



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, 11th February, 2020** 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 14 January 2020.

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. 32/2020 from the Deputy Director for Places.
(Pages 5 - 74)

6) APPEALS REPORT

To receive Report No. 33/2020 from the Deputy Director for Places.
(Pages 75 - 78)

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

Mrs K Payne

Mr N Woodley

OTHER MEMBERS FOR INFORMATION

Rutland County Council

Planning & Licensing Committee – 11th February 2020

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2019/1076/MAF	C&M Retail Group & Moores Estate Agents. Land At Hawksmead Business Park North Of, Hackamore Way, Barleythorpe. New commercial development and access on allocated employment land comprising the following: New industrial unit with retail sales element - B2/A1 use for C&M Tractors. New vehicle showroom for C&M VSS - Sui generis use., 2 new office/property hub buildings for Moores - B1/A2 use.	Approval	
2	2019/0628/FUL	Stamford Storage Ltd Building 27, Meadow Park Industrial Estate, Essendine, Rutland PE9 4LT Change of use for parking of coaches. Construction of workshop for maintenance of coaches. Installation of 2 No. modular units to house toilets and office relating to workshop.	Approval	
3	2019/1228/OUT	Burley Farm Estate Partnership Allotment Gardens, Brooke Road, Oakham. Outline application for the erection of up to 40 no. dwellings with associated open space, landscaping and infrastructure (access and highway improvements for detailed consideration with all other matters reserved for future consideration).	Approval	

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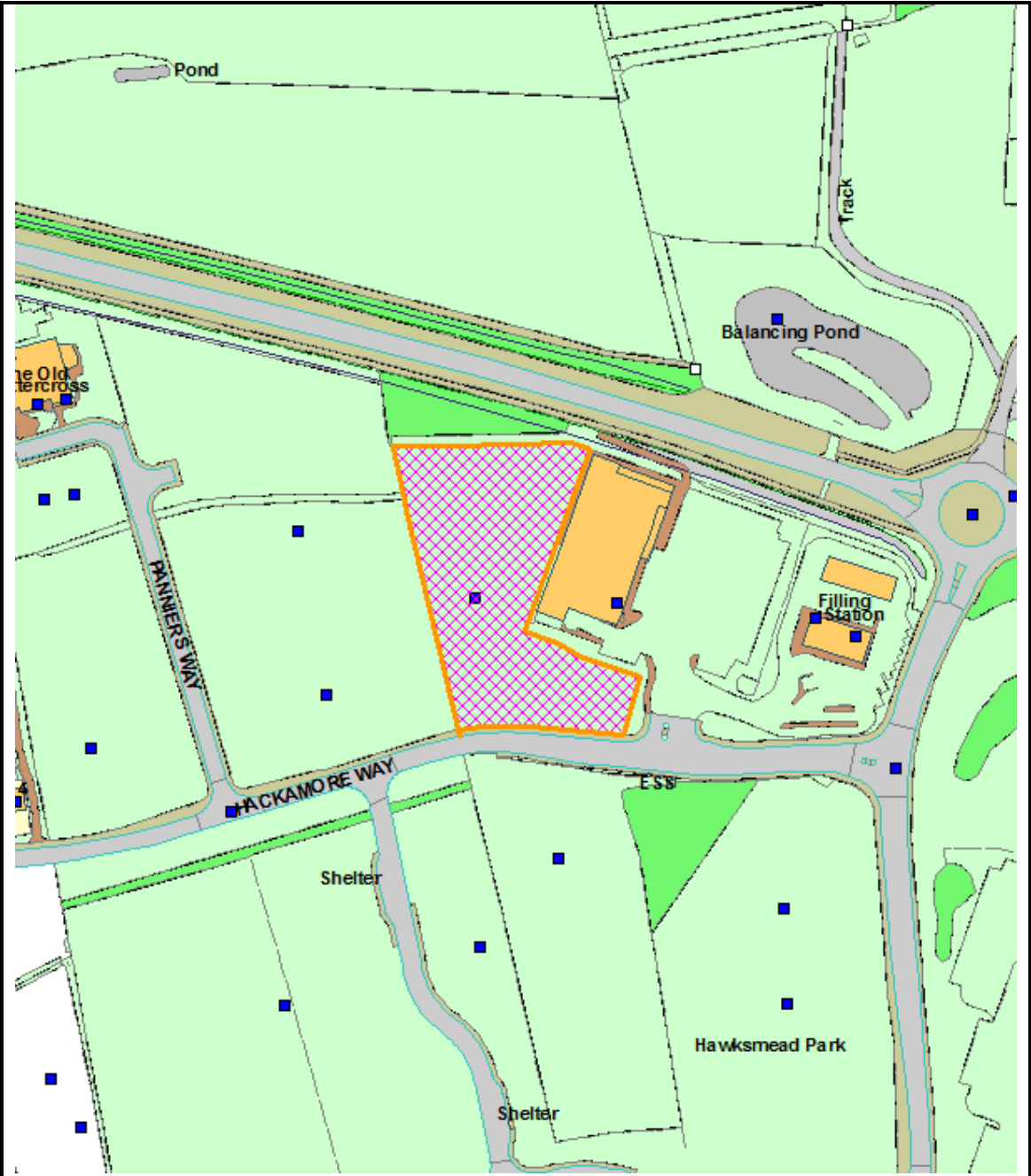
REPORT NO: 32/2020

