that the proposed area for residential development lies outside the Planned Limit to Development for Cottesmore and is therefore subject to its policies relating to housing in the countryside, which again are restrictive. The site was put forward by the applicant for inclusion as a housing allocation in the Site Allocations and Policies DPD but it was not accepted by the Council following a site appraisal process. The Inspector has found the Plan to be sound and that no further land needs to be released for development. The development of the site would thereby have a detrimental impact on the character of the open countryside where it meets this attractive edge of the village. The Local Planning Authority can demonstrate an up to date five year land supply with a 20% buffer as required by Para 47 of the National Planning Policy Framework. On that basis there is no need to exceptionally release this land for development.

The proposal would thereby be contrary to saved Policy EN26 of the adopted Rutland Local Plan (2001), Policy CS4 of the adopted Rutland Core Strategy (2011) and Policy SP6 of the recommended for adoption Site Allocations and Policies DPD (Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014).

2. The development of this strip of land outside the Planned Limit to Development would have a detrimental impact on the setting of the Important Open Space to the south and on the character and appearance of the wider Cottesmore Conservation Area. The assessment of the impact on the Conservation Area which has been submitted with the application is not considered to demonstrate that the need for the development overrides the impact that it would have. The proposal would thereby be contrary to saved policies EN4 and EN5 of the Rutland Local Plan (2001), Policy CS22 of the Rutland Core Strategy and Policies SP20 and SP21 of the Site Allocations and Policies DPD (Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014).
3. The proposal would involve the unwarranted loss of a number of trees which are subject to a Tree Preservation Order and have a partly unassessed impact on other preserved trees, thereby having a detrimental impact on local amenity, contrary to saved Policy EN18 of the Rutland Local Plan and Policy SP15 of the Site Allocations and Policies DPD (Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014).
4. The siting of dwellings on plots 16 and 17 in close proximity to the boundary of the site would lead to an overdominant impact on the occupiers of the bungalows at 22 and 22a Cresswell Drive to the detriment of the amenities of the occupiers, contrary to saved Policy EN29 of the Rutland Local Plan (2001) and Policy SP15 of the recommended to be adopted Site Allocations and Policies DPD (Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014).

## Site & Surroundings

1. The site is located on the west side of Rogues Lane and is situated to the east of the recent development on Jubilee Gardens.
2. The actual development site is bounded by The Rookery, an area of woodland to the north and an area of Important Open Space (IOS) to the south. Beyond the Rookery is Cresswell Drive. Opposite the site on Rogues Lane is Long Meadow Way which runs parallel with Rogues Lane.
3. The development site itself is located outside the Planned Limit to Development (PLD) for Cottesmore, but is within the Conservation Area. The IOS to the south is within the PLD. The development site and the IOS, together with The Rookery, are all subject to an Area Tree Preservation Order (TPO), made in 1980 by Leicestershire County Council. This covers all trees within the defined Area.
4. The site is outside the Planned Limits to Development (PLD) for Cottesmore. It had been promoted as a site for development through the Site Allocations and Policies DPD (SAPDPD) process but was not allocated for such use in the Submission version. The Inspector has now delivered his report and has not recommended that any further sites be allocated.

## Proposal

5. The application is a full detailed submission for the erection of 20 dwellings, 13 market and 7 affordables. It proposes a T junction access off Rogues Lane opposite the junction with Westland Road. Access to the site would be from this junction and a spur off the new estate road would give access to a new car park for the adjacent cemetery which is also included in the application. The new access into the site would involve loss of some preserved trees.
6. The dwellings would be laid out along a single road, facing onto the adjacent IOS. The 7 affordable units would be located at the end of the cul de sac, backing and siding onto dwellings off Cresswell Drive, at 19m and 13m respectively.
7. The market dwellings would back onto The Rookery and a buffer protection zone, 4-5m wide, is indicated between the rear boundaries of those properties and the woodland itself. The previous application showed a new footpath link through The Rookery to Cresswell Drive. Following concerns from local residents and Officers, that was deleted from the scheme and does not appear in this one. Similarly footpaths across the open space and a site for a nursery do not appear in this scheme.
8. Foul drainage would be to the public sewer and surface water would be subject to further ground tests to assess the most sustainable way of draining surface water. If ground soakaway is not possible, an attenuation pond would be located within the IOS area releasing water to the nearby surface water sewer in accordance with Anglian Water's maximum discharge rates.
9. The net developable area of the site is 0.76Ha, which provides a proposed density of 26 dwellings per hectare.
10. The proposed layout is shown in **APPENDIX 1**.

