



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 24th September, 2019** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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Please note hard copies of the agenda will not be available at the meeting. If you require a hard copy of the agenda please email your request to governance@rutland.gov.uk or telephone (01572) 720991.

A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 30 July 2019.

3) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the

Public in accordance with the provisions of Procedure Rule 93.

Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

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Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

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The total time allowed for this item shall be 30 minutes.

5) PLANNING APPLICATIONS

To receive Report No. 150/2019 from the Deputy Director for Places.
(Pages 3 - 52)

6) APPEALS REPORT

To receive Report No. 149/2019 from the Deputy Director for Places.
(Pages 53 - 56)

7) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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TO: ELECTED MEMBERS OF THE PLANNING AND LICENSING COMMITTEE

Mr E Baines (Chairman)
Mr I Razzell (Vice-Chairman)
Mr P Ainsley
Mr N Begy
Mr D Blanksby
Mr W Cross
Mrs S Harvey
Miss M Jones
Ms A MacCartney
Mr M Oxley
Ms K Payne
Mr N Woodley

OTHER MEMBERS FOR INFORMATION

Rutland County Council

Planning & Licensing Committee – 24th September 2019

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3	2019/0525/OUT	Charles Richardson Land South of Leicester Road, Uppingham	Approval	33
4	2019/0887/FUL	Mr Graham Smith 5 Croft lane, Ashwell, Rutland	Delegate to Deputy Director for Places	47

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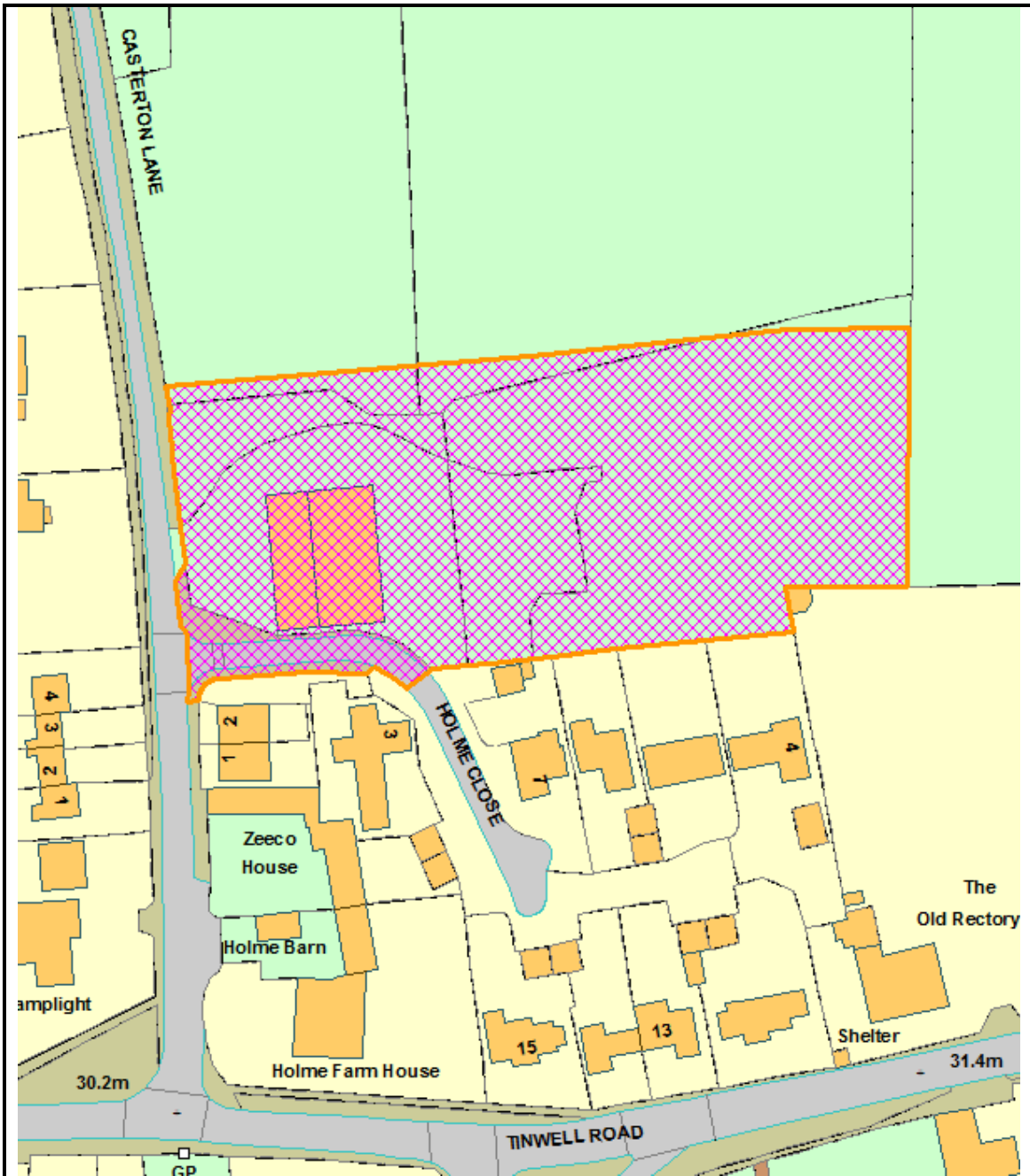
REPORT NO: 150/2019

PLANNING AND LICENSING COMMITTEE

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

**REPORT OF THE DEPUTY DIRECTOR OF PLACES
(ENVIRONMENT, PLANNING, TRANSPORT & HIGHWAYS)**

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0469/FUL	ITEM 1	
Proposal:	Demolition of steel framed barn and erection of 14 dwellings (inc 4 affordable units)		
Address:	Casterton Lane Yard Holme Close Tinwell		
Applicant:	Hereward Homes	Parish	Tinwell
Agent:		Ward	Ketton
Reason for presenting to Committee:	Departure from the Development Plan		
Date of Committee:	24 September 2019		

EXECUTIVE SUMMARY

The development is on brownfield land adjacent to the Planned Limit to Development. Whilst Tinwell is only a Smaller Service Centre it is close to Stamford and Ketton. The design and materials are acceptable and there is little impact on neighbouring amenity or highway safety. Affordable Housing is provided at the required level.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement to deliver affordable housing 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, numbers 192-03Q, 1921-05A, 1921-6C, 1921-7C, 1921-10D, 1921-11G, 1921-12H, 1921-13i, 1921-14J, 1921-21A, 1921-22B, 1921-300A and the revised layout plan 1921-24B, received on 4 September 2019.
REASON - For the avoidance of doubt and in the interests of proper planning.
3. No development above damp course level shall be carried out 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: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. No development above damp course level 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, including the northern boundary, 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."
REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

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 is carried out at the appropriate time and is properly maintained.
6. Before the northern boundary hedge is planted, a scheme for its long term management shall be submitted to and approved by the local planning authority. The hedge shall be retained and managed in accordance with that scheme in perpetuity.
REASON: To ensure that the northern boundary continues to provide a robust boundary between the site and open countryside, in the interests of visual amenity and the character of the Conservation Area.
7. The development shall be carried out in accordance with the recommendations in Chapter 9 of the Geo-environmental Site Investigation by Obsidian Geo-Consulting Report 18-1021-P-R1-REVA.
REASON: To ensure that the health & safety of future occupiers is ensured by dealing with any contamination in the ground at the construction stage.
8. 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) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, 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;
 - c) A timetable for implementation;
 - d) Site investigation and test results to confirm infiltrations rates; and
 - 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.
REASON: To ensure that surface water is dealt with on site to prevent flooding of land nearby and downstream
9. Before development commences a detailed ecology mitigation strategy shall be submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.
REASON: To ensure that any protected species on site is managed in a manner that ensures no harm to the species.

Site & Surroundings

1. The site measures approximately 0.7 hectare and is located on the eastern side of Casterton Lane approximately 100m from its junction with Tinwell Road (A6121). To the south is the first phase of redevelopment of the former farm yard, built approximately 15 years ago. The sites southern boundary borders rear gardens of houses on Holme Close.
2. To the north is open farmland.
3. The site is on the edge of but just outside the Planned Limit to Development (PLD) and within the wider Tinwell Conservation Area. The PLD continues approximately 210 metres further up Casterton Lane on the opposite side of the road.
4. There is a former agricultural barn on the front (west) part of the site that has been used as a builder's yard in the past. The site rises from behind the barn up towards the rear (east) boundary. There are 2 mature trees on site at the top. A conifer would be removed from further down the site. Evidence has been produced that shows the land has been filled in the past so it has been accepted as 'previously developed' or 'brownfield' land.

Proposal

5. It is proposed to demolish the existing barn and erect 14 dwellings, 4 of which would be affordable units on the site frontage. All frontage units would have parking to the rear and a revised plan has been submitted showing a hedge across the front to deter parking on the road together with an adoptable access road with permeable paving.
6. The walls would be local limestone with roofs of natural slate to detached house roofs and red pantiles to terraced houses and to garages. Timber work would be 'Gardenia' (cream).
7. The proposed development density would be 20 dwellings per hectare but comparable to the development on the adjacent site.
8. A layout is shown in the **Appendix**.

Relevant Planning History

Application	Description	Decision
2010/0175	Retrospective application for mixed use of agricultural storage and builders contractors storage	Refused
2017/1216	Demolition of existing steel frame barn and erection of mixed use development, incorporating 10 new homes and 4 office units.	Withdrawn

Planning Guidance and Policy

National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development – Presumption in favour of sustainable development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well designed places
Chapter 16 – Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

CS3 – Settlement Hierarchy (Tinwell is a ‘smaller service centre’)
CS4 – Location of Development
CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP5 – Development in Towns and Villages
SP6 – Housing in the Countryside
SP9 – Affordable Housing
SP15 – Design & Amenity

Supplementary Planning Document

Planning Obligations

Consultations

9. Highways

Object to more than 6 dwellings off a private drive. Require a solid hedge across the frontage to prevent parking on the road.

Comments on revised plans:

No Objections if built in accordance with drawing 1921-24 A.

10. Lead Local Flood Authority

No objections if built in accordance with drawing 1921-24 A and subject to the following conditions:

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) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, 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;
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) 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.

11. **Tinwell Parish Meeting**

Tinwell Parish Meeting has consulted with residents on the above planning application. Having heard all the comments and considered all the information at a formal meeting (which was attended by the applicant and his agents prior to the submission), the majority opinion, given the poor state of repair of the barn and general degradation of the site, was to support redevelopment, in favour of a residential settlement.