PLANNING AND LICENSING COMMITTEE

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

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

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/1076/MAF		ITEM 1
Proposal:	New commercial development and access on allocated employment land comprising the following: New industrial unit with retail sales element - B2/A1 use for C&M Tractors. New vehicle showroom for C&M VSS - Sui generis use., 2 new office/property hub buildings for Moores - B1/A2 use.		
Address:	Land At Hawksmead Business Park North Of, Hackamore Way, Barleythorpe		
Applicant:	C&M Retail Group & Moores Estate Agents	Parish	Barleythorpe
Agent:		Ward	Barleythorpe
Reason for presenting to Committee:	Departure from the Development Plan		
Date of Committee:	11 th February 2020		

EXECUTIVE SUMMARY

The development is on allocated employment land; however, the proposal would have economic benefits, create jobs, and would not be detrimental to the overall supply and quality of employment land within the County.

The scale and design of the development is, acceptable and there would not be a significant impact upon the vitality or viability of the town centre.

RECOMMENDATION

APPROVAL, 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, numbers
 - 7967-01-000 – Location Plan
 - 7967-03-003 Rev C – Proposed Floor Plans – Property Hub
 - 7967-03-004 Rev C – Proposed Floor Plans - Office
 - 7967-03-005 Rev C – Proposed Floor Plans – C&M Tractors
 - 7967-03-006 Rev C – Proposed Site Plan
 - 7967-03-008 - Elevations – C&M Tractors
 - 7967-03-009 – VSS Plans
 - 7967-03-010 Rev A – Street Scene
 - 7967-03-011 – Site Plan – Northern Boundary
 - 7967-03-012 – Acoustic Fence Elevation
 - 25322_01_020_01 – Drainage Strategy
 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, including samples, 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 full details have been submitted with the application.

4. Prior to the commencement of development, full details of the protective fencing for the existing hedgerow along the western boundary, together with a scheme for the hedgerow and pollarded trees long term management, shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow and pollarded trees shall be protected during construction of the development in accordance with the agreed details, and thereafter retained and managed in accordance with the agreed scheme.
REASON: To ensure that the western boundary hedgerow is properly protected prior to the commencement of development, and continues to provide a strong wildlife corridor for protected species and wildlife.
5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, the treatment proposed for all ground surfaces, full details of tree planting, and planting schedules (noting the species, sizes, numbers and densities of plants).
REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development, and because full details have not been supplied during the lifetime of the application.
6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
7. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing 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 drainage scheme throughout its lifetime.
REASON: To ensure that implementation, maintenance and management of the sustainable drainage scheme is carried out, and because full details of this have not been provided during the lifetime of the application.
8. Before the site comes into use, the buildings hereby approved shall be fitted with swift nesting boxes, as per the details shown on plan no. 7967-03-004 Rev C – Proposed Floor Plans – Office & 7967-03-003 Rev C – Proposed Floor Plans – Property Hub.
REASON: Swifts are protected under the Wildlife and Countryside Act 1981, and the site falls within a 'swift alert area'. Local Planning Authorities are required to promote the protection and recovery of priority species populations, and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in paragraph 174 and 175 of the National Planning Policy Framework (2018).
9. No floodlighting shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of amenity to reduce the impact of night-time illumination on the character of the area, and in the interests of retaining bat foraging habitat, and because details have not been supplied during the lifetime of the application.