## Relevant Planning History

<b>Application</b>	<b>Description</b>	<b>Decision</b>
243/72	Residential development	Approved June 72 (Cresswell Drive development)
77/0404	Residential Development (This site)	Refused Dec 77
78/0358	Residential Development (This site)	Refused Dec 78
90/0119	Residential Development (This site)	Refused Aug 90 Appeal Dismissed Jan 91.
2013/0910	Residential Development	Withdrawn

## Planning Guidance and Policy

### National Planning Policy Framework

The Framework promotes sustainable development but confirms that development that is

not in accordance with an up to date development plan should be refused unless material considerations indicate otherwise. Local Authorities should maintain an up to date 5 year supply of deliverable sites for housing. Para 55 sets out the policy for development in the countryside and states that this should only be permitted where there is a justifiable need for someone to live there.

Members will be aware that the Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014) is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

### **Option 1: DPD is adopted**

#### **Development Plan**

#### **The Rutland Core Strategy (2011)**

CS1 – Sustainable Development Principles

CS2 – The Spatial Strategy

CS3 - The Settlement hierarchy. Cottesmore is classified as a Local Service Centre where CS4 indicates that a level of growth can be accommodated mainly through small allocated sites, affordable housing sites, infill and conversions.

CS8 - Developer Contributions

CS9 – Provision and distribution of new housing

CS10 – Housing Density and Mix – 30 Dwellings per hectare in the villages

CS11 – Affordable Housing – Minimum target of 35%

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic Environment

CS23 – Green Infrastructure and Open Space

#### **Site Allocations and Policies Development Plan Document:**

SP5 – Built Development in Towns and Villages

SP6 – Housing in the Countryside

SP9 – Affordable Housing

SP15 – Design & Amenity

SP16 – Biodiversity and geodiversity conservation

SP20 – Historic and Cultural environment

SP21 – Important Open Spaces

SP23 – Landscape Character in the Countryside

## **Other Material Considerations**

Supplementary Planning Document – Developer Contributions  
Supplementary Planning Document – Affordable Housing

### **Option 2: DPD is not adopted**

#### **Development Plan**

##### **The Rutland Core Strategy (2011)**

CS1 – Sustainable Development Principles  
CS2 – The Spatial Strategy  
CS3 - The Settlement hierarchy. Cottesmore is classified as a Local Service Centre where  
CS4 indicates that a level of growth can be accommodated mainly through small allocated sites, affordable housing sites, infill and conversions.  
CS8 - Developer Contributions  
CS9 – Provision and distribution of new housing  
CS10 – Housing Density and Mix – 30 Dwellings per hectare in the villages  
CS11 – Affordable Housing – Minimum target of 35%  
CS19 – Promoting Good Design  
CS21 – The Natural Environment  
CS22 – The Historic Environment  
CS23 – Green Infrastructure and Open Space

##### **Rutland Local Plan (2001)**

EN1 – Location of Development  
EN4 – Open Areas  
EN5 – Development in Conservation Areas  
EN18 – Trees and Hedgerows  
EN26 – Development in the Countryside  
EN29 – Amenity  
HT4 – Development likely to increase traffic  
HT5 – Road access and Design

## **Other Material Considerations**

Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)

SP5 – Built Development in Towns and Villages  
SP6 – Housing in the Countryside  
SP9 – Affordable Housing  
SP15 – Design & Amenity  
SP16 – Biodiversity and geodiversity conservation  
SP20 – Historic and Cultural environment  
SP21 – Important Open Spaces  
SP23 – Landscape Character in the Countryside

Supplementary Planning Document – Developer Contributions  
Supplementary Planning Document – Affordable Housing

## Consultations

See **APPENDIX 2**.

## Neighbour Representations

There have been 6 letters of objection on the following grounds:

- Purely speculative development – not proven to be required
- Adverse impact on Conservation Area and Important Open Space
- Outside the Planned Limit to Development, need to respect the village boundary
- New junction will not help current heavy traffic and excessive speeds on Rogues Lane
- Westland Road has poor visibility onto Rogues Lane - the loss of the island will not help this.
- 4 way junction will be dangerous
- Long history of flooding on the site
- Cemetery car park needs screening
- Affordable Housing is poorly sited – results in ‘us and them’
- Impact on outlook from existing dwellings
- Loss of privacy to properties on Cresswell Drive

Three letters of support have been received, including one from the Commanding Officer at Kendrew:

- Village needs new blood
- Good mix of dwellings proposed
- Helps maintain services
- Residents would have excellent views over woodland and farmland
- With a population of over 2200 at Kendrew, including 400 families, this will result in options for families to purchase rather than rent.