The Applicant has however, both independently and under guidance from RCC, altered the submitted plans from those previously shared at this meeting. This application therefore does raise some concerns for the residents of Tinwell.

Key issues are: -

1. To the east of the site there is a section of Listed Walling and concern from the owner was raised to prevent planting/development against these walls to avoid damaging the shallow foundations. The applicant made assurances that this would be addressed, but the addition of a 14th plot, directly adjacent to this Wall, does increase the risk of adverse impact on a Village Heritage Asset. We seek assurances that this will be adequately addressed?
Applicant comment (23 Jan 2019) - We will agree to this being put into the Legals to the relevant plot:- 'Nothing to be grown to adversely affect or impact on the Listed boundary wall to the Old Rectory, Main Street, Tinwell'.
2. There is an existing and prominent drainage issue in the village close to this site, which will require extra scrutiny when reviewing sewer and groundwater impact assessments.
3. Tinwell has very limited facilities for Residents and significant traffic issues, to which this application will no doubt bring added pressure. We would like to discuss jointly with the developer and RCC potential considerations on a Section 106, or similar, to help raise the bar on this deficiency?
4. Critical to the village, from a resident's standpoint, is the supply of affordable housing, to balance the existing high density of large properties. The site plan has 6 smaller homes within the schedule, which the Applicant having previously presented as "affordable, was welcomed. The latest plan with an additional executive home and a suggested downgrade of the 6 to 4 affordable homes needs to be reviewed, particularly in light of the reduction of 3 affordable rented properties in the Village in the last 18 months.
5. Access from Holme Close, already has poor visibility when joining Casterton Lane and a speeding issue has been evidenced following a survey in January 2019.

Casterton Lane Speed Survey 2019 - ITCP-2018-03 Tinwell

- We would propose this access junction be reviewed for location, to be widened and/or Parking spaces provided for properties in Holme View, opposite the site entrance.
- As part of the Section 106 a contribution, to the project needed to manage traffic calming and increase village safety, should be included.

In conclusion, the Parish and Residents have expressed concerns on this application and provided open feedback directly to the Applicant prior to its submission to RCC. It is acknowledged that the Applicant has responded to many of these concerns and we look forward to a positive partnership, on this major project, to address outstanding items.

12. **Archaeology**
Having re-assessed the application and considered the geotechnical report, we wish to amend our comments and have no further objection to the application. The assessment suggests that the site has previously been used as landfill and therefore no archaeological intervention is required.
13. **Ecology**
Protected species mitigation required.
14. **Environmental Protection**
I refer to the Geo-environmental Site Investigation by Obsidian Geo-Consulting Report 18-1021-P-R1-REVA for Casterton Lane, Tinwell and agree the conditions submitted in Chapter 9 conclusions should be conditioned as part of any planning permission granted. In particular the radon protection and the remediation of PAH around WS03.

Neighbour Representations

15. Responses have been received from 12 local residents. Many object to the development and a couple are supportive with comments.

The objections are based on the following:

- Outside Planned Limits to Development, not allocated, not needed
- Disproportionate increase in village housing and population
- Severe impact on way of life for villagers
- Traffic/speeding and parking problems on Casterton Lane will be made worse
- Lack of local infrastructure – no benefit to Tinwell
- Flooding problems in the area
- There has not been local support as claimed
- Need to protect listed wall to south east boundary

Supporters say:

- Loss of barn is an improvement
- Units facing Casterton Lane are reasonably attractive

Planning Assessment

16. The main issues are the principle of development outside the PLD, design and impact on the character and appearance of the conservation area, residential amenity, highway safety and the delivery of affordable housing.
17. At the Statutory level, Sections 16 (2) and 66 (1) of The The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the setting of listed buildings. As the site also lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.

Principle of Development

18. The starting point for determination is the development plan and whether there are any material considerations that would justify setting aside the development plan policies.
19. Policy CS4 states that a minor level of development can be accommodated in Smaller Service Centres. This is defined in the preamble as 5 units (but within the PLD).

20. Since the Core Strategy was adopted in 2011, planning advice has moved on and the government encourages the re-use of brownfield land, especially to provide housing in sustainable locations. The appeal that was recently allowed at Greetham Garden Centre established that the development of a brownfield site adjacent to the PLD of a settlement is acceptable, provided it is acceptable in all other planning considerations, even where the local planning authority can demonstrate a 5 year housing land supply. Whilst Tinwell lacks a range of services it is located close to Stamford and Ketton, being 1Km (0.6 miles) from the edge of Stamford and 2.6KM (1.6 miles) from the centre. It is 3.1km (1.9 miles) from centre of Ketton.
21. The lack or otherwise of infrastructure will be dealt with by the CIL contribution for the 10 non-affordable units. The affordable housing would be delivered through a S106 agreement.
22. There are approximately 83 dwellings in Tinwell so an increase of 14 equates to 16.86%. Given an average of c2.3 persons per household in Rutland, this means a similar population increase of 32 or 16.75%.
23. The Council can currently demonstrate a 5 year housing land supply. However, this development will help retain that requirement in the short term, avoiding risk of undesirable development on greenfield land elsewhere.
24. It is unlikely that a refusal on the grounds of sustainability here would be upheld on appeal. The government encourages the re-use of brownfield land for housing

Design/Impact on the Conservation Area

25. The scheme was subject to pre-application discussions when the design was altered following an urban design analysis. This has resulted in garages being located at the rear, so out of sight, a closer knit street frontage more resembling a lane rather than a suburban estate, and utilising the 2 trees at the top of the site to form an open area which can be overlooked by the plots at the top.
26. The design of the dwellings themselves has also been improved to include better proportions and materials. The parking for the frontage plots is in a court at the rear but is better than having parking across the road frontage, avoiding reversing into the carriageway and providing a much better street scene.
27. A further material consideration is that the loss of the barn is a positive contribution to the enhancement of the character of the conservation area provided the design and impact of the new development is considered acceptable.
28. It is proposed to create a new hedge and tree boundary along the northern side of the site. This is currently relatively open and a good boundary will help assimilate the development into the countryside beyond.
29. The wall to an adjacent listed house that forms part of the site boundary cannot be touched by the developer without the owner's approval and with listed building consent where necessary. The developer is aware of this issue. The layout does not impinge on the wall as currently proposed.
30. The proposal indicates red pantiles on the frontage dwellings. These are not traditional in Tinwell, but can be used on single storey ancillary buildings such as garages. The developer is considering this issue.

31. Subject to a good strong boundary along the northern edge, the proposal will have a neutral to positive impact on the character and appearance of the conservation area.

Residential Amenity

32. The scheme has been designed and laid out such that there would be little impact on the amenities of adjacent residents. There is sufficient distance between all properties within and adjoining the development to avoid loss of privacy or over-dominance/overshadowing. The levels are such that the new dwellings would be higher than those existing to the south but the differences over the distances involved are not significant to make them unacceptable. Existing residents are not entitled to a view over third party land. See layout plan in the Appendix for levels details.
33. Potential disturbance from construction cannot be taken into account as this is a relatively short lived issue.
34. It would be very difficult to demonstrate that additional vehicles from this development would disturb neighbours to the extent that it ruled against it.

Highway Safety

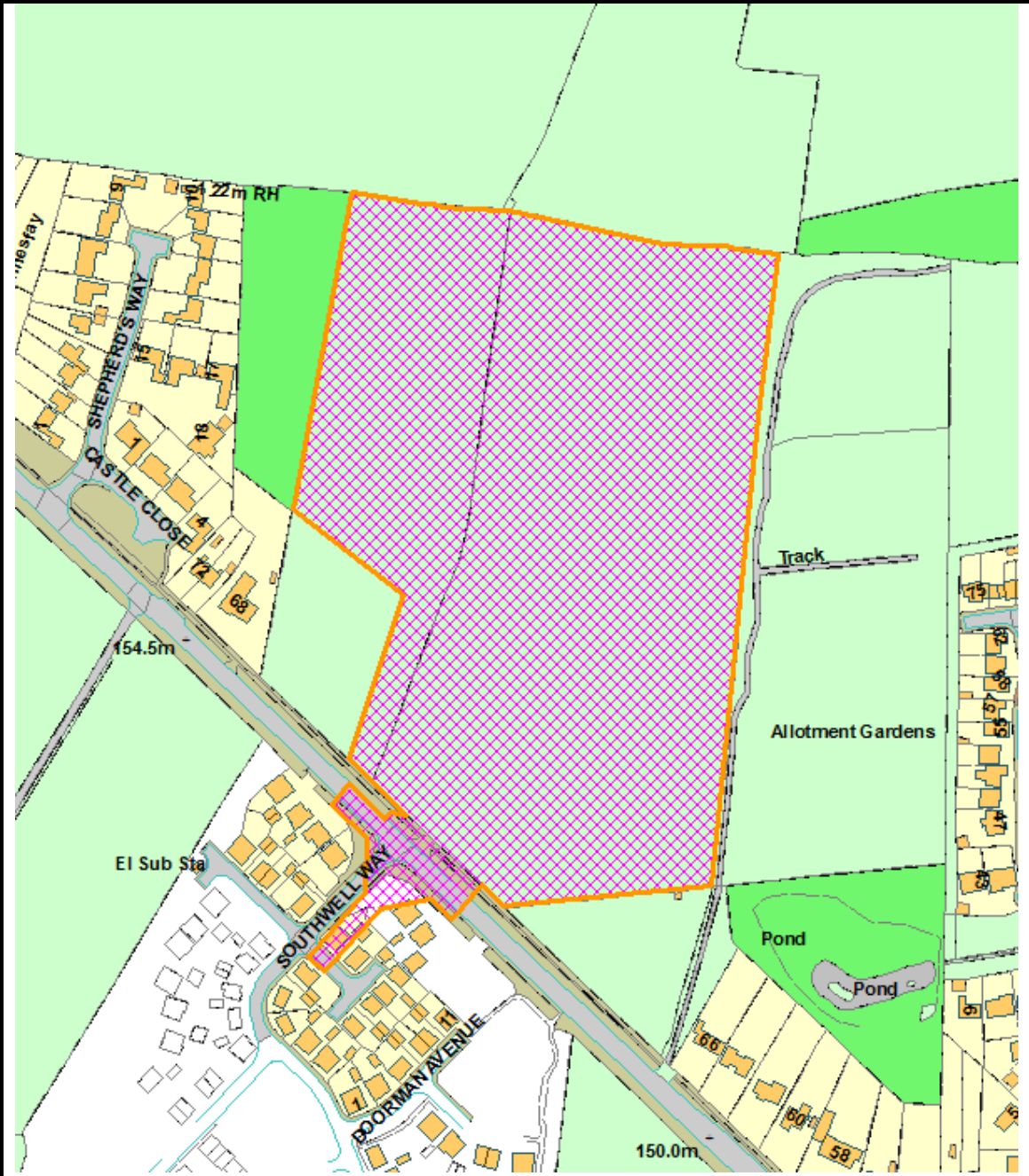
35. The highway authority was concerned about the number of dwellings served off a private drive rather than an adoptable road. The developer has agreed to amend this to allow for an adoptable road to the minimum length required and to incorporate permeable paving as part of a sustainable drainage scheme which could also then be adopted.
36. A hedge has been provided across the frontage of the site to encourage residents to use the car park at the rear rather than parking on the street.
37. There is otherwise adequate parking and visibility at the junctions to cater for the development. Again increased traffic on Casterton Lane is not a valid reason for opposing this development as the road is well under capacity.

