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Application:	2013/0541/MAJ	ITEM 3	
Proposal:	Construction of 10 No. Dwellinghouses, vehicular access and associated works.		
Address:	130, Braunston Road, Oakham		
Applicant:	David Miller Homes Ltd Mr Cassa Miller	Parish	OAKHAM
Agent:	N/A	Ward	Oakham South West
Reason for presenting to Committee:	Previous Committee Decision		
Date of Committee:	3 February 2015		

EXECUTIVE SUMMARY

This proposal was previously granted approval by the Development Control and Licensing Committee subject to the preparation of a Section 106 agreement to secure developer contributions and a contribution to off-site affordable housing.

On 28 November 2014, the government amended the National Planning Practice Guidance (NPPG) to specify that Local Planning Authorities should not seek developer contributions from smaller residential developments.

On 6 January 2015, Cabinet resolved that this amended government policy be implemented with immediate effect.

It is no longer appropriate to seek a Planning Obligation to secure developer contributions on this site. The original report is attached as Appendix 1 and its content and conclusions remain valid except in relation to the matter of Developer Contributions.

RECOMMENDATION

APPROVAL, subject to the conditions specified in the report at **APPENDIX 1**

Planning Guidance and Policy

This section identifies the changes in policy since this application was considered on 17th September 2013.

National Planning Policy Framework

No changes have been made to the policies contained within the National Planning Policy Framework since the previous report; however the revision to the National Planning Practice Guidance now states that planning authorities should not seek tariff-style S106 contributions.

National Planning Practice Guidance

Paragraph: 012 (Reference ID 23b-012-20141128) – Circumstances where infrastructure contributions through planning obligations should not be sought from developers.

The Rutland Core Strategy

The wording of Policies CS8 and CS11, regarding Developer Contributions and Affordable Housing, remain in their original form.

Other policies remain as identified in the original report (Appendix 1)

Rutland Local Plan

The Rutland Local Plan has now been completely replaced and is no longer of any relevance.

Rutland Site Allocations and Policies Development Plan Document

This document was still under preparation at the time of the original report to the Development Control and Licensing Committee. Its policies now carry full weight.

Policy SP1 – Presumption in favour of sustainable development

Policy SP5 – Built development in the towns and villages

Policy SP15 – Design and amenity

Supplementary Planning Documents

The Planning Obligations and Developer Contributions Supplementary Planning Document (July 2010) and the Developer Contributions to Of-site Affordable Housing Supplementary Planning Document (June 2012) remain in force until they are replaced. However the weight that can now be given to them in this case has been outweighed by the material changes in policy this report has identified.

Planning Assessment

1. The main issue for consideration is the impact of subsequent policy changes on the committee resolution of September 2013. The report to that committee meeting is attached as APPENDIX 1.

Policy Changes

2. Adoption of the Site Allocations and Policies DPD introduces new policies to replace the former Rutland Local Plan of 2001.
3. More specifically, the change to the NPPG means that Local Planning Authorities should no longer require developer contributions (including affordable housing contributions) from small residential developments of 10 dwellings or less. The only exceptions are that:
 - a lower threshold of 5 dwellings may be applied in designated rural areas
 - contributions can still be sought from developments of 10 or less dwellings, where the total floorspace is greater than 1000 square metres.
4. This was reported to Cabinet on 6 January 2015, with a recommendation that:
 - the Council's own policies be amended to ensure consistency with the revised NPPG, including the lower threshold of five dwellings in the designated rural areas,
 - the revised government policy be implemented with immediate effect, and that any planning obligation currently under negotiation be amended or nullified.