## Planning Assessment

11. The main issues are Planning Policy, visual impact on the Conservation Area and Open Space, residential amenity, highway safety and Developer Contributions.

### Planning Policy

12. The proposed area for residential development lies outside the planned limits of development for Cottesmore as shown in the adopted Rutland Local Plan (2001). Policy EN26 of the Plan limits development in the countryside to certain essential uses provided that these meet certain provisos. The site is adjacent to an area shown as an Important Open Space (Policy EN4). The policy does not permit any development which would be harmful to such areas.
13. The Inspector at the previous Rutland Local Plan Inquiry in 2001 rejected the inclusion of this land for housing in the Local Plan due to a number of concerns, including that development would do demonstrable harm to the character of this part of the village and its environmental quality, it would intrude into and diminish the semi-rural appearance of the parkland and that the trees would be placed at risk.
14. The adopted Core Strategy (Policy CS4) sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the



countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.

15. The Inspectors report on the Site Allocations DPD was received on 27th August 2014 and recommends that the DPD provides an appropriate basis for the planning of the Councils area subject to a number of modifications being made. The revised plan incorporating the inspectors recommended modifications is to be recommended to Council for adoption on 13 October 2014 at which point it will replace the existing policies in the Rutland Local Plan (2001) referred to above.
16. In the Site Allocations and Policies DPD (as recommended to be adopted), the site lies outside the planned limits of development for Cottesmore and is therefore subject to policies relating to housing in the countryside (Policy SP6). Policy SP6 does not permit new housing development in the countryside except where it is essential for certain operational needs, consistent with Para 55 of the NPPF, it is for affordable housing, to meet an identified local need or it would not adversely affect certain matters.
17. The adjacent area of open space to the south is shown as an Important Open Space in the emerging Site Allocations and Policies DPD (as recommended to be adopted). Policy SP21 states that development will only be acceptable where it does not have an adverse effect on the area having regards to a range of issues, as set out in the policy;
18. The site was put forward by the applicant for inclusion as a housing allocation in the Site Allocations and Policies DPD but it was not accepted by the Council following a site appraisal process that identified significant physical constraints including landscape and visual impact and impact on important open space. The Inspector has considered all the alternative allocations put forward but has concluded in his report that the Councils allocations are sound and that there is no need to release additional sites in order to make the plan sound.
19. The Council has an up to date five year land supply with a 20% buffer, using the Sedgefield method, which incorporate figures correct at the 1st April 2014 as required by the NPPF para 47. The development of greenfield land in open countryside cannot therefore be justified and is not in line with the policies outlined above.
20. The Councils Housing Strategy and Enabling Officer has commented that the affordable provision is acceptable in terms of mix, provided that detailed arrangements are clarified and confirmed as part of an s106 agreement. However, whilst the affordable dwellings are of the same general style as the other dwellings from the elevations (provided the materials are similar), they are the only dwellings on the proposed development which do not have chimneys.
21. Chimneys will be utilised on key plots to reflect the character of the existing settlement, according to the Design and Access Statement. This does not necessarily mean that every property on the development has to have a chimney. However, the fact that the affordable dwellings do not have chimneys, along with their location together at the end of the cul-de-sac and their particularly awkward parking arrangements, means that they are not well integrated with the open market housing through layout, siting, design and style as required by Policy SP9 in the SAP DPD, which has been upheld as sound by the Planning Inspectorate.

22. In conclusion, the application is contrary to the Councils adopted and proposed planning policies for the reasons outlined above.