Affordable Housing

38. The developer has agreed to provide the 30% on site quota of affordable housing, i.e. 4 units across the front of the site, as required by the policy. This will need to be delivered via a legal agreement under S106 of the Town & Country Planning Act 1990 will be required to ensure the delivery of the affordable housing in an appropriate time frame. During discussions with potential providers, the applicant has identified an issue of the internal layout and number of bedrooms but that is a minor issue that can be resolved later, having minimal impact on the appearance of the scheme.

Conclusion

39. Overall, whilst outside the PLD, this is a relatively sustainable location, providing affordable housing on previously developed land. The design and layout is of good quality. It meets the 3 elements of sustainability, social economic and environmental. There are no technical issues that cannot be overcome so the development can be approved. It is recommended that the application be approved subject to the completion of the legal agreement and that any other minor issues be dealt with in consultation with the Chairman.



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Rutland County Council

Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2019/0524/OUT	ITEM 2	
Proposal:	Housing development (up to 163 no. dwellings) with access from Leicester Road		
Address:	Land North Of Leicester Road, Uppingham Rutland		
Applicant:	Charles Richardson on behalf of Robinsons	Parish	Uppingham
Agent:	Matrix Planning	Ward	Uppingham
Reason for presenting to Committee:	Major Development - Departure		
Date of Committee:	24 September 2019		

EXECUTIVE SUMMARY

The scheme is to provide the second major phase of housing allocated in the Uppingham, Neighbourhood Plan (UNP). Some concerns have been expressed locally about the proposal but it is partly in accordance with the Development Plan (which includes the UNP). The recommendation is subject to the completion of a S106 agreement for affordable housing and highway improvements.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement to deliver affordable housing and highway improvements and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping (including open space areas), layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The reserved matters shall be based on a Masterplan and Design Code to be submitted alongside the reserved matters. The development shall be carried out in accordance with the approved details.
Reason - The application as submitted does not provide sufficient particulars for consideration of these details.
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 landscaping is carried out at the appropriate time and is properly maintained.
5. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be

retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area, subject to a Tree Preservation Order, and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme.

Reason: To ensure that appropriate details are approved by the Local Planning Authority in the interests of the appearance of the development and so that works are undertaken and completed in reasonable time.

8. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of each dwelling 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: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

9. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

10. No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (i) a timetable for its implementation, and
- (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network

11. No development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of section (i), and where remediation is

necessary a remediation scheme shall be prepared in accordance with the requirements of section (ii), which shall be approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing by the Local Planning Authority in accordance with section (iii).

(v) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same shall be prepared, both of which shall be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Note to Applicant:

It is likely that certain species may be present at the site which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England. It is your responsibility to ensure that this legislation is complied with.

This permission is the subject of a legal agreement and this decision should only be read in conjunction with this agreement

The sustainable urban drainage scheme will need to be designed alongside the residential layout to ensure that it is technically workable.

You are encouraged to discuss a draft Masterplan and Design Code before formal submission. These should be informed by the OPUN Design Review letter dated 9 January 2019, ref DR2018-034.

Site & Surroundings

1. This site extends to 5.86 hectares and is located on the north east side of Leicester Road in Uppingham. It is part of an area of open land between 2 existing enclaves of development on Leicester Road.
2. To the east of the site is an area of allotments through which runs a public footpath running parallel to the site boundary.
3. The land adjoins the smaller Site A in the Neighbourhood Plan which already has the benefit of outline planning permission for residential development.
4. The site is generally bounded by hedging with a small number of trees dotted amongst the hedges. There are no trees within the main part of the site as it has been used for arable production.

5. Initial archaeological work has identified possible burial mounds in the North West corner of the site, an area which has been set aside for open space in the indicative Masterplan submitted with the application.

Proposal

6. This is an outline application for residential development on land allocated in the Uppingham Neighbourhood Plan (NP). All matters except access are reserved for later approval.
7. Access to the site would be from a roundabout opposite to and shared with the Bloor Homes development under construction on the opposite side of Leicester Road.

Relevant Planning History

Application	Description	Decision
2016/0375/OUT	Outline permission for development on Site A	Approved

Planning Guidance and Policy

National Planning Policy Framework (NPPF) (2019)

Chapter 2 - Achieving sustainable development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Uppingham Neighbourhood Plan (2014)

Policy 3 - Housing - Numbers

Policy 8 - Design and Access

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP22 - Provision of New Open Space

Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

CS10 - Housing Density & Mix

CS11 - Affordable Housing

Supplementary Planning Documents

Planning Obligations (2016)

This states that for schemes of 5 dwellings or more, affordable housing should be provided on site at a rate of 30% (subject to viability).

Other Documents

Rutland Landscape Character Assessment 2003 – Ridges and Valleys of High Rutland (Sub Area Aii)

Consultations

8. **Public Rights of Way**

- Appreciate the connections between the development and the adjacent footpath (E266), but will this lead to an increase in traffic along the footpath in which case should we consider improving the surface for use in all weather / at all times of the year? Can the developer fund this?
- Would also like to clarify who will own and manage the hedge along the eastern boundary going forward? Presumably individual houses will each own / manage a small part of the hedge. The owners of these properties will need to be made aware of the responsibilities to prevent the hedge overhanging / encroaching (section 154, Highways Act 1980).

9. **Ecology Unit**

- The Extended Phase 1 Survey submitted in support of the application (Lockhart Garratt, September 2017) and the Phase 1 Habitat Survey Update (Lockhart Garratt, April 2019) indicate that the application site comprises an arable field and an area of species-poor grassland. Hedgerows surround the site and a hedgerow is also present through the site.
- The proposed plans indicate that the internal hedgerow will be removed as part of the development. This hedgerow was not species rich and we would have no objection to the removal of the hedgerow, provided that compensatory habitat is planted on site. It appears from the proposed layout that this will be possible, but as the final layout is yet to be submitted it is difficult to confirm. I would therefore recommend that a condition is added to require this compensatory planting, or the creation of an alternative BAP habitat to be agreed.
- Whilst I appreciate that this layout is indicative, I would recommend that it is amended to require a minimum of a 5m buffer between existing boundary hedgerows and plot boundaries; this allows for the long-term protection of the hedgerows and allows for them to be managed as one feature; the incorporation of this into gardens could result in piecemeal management and removal. We would request that this is a condition of the development.
- The Bat Survey submitted with the application (Lockhart Garratt, June 2017) found no evidence of bat roosts on site. Bat activity surveys identified foraging/commuting bats using the hedgerows, indicating the value in retaining and buffering these hedgerows. No further surveys for bats are required.
- The Reptile Survey (Lockhart Garratt, November 2017) found no evidence of reptiles on site. No further surveys are needed. The Badger Survey (Lockhart Garratt, February 2018) recorded no badger setts in the immediate area of this

development, although a sett was recorded to the south of Leicester Road. No further badger surveys are required in support of this application, but we would recommend that an update is completed in submitted in support of the reserved matters application.

- I am concerned with the conclusions of the Great Crested Newt (GCN) survey (Lockhart Garratt, July 2017). This indicates that the pond closest to the application site (P8 to the south of the allotments) was not surveyed due to access restrictions. The report mentions this as a constraint but appears not to consider this pond any further. However, this pond was surveyed in 2016 and recorded GCN eggs in the pond, indicating that it was being used by breeding GCN. In the absence of updated survey, it must be assumed that this pond still contains GCN and they must be mitigated for accordingly. This pond is within 100m of the application site and, in the absence of mitigation, the NE Rapid Risk Assessment indicates that an 'Offence is Likely'.
- The report concludes that the development will result in the loss of habitat within 260m of the pond, but the assumed presence in pond 8 would make it closer, although admittedly it is mainly an arable field (sub-optimal habitat) impacted provided that the hedgerow is retained and buffered from the development. Notwithstanding this the report concludes that a GCN mitigation licence will be required. I would expect to see an outline mitigation plan submitted in support of this application, to indicate that mitigation is achievable. This need not be full mitigation details at this outline stage, but should be site-specific rather than the general principles of mitigation outlined in section 6.4 of the report.
- In summary, we would recommend:
Prior to the determination of the application:
 - An outline GCN mitigation strategy is submitted for consideration.
- As a Condition(s) of the development:
 1. All landscape planting in the informal/natural open space and adjacent to the site boundaries to be of locally native species only
 2. Buffer zones of at least 5 m of natural vegetation to be maintained alongside all retained hedgerows
 3. Before development commences, a biodiversity management plan for all retained and created habitats including SuDs, to be submitted and approved by the LPA
 4. The SuDs to be designed to maximise benefit to wildlife
 5. Removal of vegetation outside the bird nesting season
 6. Badger re-survey prior to be submitted in support of the reserved matters application
 7. The final layout to include compensatory planting or the creation of BAP habitat to compensate the loss of the internal hedgerow

10. **Uppingham Town Council**

- The Town Council notes that the location falls within the Neighbourhood Plan area. The outline plan, as submitted, does not reflect the Neighbourhood Plan, nor the recommendations from the design review meetings in respect of:
 1. Larger homes on frontage to blend in with other properties on Leicester Rd.
 2. Houses to be built around 'village green' spaces.

11. **Anglian Water**

- The foul drainage from this development is in the catchment of Uppingham Water Recycling Centre that will have 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.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

12. **Public Protection**

We recommend that the four stage standard condition for the investigation of remediation of contaminated land is required for this site.

13. **The Environment Agency**

We have no objection to the above application as submitted.