5. Cabinet decided to accept these recommendations. This does not require changes to the Council's policies in the Rutland Core Strategy or the Site Allocations and Policies DPD, but the necessary changes to the relevant SPDs are now underway:
 - Planning Obligations and Developer Contributions Supplementary Planning Document SPD of July 2010
 - Developer Contributions to Off-site Affordable Housing SPD of June 2012

Implications for current application

6. At the DC&L committee meeting on 17th September 2013, members had resolved to approve the current application, subject to a Planning Obligation to secure developer contributions. The Obligation was still under negotiation when the Site Allocations and Policies DPD was adopted and when the NPPG was amended. Consequently, it must now be reconsidered in the light of these events and the subsequent cabinet decision of 6 January 2015.
7. Adoption of the Site Allocations and Policies DPD in August 2014 does not affect the recommendation to approve the current application. However, as the proposal is limited to ten new dwellings in an urban area, the amended NPPG and Cabinet Decision now dictate that developer contributions should not be sought. These are key material considerations, even though amendments to the Council's SPDs on developer contributions are still under preparation, particularly as cabinet resolved on 6 January 2015 that the amended government policy be implemented with immediate effect.
8. In the context of the updated Guidance and Policy, and the Cabinet Decision, members are recommended to approve the current scheme again, but without any planning obligation to secure developer contributions.

Application:	2013/0541/MAJ	Item 6	
Proposal:	Construction of 10 No. Dwellinghouses, vehicular access and associated works.		
Address:	130, Braunston Road, OAKHAM		
Applicant:	David Miller Homes Ltd Mr Cassa Miller	Parish	OAKHAM
Agent:	N/A	Ward	
Reason for presenting to Committee:	Previous Committee refusal		

EXECUTIVE SUMMARY

The site has been the subject of a recent refusal by this Committee, the report for which is attached at Appendix 1. The revisions to the scheme address the matters raised by and justify a recommendation to approve.

RECOMMENDATION

APPROVAL, subject to the completion of a Section 106 agreement regarding developer and affordable housing contributions and 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, numbered CM/01C/PLANNING/2011, CM/02B/PLANNING/2011 & CM/03B/PLANNING/2011. REASON – To ensure that the scheme takes the form agreed by the local planning authority and thus results in a satisfactory form of development.
3. 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 shall be constructed until the works have been carried out in accordance with the surface water strategy so approved. REASON – To prevent environmental and amenity problems arising from flooding.
4. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development. REASON – The development will be prominent within the street scene and samples of the proposed construction materials are required to ensure that the development does not have an adverse impact on the appearance of its immediate surroundings.
5. 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 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.". The landscaping scheme shall include details of the 1 metre wide paved walkway shown on the proposed site plan and shall include construction details to show how it will avoid harming the frontage ash trees. REASON – The site plan indicates that landscaping is proposed as part of the scheme, but does not define the proposed species, densities and maturity of the planting to be provided nor the hard surfacing details of the various accesses to the properties on the site. These details are required to ensure that the development is integrated into its surroundings and

- adequate protection is given to the existing features of the site and its surroundings.
6. 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 the landscaping scheme is implemented.
 7. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 40 metres to the East and West, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction in perpetuity.
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
 8. Prior to occupation of the development a 2 metre x 2 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety
 9. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been surfaced and marked out with parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. REASON - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
 10. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous. REASON - To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.
 11. The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter. REASON - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
 12. No development shall commence until details of the bin collection area have been submitted to and approved in writing by the Local Planning Authority. The bin collection area shall be constructed in accordance with the agreed details and be available for use before the first dwelling is occupied and subsequently retained.
REASON – The bin collection area has been prominently sited as a termination of the vista down the access and adjacent to a public footpath. It is therefore essential that a well designed facility is provided as such a prominent location has been chosen.

Notes to applicant

1. NA33 – Highway licence
2. NA35 – Road cleaning during construction
3. NA43 – Prevention of drainage onto highway
4. The developer is advised to use materials that respect the vernacular tradition of Oakham for such a publicly prominent site.
5. The landscaping scheme needs to address the relationship to the public footpath. In addition it needs to address the areas indicated as tarmac that are not usable by vehicles adjacent to the public footpath. In the interests of sustainability the area of tarmac needs to be minimised. In addition the ash trees on the site frontage are not accurately plotted on the proposed site plan.

6. The applicant/developer is advised that the application site is adjacent to a public right of way. It should be noted that:-
- a. It is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the public rights of way officer.
 - b. The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.
 - c. Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority.