#### Visual Impact

23. The Landscape Character Assessment which informed the Countryside Design Guidance Supplementary Planning Guidance identifies the site as being within the Cottesmore Plateau. The following is an extract from that assessment:

#### “Landscape Character

24. The Cottesmore Plateau extends from the northern edge of the Rutland Water Basin, northwards to the County boundary. It is a relatively high, open, level plateau of predominantly level relief but rarely flat having long shallow undulations. It is dissected by significant river valleys of the North Brook and its tributary. Parts of the Cottesmore Plateau are characterised by large and impressive estate parklands and associated planned woodlands such as those at Burley-on-the-Hill and Exton. Barnsdale Avenue and the landscaped vistas to and from Burley-on-the-Hill are nationally important designed landscapes. The parkland ambience in the central part of this sub-area is emphasised by the rich heritage of the estate buildings. In these areas the landscape is a combination of tree cover and farmland, a planned but mature landscape where longer vistas are interrupted by the mix of tree belts and woods rather than by the topography. This sub area is generally dominated by arable farmland with a broad, geometric network of large, regular fields, enclosed by thorn hedges and occasional plantations;

#### Settlement Character

25. There are many buildings associated with the two estates and parklands and a number of large farmsteads outside the settlements in the countryside. The industrial estate at Market Overton impacts on some views in its vicinity and the military buildings of the former RAF Cottesmore (Kendrew Barracks) on a large part of the area. The settlements on the Cottesmore Plateau are Barrow, Burley, Cottesmore, Empingham, Exton, Greetham, Market Overton, and Thistleton. Apart from Burley, Barrow and Market Overton which are conspicuously located on the western scarp of the plateau and are visible from the Vale of Catmose to the east, the other villages in this sub area are not dominant in the landscape or visible in wider views.
26. The traditional materials of the sub-area are predominantly limestone. Roofs are of stone slate or thatch. The village of Exton has a large number of thatched roofs, as do Empingham and Cottesmore.....
27. Aim: To safeguard the distinctive landscape character of the Cottesmore Plateau sub-area.
28. Objectives
- To safeguard extensive views across the plateau from conspicuous development.
  - To safeguard the setting of the villages.
  - To ensure that development conserves and enhances the parks, avenues and other designed landscapes and their settings.”
- The Landscape Sensitivity and Capacity Study which informed the Site Allocations and Policies DPD indicates that the land on the site and to the north has moderate sensitivity and moderate capacity to accommodate new development.

29. The site is well screened from the north by The Rookery woodland and to some extent from Rogues Lane by the tree line along the road frontage. The overall site including the IOS has previously been identified as important to the character of the locality by both the 1999 Local Plan Inspector and the Inspector dealing with the appeal in 1991. There is no reason to suggest that the situation has changed in that respect.
30. The development would still be prominent from Rogues Lane, especially in winter months and would appear on a limb from surrounding development, projecting into the open part of the Conservation Area and comprising a built urban form between the open space and the woodland beyond, thus detracting from the open sylvan character of the area. It is concluded therefore that the scheme would have a detrimental impact on the wider setting of the Conservation Area and the Important Open Space.
31. There would be some loss of preserved trees at the point of the new access. Any unsubstantiated loss of preserved trees is not justified. It is not clear from the submission what impact the development would have on any other specific preserved tree as the submitted tree survey is considered to lack adequate information according to the Council's Consultant Arboriculturalist.
32. One tree (T14 in the survey) is close to Plot 20, but this could be alleviated by pruning (which the tree needs anyway). There is continued concern about the access into the site, and the Council's Consultant does not concur with the original tree report that as the entrance is already compacted due to farm vehicles that the proposal wouldn't impact the trees. He suggests that the agent needs to provide a section of this part of the site, showing accurate Root Protection Areas and crown spreads in relation to the access road/new footpath. The visibility splays onto Rogues lane would possibly require trimming back of the trees due to the gentle curve of the road towards the village. A revised Tree Report has just been received and further comments from the Consultant are awaited.

#### Residential Amenity

33. The main impact in terms of residential amenity is the relationship between 2 of the affordable plots and 2 properties on Cresswell Drive. These are situated 13m away side to rear and 19m back to back. These figures have been improved upon from the previous submission but the latter in particular is still regarded as too close. If permission was to be forthcoming for this scheme there is sufficient land to improve this relationship.
34. It is unlikely that there would be any other residential amenity issues in relation to other dwellings around the site as a direct result of the proposed dwellings.
35. There would be some impact on dwellings opposite the site in terms of vehicles using Rogues Lane but the increase would be minimal and not sufficient to warrant refusal on those grounds.

#### Highway Safety

36. Concern has been expressed by local residents regarding the speed of traffic on Rogues Lane. In the absence of an objection from the highway authority on this specific issue this concern is acknowledged but would not form a reason for refusal. The concerns of the highway authority as set out in the consultation response relates

mainly to technical issues rather than a fundamental safety objection. A revised plan has just been received and comments from the Highway Authority are awaited.