14. **Archaeology**

- Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, undertaken by Archaeological Project Services on behalf of the applicant, shows that the site lies in an area of significant archaeological potential.
- Two possible Bronze Age barrows and an Anglo Saxon cemetery were identified as part of the evaluation along with finds of prehistoric, Roman and medieval date.
- In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.
- Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve area excavation as well as archaeological monitoring.
- The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.
- If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.
- The WSI should comply with the above mentioned Brief and with relevant Chartered

Institute for Archaeologists' (CIfA) 'Standards' and 'Code of Practice'. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

- We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:
- No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- ' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- ' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI
- Reason: To ensure satisfactory archaeological investigation and recording
- The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

15. **Transport Strategy**

- Thank you for the opportunity to comment. Please find our feedback below:
Location: The outline application identifies the walking and cycling times to local facilities. Only one facility is under a 10 minute walk - meeting the characteristics set out for 'Walkable Neighbourhoods' (as per Manual for Streets - 2007). The remaining 6 facilities identified are all over a 10 minute walk. As such, in order to reduce car dependency we would request that the developer consider implementing transport improvements as outlined within this response.
- Passenger transport: The 747 (every 2 hours ' Monday to Saturday) and r47 (once daily ' weekdays) currently operate close to the proposed development site. There is a bus stop near Shepherds Way to the west and a bus stop to the east, near Queen's Road. However, in order to match the likely desire lines of residents travelling from the new estate (in to Uppingham), it is requested that the developer consider installing additional bus stop waiting provisions to the east of site 1 entrance. To further encourage residents (from the proposed new development) to travel sustainably, a contribution to support the operation of local bus services operating via the site would also be welcomed.
- Cycling provision: Due to the distance between the site and town centre, it is requested that the existing footway on the northern side of Leicester Road is widened, so that it may be upgraded to a joint cycleway footway. Should the footway

be widened, suitable provisions should also be implemented to ensure safety at the start and end of the joint cycleway footway ' to ensure cyclists are safely able to re-join the highway (or cycleway). Furthermore it is requested that the developer also ensure that all arms of roundabouts are suitably designed to enable cycle crossing.

- Widening the footway up to Queen's Road would help encourage resident's and their children (from the new estate) to cycle (part way) to Uppingham Primary School and would also help encourage new residents to cycle in to town. Such provision would support the aspirations set out within the Neighbourhood Plan and would also help to fill gaps in the county's cycling network (which are due to be documented within the council's Local Cycling and Walking Infrastructure Plan ' under development.)

Neighbour Representations

16. There have been 3 letters of objection from local residents. These can be summarised as follows:
 - There will be a large increase in the number of vehicles using Leicester Road and the roads into the town centre. Traffic has already increased with The Elms development and any more would cause congestion and be a danger to vehicles and pedestrians.
 - Turning into and out of side roads, such as Lime Tree Avenue, will become difficult and dangerous, given the increased volume of traffic.
 - There will be a great loss of open green space at the edges of town which will have an impact on wellbeing of residents and will completely alter the character of this part of the town to its detriment. (Additionally, good agricultural land will be lost.)
 - Uppingham is a small market town and does not have the infrastructure, e.g. schools, doctors, to cope with the needs the proposals will give rise to, which again, will mean loss of amenity for the area.
 - The number of new houses proposed is far beyond that required in the Uppingham area by central government. There is therefore no need for them.
 - As far as I am aware, these proposals did not form part of the agreed Local and Neighbourhood Plans and have therefore not been agreed.
 - Adverse and material impact on the outlook from the properties on Firs Avenue
 - The design far from adding to the attractiveness of Uppingham as a place of historical interest will actually detract from it.
 - It is not consistent or authorised by the Uppingham Neighbour Hood Plan 2016. The application envisages the building of up to 163 houses on the land to the North of Leicester Road. However the Uppingham Neighbour Hood Plan grants authority for 14 dwellings on Site A and 75 dwellings at Site B. The current proposal seems to be driving a coach and horses through the clearly defined limits of the Plan.

Planning Assessment

17. The main issues are policy, residential amenity, highway safety, developer contributions, drainage and ecology.

Planning Policy

18. This is an outline application for up to 163 dwellings on land that has been identified for development in the Uppingham Neighbourhood Plan (NP). The NP identifies this site as Site B, which includes land for development now and 'future housing'. This application relates to all of that land with the exception of a small triangular piece nearest Leicester Road which is in a different ownership. Policy 3 (Housing Numbers) of the NP states that Site B will initially provide 3 hectares of housing at not less than

25 dwellings per hectare to provide around 75 dwellings. This does not include the 'future land' which is now included for approval. Accordingly the proposal has been advertised as a departure from the development plan.

19. A similar situation applied on the opposite side of Leicester Road where land in Site C for both future and present development has been granted planning permission and is well underway.
20. The NPPF sets out a presumption in favour of sustainable development. This is a sustainable location as Uppingham is the 2nd largest settlement in Rutland and it was assessed positively in a sustainability appraisal prior to the NP being made.
21. The site was not assessed as part of the Landscape Sensitivity and Capacity Study of 2017 as it had already been allocated for development in the NP.
22. The site is within an area identified in the 2003 Landscape Character Assessment as High Rutland (Sub Area Aii – Ridges and Valleys) where the recommended landscape character objectives are:
To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stonebuilt conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges
23. Overall the site is suitable for development and it is unlikely that an appeal against refusal for housing on a site that is in such a sustainable location, over half of which is allocated for development now, would be upheld. The completion of the site will come towards the end of the development plan period so the overall housing supply strategy will not be prejudiced by the development of the whole site now.

Design

24. The development and a draft Masterplan were subject to an early design review by OPUN. The revised Masterplan now submitted reflects the points raised by the panel in that review. The scheme indicates clusters of dwellings, many facing onto open areas.
25. The Masterplan is however only indicative and is not submitted for the outline permission to be prescriptively tied to it, leaving it open to a final developer to draw up their own plan. The Reserved Matters will however be expected to display a high standard of urban design taking on board similar principles to those set out in this submission. A high score on a 'Building for Life 12' assessment will be required.
26. The hedges around the site will need to be kept in 'public' ownership rather than into private gardens so that they can be retained and maintained by a management company which the developer will set up. This also answers the query raised by the Public Rights of Way Officer.
27. Some of the trees around the site are worthy of a Tree Preservation Order which is currently being considered. A TPO is not considered to hinder development of the main part of the site though as the trees are within in the existing hedgerows. One tree is likely to be lost for the roundabout at the access.
28. The proposal would result in around 28 dwellings per hectare which is below the requirement in the Core Strategy but more in line with existing surroundings and a more relaxed approach to densities today. The Core Strategy was adopted at a time when higher densities were encouraged. The NPPF is not prescriptive as to densities

but suggests that the density should reflect the prevailing density in the area unless there is a specific shortage of land to make up the required housing supply.

29. The provision of frontage plots as set out by the Town Council can be explored but the lack of control over the triangular piece of land on the road frontage and the provision of the roundabout makes this more difficult.

Residential Amenity

30. In the absence of a formal layout to consider there is no obvious impact on residential amenity. A layout could easily be drawn up to ensure that there is no unacceptable loss of privacy, light or amenity to existing dwellings.
31. There is no right to a private view across third party land as some objectors have claimed.

Highway Safety

32. The NP calls for a roundabout on Leicester Road to calm traffic on what is a long, straight, wide road into town from the A47 (this was originally part of the A47 until the new section to the north was built). The Highway authority had some doubt as to whether a roundabout would have the desired effect on such a long section of road, but there is no alternative as there is not space to provide staggered junctions on opposite sides of the road and a crossroads is not acceptable here.
33. A smaller roundabout has been designed by the applicant and put forward for discussion with the highway authority. This will be tighter than the one originally considered so will slow traffic better. There remains however a desire to traffic calm other sections of the road. The original Design Review for the Bloors site suggested simple road markings could be effective and longer build outs to narrow the road may also be successful.
34. A widening of the footpath on the northern side to provide a cycleway is also a possibility with funding from this and the other current application on the southern side of the road.

Developer Contributions

35. A S106 Agreement will be required to deliver the affordable housing provision on site. This is required by the policies set out above and the Supplementary Planning Document 'Planning Obligations'. This calls for 30% affordable units on site.
36. The developer has offered to construct the roundabout as their contribution to highway matters. This would be delivered as part of the legal agreement. This leaves the contribution from the development on the other side of the road to be used for other traffic calming along Leicester Road in the vicinity of the sites. Bloors have agreed that this is acceptable under the terms of their legal agreement.
37. Contributions towards other infrastructure will come through the adopted Community Infrastructure Levy (CIL) contributions in the normal way. A percentage of those monies will go to the Town Council as there is a NP in place.

Drainage

38. Foul drainage is stated as being to mains sewer which Anglian Water states is adequate, together with water treatment works, to accept the flows from the site.

39. Surface water drainage is stated as being to a sustainable drainage system on site. This is required for major development anyway so would have to be provided. A scheme will need to be designed alongside the reserved matters site layout together with a maintenance schedule.

Ecology

40. The applicant has agreed to carry out the work required by the ecology advisor. Reports will be available for the meeting and will be updated in the Addendum. There is no objection in principle and discussions of the finer detail of this can continue post Committee whilst the legal agreements are drawn up. An additional condition is likely to be required.