Site & Surroundings

1. The site is situated to the south of Braunston Road and west of Catmose Primary School. To the south and west are residential properties. The site is approximately 0.2Ha in size with a large frontage of 45 metres facing Braunston Road, which gets progressively narrower to the south, with the southern boundary measuring 23 metres.
2. Running between the application site and Southfield County Primary School is a public footpath (E209) that connects Braunston Road with Harrington Way, with several substantial trees, varying in size and species, which form the boundary of the application site.
3. The site was formerly the location of a single storey dwelling, though this has now been demolished.

Proposal

4. The proposal is for the construction of 10 dwellings with associated vehicular and pedestrian accesses and parking.

Relevant Planning History

Application	Description	Decision
OUT/2004/1105	Outline application for the development of land for 8 dwellings and associated works	Permission
FUL/2005/1244	Demolition of existing buildings. Erection of 14 aged persons units plus managers office and associated works	Permission
FUL/2010/0669	Extension of time for FUL/2005/1244	Permission

APP/2012/0010 Erection of 11 No. Refusal
 dwellings incorporating 10
 No. two storey units and 1
 No. first floor flat.

Planning Guidance and Policy

National Planning Policy Framework

In particular, paragraphs 14, 49 and 197 are most relevant to the proposal.

The Rutland Core Strategy

Policy CS3 – Settlement Hierarchy
 Policy CS4 – The location of development
 Policy CS8 – Developer contributions
 Policy CS10 – Housing density and mix
 Policy CS11 – Affordable housing
 Policy CS19 – Promoting Good Design

Rutland Local Plan

Policy EN29 – Amenity
 Policy HT3 – Location of Development
 Policy HT5 – Road and Access Design
 Policy HT6 – Provision of parking and servicing facilities

Consultations

5. **Town Council**
 Recommend refusal – the development is still out of character with the surrounding area.
6. **Highways**
 Conditions requested
7. **Anglian Water**
 Condition requested

Neighbour Representations

8. 15 neighbouring and nearby properties were notified of the proposal, two letters of objection have been received from a single property raising the following matters:
 - The site cannot accommodate this number of dwellings.
 - The car parking allowances are too small, preventing vehicles from reversing when others are parked.
 - The bin collection facilities are inappropriate and will result in 20-30 bins lined up at the entrance to the site.
 - The design of the dwellings does not match other properties in the locality.
 - Cars will park on Braunston Road making the access to the school pathway dangerous.
 - The site plan makes no reference to a wall to separate the development from neighbour's properties.
 - There is insufficient room for 20 cars to turn, reverse or manoeuvre within the site, and visitors will not be able to gain access thus creating a major parking problem in Braunston Road.

Planning Assessment

9. The main issues that relate to the proposal are as follows
- The principle of housing on the site
 - The design of the dwellings and their impact on the street scene
 - The safety of the access onto the highway, and the provision of parking for the proposal
 - Developer contributions.

The principle of housing on the site

10. The site is located within Oakham, which is identified within policy CS3 of the core strategy as the main town in Rutland.
11. Policy CS4 of the Core Strategy states that Oakham will be the key focus for new development, and is considered to be the most sustainable location to accommodate significant levels of growth. In policy terms therefore, the location of the site within the town of Oakham is acceptable.
12. With regard to the more site-specific details, the site was previously host to a single-storey dwelling, and has been granted consent for residential development on two separate occasions, the more recent of which remains extant. The most recent application for residential development was refused by the committee earlier this year; however the applicant considers that the reasons for refusal have been addressed through the removal of the first floor flat on the frontage of the site, and the provision of a formal bin storage area within the scheme.