10. The retail sales area for C & M Tractors shall be limited to the blue hatched area on drawing no. 7967-03-005 Rev C Proposed Floor Plans – C&M Tractors (393 sqm on ground floor, & 93 sqm on mezzanine; total 486sqm). This area shall be used only for the sale of the types of goods listed below;
- New horticultural machinery (lawnmowers, strimmers, chainsaws, hedgecutters, ride on mowers)
 - Agricultural machinery (tractors, hay & forage machines, land working equipment, hedge cutters, toppers)
 - Gardening /agricultural tools (shovels, brushes, hayforks, muckforks)
 - Agricultural fencing (posts, stock fencing, staples, post rammers)
 - Nuts & bolts, wood screws, padlocks
 - Personal Protective Equipment & clothing (PEE) and other safety equipment (goggles, breathing masks)
 - Water pipe fittings
 - Agricultural ironmongery (gate hinges, clips, latches)
 - General ironmongery (lighter duty hinges, catches)
 - Agricultural machinery paint
 - Agricultural & commercial oils & additives
 - Nails & roofing screws
 - Steel cutting & grinding disc's and welding equipment
 - Pyrotechnics (in the form of bird scaring rockets & bangers)
 - Batteries - commercial & agricultural
 - Hand tools (e.g. spanners, sockets, pliers, hammers)

The retail sales area shall be used for no other purpose, including any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that Order.

REASON: In the interests of the vitality and viability of nearby town centres.

11. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting these Orders, with or without modification, the retail sales area (as defined by the blue hatched area on plan no. 7967-03-005 Rev C) for C & M Tractors shall be used solely in conjunction with the use of the rest of the building as C & M Tractors, shall not be operated as a separate business, and shall not be used for any other purpose, including any other use within class A1 of the Use Class Order.

REASON: To ensure that the retail sales area does not become separate from the main use of the building and does not change to a use that would be inappropriate for its location outside of the town centre.

12. The A2 use section of the B1 office building shall be limited to the blue hatched area (40 sqm) shown on plan no. 7967-03-003 Rev C – Proposed Floor Plans – Property Hub.
REASON: To ensure that the A2 use section of the development remains ancillary to the primary B1 use of the building.
13. No part of the development shall be occupied or used until the parking and servicing areas (including parking for people with disabilities and electric car charging spaces), as shown on plan no. 7967-03-006 Rev C – Proposed Site Plan, have been laid out, hard surfaced, delineated and clearly marked in accordance with the approved details. These

areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing. Notwithstanding this, the disabled parking spaces and electric car charging spaces shall be provided and clearly marked on the site before the first opening of the buildings hereby permitted, and thereafter, these spaces shall not be used for any other purpose, including other parking.

REASON: To ensure that suitable off-street parking provision for all users is provided and maintained, in the interests of road safety.

14. No use or occupation of the buildings shall begin until the covered bicycle shelter shown on plan no. 7967-03-006 Rev C – Proposed Site Plan has been fully installed. The provision of this bicycle shelter shall therefore not be used for any other purpose.
REASON: To encourage the use of bicycles as an alternative to motor vehicles.

15. The hours of use for the B2 use (workshop) shall be limited to those set out in paragraph 2.3 of the submitted noise report (REF: 25322-04-NA-01 REV B) by MEC Acoustic Air, as set out below;

- Monday to Friday: 0800 to 1800 hours
- Saturdays: 0800 to 12:00

REASON: The submitted noise report has only assessed the noise of operations against daytime background noise levels. The lower background noise levels at night indicate that the proposed B2 use would adversely impact existing residential dwellings.

16. Prior to the B2 use (workshop) commencing operations, full details (including its construction and finished appearance) of the 3 metre high acoustic barrier (as shown on drawing no. 7967-02-006C Rev C and the specification set out in paragraph 7.4 of the submitted noise report (REF: 25322-04-NA-01 REV B) by MEC Acoustic Air), shall be submitted to, and approved in writing by, the Local Planning Authority. The barrier shall be erected in full prior to the B2 use (workshop) commencing operations, and thereafter retained and maintained.