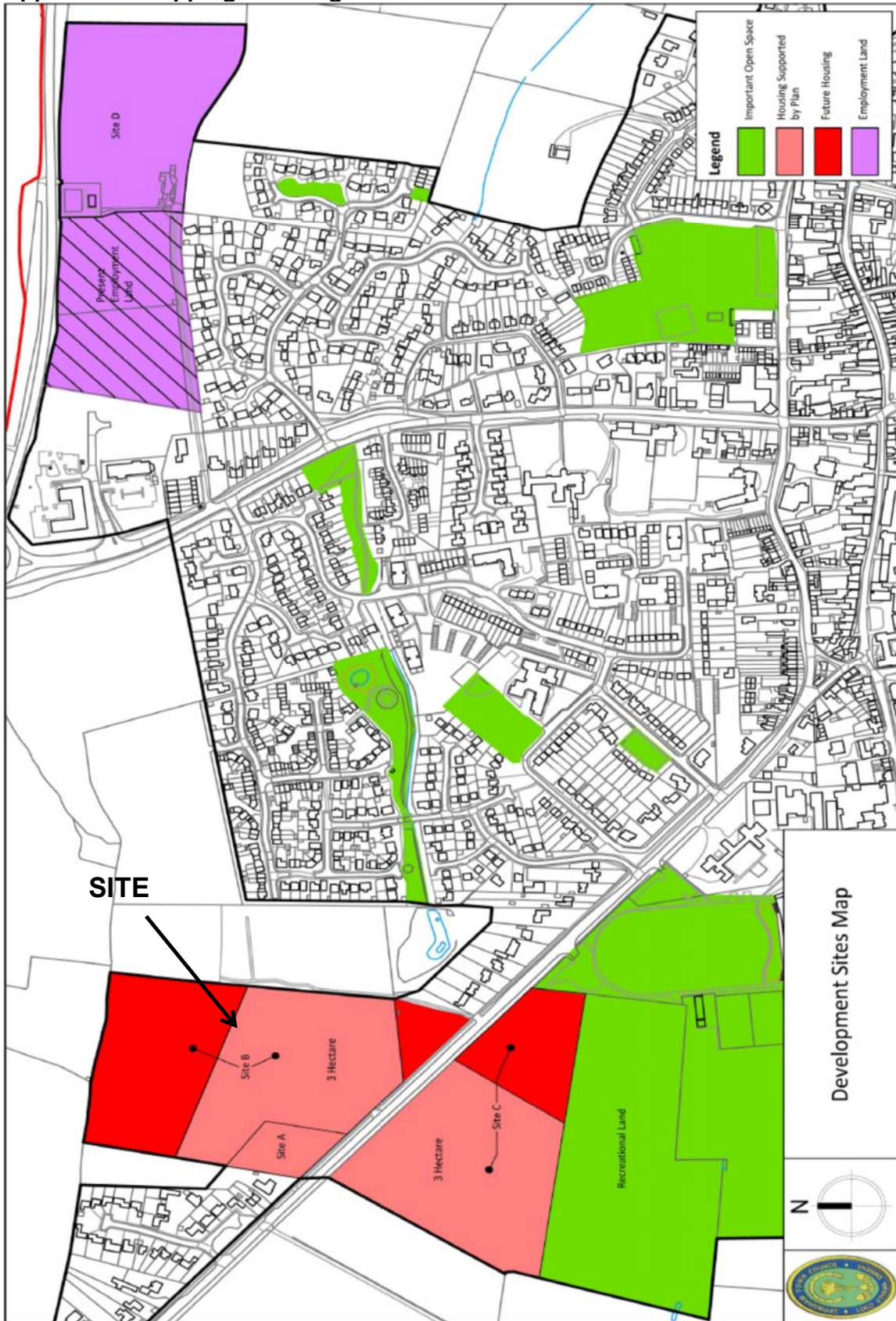
Conclusions

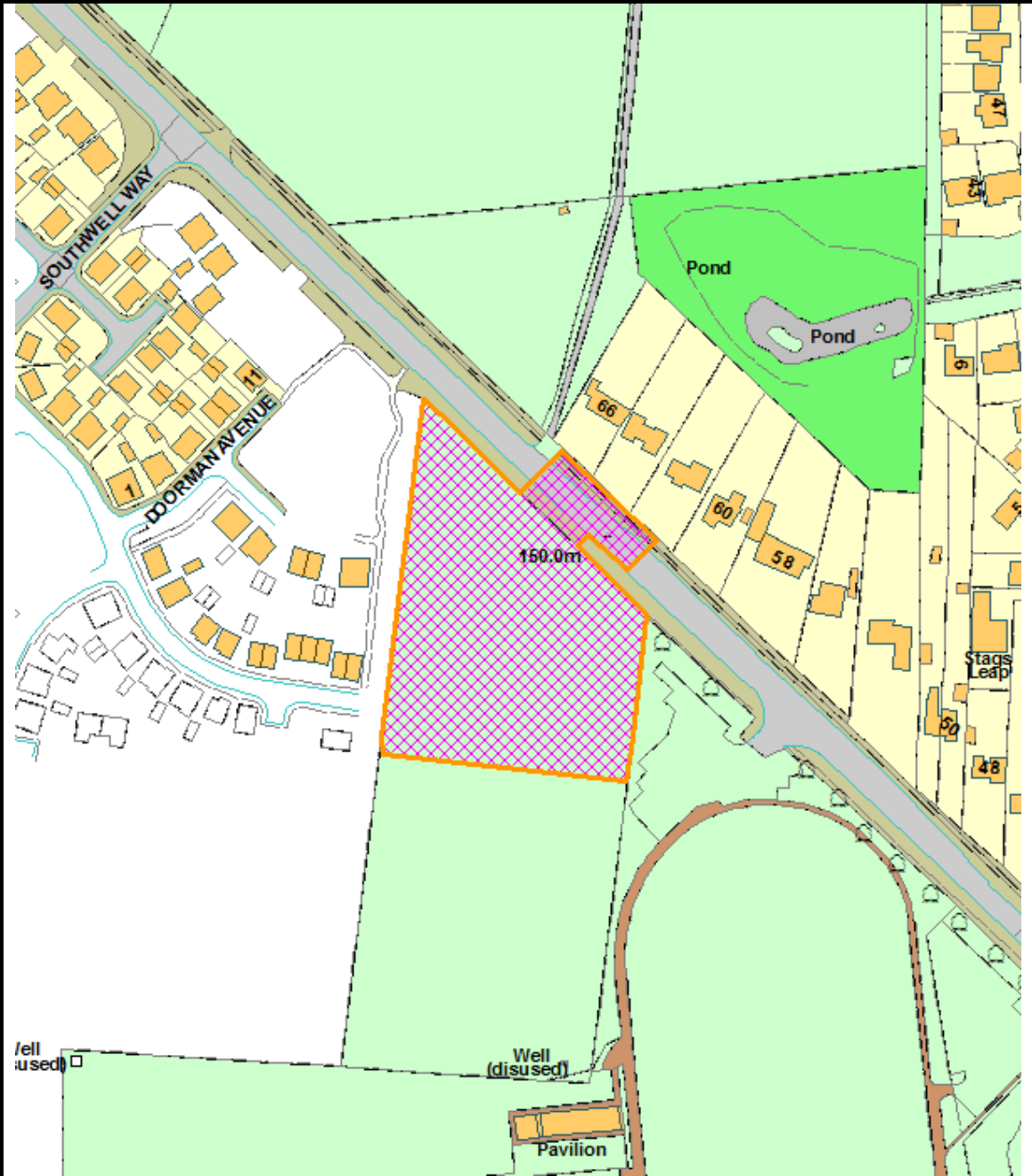
41. The site is allocated for development in the NP. Whilst some is allocated for 'future development', there is no overriding reason to prevent the whole being developed now in a comprehensive fashion. A precedent has been set for this on the opposite side of the road.
42. All matters except access are reserved for later approval so the detail will be considered later. Other matters that have arisen as part of this application can be dealt with through conditions or reserved matters. Overall the development of this sustainable site is acceptable.




2019/0524/OUT
Illustrative Masterplan

Appendix 2 – Uppingham Neighbourhood Plan






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Ordnance Survey [100018056]



Rutland County Council
 Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2019/0525/OUT	ITEM 3	
Proposal:	Housing development (up to 20 no. dwellings) with access from Leicester Road		
Address:	Land South Of Leicester Road Uppingham Rutland		
Applicant:	Charles Richardson on behalf of Robinsons	Parish	Uppingham
Agent:	Matrix Planning	Ward	Uppingham
Reason for presenting to Committee:	Major Development - Departure		
Date of Committee:	24 September 2019		

EXECUTIVE SUMMARY

The scheme is to provide the final phase of housing on the southern side of Leicester Road, allocated for 'future housing' in the Uppingham Neighbourhood Plan (UNP). Some concerns have been expressed locally about the proposal but whilst it is contrary to Development Plan (which includes the UNP), development has been approved in a similar manner on the adjacent site and housing on this sustainable site closer to the town than the adjacent land is acceptable. The recommendation is subject to the completion of a S106 agreement for affordable housing and highway improvements.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement to deliver affordable housing and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping (including open space areas), layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The reserved matters shall be based on a Masterplan and Design Code to be submitted alongside the reserved matters. The development shall be carried out in accordance with the approved details.
Reason - The application as submitted does not provide sufficient particulars for consideration of these details.
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 landscaping is carried out at the appropriate time and is properly maintained.

5. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.
Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.
7. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme.
Reason - To ensure that appropriate details are approved by the Local Planning Authority in the interests of the appearance of the development and so that works are undertaken and completed in reasonable time.
8. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of each dwelling 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 - To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
9. No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
(i) a timetable for its implementation, and
(ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
Reason - To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network.

10. No development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of section (i), and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of section (ii), which shall be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing by the Local Planning Authority in accordance with section (iii).

(v) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same shall be prepared, both of which shall be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Note to Applicant:

It is likely that certain species may be present at the site which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England. It is your responsibility to ensure that this legislation is complied with.

This permission is the subject of a legal agreement and this decision should only be read in conjunction with this agreement

The sustainable urban drainage scheme will need to be designed alongside the residential layout to ensure that it is technically workable.

You are encouraged to discuss a draft Masterplan and Design Code before formal submission. These should be informed by the OPUN Design Review letter dated 9 January 2019, ref DR2018-034.

Site & Surroundings

1. This site extends to 0.84 hectares and is located on the south west side of Leicester Road in Uppingham. It adjoins the Bloor Homes site which is currently being developed.
2. To the south east of the site is the Uppingham School Sports facility.
3. The site is generally bounded by hedging. There are no trees within the main part of the site as it has been used for arable production.
4. An indicative Masterplan has been submitted with the application.

Proposal

5. This is an outline application for residential development on land allocated in the Uppingham Neighbourhood Plan. All matters except access are reserved for later approval.
6. Access to the site would be from a simple T junction onto Leicester Road.

Relevant Planning History

Application	Description	Decision
2016/0336/MAJ	Development of 75 dwellings	Approved 4 July 2017
2017/0422/MAJ	Erection of 29 dwellings	Approved February 2018

Planning Guidance and Policy

National Planning Policy Framework (NPPF) (2019)

Chapter 2 - Achieving sustainable development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Uppingham Neighbourhood Plan (2014)

Policy 3 - Housing - Numbers

Policy 5 - Housing - Site C

Policy 8 - Design and Access

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP22 - Provision of New Open Space

Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

CS10 - Housing Density & Mix

CS11 - Affordable Housing

Supplementary Planning Documents

Planning Obligations (2016)

Other Documents

Rutland Landscape Character Assessment 2003 – Ridges and Valleys of High Rutland (Sub Area Aii)

Consultations

7. Ecology Unit

The Extended Phase 1 Survey submitted in support of the application (Lockhart Garratt, September 2017) and the Phase 1 Habitat Survey Update (Lockhart Garratt, April 2019) indicate that the application site comprises species-poor grassland surrounded by hedgerows.

