



## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP - The audio of the meeting can be listened to at <https://us06web.zoom.us/j/99985488358> on **Tuesday, 15th February, 2022** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**Chief Executive**

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### **SUPPLEMENTARY – ADDENDUM REPORT**

#### **5) PLANNING APPLICATIONS**

To receive Report No. 31/2022 from the Strategic Director for Resources.  
(Pages 3 - 16)

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## PLANNING & LICENSING COMMITTEE

15<sup>TH</sup> FEBRUARY 2022

### ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
31/2022	2	2021/1452/MAO	VISTRY HOMES LTD	KETTON

**Councillor Gordon Brown has posed the following questions on this proposal:**

1. I note in the report to the Committee that an appeal is pending on the original application however when I check on the PINS Appeals Case Portal, the appeal does not appear to have been registered. I was aware that the applicant had planned to appeal but have they actually made an application to PINS? If they have why does it not show on the ACP?

Response: The appeal has been lodged but no start date has yet been allocated by PINS so it's not 'live'.

2. In the withdrawn Local Plan draft Infrastructure Delivery Plan, Appendix 2 paragraph PI/30 it states that there is a requirement for an upgrade of the Electricity Network in Ketton to support 3 developments all now with approved planning applications KET/06, KET/07 and KET/08 which were identified in the Plan as delivering 15, 35 and 10 new dwellings resp., a total of 60 homes. Approved applications are for 50, 21 and 15 dwellings a total of 86 dwellings. KET/11 is an industrial site on Pit Lane which has now been fully developed. The proposed site of Park Road is scheduled for 75 dwellings, doubling the additional demand for electricity not forgetting the Building Regs requirement for all new dwellings to have electric charging points.

The IDP states

Delivery Mechanism/ Funding - Agreements between utility company and developers

Risks and Contingences - Time taken for upgrades Requires early engagement between developers and WPD to understand proposals

What discussions and correspondence have taken place regarding power supplies for Ketton between the developer and Western Power and/or Rutland County Council and Western Power. Has consideration been given to the requirement for non-gas based heating from 2025 and electric charging points from 2022 for the current 136 new dwellings in Ketton? Who will assess the cumulative effect?

Planning Policy Manager Response: We have just begun engaging with all the developers again – this time based on the CIL trajectory work we have been undertaking to try to plot a prioritisation plan for spending CIL against our “best guess” five year supply. So this picks up all of the sites proposed in Ketton. But literally only just started this so no response from them yet.

What is key for power (and other utilities) is that there is usually an engineering solution to any constraint – the cost of which is usually borne by the developer. So not normally a CIL issue. Capacity is allotted on a first come first served basis and Weston Power will only respond with details of capacity or improvements required when there is a degree of certainty about the delivery of a development – this is usually once a site has full planning permission and the developer approaches them with a request. At this point the provider will consider the cumulative impact of other site with planning permission and where a request for supply has been made. Implications of this can be more significant for the timelines of delivery, in that if an engineering solution is required it may mean that a development cannot proceed until the solution is in place – sometimes there will be a long lead in time for the solution.

3. Residents have expressed very serious concern about the Bartles Hollow Junction. As this is a new application, has the current Highways Engineer visited site and what is her opinion of the challenges presented by the complexities of the blind three dimensional junction? There is no information on the website as why Highways believe that the junction is acceptable either on the original application or this current application only the holding objection seeking additional information? An up to date assessment by Highways would be appreciated and I will be asking further questions on this matter on Tuesday evening.
4. Also on Highways matters, at what point do all the developments on Empingham Road, Main Street and Luffenham Road have an impact on Ketton. If approved there will be an additional 250 homes in Ketton within a 4 year period. Who will assess the cumulative effect?

Response: We did suggest access from both ends for permeability and distributing traffic but the AECOM assessment of the Bartles Hollow access was satisfactory.

Highways Officer response:

I have now read through extensive documents between the LHA, LPA and agent from the previously refused application and note there was extensive work done to assess the impact of this development on the surrounding road network. This culminated in the LHA confirming that one single access off Bartles Hollow was acceptable on capacity grounds and safety grounds, although reference was made to the fact that the LHA would prefer to see access off Park Road.