REASON: To ensure that final details of the acoustic barrier are appropriate, and that the barrier is installed prior to the use commencing (and thereafter retained and maintained), in the interests of residential amenity, and because full details have not been supplied during the lifetime of the application.

17. No fixed external plant shall be installed until precise details have been submitted to and approved in writing by the Local Planning Authority. Any fixed external plant, such as extract ventilation or similar, shall comply with the Rating Level of 45 dBA (1 hour), as assessed in the submitted noise report (REF: 25322-04-NA-01 REV B) by MEC Acoustic Air, in accordance with BS4142:2014 at the nearest existing residential receptor (i.e. Haydock Avenue). Development shall only be carried out in accordance with the approved details.

REASON: To ensure that any external plant does not have a detrimental impact upon nearby residential amenity or the appearance of the scheme, and because details have not been supplied during the lifetime of the application.

18. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority. 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, recording, dissemination and archiving

Notes to applicant

1. With regard to condition 4 (hedge protection), the fencing details should comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."
2. With regard to condition 9 (lighting), any lighting scheme must be designed so as to not directly light the existing hedgerows and vegetation on site, in the interests of retaining bat foraging habitat.
3. With regard to condition 18 (archaeology) the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Local 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.
4. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
5. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Site & Surroundings

1. The application site lies within the planned limits of development for Oakham, approximately 1km to the north west of Oakham town centre, adjacent to Aldi, and south of Oakham bypass. The site is part of a wider allocation in the adopted Core Strategy for employment use.
2. While there is no existing vehicular access, this is proposed from Hackamore Way. There is a belt of trees and hedging along the western boundary, and a Council owned tree belt to the rear (north) of the site, which provides some screening from the bypass.
3. The land is predominantly flat, albeit higher than the Aldi site to the east, and there is an existing bund along the southern boundary.

Proposal

4. The proposal is for two existing Oakham businesses (Moore's Estate Agents and C&M) to develop the site. The Moore's section of the development proposes 2 no. two storey buildings, to create a 'property hub' at the front of the site. This would be predominantly

a B1 use to accommodate the 'back office' division of Moores. However, a 'shop window' element relating to the estate agency use is also proposed (use class A2). The application states that this will compliment rather than replace Moores existing town centre location, which is intended to remain.

5. The 2 Moores buildings would be two storeys (ground floor and mezzanine), of matching design, and each with a floor area of 157sqm. The A2 element of one of the buildings would be 40sqm. The buildings would be 4.3m to eaves and 7.4m to the ridge. Materials would be a mix of ironstone and buff brick, dark grey metal cladding, and a metal standing seamed mono-pitched roof.
6. C&M Tractors/C&M Retail Group would occupy the rest of the land next to Moores and to the rear of the site. C&M Tractors specialise in the supply and maintenance of lawnmowers, strimmers and other types of garden and agricultural equipment (and are currently located on Station Approach). C&M Retail Group (also known as C&M VSS) meanwhile would deal with the service, repair and sales of horticultural and agricultural machinery and other agricultural vehicles.
7. The application proposes a large two storey building to the rear of the site for C&M Tractors, which would be a mix of B2 (general industrial) and A1 (retail). It would be approximately 55m long, 21m wide, and 8.4m high (6.2m to eaves), with a shallow pitched roof. Proposed materials for the building include steel cladding to the walls and roof, with the eastern end of the front elevation being glazed.
8. C&M VSS would then be located in a single storey building at the front of the site (approximately 30m long, 15.2m wide, and 6.2m high, (4.2m to ridge) with a mono-pitch roof). C&M VSS, which includes the sale of agricultural motor vehicles, would be classed as a Mix of B2/Sui Generis. Materials for the buildings would be a mixture of grey and silver cladding, with a metal standing seamed roof.
9. A layout is shown in the **Appendix**.