Whilst I appreciate that this layout is indicative, I would recommend that it is amended to require a minimum of a 5m buffer between existing boundary hedgerows and plot boundaries; this allows for the long-term protection of the hedgerows and allows for them to be managed as one feature; the incorporation of this into gardens could result in piecemeal management and removal. We would request that this is a condition of the development.

The Bat Survey submitted with the application (Lockhart Garratt, June 2017) found no evidence of bat roosts on site. Bat activity surveys identified foraging/commuting bats using the hedgerows, indicating the value in retaining and buffering these hedgerows. No further surveys for bats are required. The Reptile Survey (Lockhart Garratt, November 2017) found no evidence of reptiles on site. No further surveys are needed.

The Badger Survey (Lockhart Garratt, February 2018) recorded an active badger sett adjacent to the western boundary of the site. It appears that this sett was closed under licence for the neighbouring development; the updated Phase 1 survey found evidence that badgers were still using the sett despite it being 'closed'. This indicates that the sett is in regular use. The sett will be retained long-term; it is not within this application site boundary. Temporary mitigation will be required, as described in section 6 of the report. This is acceptable, but we would recommend that the final mitigation plan is informed by updated surveys.

Due to the long-term retention of the sett it is important that a buffer is in place along the western boundary of the site (as described above). This will provide a route for badgers to travel to access their sett and their wider foraging grounds without becoming 'trapped' within the development. Badgers can become a nuisance to residents if they do not have sufficient foraging grounds, as they will access gardens to dig. This needs to be avoided, which a wide corridor to the western site boundary will help.

The Great Crested Newt (GCN) survey (Lockhart Garratt, July 2017) recorded GCN in 3 off-site ponds to the west/south-west of the application site. The survey indicates that one pond close to the application site (P8 to the south of the allotments) was not surveyed due to access restrictions. The report mentions this as a constraint but appears not to consider this pond any further. However, this pond was surveyed in 2016 and recorded GCN eggs in the pond, indicating that it was being used by breeding GCN. In the absence of updated survey, it must be assumed that this pond still contains GCN and they must be mitigated for accordingly.

The report concludes that a GCN mitigation licence will be required for this development. I would expect to see an outline mitigation plan submitted in support of this application, to indicate that mitigation is achievable. This need not be full mitigation details at this outline stage, but should be site-specific rather than the general principles of mitigation outlined in section 6.4 of the report.

In summary, we would recommended:

Prior to the determination of the application:

- An outline GCN mitigation strategy is submitted for consideration.

As a Condition(s) of the development:

1. All landscape planting in the informal/natural open space and adjacent to the site boundaries to be of locally native species only
2. Buffer zones of at least 5 m of natural vegetation to be maintained alongside all retained hedgerows
3. Before development commences, a biodiversity management plan for all retained and created habitats including SuDs, to be submitted and approved by the LPA
4. The SuDS to be designed to maximise benefit to wildlife
5. Removal of vegetation outside the bird nesting season
6. Updated badger survey to be completed no more than 12 months prior to the commencement of the development. Badger mitigation plan within the Badger Survey Report (Lockhart Garratt, February 2018) to be updated and agreed following the results of the updated survey. All development in accordance with the approved mitigation plan.
7. The final layout to include compensatory planting or the creation of BAP habitat to compensate the loss of the internal hedgerow

8. **Archaeology**

The site has been archaeologically evaluated by trial trenching and indicates a negligible-low archaeological potential. For this reason no further archaeological works are required.

9. **Uppingham Town Council**

Recommend for refusal. Council noted that the location falls within the Neighbourhood Plan area and the outline plan, as submitted, does not reflect the Neighbourhood Plan or the recommendations from the design consultancy meetings in respect of:

- i) Larger homes on frontage to blend in with other properties on the Leicester Road.
- ii) Houses to be built around 'village green' spaces.

10. **Public Protection**

We recommend that the four stage standard condition for the investigation of remediation of contaminated land is required for this site.

11. **The Environment Agency**

We have no objection to the above application as submitted.

12. **Anglian Water**

The foul drainage from this development is in the catchment of Uppingham Water Recycling Centre that will have 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 preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage

hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

13. **Transport Strategy**

Thank you for the opportunity to comment. Please find our feedback below:

Location: The outline application identifies the walking and cycling times to local facilities. Only two facilities are under a 10 minute walk - meeting the characteristics set out for 'Walkable Neighbourhoods' (as per Manual for Streets - 2007). The remaining 5 facilities identified are all over a 10 minute walk. As such, in order to reduce car dependency we would request that the developer consider implementing transport improvements as outlined within this response.

Passenger transport: The 747 (every 2 hours ' Monday to Saturday) and r47 (once daily ' weekdays) currently operate close to the proposed development site. There is a bus stop near Shepherds Way to the west and a bus stop to the east, near Queen's Road. However, in order to match the likely desire lines of residents travelling from the new estate (in to Uppingham), it is requested that the developer consider installing additional bus stop waiting provisions to the east of site 1 entrance. To further encourage residents (from the proposed new development) to travel sustainably, a contribution to support the operation of local bus services operating via the site would also be welcomed.

Cycling provision: Due to the distance between the site and town centre, it is requested that the existing footway on the northern side of Leicester Road is widened, so that it may be upgraded to a joint cycleway footway. Should the footway be widened, suitable provisions should also be implemented to ensure safety at the start and end of the joint cycleway footway ' to ensure cyclists are safely able to re-join the highway (or cycleway). Furthermore it is requested that the developer also ensure that all arms of roundabouts are suitably designed to enable cycle crossing.

Widening the footway up to Queen's Road would help encourage resident's and their children (from the new estate) to cycle (part way) to Uppingham Primary School and would also help encourage new residents to cycle in to town. Such provision would support the aspirations set out within the Neighbourhood Plan and would also help to fill gaps in the county's cycling network (which are due to be documented within the council's Local Cycling and Walking Infrastructure Plan ' under development.)

Crossing provisions: A toucan crossing could be considered over an informal crossing provision (subject to LTN 1/95 assessment and safety audit) to help facilitate both pedestrians and cyclists safely cross from site 2 to the provisions on the northern side of Leicester Road.

Site permeability: Footway and cycleway provisions should be provided to the frontage of site 2 - to provide a safe area for pedestrians and any cyclists wishing to cross and join the provisions on the northern side of the road.

Neighbour Representations

14. There have been 5 letters of objection from local residents. These can be summarised as follows:

- Number and type of houses (balance)
- Access to the site.
- Loss of and alterations to lay-by, inc drainage?
- Uppingham is a small market town and does not have the infrastructure to cope with

the needs the proposals will give rise to, which again, will mean loss of amenity for the area.

- Loss of open space
- The number of new houses proposed is too high for the site
- T junction increases accident risk with speeding traffic
- As far as I am aware, these proposals did not form part of the agreed Local and Neighbourhood Plans and have therefore not been agreed.
- Should be used for self build
- Building on ancient ridge & furrow
- Should be kept for grazing
- Loss of open aspect for those living opposite
- Town infrastructure not set up to support such a large development, e.g. schools, doctors etc.

Planning Assessment

15. The main issues are policy, residential amenity, highway safety, developer contributions and drainage.

Planning Policy

16. This is an outline application for up to 20 dwellings on land that has been identified for future development in the Uppingham Neighbourhood Plan (NP). The NP identifies this site as part of Site C, which is included in the area designated land for future development.
17. A similar situation applied on the remainder of Site C as set out above.
18. The NPPF sets out a presumption in favour of sustainable development. This is a sustainable location as Uppingham is the 2nd largest settlement in Rutland and it was assessed positively in a sustainability appraisal prior to the NP being made.
19. The site was not assessed as part of the Landscape Sensitivity and Capacity Study of 2017 as it had already been allocated for development in the NP.
20. The site is within an area identified in the 2003 Landscape Character Assessment as High Rutland (Sub Area Aii – Ridges and Valleys) where the recommended landscape character objectives are:
To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stonebuilt conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges
21. Overall the site is suitable for development and it is unlikely that an appeal against refusal for housing on a site that is in such a sustainable location, over half of which is allocated for development now, would be upheld. The completion of the site will come towards the end of the development plan period so the overall housing supply strategy will not be prejudiced by the development of the whole site now.

Design

22. The development and a draft Masterplan were subject to an early design review by OPUN. The Masterplan now submitted reflects the points raised by the panel in that review. The scheme indicates clusters of dwellings, many facing onto open area.

23. The Masterplan is however only indicative and is not submitted for the outline permission to be prescriptively tied to it, leaving it open to a final developer to draw up their own plan. The Reserved Matters will however be expected to display a high standard of urban design taking on board similar principles to those set out in this submission. A high score on a 'Building for Life 12' assessment will be required.
24. The hedges around the site will need to be kept in 'public' ownership rather than into private gardens so that they can be retained and maintained by a management company which the developer will set up.
25. Frontage development can be explored at the design stage as expressed by the Town Council. The width of the site may restrict achieving this in full.

Residential Amenity

26. In the absence of a formal layout to consider there is no obvious impact on residential amenity. A layout could easily be drawn up to ensure that there is no unacceptable loss of privacy, light or amenity to existing dwellings under construction on the adjacent site.

Highway Safety

27. The proposal includes a simple T junction onto Leicester Road. Visibility at this point is excellent and is within the 30mph speed limit. There is no objection from the highway authority.

Developer Contributions

28. A S106 Agreement will be required to deliver the affordable housing provision on site. This is required by the policies set out above and the Supplementary Planning Document 'Planning Obligations'. This calls for 30% affordable units on site.
29. Contributions towards other infrastructure will come through the adopted Community Infrastructure Levy (CIL) contributions in the normal way. A percentage of those monies will go to the Town Council as there is a NP in place.

Drainage

30. Foul drainage is stated as being to mains sewer which Anglian Water states is adequate, together with water treatment works, to accept the flows from the site.
31. Surface water drainage is stated as being to a sustainable drainage system on site. This is required for major development anyway so would have to be provided. A scheme will need to be designed alongside the site layout together with a maintenance schedule.

Ecology

32. The applicant has agreed to carry out the work required by the ecology advisor. Reports will be available for the meeting and will be updated in the Addendum. There is no objection in principle and discussions of the finer detail of this can continue post Committee whilst the legal agreements are drawn up. An additional condition may be required.