I support the view of the previous LHA officer, and furthermore the LHA could not recommend refusal on this application based on a preference for an alternative access.

I would agree whole heartedly that an access via Park Road for both vehicles and pedestrian would make much more sense, but we have to consider what is before us, we cannot impose a condition to use Park Road as that has not been proposed and has not been subject to consultation with Park Road residents.

I have reviewed the use of Bartles Hollow and would agree it is not ideal, but the new junction meets all current geometric requirements, so the LHA would not be able to recommend refusal on safety grounds. There may well be on-street parking, but this can help with vehicle speeds by acting as natural and moving traffic calming making those passing by drive slower and in a more cautious manner.

5. Has the developer indicated the timescales for completing this development i.e. will all the dwellings be complete within 3 years?

Developer response: Development is anticipated to commence 2 years from the outline permission, to take account of the time needed for reserve matters. Vistry could deliver 40 dwellings a year, so the site would be delivered within 2 years of commencement.

6. Condition 15 states that "The pedestrian/cycle link from the site to Park Road shall be provided before the occupation of the nth house." How many houses?

Developer Response: We would suggest the condition could be linked to the delivery of half the homes, so the 37th house for the pedestrian link.

Officer response: This is reasonable

7. There is a statement that the CIL arising will be spent on Local Services. Which services and where?

Response: This is not relevant to the decision. All CIL contributions are distributed in accordance with the Councils policy at a later date, including some to the Parish. The important fact is that contributions are made to mitigate any impacts of the development.

### **Surface Water Drainage**

The LLFA has recommended a slightly more detailed wording for condition 10 which needs to be amended before a decision is issued:

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Detailed design of sustainable drainage system for entire site based on approved Flood Risk Assessment;
- b) Information about means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The approved drainage design shall thereafter be implemented in accordance with the approved details prior to first occupation.

**PLANNING & LICENSING COMMITTEE**

**15<sup>TH</sup> FEBRUARY 2022**

**ADDENDUM REPORT**

<b>Report no.</b>	<b>Item no.</b>	<b>Application no.</b>	<b>Applicant</b>	<b>Parish</b>
<b>31/2022</b>	<b>3</b>	<b>2021/0794/MAF</b>	<b>DAVIDSONS DEVELOPMENT LTD</b>	<b>OAKHAM</b>

**Ward Councillor P Browne has suggested the following additional/varied conditions:**

Planning application No 2021/0794/MAF

Addendum to the verbal submission of Cllr Paul Browne, Ward Member for Oakham South.

It has been pointed out to me that should the above referenced application receive approval, then having made a submission as Ward Member and then having to leave immediately thereafter, I would not be able to re-enter to make representation concerning the conditions to be imposed.

In order to save time and having to address proposed conditions in my said submission, I am grateful to the Chairman for allowing me to submit the following views on possible conditions by way of an addendum:

1. On the Northern boundary a requirement to incorporate a strip of land at least 5m in width or such greater width as is equivalent to that provided by the developer in the adjacent Spinney Hill development:
  - 1.1. This strip not to include the perimeter footpath nor any bordering greensward
  - 1.2. The existing established tree and hedgerow planting should be consolidated as part of the planting of this wider strip
  - 1.3 The planting scheme in that area and specification of species and numbers to be agreed
  - 1.4. The area to be enclosed by mesh security fencing not less than 1.8 metres in height to prevent public access (access for maintenance must be lockable)
  - 1.5. The landscaping plan where it shows occasional trees at intervals along the boundary being extremely weak could be better addressed by a serious commitment to the hedgerow planting

Reason

- (a) To improve and foster the increasing biodiversity net gains to the area
- (b) To protect the existing biodiversity immediately adjoining the area

Officer Response: There is already a minimum of 4m strip beyond the perimeter footpath. The overall distances from dwelling to dwelling are well in excess of the policy.