Relevant Planning History

Application	Description	Decision
2003/1181	Outline application for use of land as B1, B2 and B8 employment development	Approved
2010/0729	New retail unit (Sainsbury's) (Class A1) with associated car parking, petrol filling station, vehicular and pedestrian access, highway works, landscaping and servicing.	Refused
2013/0598	Extension of time for planning application OUT/2003/1181. Use of land as B1, B2 and B8 employment development	Approved
2017/0418	Non material amendment to condition 5 of planning permission 2013/0598/FUL to allow amended drainage strategy	Refused
2017/0832	The erection of a new housing development comprising 161 new dwellings, including 56 affordable homes, with associated open space, landscaping, infrastructure and drainage.	Refused

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development
Chapter 6 - Building a strong, competitive economy
Chapter 7 - Ensuring the vitality of town centres
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 14 – Climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

Site Allocations and Policies DPD

SP3 - Sites for Retail Development
SP5 - Built Development in the Towns and Villages
SP15 - Design and Amenity
SP16 - Advertisements
SP17 - Outdoor Lighting
SP19 - Biodiversity and Geodiversity Conservation

Core Strategy DPD

CS01 - Sustainable Development Principles
CS02 - The Spatial Strategy
CS13 - Employment & Economic Development
CS14 - New Provision for Industrial & Office Development and Related Uses
CS17 - Town Centres & Retailing
CS19 - Promoting Good Design
CS21 - The Natural Environment

Consultations

10. **Oakham Town Council**
Recommend Approval
11. **Barleythorpe Parish Meeting**
Recommend Approval, with only minor observations;
 - Any further signage?
 - What would happen if one business should fail or find the site unprofitable?
 - C&M Tractor's site in Station Road has items/machinery on open display – reassurance that the Barleythorpe site will maintain socially acceptable visual standard?
 - Number of employees?
 - Number of visitor parking bays?
 - Suggest Hackamore Way could be better marked out
12. **Highways**
No objection if built in accordance with drawing No. 7967-03-006B
13. **Planning Policy**
The main policy consideration for determining this proposal for is Core Strategy Policy CS13 – Employment & Economic Development.

The application site lies within the planned limits of development for Oakham approximately 1km to the north west of Oakham town centre. The site is allocated in the

adopted Core Strategy for employment use. The site is allocated and safeguarded for employment use (B1, B2, B8) in Core Strategy Policy CS13 (d). Policy CS13 (d) indicates that the application site will be safeguarded for employment uses (B1, B2 and B8)

As this site is part of the employment allocation, the Council would expect this site to be developed for employment uses as set out in the Policy. There are no particular policy issues with principle for light industrial/Office use subject to the usual, layout, design, landscaping, highways side of things. The proposed use of car sales does not fall within these use classes and is defined as Sui Generis, however it is considered that premises selling cars and associated workshop space have often traditionally located in industrial/employment areas. There is no specific policy to support proposals for vehicle showrooms on employment land, it would be subject to Core Strategy Policy CS13 – Employment and Economic Development. In particular criteria d), which states the high-quality employment allocation at Lands End Way should be safeguarded for employment uses unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land within the County. It is considered the location of a vehicle showroom may have wider economic benefits and the use of the site as a form of employment use may be appropriate

However, the principle for A2 uses will need to be considered against Policy CS17 – Town Centres and Retailing and Policy SP12 – Town Centre area, primary and secondary shopping frontages. As A2 uses can reasonably be expected to be located within the town centre as set out in Policy SP12. The other uses are appropriate for this location and are in accordance with CS13 and cannot be accommodated within the town centre. As such, the A2 element will need to be ancillary to B1 with a reduced floor space and ancillary to the main B1 uses.

(Following further information/revised plans)

No objection to amended details/further information. the proposal would have economic benefits, create jobs, and would not be detrimental to the overall supply and quality of employment land within the County. Additionally the A2 use would be considered ancillary to the primary B1 use.

14. **Anglian Water**

The surface water strategy/flood risk assessment submitted with the application is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Therefore recommend that a pre-commencement planning condition for a surface water management strategy, to prevent environmental and amenity problems arising from flooding

15. **Lead Local Flood Authority (LLFA)**

The developers have provided a form of sustainable drainage through attenuation, and more specifically have a very low outfall rate. The lack of infiltration tests (especially as adjacent sites have established infiltration isn't possible) could not form a reason for refusal.

Pre-commencement condition required for details of the implementation, maintenance and management of the sustainable drainage scheme.

16. **Archaeology**

It is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

17. **Ecology**

The Phase 1 Survey submitted in support of the application (CBE Consulting, August 2019) identifies that the site comprises species-poor semi-improved grassland, surrounded by hedgerows. There are a number of mature trees in the western hedgerow, three of which (T1, T3 and T4) would all meet Local Wildlife Site (LWS) criteria. I am unable to find any landscaping plans at this stage, but the 'Proposed Site Plan' suggests that the trees in this hedgerow will be retained, which we welcome. This hedgerow must be buffered by a minimum of 5m from the development.