The design of the dwellings and their impact on the street scene

13. 10 dwellings are now proposed on the site, in four groups, 5 fronting the site formed by a pair of semi-detached dwellings and a terrace of three properties, and 5 to the rear also formed by a pair of semi-detached dwellings and a three property terrace. The third dwelling forming the terrace at the front of the site is designed to be smaller and more modest than the other two properties, resulting in the appearance of two pairs of semi detached properties at the front of the site, with the 5th dwelling set further back from Braunston Road to reduce the impact on the street scene at the front of the site.
14. The site extends to approximately 0.2Ha, meaning the proposed development density is 50 dwellings per Hectare, which remains higher than the surrounding development, albeit reduced from the previous scheme due to the removal of the flat. The previously approved schemes on the site have permitted 8 dwellings (40 per Hectare) and 14 sheltered units (70 per Hectare) and as such the density of the proposed scheme is considered to be acceptable.
15. The removal of the first floor flat to the front of the site is the only change to the appearance of the scheme, meaning that the impact of the scheme on the street scene is reduced through the provision of separation of the built frontage, bringing the appearance of the north elevation more into line with the previously approved scheme.
16. The remainder of the scheme is unchanged from the previous proposal and therefore the comments relating to the design of these elements are also unchanged from those in **Appendix 1**.

The safety of the access onto the highway, and the provision of parking for the proposal

17. The Highway Authority have had the opportunity to assess the proposal, and have confirmed that they have no objections to the scheme, provided a number of conditions are met. These include access visibility splays being provided sufficient for the speed limit in force along Braunston Road, which according to the plans are achievable, and conditions relating to the provision of parking and turning facilities, and surfacing materials.
18. The comments relating to the inadequacy of the parking provision on the site is noted, however the level of provision and dimensions of the spaces and turning area meets with the requirements of the adopted local plan and it is noted that there is no highways objection to the proposed provision. As such these objections would not justify the refusal of the scheme.

Developer Contributions

19. The applicant has been provided with a calculation for the developer contribution on the site in accordance with the supplementary planning documents relating to developer contributions, and affordable housing. A viability assessment for the site has been undertaken and the applicant has agreed in principle to the contribution.

Application:	APP/2012/0010	Item 1	
Proposal:	Erection of 11 No. dwellings incorporating 10 No. two storey units and 1 No. first floor flat.		
Address:	130 Braunston Road Oakham Rutland		
Applicant:	Mr Cassa Miller	Parish:	OAKHAM
Agent:	Rutland Planning Mr Tony Ansell	Ward:	Oakham South West
Reason for presenting to Committee:	Objections from residents/town council		

EXECUTIVE SUMMARY

The proposal is for the residential development of the site of a former bungalow.

Outline consent for open market housing has been granted on the site previously, as has consent for sheltered units. The sheltered unit consent remains extant and could therefore be developed.

Objections have been received from neighbours and consultees, however the matters raised are not considered to be sufficient to justify refusal of the scheme.

RECOMMENDATION

APPROVAL, subject to the completion of a Section 106 agreement regarding developer and affordable housing contributions and the following conditions:

1. TM01 – Standard time limit
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered CM/01A/PLANNING/2011, CM/02A/PLANNING/2011 & CM/03A/PLANNING/2011. REASON – To ensure that the scheme takes the form agreed by the local planning authority and thus results in a satisfactory form of development.
3. MA01 – Material samples
4. 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 a planting strip along the boundary with the public right of way, details of the proposed hedge planting to the boundary of the site with Braunston Road, and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on 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 submitted plans note a hedge is to be provided to the front boundary of the site, but do not specify the species or maturity at the time of planting, these details are necessary to ensure that the boundary treatment is appropriate to the site. The submitted plans also show an open boundary between the parking area and the public right of way, and a planting strip is required to ensure that the public aspect of this part of the site is not detrimental to its surroundings.
5. 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 landscaping scheme agreed under condition 4 is implemented in a timely fashion and maintained for a period sufficient to allow it to become established, assimilating the development into its surroundings.

6. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 5 metres from the nearside edge of the carriageway. Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
7. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 40 metres to the east and 2.4 metres by 40 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety
8. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
9. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous. Reason - To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.

Notes to applicant

1. NA33 – Highway licence
2. NA35 – Road cleaning during construction
3. NA43 – Prevention of drainage onto highway
4. The applicant/developer is advised that the application site is adjacent to a public right of way. It should be noted that:-
 - a. It is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the public rights of way officer.
 - b. The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.
 - c. Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority.