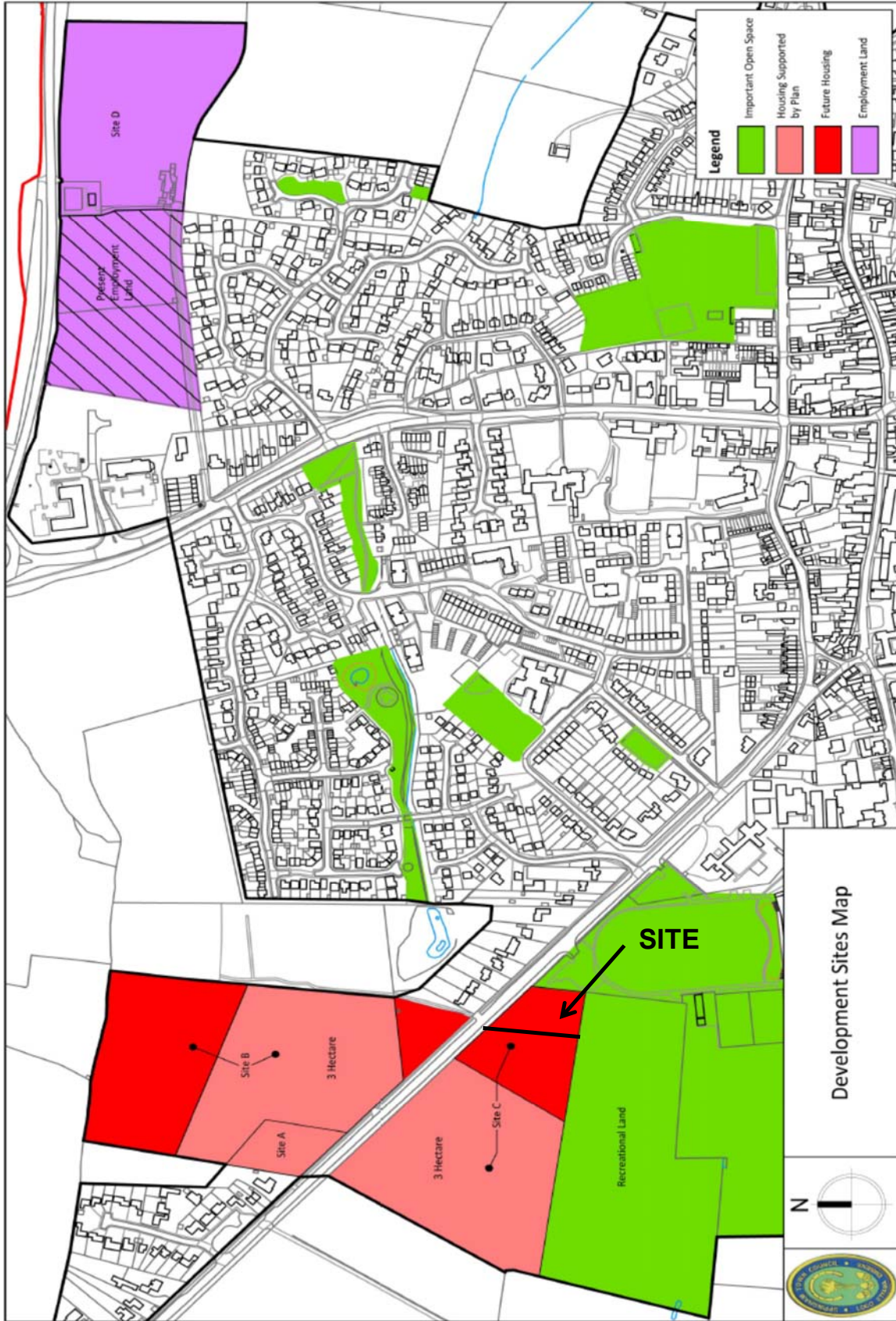
Conclusions

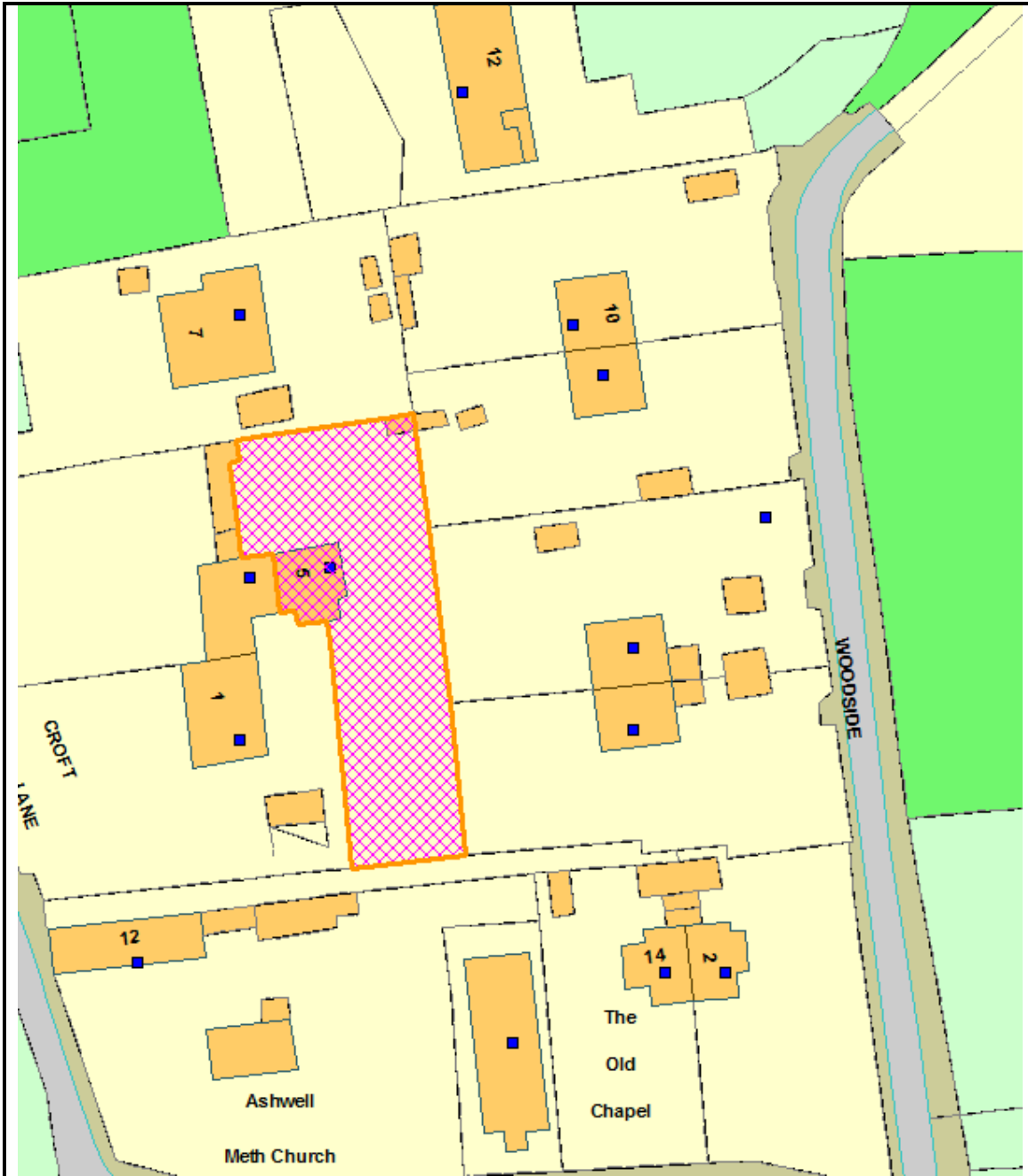
33. The site is allocated for future development in the NP but there is no overriding reason to prevent the whole being developed now in a comprehensive fashion. A precedent has been set for this on the adjoining site.
34. All matters except access are reserved for later approval so the detail will be considered later. Other matters that have arisen as part of this application can be dealt with through conditions or reserved matters. Overall the development of this sustainable site is acceptable.



2019/0525/OUT
Illustrative Masterplan

Appendix 2 – Uppingham Neighbourhood Plan





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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0887/FUL	ITEM 4	
Proposal:	Erection of a timber shed to the rear of the dwellinghouse.		
Address:	5 Croft Lane, Ashwell, Rutland, LE15 7LL		
Applicant:	Mr Graham Smith	Parish	Ashwell
Agent:	N/A	Ward	Exton
Reason for presenting to Committee:	Staff application		
Date of Committee:	24th September 2019		

EXECUTIVE SUMMARY

The proposal is small in scale and would not have a detrimental impact upon the character or appearance of Ashwell Conservation Area, the setting of listed buildings, or surrounding amenity.

The application is still in its consultation period until 03/10/19, and the officer recommendation is offered without prejudice to any further consultation responses received.

RECOMMENDATION

DELEGATE THE DECISION TO THE DEPUTY DIRECTOR FOR PLACES, subject 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, labelled site plan 1:1250, block plan 1:500, Site Plan 001, 002, 003, and the materials specified in the application.

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

Site & Surroundings

1. The site is a Grade II Listed estate building (part of a group) designed by William Butterfield, a prominent Victorian architect. It is located in north-east Ashwell, within Ashwell Conservation Area and its Article 4(2) Direction.

Proposal

2. The proposal is for the erection of a mono-pitched timber shed in the rear garden. It would be sited in the corner of the garden against the rear wall of a neighbouring extension. It would be 3.1m long, 1.8m deep and 2.1m high (lowering to 1.79m high to the rear). It would be 4.56m from the rear of the listed building, and sited on an existing patio area/pathway, with a red brick former privy beyond.
3. The proposals are attached as Appendices.

Relevant Planning History

Application	Description	Decision
2018/0432/FUL	Build adjoining garage next to existing.	Approved
2018/0615/FUL	Proposed vehicular access and parking for the occupants of 5 Croft Lane, Ashwell, including the erection of fencing and gates and the removal of 1 No. Apple Tree.	Approved

Planning Guidance and Policy

National Planning Policy Framework (2018)

Section 12 – Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

CS19 – Promoting good design

CS22 – The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design & Amenity

SP20 – The historic environment

Consultations

4. The application is still in its consultation period until 03/10/19, after the committee meeting. Any comments received prior to the meeting shall be included in the addendum report, along with any further officer comments/conditions.
5. Any decision made by Members would be deferred a formal decision until after the consultation period has expired, delegated to the Deputy Director for Places. Should any objections or other non-supportive comments be received after the committee meeting, officers' request that these are addressed in consultation with the Chairman of the Planning and Licensing Committee.

Neighbour Representations

6. None (as of 11/09/19)

Planning Assessment

7. The main issues are the impact of the proposal upon the conservation area, and the setting of the adjacent listed buildings

Impact on the character and appearance of the area/listed buildings

8. At the Statutory level, Sections 16 (2) and 66 (1) of The The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the setting of listed buildings, or any features of special architectural or historic interest which they possesses.