#### Developer Contributions

37. The scheme offers 7 units as Affordable and the applicant has agreed the requested developer contributions in principle. If Members were to look favourably upon the scheme this issue would need to be addressed in any motion.

#### Other Matters

38. The concerns of the Environment Agency have been addressed by the response from Anglian Water.



## Consultation Responses

1. Archaeology A series of features were discovered in trial trenching. A brief for further work is required. If permission is granted a condition should be imposed to secure a programme of archaeological works.
2. Natural England Statutory nature conservation sites no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Local sites. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity Section 40(3) of the same Act also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat. Landscape enhancements. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure

that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

We are pleased to see that our comments from the previous application (2013/0910/FUL) have been considered and that a buffer zone is now in place between the development and the woodland. I am unable to scale from the plan but understand from pre-application discussions that this is 7 meters wide. This is satisfactory, provided that it is managed appropriately (such as rough grassland) and is retained long-term. We would recommend that a management plan is required by condition and incorporates the management of this ecological area. It appears that the woodland is not part of the application site boundary, but it seems reasonable to assume that this will be included as an area of open space in the development. If it is included, the ecological management plan should also cover this area.

**Protected Species** We note from the ecological reports submitted with the application (Ecology Survey, Bat Survey and Great Crested Newt Survey, Scarborough Nixon Associates, April July 2013 that there was some evidence of protected species on the application site. **Badger** we note that no badger setts were found on site but a badger footprint was discovered, indicating that badgers are using the site on some occasions. We would therefore recommend that, should the works not commence within two years from the date of the survey an updated badger survey must be completed (i.e. April 2016 or after). This would ensure that adequate mitigation is in place (if required) should badgers have moved onto the site.

**Bats** The bat surveys recorded 4 species of bats using the site, but no roosts were identified. However, a number of trees on site were considered to have bat roost potential. It appears from the current application that the trees on site will be retained. We welcome this. However, should any trees be proposed for removal they must first be assessed for the presence of roosting bats.

### 3. Ecology Unit

**Great Crested Newts** We note that no GCN were recorded in the pond on site.

**Ecological Enhancements** The application provides many opportunities for biodiversity enhancements on the site. We are pleased to see the applicants commitment to providing these within the planning documentation. There are number of suggested enhancements within the ecological reports and we would request that the applicants attention is drawn to these. The proposed development will incorporated a significant amount of open space (woodland and parkland). We would recommend that this is managed for biodiversity as well as amenity use. We would therefore request that, should the application be permitted, a condition is forwarded requiring a long-term management strategy for the site.

**Lighting** The bat survey indicates that the application site is used by foraging bats, particularly the area by the central trees. Some species of bats are known to be sensitive to lighting levels of greater than 1lux and we would therefore recommend that a lighting plan is submitted to illustrate that the important habitats on site will not be subject to a lighting level above this value. The woodland and areas of trees in the centre of the site should be

considered as important dark areas when designing the lighting scheme. Important habitats on site will not be subject to a lighting level above this value. The woodland and areas of trees in the centre of the site should be considered as important dark areas when designing the lighting scheme.

#### 4. Highways Dept.

**OJECTION** We still require tracking drawings for the re-designed access from Rouges Lane and the 'T' junction to the cemetery in both directions for a refuse truck, fire tender, pantechnicon, also for the turning of a hearse in the cemetery car park with the parking bays full. We still require assurance that all shrubs shown within visibility splays on the drawing are below 0.9m in height and will be maintained as such. We require assurance that the 'buffer zone' to the rear of the properties will not be conveyed to the Authority at a later date and that residents are made aware of it's specification and design reason and that boundary treatments are enough to deter people from forcing a path through to reduce distance travelled to reach the village and its services. Conditions that are applicable to this application are set out in the response.

#### 5. English Heritage

Thank you for consulting English Heritage on the above planning application for the proposed residential development comprising 13 private dwelling-houses and 7 affordable homes with access and car parking. English Heritage was previously consulted on planning application 2013/0910/FUL - our letters dated 21 May 2014 and 13 November 2013 refer. In respect of this application, which we understand was withdrawn, we did not believe your authority was in a position to determine the application without a full assessment of the impact of the proposal on the significance of the conservation area. In particular, whilst the submitted information through cartographic evidence indicated that the application site may have formed part of the grounds to the demolished Cottesmore Hall (of which the rockery has been identified as a treescape feature), no assessment was provided as to the contribution of the site to the significance of the conservation area.