Site & Surroundings

1. The site is situated to the south of Braunston Road and west of Catmose Primary School. To the south and west are residential properties. The site is approximately 0.2 ha in size with a large frontage of 45 metres facing Braunston Road, which gets progressively narrower to the south, with the southern boundary measuring 23 metres.
2. Running between the application site and Southfield County Primary School is a public footpath (E209) that connects Braunston Road with Harrington Way, with several substantial trees, varying in size and species, which form the boundary of the application site.

3. The site was formerly the location of a single storey dwelling, though this has now been demolished.

Relevant Planning History

Application	Description	Decision
OUT/2004/1105	Outline application for the development of land for 8 dwellings and associated works	Permission
FUL/2005/1244	Demolition of existing buildings. Erection of 14 aged persons units plus managers office and associated works	Permission
FUL/2010/0669	Extension of time for FUL/2005/1244	Permission

Planning Guidance and Policy

National Planning Policy Framework

In particular paragraphs 14, 49 and 197 are most relevant to the proposal

The Rutland Core Strategy

Policy CS3 - Settlement Hierarchy
 Policy CS4 – The location of development
 Policy CS8 – Developer contributions
 Policy CS10 – Housing density and mix
 Policy CS11 – Affordable housing
 Policy CS19 – Promoting good design

Rutland Local Plan

Policy EN29 – Amenity
 Policy HT3 – Location of development
 Policy HT5 – Road and access design
 Policy HT6 – Provision of parking and servicing facilities

Consultations

4. **Town Council**
 Recommend refusal. Ridge height to dwellings fronting Braunston Road is excessive.
 Revised plans: No change to previous comments.
5. **Public Rights of Way**
 Any hard surface to link the rear dwellings and parking area to the footpath will require consent from the Highways Authority, and any gates constructed in the boundary fences of units 7-11 will need to open inwards only. Recommend also a note stating that units 7-11 will not be able to drive to the front of the dwellings, as driving a vehicle on a public footpath is an offence.
6. **Highways**
 No objection, conditions requested.

7. **Rutland Ramblers**
No reference in application to adjacent footpath, would object to any obstruction of or degrading to its surface. Should be nothing that leads to suggestions that the footpath leads to a lack of privacy for occupants of the dwellings.
8. **Campaign for the Protection of Rural England**
11 dwellings constitutes over development of the site.

Neighbour Representations

9. 35 neighbouring and nearby properties were notified of the application. 2 responses have been received raising the following concerns:
 - The properties will be out of character with Braunston Road
 - The dwellings will encourage parking on Braunston Road, making it a dangerous stretch of road
 - Granting consent could lead the continuing glut of applications of a similar nature, which would spoil the design and nature of Oakham in general.
 - Access is close to a bend, which obstructs views of vehicles leaving the site.

Planning Assessment

10. The main issues that relate to the proposal are as follows:
 - The principle of housing on the site
 - The design of the dwellings and their impact on the street scene.
 - The safety of the access onto the highway, and the provision of parking for the proposal.
 - Impact on the footpath adjacent to the site.
 - Developer contributions

The principle of housing on the site

11. The site is located within Oakham, which is identified within policy CS3 of the core strategy as the main town in Rutland.
12. Policy CS4 of the Core Strategy states that Oakham will be the key focus for new development, and is considered to be the most sustainable location to accommodate significant levels of growth. In policy terms therefore, the location of the site within the town of Oakham is acceptable.
13. With regard to the more site-specific details, the site was previously host to a single-storey dwelling, and has been granted consent for residential development on two separate occasions, the more recent of which remains extant. In this regard therefore, the proposal is also considered to be acceptable in principle.

The design of the dwellings and their impact on the street scene.

