



Rutland County Council

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SUPPLEMENTARY ITEM

- 4) **PLANNING APPLICATIONS**
Supplementary Report (Pages 3 - 6)

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PLANNING & LICENSING COMMITTEE

13TH JULY 2021

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
98/2021	1	2020/0172/OUT	MULLER PROPERTY GROUP	WHISSENDINE

Letter received from the Agent 25 June 2021:

Thank you for bringing this matter to committee on the 29 June 2021. We have now read through the Officer's report to committee. It goes without saying that we are obviously disappointed that, ultimately, Officers have decided to recommend refusal given that this site is well related to the existing settlement of Whissendine and, in part, is proposed to be allocated in the emerging Local Plan.

Having read through the committee report we have a number of observations which we wish you to report to Members at committee and these are itemised below:

1) It is clear that the Application Site must be in a location which the Council considers as appropriate for development. A significant proportion of the site, some 1.03 hectares, is proposed to be allocated in the emerging Plan. We submit that this is not a "small section" as it sets out in the Executive Summary and indeed exceeds the definition of small/medium as set out in the Framework.

2) The Government's objective is to boost significantly the supply of housing land. This point does not appear to be addressed in detail in the Officer's report. We understand that Officers consider to have a 5.2 year supply of housing land, although we consider that, in fact, the actual supply is less than 5 years as we have identified in the supporting documents attached to the planning application. We have seen no formal rebuttal of this document which would suggest that our findings are incorrect.

3) It is important that the scheme is not minor in scale, but neither is the proposed allocation in the emerging Plan.

4) We note that there are urban design comments about the scheme, but this is an outline application, and we are not asking for the illustrative plan to be approved. Therefore, what really needs to be considered is whether or not the scheme is capable of accommodating sufficient areas of green space as well as up to 66 dwellings. The point of applying for "up to 66" dwellings is that this is the maximum number of units which could be accommodated on the site, but at the reserved matters stage the actual figure may be less once various design considerations are taken into place.

5) There is a reference to highway safety being an issue amongst the reasons for refusal, but we have not seen any identification of such an issue in the professional Officer's

responses. The RCC Highways response appears to accept that the internal road design is acceptable and can be designed to an adopted standard. Visibility splays can be achieved and links to the village are supported. There is no identification of any issue regarding highway safety. If any junction improvements works are needed this could be controlled by planning condition.

6) Drainage. There is no suggestion that drainage from this particular site would affect flooding elsewhere in the village. The Officer's report at paragraph 108 indicates that previous flooding issues relate to the main street, not in the vicinity of the Application Site. This is a matter which can be controlled by planning condition, and given that this is an outline application, it would be appropriate to place a condition requiring the scheme to demonstrate that drainage and flood issues can be dealt with prior to commencement of development.

7) Ecology. It is reported that the Environment Act will require a 10% increase in biodiversity on new sites when it comes into force. However, it is important to note that the Environment Act has not yet been passed and it is the case that it is expected that there will be a lead-in period before the 10% figure is actually imposed. Notwithstanding this point, having reviewed the Ecology Officers' response, this is not based on any evidential exercise, but simply states that the Officers "feel" there will be net loss. This is clearly not the evidential basis upon which to refuse planning permission. Again, this is a matter which can be controlled by a planning condition requiring a biodiversity calculation to be provided at the reserved matters stage.

In conclusion, we consider that the Applicant's scheme provides much needed housing which will help to fulfil the national strategy of boosting the supply of housing across the country. It will provide mixed tenure development and there is no suggestion that technical or environmental matters cannot be addressed at the reserved matters stage. The whole purpose of an outline application is to establish the principle of development with details of development being worked up via reserved matters and other planning conditions prior to the commencement of development.

We would respectfully request, therefore, that planning permission is granted subject to the completion of a Section 106 Agreement to provide necessary affordable housing and the imposition of relevant planning conditions as outlined above.