This is a large development, with little open space left for landscaping. However, I would recommend that the area of open space to the north and east of the site, wrapping the proposed 'C&M Tractor' building is planted using only locally native species.

No evidence of protected species was recorded on site. The report recommends further bat surveys to establish the use of the site by bats, but provided the existing site hedgerows are retained and not directly lit, this will not be needed as bat foraging habitat will be retained.

Recommend that 3 swift nest boxes are installed This site falls within a 'Swift Alert Area' as there are recent records for breeding swifts close to the site. Recommend that 3 swift nest boxes are installed on a suitable elevation of at least 2 of the proposed buildings.

Further comments (20/11/19, 27/11/19 & 29/11/19);

- I would have no objection to the hedgerow being managed, provided that this was done sensitively.
- The Leicestershire and Rutland Local Wildlife Site Criteria indicates that trees still meet LWS criteria if they are a stump that is at least 2m high and I would therefore recommend that they are retained at least at that height.
- A separation of 6m between the hedgerow and the building is acceptable.
- A 3.6m buffer between the building and the hedgerow as a 'pinch point' is acceptable as long as it's not the full length of the hedge.

18. **Transport Strategy**

To encourage sustainable travel it would be beneficial for the site to have a covered bicycle shelter for use by staff or visitors to the employment site.

In addition, dropped kerbs should be provided at suitable locations along the pavements to identify safe crossing points.

19. **Forestry Officer**

On initial plan –would recommend that tree planting proposal is revised (relationship of tree planting to hard surfacing/buildings not suitable). Following revised plan/further information – Recommend landscaping condition (suggested tree species/location put to agent).

20. **CIL Officer**

As the A1 use is ancillary to B2 this would not be classed as a Retail Warehouse defined in the CIL charging schedule. Therefore the proposed development does not fall within any of the use classes contained in the Rutland CIL charging schedule.

21. **Environmental Protection**

Further information required in relation to noise/odours and dust prior to determination. Upon receipt of report:

I have reviewed the attached report , 'Proposed Commercial Development, Land at Hackamore Way, Oakham' (REPORT REF: 25322-04-NA-01 REV B) by MEC Acoustic Air that assesses the noise impact of the proposed business. The BS4142:2014 assessment shows that with the proposed mitigation the impact on the existing housing

(to the west of The Old Buttercross public house) will be low i.e. 3dBA below daytime background noise levels. Therefore providing the suggested mitigation is implemented through the use of Planning Conditions the proposed development would be acceptable to Environmental Health and protect the good level of amenity enjoyed by exiting residents. Propose conditions for hours of use, the installation and retention of the acoustic barrier, and external plant complying with BS4142.

Neighbour Representations

22. One response received on behalf of Aldi (adjacent landowner); No issue with the proposed development, however would request that the following points are noted;
- Request details of levels, treatment of and drainage to boundaries
 - Drainage calculations unavailable, and current drainage strategy includes a flow restrictor in an existing chamber that Aldi's development currently discharges into. Please request a manhole is fitted upstream.
 - Moores building so close to boundary it would be impossible to build or maintain without entering onto Aldi's property. Request relocation.

Planning Assessment

23. The main issues are;
- Principle of development
 - Design
 - Ecology/natural environment
 - Drainage
 - Highways
 - Environmental Protection

Principle of Development

24. The site is allocated and safeguarded for employment use (B1, B2, B8) in Core Strategy Policy CS13 (d). Policy CS13 (d) indicates that the application site will be safeguarded for employment uses (B1 – office/light industrial, B2 – general industrial and B8 – storage or distribution).
25. While the proposals are for B1 and B8 uses, which are in accordance with the land use allocation, they also include elements of sui generis use (car sales), A2 (financial and professional services), and A1 (retail). These use do not fall within the land use allocation, and therefore are potentially in conflict with the development plan.

Sui generis use

26. Notwithstanding the above, it is considered that premises selling cars and associated workshop space have often traditionally been located in industrial/employment areas. There is no specific policy to support proposals for vehicle showrooms on employment land, and it would therefore be subject to Core Strategy Policy CS13 – Employment and Economic Development. In particular criteria d), which states that the high-quality employment allocation at Lands End Way should be safeguarded for employment uses unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land within the County. It is considered the location of a vehicle showroom may have wider economic benefits and that the use of the site as a form of employment use would be appropriate.