2. Reduction of the highway specification between the two “secondary street highways”.  
Reason
  - (a) There is no need for the same where it is on the Northern boundary. The heaviest vehicle to use the same would be the refuse collection lorry once a week. Reducing the carriageway width (or even removing it completely, to ensure that there is no connection between the said two secondary street highways) would also contribute to a less unacceptable depth of adjoining area of planting. It is understood from the agent that the layout reflects the officers’ preferred approach. It is asked that officers reconsider this preference.
  - (b) help the evolving bio-diversity in the adjoining area
  - (c) facilitate the further planting of trees that are positioned to cut down light pollution to the properties on Spinney Hill from car headlights.
  - (d) to enable reduced street lighting and consequential reduction in light pollution to Spinney Hill properties

Highway Response:

The preference of the LHA is to retain the proposed loop road, for a number of reasons. Removal and replacement with turning heads will result in vehicles turning at two additional points increasing the number of reversing movements increasing the risk to adjacent pedestrians, reducing site permeability, and increases refuse collection time which ultimately creates higher levels of air pollution.

Point 6. I am not aware of where in Spinney Hill there is a cycleway to connect to on the northern boundary.

Point 8. Street Lighting - Public highways would need street lighting to an adoptable standard, but shields could be considered at that stage, but to be honest I doubt there will be a problem.

Point CMP - I don’t believe the CMP is the correct place to deal with biodiversity issues, unless you do, but guess something could be added. The CMP condition in the committee report is superseded by the CMP suggested in my final LHA comments, which is a bit more detailed and covers lighting in relation to the public highway (so could be extended for the northern boundary) and tree protection (so could be extended to deal with concerns on the northern boundary). Re-attached full LHA comments for reference.

It’s important to point out that the committee report being viewed does not contain the latest block plan or conditions, which presumably will be in the update report.

3. Plans Nos. GL11216B and n1251008(l) be amended to incorporate 1 & 2

Officer Response: These plans have been amended to incorporate the latest layout plan.

5. To commit to carbon neutral building for all dwellings and the incorporation in the build of space heating high levels of insulation that is commensurate with the principal sustainability contribution as found with other developers such as air sourced heat pumps and/or solar roof panels

Officer Response: There is no policy requirement for this. B Regs is the minimum. Spinney Hill was built to a higher standard voluntarily by the developer – it was never a planning requirement.

6. Re-configure the bicycle track which fails to connect with either the bypass ring road, nor to any such track in Spinney Hill. Alternative positioning needs developing within the area to enable joined up use

Reason: proposal as at present lead nowhere and are in effect useless

Officer Response: The cycle track runs along the front of the site giving access to Uppingham Road at both ends. There is no ownership right to connect to Spinney Hill.

7. More robust condition to comply with noise pollution, in a form of condition already submitted to the planning officer.

Reason: to ensure that any occupier has levels of noise permissions within the limits of BS8233(2014).

Officer/EHO Response:

The new Approved (Building Regulations) Document O: Overheating for residential buildings provides guidance on how to comply with Part O of the Building Regulations and takes effect on 15 June 2022. This is a welcome change and a step forward to protect people's health and quality of life by reducing the occurrence of high indoor temperatures.

It requires new residential buildings to incorporate suitable design measures to limit solar gains, through the use of shading for example, and to remove excess heat.

It advocates those new dwellings should be constructed to meet requirement O1 using passive means as far as reasonably practicable. It should be demonstrated to the building control body that all practicable passive means of limiting unwanted solar gains and removing excess heat have been used first before adopting mechanical cooling. Any mechanical cooling, such as air-conditioning, is expected to be used only where requirement O1 cannot be met using openings.

Another positive feature of this guidance is that it does not treat overheating in isolation and gives guidance on, amongst other things, the consideration of noise and air pollution.

With respect to noise, it states:

"In locations where external noise may be an issue (for example, where the local planning authority considered external noise to be an issue at the planning stage), the overheating mitigation strategy should take account of the likelihood that windows will be closed during sleeping hours (11pm to 7am).

Windows are likely to be closed during sleeping hours if noise within bedrooms exceeds the following limits. a. 40dB LAeq,T, averaged over 8 hours (between 11pm and 7am).

b. 55dB LAFmax, more than 10 times a night (between 11pm and 7am)."

If this is the case then mechanical ventilation will be required.

The EHO is satisfied that the condition can be framed to ensure noise insulation is adequate and can be validated prior to occupation (as per Condition 8). The scheme would need to meet Building Regs as strengthened in any event.