14. 11 dwellings are currently proposed on the site, in three groups, 6 fronting the site (including the flat above the access way) and 5 to the rear, comprising a pair of semi-detached dwellings and a terrace of three. The site area of 0.2Ha gives rise to a density of 55 dwellings per hectare. This is a density that is much higher than the surrounding development.
15. The previous schemes on the site have permitted 8 dwellings (a density of 40 dwellings per hectare) and 14 sheltered units (70 dwellings per hectare) and as such, the density of the dwellings proposed is not considered to be unacceptable or an overdevelopment of the site in this context.

16. In terms of design, the northerly element of the development consists of three parts, two pair of semi-detached dwellings, joined by a first floor flat with access to the rear parking area underneath it similar to that at Horseshoe Court approximately 330m to the north east of the development. The third element is a single dwelling attached to the side elevation of the westerly pair of dwellings. This property is a two-bed unit of more modest proportions than the paired dwellings.
17. The main differences between the current scheme and the extant permission are that the properties are 0.5m higher to the ridge line than existing, with the dormer windows breaking through the eaves rather than being positioned entirely within the roof. The dwellings also have access doors fronting the highway, whereas previously access was gained to the dwellings via the side elevations with only windows fronting the road.
18. To the units at the rear, the current proposal provides 5 properties split into two groups instead of 6, although they are now proposed to be two storeys in height rather than the bungalows previously approved. To the elevation facing the footpath, the middle of the five units now presents a gable to the public perspective providing some visual relief, avoiding a bland uninterrupted frontage of five identical units.
19. In design terms therefore, the scheme is reflective of that already granted consent to the Braunston Road elevation, albeit slightly higher and with the addition of the flat and side units. The drive through access to the rear parking area, whilst not common, has been deemed to be acceptable on another infill development site in the vicinity and elsewhere within the town of Oakham, and whilst the units to the rear of the site are now proposed to be two-storey rather than single-storey as per the extant permission, this is not unacceptable in itself, and would present a more appropriate elevation to the footpath than either the previous development, or the existing permission.
20. It is therefore considered that the design of the scheme is not sufficient to justify refusal.

The safety of the access onto the highway, and the provision of parking for the proposal.

21. The Highways Authority have had the opportunity to assess the proposal, and have confirmed that they have no objections to the scheme, provided a number of conditions are met. These include access visibility splays being provided sufficient for the speed limit in force along Braunston Road, which according to the plans are achievable, and conditions relating to the provision of parking and turning facilities, and surfacing materials.
22. The objections on the basis of road safety are noted, however given the lack of an objection from the highways authority subject to the conditions being met, and the fact that the parking provision within the site meets the standards set down within the Rutland Local Plan, these are not considered to be matters that would justify the refusal of the scheme.

Impact on the footpath adjacent to the site.

23. The footpath currently runs between the application site, and the boundary of the Catmose Primary School. The main relationship between the footpath and the site is likely to comprise two elements, first the overlooking of one from the other, and second, the potential for use of the footpath to access the dwellings. With regard to the first of these matters, the overlooking of the footpath from the dwellings would actually be likely to improve the feeling of safety and security of those using it due to the natural surveillance provided by the dwellings, and the distance between the dwellings and the footpath (approximately 2m) is not uncommon when considering the front elevation of

dwellings and would therefore not be likely to result in issues of privacy within the properties.

24. The second of these issues relates to the provision of hard surface links to the footpath from the proposed dwellings. The comments of the public rights of way officer are clear that any such proposal would be subject to gaining consent from the highways authority, and would not be constructed/maintained at the public expense. Such a link however would lie outside the site of the planning application and therefore could not be approved/installed as part of any approval granted to the application being considered. Notes to the applicant regarding the obstruction of the footpath/inward opening gates etc could be included on the decision notice should approval be granted for the scheme.
25. The scheme is lacking in specific detail about any links to the footpath although it would appear to be reliant on such links. Clarification is being sought and will be reported to the Committee.

Developer contributions

The applicant has been provided with a calculation for the developer contribution on the site in accordance with the supplementary planning documents relating to developer contributions, and affordable housing. A viability assessment of the sum requested in relation to the site has been undertaken and independently assessed, with cabinet having agreed the figure recommended. The applicant has agreed to this sum and is in the process of drawing up the requisite agreement.