We have read the amended archaeological desk-based assessment and note the assessment provided on pages 20-22. In our view, this assessment is limited, though we recognise that with the demolition of Cottesmore Hall in the 1970s, part of the significance of the associated historic landscape has been diminished. Nevertheless, from our understanding of the conservation area, we believe the site contributes positively to the significance of this designated heritage asset through its survival as part of a historic designed landscape adjacent to the wider agricultural fields - both of which contribute to our understanding of the historical, architectural and archaeological development and significance of Cottesmore. The site also provides positive, aesthetic contribution to the significance of the conservation area, which has a direct communal value and would be compromised by further housing encroaching into the wider landscape. Whilst accepting that the woodland area is to be retained, we believe the proposed residential development on this site will fundamentally change and alter the character and appearance of this part of the conservation area, which is considered harmful to significance.



**Policy context**

The statutory requirement is to have special regard to the desirability of preserving and enhancing the character and appearance of the conservation area - Planning (Listed Buildings and Conservation Areas) Act 1990. This must be taken into account by your authority when making its decisions. It is for your authority to determine whether sufficient information has been submitted to fully assess the impact of this proposal on the significance of the designated heritage asset in line with paragraphs 128 and 129 of the NPPF. Significance can be harmed or lost through development and any harm or loss to significance should require clear and convincing justification (paragraph 132 and 134 of the NPPF).

We strongly advise that your authority follows the guidance of the County Archaeological Advisor with respect to the potential form, potential impact on, and treatment of any undesignated archaeological remains on the proposed development site.

**Recommendation**

In determining this planning application, we recommend your authority is satisfied there is sufficient information to understand the impact of the proposal on the significance of Cottesmore Conservation area. (paragraphs 128, 129, 132 of the NPPF). On the basis of the submitted information which remains limited in our view, we believe the proposal will result in a degree of harm to significance, which is considered less than substantial. In line with the NPPF, we recommend the degree of harm should be weighed against the public benefit of the proposal [paragraph 134]. We recommend further advice is sought from your in-house conservation officer and archaeological advisor.

## 6. Conservation Officer

I have read the submitted additional information in respect of the impact of the development on the character and appearance of Cottesmore Conservation Area. My view remains, however, that the proposal will cause harm which, although less than substantial, would not be outweighed by wider public benefit. My previous comments were as follows:  
Residential development I refer to the amended proposal for the site. I remain of the opinion that the development would cause harm to the character and appearance of Cottesmore Conservation Area. My previous comments therefore remain. The application relates to open pasture land that is included within Cottesmore Conservation Area and contributes to the setting of the village. Its open green appearance makes a positive contribution to the overall character and appearance of the conservation area and contrasts with the traditional limestone buildings along Main Street that form the historic core of the village. The location of the site within the conservation area, or its significance to the overall character and appearance, has not been assessed in the submitted proposals. In this respect, I support the English Heritage assessment that the proposal is contrary to paragraph 128 of the National Planning Policy Framework. However, on the basis of the submitted information, and recognising that only part of the overall open space is proposed for development, I consider that the proposal would detract from the overall appearance of the area and views of it from Rogues Lane and from outside the site. On this basis, I consider that the proposal would fail to preserve or enhance the character or appearance of Cottesmore Conservation Area and would thereby be contrary to saved policy EN5 of the Rutland Local Plan and to policy CS22 of the Core Strategy. It would also have a harmful impact on the conservation area which, although likely to be less than substantial, would not be outweighed by wider public benefit, as required by paragraph 134 of the NPPF.

Anglian Water

The foul drainage from this development is in the catchment of Cottesmore STW that at present has available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable in principle. However the planning application makes no mention of connection to the main sewer, the FRA makes mentions of connection we would wish to see evidence that all alternative methods of surface water disposal had been fully explored prior to agreeing connection to the main sewer. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

#### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

Environment Agency

We have no objection to the proposed residential development. Information for your Authority: The Flood Risk Assessment states that surface water run-off will be disposed of via either an infiltration drainage system or to an Anglian Water Services Limited sewer. Your Authority therefore needs to be satisfied that:

1. Infiltration drainage at this location is feasible.
2. The location and rate of discharge to the public sewer is confirmed by Anglian Water Services Limited.
3. The proposed surface water drainage scheme can be adopted and properly maintained up to the design standard of 1% plus climate change critical storm.