8. All street lighting in the area of the Northern boundary be muted and angled away from the said boundary area

Reason: to reduce light pollution to properties on the adjoining Spinney Hill development



Officer Response: Street lighting is controlled by the highway authority but would normally face into the site around the perimeter.

9. In respect of the forth-coming Construction Management Plan, the proposed condition is the conventional formatted condition. This to be further expanded to ensure offices, material stores, stock piles, plant and machinery are not stored in, on or adjacent to the proposed area on the Northern Boundary as stated in 1 above. Further to also confirm the hours of operation, site lighting, enclose details and vegetation protection

Reason: To protect the existing biodiversity of the adjoining area

To provide more comprehensive criteria for control of such matters

Officer Response: Applicant has agreed to this.

The agent has stated as follows:

*I note that there is a requirement for a Construction Method Statement which we fully support. Neighbours have requested that this plan should ensure that the construction compound is located away from the northern boundary and that hours of operation, site lighting, storage of materials, and the protection of existing landscaping is considered.*

*I would like to confirm that we are happy for the conditions to be amended to ensure that the above is fully considered through the discharge of the planning condition.*

A final revised layout plan has been submitted to show all detailed amendments required by the highway authority. The approved plans condition will need to be amended accordingly together with the additional highway conditions set out in this Addendum.

## **Railway Noise**

The Environmental Protection Officer cannot attend the meeting but has provided these comments in addition to those regarding the new Building Regs above:

Thank you for the email. I have italicised Cllr Browne's text which is also in a different font and grey in colour from my response.

### *3. Noise emanating from Railway proximity*

*The new Noise Assessment Report Revision 4, is a surprising document. This Report again highlights that their sampling was undertaken at 15 minute intervals and also gives average day figures. Heavily loaded goods trains which make considerable level of noise do not necessarily run within each 15 minute period. As a lay person to the discipline measuring audio calibration, why were continuous assessment not undertaken, and only spasmodic time frames adopted? The WHO states that high levels of noise occurring 10 occasion in a night, would be unacceptable. How can spasmodic sampling through the night reflect that test?*

There are 2 methods we can measure the sound. The averaging one is for the specific British Standard BS8233:2014 which specifies the sound insulation.

The other WHO peak noise can be measured by a LMAX of 45dB which should be exceeded 10 times a night. It has been calculated the noise insulation of the property should prevent this level being exceeded. It should also be noted the orientation of the housing has been changed and where levels have been exceeded additional steps have been taken to

achieve the required sound levels. We have verified the readings with our own and they are representative.

*Averaging out, is irrelevant as it depends on peaks and troughs. The new report then also goes on to repeat what was indicated in the previous report, that on every night of their test they reported noise levels of 90 dB (this is "high" under the said WHO ratings and very high in reality) .In both the daytime and night-time regular levels well of 55-60dB were recorded, being well in excess of the recommended levels of the recommended maximums of 26dB during the day and 21dB at night, by BS8233.*

The BS8233 sets the following sound levels in various rooms within the properties and are not the ones quoted by Cllr Browne:

**4.3 BS 8233:2014.**

BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' is the current British Standard providing guidance for acoustic requirements within buildings. The Standard advises appropriate criteria and limits for different building types including dwellings. The BS8233 internal design criteria for dwellings are as follows:

Activity	Location	Day (07:00 to 23:00)	Night (23:00 to 07:00)
Resting	Living rooms	35 dB LAeq,16hour	-
Dining	Dining Room / Area	40 dB LAeq,16hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16hour	30 dB LAeq,8hour

*For the report to then go on and repeat that such noise from the railway creates a "low-medium noise risk" is incongruous, to say the least. The report itself admits that the properties nearest the railway line "will exceed BS8233" (the*

*recommended maximum decibel level) which in itself, must be unacceptable to our planning requirements.*