9. As the site also lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
10. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
11. The shed is small in scale, and sited along the side boundary in a logical location within the site. It would not be visible from public viewpoints, and would not appear out of keeping or overbearing in the context of its surroundings.
12. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling and surrounding context. The development would not cause harm to the character or appearance of Ashwell Conservation Area or the setting of the listed building(s), in accordance with Sections 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbours' residential amenities

13. The shed would not be prominent from neighbouring properties (the neighbour's rear wall that it would be adjacent to has no windows), and taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Crime and Disorder

14. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

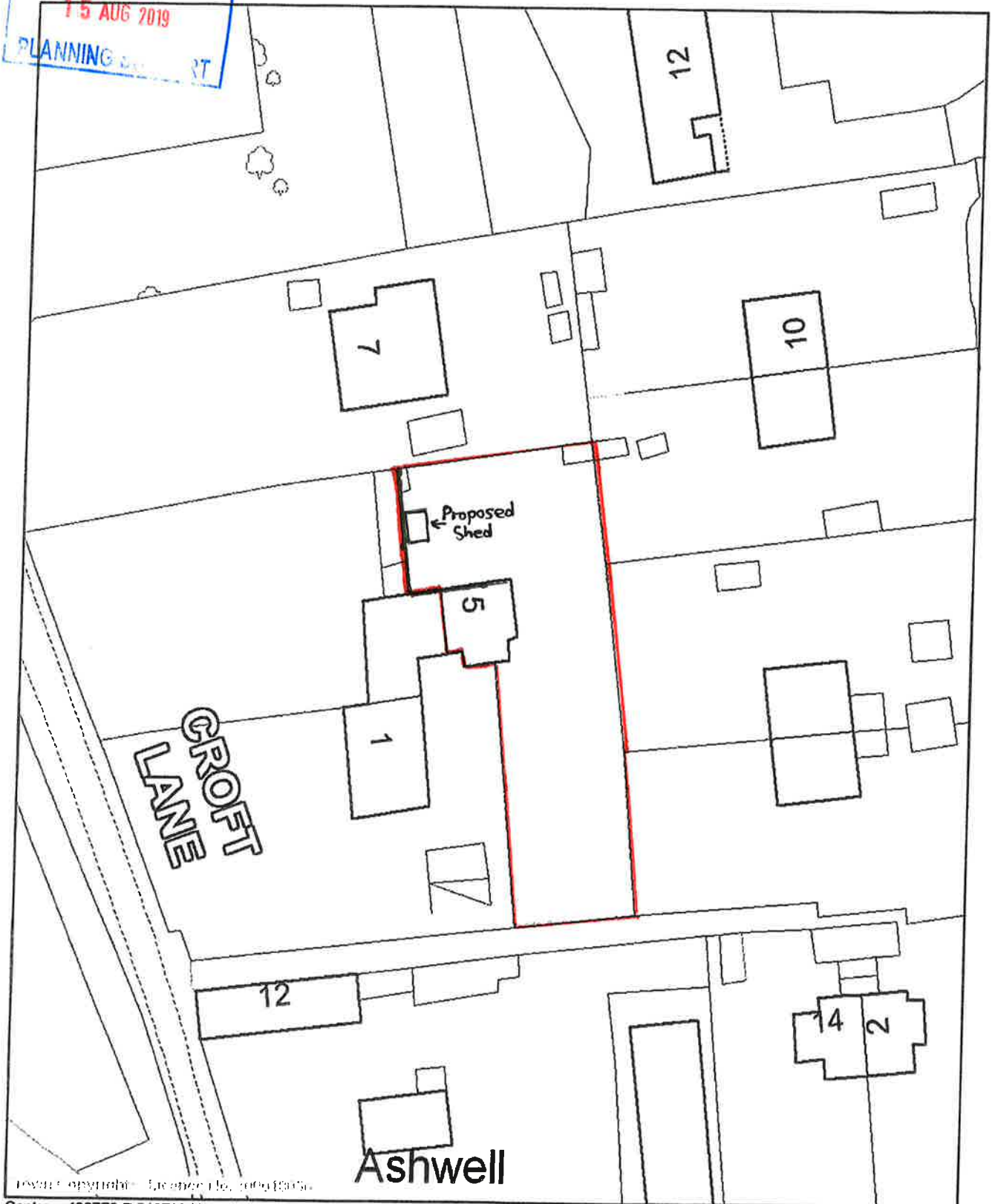
15. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Conclusion

16. The proposal is small in scale and would not have a detrimental impact upon the character or appearance of Ashwell Conservation Area, the setting of listed buildings, or surrounding amenity, in accordance with Sections 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

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Centre = 486778 E 313765 N

Scale 1/500

Date 1/11/2012

Note: Printing may affect the scale of this plan



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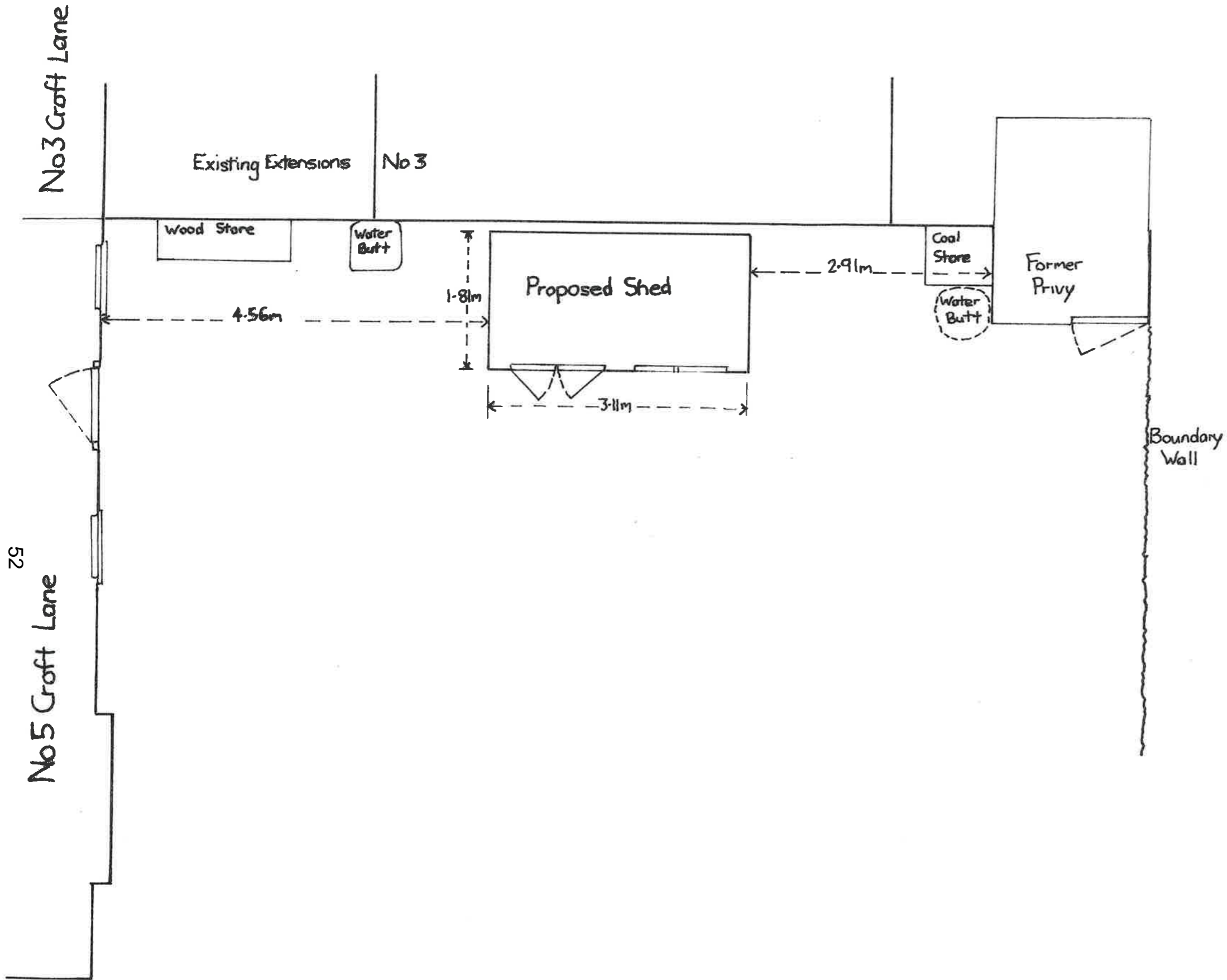


The representation of a road, track or path is no evidence of right of way.

The representation of features as lines is no evidence of a property boundary.

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PLANNING SUPPORT

PLANNING AND LICENSING COMMITTEE

24th September 2019

APPEALS

Report of the Deputy Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information:	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Rob Harbour, Deputy Director for Places	Tel: 01572 750909 rharbour@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

2.1 APP/A2470/D/19/3231740 – Mr Wayne Windsor – 2019/0315/FUL

9 St Andrew's Close, Whissendine

Extension and alterations to 9 St Andrew's Close, Whissendine

(Resubmission of refused application ref: 2018/1073/FUL)

Delegated Decision - The proposed development by virtue of its size, scale and form would appear visually incongruous, out of character and unsightly in the street scene to the detriment of visual amenity and together with the front garden retaining wall would cumulatively result in the loss of the open setting of the entrance to the cul-de-sac at the road junction

between Main Street and St Andrews Close, representing overdevelopment of the application property. As such the proposal would be contrary to Paragraph 130 of the National Planning Policy Framework (2018) and Planning Policy CS19 of the Councils Adopted Core Strategy (2011), Policy SP15 of the Adopted Site Allocations Development Plan (2014) and Adopted Supplementary Planning Document 'Extensions to Dwellings' (2015) and Supplementary Planning Document 'Garden Extensions' (2015).

3. DECISIONS

3.2 APP/A2470/W/18/3219503 - Burley Estate Farm Partnership – 2017/0989/OUT

Allotment Gardens, Brooke Road, Oakham, Rutland

Outline application for the erection of up to 40 dwellings with associated open space, landscaping and infrastructure (access for detailed consideration with all other matters reserved for future consideration).

Committee Decision

Appeal Decision: Dismissed – 18th July 2019

Appellant's Costs Decision: Partially awarded – 18th July 2019

3.3 APP/A2470/W/19/3221217 – Mr Tim Lamb – 2018/1151/PAD

Barn At Cannon House, Settings Farm, Pilton Road, North Luffenham

Change of use of barn to 3 no. dwellings.

Delegated Decision

Appeal Decision: Appeal Allowed – 18th July 2019

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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