Letter Received from Agent - 9 July 2021

Further to my letter to you of 25th June 2021 in advance of the planning committee of the 29th June 2021, we observed the planning committee and are aware that a new committee date needs to be set since there was insufficient time to determine our client's application. Having observed the planning committee and, in particular, comments made in respect of the planning application at Oakham, which was determined favourably, we believe it is important that the following matters are addressed in the determination of our client's application. The matters which we identify below are germane to the planning balance to be applied to our client's application:

1) You have now accepted that there is no objection from the local lead authority and as such we assume that there is now no proposed reason for refusal in respect of drainage matters.

2) In your report to Members, you advised that planning permission should be refused, amongst other matters, on the grounds of highway safety. However, having read through the

County Highways Officer's comments we can see no such recommendation, nor any identification that there could be a highway safety issue. Could you please provide details as to what concern you have on this matter and how this comment is informed by the consultation response.

3) Density figures. You have expressed concern that the proposed density of development could not be accommodated on the site. We note that the gross density of the application scheme is 18.97 units per hectare which I am sure you will agree is generally regarded as low density. Comparing this to the proposed allocation of part of the site in the emerging Plan, 25 units on 1.03 hectares, produces a gross density of 24.27 units per hectare. It is clear, therefore, that the application scheme produces a lower gross density than that envisaged by the Council's emerging Local Plan. It would seem unreasonable, therefore, to advance any concern about the proposed ability to accommodate up to 66 units (that reference implying that something less than 66 would still be acceptable were the detailed design solution indicates that a lesser figure was appropriate).

4) Biodiversity net gain. As noted above, this is an outline scheme with a relatively low gross density such that biodiversity net gain will be an issue to be addressed at the detailed design stage to produce an appropriate outcome.

5) Five year housing land supply. We note with interest that Officers advised Members at committee that the figure of 5.2 years supply (a figure which we dispute) was to be regarded as "critical" and that the Council needed to take steps to improve the situation. It was also noted that the Council is under threat from applications on non-allocated sites elsewhere in the County. In this regard the application scheme is both able to meet national policy which seeks to boost significantly the supply of housing land and could make a contribution to the Council's five year housing land supply. We would anticipate that the scheme will be built out in its entirety during the five year period and it would take place on the site which, in part, the site is identified as being suitable for development.

We consider that if the above matters are taken into consideration then the overall planning benefits arising from the scheme regarding the delivery of housing clearly outweigh any perceived concerns which can all be addressed at the detailed design stage. We would be most grateful if you could reconsider your view on this matter in the light of the above information.

Patrick Downes BSc (Hons) MRICS
Director

Lead Local Flood Authority Comments 13 July 2021

The applicant provided a flood risk assessment for the site with two possible options for surface water drainage. Option 1 is a connection into an ordinary watercourse near to the site and option 2 is connecting into the public sewer along Stapleford Road.

The applicant previously provided a rate of outfall into the sewer, which was then reduced to 5l/s as requested by the LLFA. However, upon further investigation in this area carried out by RCC highways and Severn Trent Water, it has been identified that the sewer on Stapleford Road is at over capacity during heavy rainfall. At present during heavy rainfall Stapleford Road becomes flooding due to the sewer being over capacity, this results in neighbouring properties either flooding or being close to flooding.

Therefore, the LLFA must object to this proposal until further information has been provided to demonstrate how the site currently drains, what percentage of this site currently outfalls

into the surface water sewer/ordinary watercourse and a full assessment of the sewer along Stapleford Road to see whether this can be improved.

Generally, drainage can be dealt with via condition, however due to the known flooding in Whissendine the final drainage strategy must be provided at this stage.

Further Highways Comments 13 July 2021

Not enough information has been provided for highways to say whether this development suitable in terms of safety or capacity on the network. The applicant needs to provide more information for highways to make an informed decision on this application. This should include:

- Junction assessments and if necessary, proposal for highway improvements within the existing highway boundary
- Reassess the site considering a different TRICs ratio that is more suitable for the type of site and lack of public transport

Basically not enough information has been provided