A2 use

27. A2 uses can reasonably be expected to be located within the town centre as set out in

Policy SP12. Notwithstanding this, the A2 element of the development is limited to 40sqm of floorspace in only one of the two B1 use buildings. This amount of floorspace in relation to the remaining B1 floorspace is considered to be an ancillary use that would not conflict with the development plan. A condition would be imposed to secure the ancillary nature of the A2 use.

A1 use

28. The retail aspect of the scheme has been amended during the lifetime of the application. Originally it was specified to be over 800sqm of floorspace, which would have triggered the need for a retail impact assessment. This has subsequently been reduced to 486sqm, below the 500sqm threshold for the retail impact assessment. The applicant has provided a list of items that the retail element of the scheme would stock (see condition 11 above for the list). These types of items are not typical items that would necessarily be expected to be sold in a town centre location, and would not be likely to harm the vitality or viability of the town centre.
29. The proposals would also create the following number of jobs;
 - C&M Tractors – currently 10 employees, increase to 12 or more
 - C&M Retail/VSS – (new venture) – 6 initially, increasing to 8-10
 - Moores hub - currently 6, increase to 8-10
 - Moores office 8-10 new jobs.
30. Given the above, it is considered that the proposal would result in economic benefits and would not be detrimental to the overall supply and quality of employment land within the County. The principle of development is considered to be acceptable, and as such the proposal would not be in conflict with Section 6, 7 & 12 of the NPPF (2019), Policies CS13, CS14 & CS17 of the Rutland Core Strategy (2011), and Policies SP3, SP5 & SP12 of the Site Allocations and Policies Development Plan Document (2014).

Design

31. The C&M Tractor building is industrial in character and large; it would be higher within the streetscene/landscape than the adjacent Aldi store, and be prominent from western views. However this scale of building is to be expected on land that is allocated for employment use and has an outstanding outline permission for B1/B2/B8 use. Additionally, cross section plans have shown that the existing Council owned trees between the site and the bypass would screen the building to an extent when travelling east towards the roundabout. The design of the C&M tractor building is functional and fit for purpose, and notwithstanding its size, would not have a significant impact upon the landscape given the allocated land use and surrounding buildings such as Lands End.
32. The Moores building and the C&M VSS have a better quality of design and appearance, that would be inkeeping for the employment land use allocation. Samples of materials would be conditioned to ensure that they would be suitable, as would a full landscaping scheme.
33. The proposals, by virtue of the allocated land use, scale and design, would not have a significant detrimental impact upon the street scene, surrounding context or amenity of the area, in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Adopted Core Strategy (2011), and Policy SP15 of the Site Allocations and Development Plan Document (2014).

Ecology/natural environment

34. The plans have been amended during the lifetime of the application to enable a suitable 'buffer zone' next to the existing western boundary hedgerow. The hedgerow in its

present form would need to be cut back to a suitable managed form, and a condition is included to secure both its retention and management (as well as its protection during construction).

35. A tree survey has been submitted with the application that concludes that the health and form of the trees is such that they would not be worthy of retention via a tree preservation order. The Forestry Officer has assessed the trees in the context of this report and agrees with this conclusion. In the interest of maintaining the hedgerow for wildlife the trees would be pollarded, but retained in their reduced form as part of the hedgerow.
36. Revised plans have been received to show swift boxes on the Moores building, and LCC Ecology are satisfied with the details (this is conditioned). Additionally a condition is included for a lighting scheme to be submitted, which must be designed so as to not directly light the existing hedgerows and vegetation on site, in the interests of retaining bat foraging habitat.
37. Given the above, the proposal would not have a detrimental impact upon the natural environment, in accordance with Section 15 of the NPPF (2019), Policy CS21 of the Adopted Core Strategy (2011), and Policies SP17 & SP19 of the Site Allocations and Development Plan Document (2014).