*It then has some statements that appear to defy logic. Such as, if windows were left open by 100mm, then this would reduce internal sound measurements by 15dB! I and all my neighbours can assure you that the opposite is true. It also says that being 7 metres from the railway line would reduce levels by 7dB., and that their submitted readings, as affect properties, have been calculated by taking this into account. By this calculation, properties over 28 metres from the railway line won't hear a thing!. This has to be utter nonsense, any resident in Oakham will attest that even half a mile away trains can regularly be heard. On a sunny afternoon sitting in my garden, it is difficult to even hear yourselves speak to each other when heavy good trains pass. Finally (at point 9), for it then to conclude that "the survey indicates that the general noise climate across the site and surrounding area is determined by traffic on the roads in the local vicinity, punctuated by intermittent train pass-by on the adjacent railway to the west" is risable!*

I agree with the comment. I would say: The quiet ambient environment is punctuated by intense sound of trains passing. The standards used by the Consultants are National ones so do apply equally across England. There is existing housing close to the railway where people have lived for decades, and some don't have double glazing. Therefore, this new housing isn't unusual in its location, instead we are improving the noise insulation to ensure a better internal environment than historical properties.

*A method of ensuring future occupants well-being is actually catered for, would be to impose a condition that occupancy rights were themselves conditional on the db readings in certain rooms of the dwelling do not exceed the recommended maximum levels (for each such rooms) as detailed in BS8233. Such a condition, though novel, appears to be legally within the capacity of the planning authority to impose and should not be regarded as an "overkill" position, but as a step that is designed to preserve any subsequent purchasers' reasonable right of expectation. It would transfer the obligation of RCC to stipulate the level of noise abatement measures which may or may not be effective, and transfer compliance to the developer.*

This is a good point. We are aware that the calculated standard and the built one can be different in reality. I would advise a verification test, where the actual sound levels are measured in the rooms of the properties once completed and before occupancy, which would include frequency analysis (especially for the glazing element) to ensure the protective indoor sound levels have been achieved.

### **Final Highway Authority Comments**

Plans assessed : -

008 Rev J – Planning Layout (2m x 2m ped splays)

ADC1841-DR-002 Rev P5 – Internal Layout Assessment (forward & junction vis splays)

ADC1841-DR-001 Rev P4 – Proposed Access Layout and Swept Path Analysis of Refuse Vehicle

Further to the receipt of revised plans and additional information, the Local Highway Authority are now in a position to support the planning application, subject to the following conditions and informatives being appended to the decision notice :-

### **CONDITIONS**

#### **Parking and Turning**

Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site.

#### **Off-site Highway Works**

A scheme of off-site highway works for the new footway to the north shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in full prior to first occupation.

Reason: In the interest of highway safety.

#### **Works near Existing Trees within the public highway**

Prior to commencement of works details of special measures to protect any existing trees within 30m of the works area must be submitted to and approved in writing by the Local Planning Authority. The special measures shall be in place for the duration of the works.

Reason: In the interests of highway safety and protection of existing trees.

#### **Lighting affecting the highway**

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

### **Tree Root Protection**

Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

### **Surface Water Drainage**

All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

### **Principal Access**

The carriageway of the proposed principal junction with the existing public highway shall be constructed up to and including at least road base level or be constructed as a temporary access and be available for use prior to the commencement of any development including the delivery of materials.

Reason: To ensure that the junction is available for use at the outset in the interests of highway safety.

### **Completion of roads**

No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the carriageway serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety.

### **Visibility Splays**

Prior to first occupation of any dwelling, vehicle to vehicle visibility splays of 2.4m x 25m at internal junctions, vehicle to pedestrian visibility splays of 2m x 2m at all vehicle accesses and forward visibility splays of 25m shall be provided in accordance with the details shown on plan 008 Rev J – Planning Layout and ADC1841-DR-002 Rev P5 – Internal Layout Assessment and kept free of any obstructions over 600mm in height above ground level in perpetuity.

Reason: In the interest of highway safety.

### **Pre-condition Highway Survey**

The developer must carry out a joint pre-condition highway survey for the full extent of highway including verges with the Local Highway Authority 500m either side of the proposed access in Uppingham Road and from The Spinney to 100m to the south along Uppingham Road before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to assess any damage and remediation required..

Reason: In the interests of highway safety.

## **Construction Management Plan Condition**

### **INFORMATIVES**

#### **Street Naming & Numbering - Section 17 - 18 Public Health Act 1925**

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

Should you require assistance please email [snn@rutland.gov.uk](mailto:snn@rutland.gov.uk). Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

#### **Pre-Commencement Highway Survey**

Prior to the commencement of any work on the site, a joint inspection of the existing public highway, extent as set out in the above condition, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired by the developer to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

#### **Utility Services - Section 50 NRSWA 1991**

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to [highways@rutland.gov.uk](mailto:highways@rutland.gov.uk).

#### **Off-site Highway Works – Section 278 Highways Act 1980**

The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email [highways@rutland.gov.uk](mailto:highways@rutland.gov.uk) for further details.

#### **Section 184 Highways Act 1980 – temp access**

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application

form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at [highways@rutland.co.uk](mailto:highways@rutland.co.uk).

### **Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980**

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

### **Removal of Deposits on the Highway – Section 149 Highways Act 1980**

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

### **Final LLFA Comments**

I have now reviewed the Flood Risk and Drainage Strategy Addendum dated 4/11/2021 on behalf of the LLFA and provide the following comments:-

1. It is noted that the discharge rate of 11.4 l/s for the whole site is still proposed, and that further information has been provided to support this, as well as a comparison with the northerly site. As such, the discharge rate of 11.4 l/s is acceptable to the LLFA.
2. Section 3 refers to ground investigation carried out in July 2021, but the results have not been provided. Ideally these should be supplied now, but could be conditioned.
3. Whilst it is noted that the development has incorporated swales to take private surface water, like previous LLFA comments, it is disappointing that swales were not incorporated along the primary roads to avoid the use of traditional surface water pipes and gullies. However, if the detailed drainage calculations confirm that the above discharge rate or less can be achieved at the outfall the LLFA will accept this principal. The LLFA would like to see further sustainable drainage features such as permeable paving and rainwater butts for all dwellings.
4. Plan ADC1841/DR/050 Rev P4 sets out the proposed drainage strategy. As mentioned above it is disappointing that traditional surface water drainage methods have been used in the main for the primary and some of the secondary routes, and further sustainable drainage methods have not been used throughout the site, such as introduction of swales adjacent to the internal primary routes, planting of trees, rainwater gardens, etc. but at least the overall design does incorporate some sustainable drainage methods. It is worth pointing out that the linear swales along the outer edges of the site could be used as suitable routes, subject to capacity, for draining areas of the proposed public highway areas. This can be looked at in further detail once a detailed design and calcs have been carried out, which will need to be conditioned.
5. Consideration could also be given to connecting the western swale to a second smaller detention basin and the adjacent ditch further west, therefore lessening the impact in the one location southeast of the site. Again, this could be considered further at the detailed design stage.

6. A full detailed survey of the adjacent ditch's to identify any areas of maintenance or improvement and a capacity assessment will be required, which should be conditioned.
7. Figure 1 shows the existing flow exceedance routes, but I could not find any details about the flood exceedance routes for the proposed layout as requested previously. As such, this can be conditioned.

In summary, the LLFA raise no objection to the proposal subject to the following conditions being appended should planning consent be granted:-

### **Surface Water Drainage/SuDs**

The development hereby permitted shall not commence until full details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Full survey of adjacent ditches to establish any works required to ensure full capacity is achieved;
- b) Review of outlet from western swale;
- c) Review of area discharged to swales;
- d) Review of use of permeable paving and other sustainable forms of drainage as part of the detailed design;
- e) Surface water drainage calculations;
- f) Detailed design block plan;
- g) Means of access for maintenance;
- h) Full details of any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant and clearing of watercourses);
- i) Flood water exceedance routes, both on and off site;
- j) A timetable for implementation;
- k) Full site investigation and test results to confirm infiltrations rates;
- l) Capacity assessment of the adjacent watercourse from outlet to downstream (extent to be agreed); and
- m) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding both on and off-site resulting from the proposed development, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

### **LAND DRAINAGE CONDITION**

The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall/s into the adjacent ordinary water course.

REASON: To prevent the increased risk of flooding off-site resulting from the proposed development.

## **CONCLUSION**

The scheme needs to be considered on the basis of the latest submitted layout. It is not possible to impose conditions that change the scheme layout. Conditions 2, 6 and 8 need to be amended to cover the above issues. Additional conditions and informatives set out by the highway authority to be added.