Drainage

38. The comments from the Local Lead Flood Authority and Anglian Water are acknowledged. The objection and suggested condition from Anglian Water is noted and has been given due consideration.
39. Notwithstanding the recommendation from Anglian Water, the LLFA are content that as the developers have provided a form of sustainable drainage through attenuation, and more specifically have a very low outfall rate, the lack of infiltration tests (especially as adjacent sites have established infiltration isn't possible) should not form a reason for refusal. As such, it is considered that an acceptable way forward would be for a pre-commencement condition for details of the implementation, maintenance and management of the sustainable drainage scheme.
40. Given the above, it is considered that, subject to a suitable condition, the proposals would not have a detrimental impact upon flood risk or the drainage of the site, in accordance with Section 14 of the NPPF (2019) and Policy CS19 of the Adopted Core Strategy (2011).

Highways

41. The site would have sufficient parking, turning and access for vehicles. Electric car charging spaces are proposed, along with suitable provision of disabled spaces. The plans have also been revised during the lifetime of the application to include a covered bicycle shelter and dropped kerbs, in accordance with Transport Strategy's comments.
42. The proposal would not have a detrimental impact upon highway safety, in accordance with Section 9 of the NPPF (2019), Policy CS19 of the Adopted Core Strategy (2011), and Policy SP15 of the Site Allocations and Development Plan Document (2014).

Environmental Health

43. An outline planning application was submitted recently for the adjacent land to the west and south, under reference number 2019/1180/OUT with all matters reserved apart from the access for the construction of up to 120 (affordable) homes on the 'Hawksmead Area

11 site' at land End Way Oakham. This application has been withdrawn by the applicant.

44. Notwithstanding this, a noise assessment has been completed for this application (2019/1076/MAF). It has been found that in order for the proposal to be acceptable to the existing residents to the west of the site, mitigation would be needed in the form of a 3 metre high acoustic fence next to the workshop area, adjacent to the hedge boundary. While this has the potential to appear as a somewhat incongruous feature, in the context of the buildings to be erected it would not appear overly dominant or obtrusive within the landscape. Additionally the retained hedge to the west would soften its impact from views into the site. The fencing encroaches into the buffer zone for the hedge, however Ecology have advised that this would not have a significant impact and that the integrity of the hedgerow/room for the hedge to be managed would be retained.
45. Notwithstanding the acoustic fencing, conditions for hours of use, and external plant are included, in the interest of surrounding amenity.
46. While the housing application adjacent to the site has been withdrawn, this potential future conflict is acknowledged and would need to be taken into account for any future housing applications on the surrounding land.

Other issues

47. With regard to Aldi's consultation response, the following comments are offered in response;
 - The drainage calculations are available, and a suitable drainage condition is proposed.
 - The agent has confirmed that the flow restrictor (Hydrobrake) is separate to the Aldi system.
 - Conditions are proposed for landscaping, including any change in levels.
 - Access to a third party site for construction is not a material planning consideration. While the proposed location of the Moores building would not adversely affect Aldi's site, and the agent for the current application is confident that it can be built without encroaching onto Aldi's land, notes to applicant are included regarding this.
48. Barleythorpe Parish Meeting's comments are also noted;
 - Any additional signage would be subject to the advertisement regulations
 - With regard to businesses failing/finding the site unprofitable, the application must be assessed on its merits, and the Local Planning Authority cannot speculate on what may happen in the future.
 - Any items for sale would need to be sited within the designated retail sales area of the C&M Tractors building and could not be displayed elsewhere on the site (this is covered by condition). Additionally the agent has advised that there is no intention for outside storage; the reason for outside storage on the existing site is that the business has outgrown its location, hence the application for the larger premises.
 - Hackamore Way is outside of the application site and any improvements to 'marking out' along the road would be a separate issue outside the consideration of the current application.
 - 3 visitor spaces for the Moores part of the site are shown on the proposed site plan.
49. The proposed conditions from Archaeology are noted, and included. The agent is currently preparing the Written Scheme of Investigation.
50. With regard to a potential Community Infrastructure Levy (CIL), the only possible use

proposed that could potentially be considered as CIL liable would be the retail part of the scheme. However, this would not be classed as Retail Warehouse as defined in the CIL charging schedule. Therefore the proposed development does not fall within any of the use classes contained in the Rutland CIL charging schedule.

Crime and Disorder

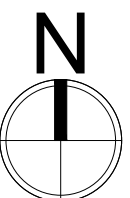
51. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

52. 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

53. While the development is on allocated employment land, the proposal would have economic benefits, create jobs, and would not be detrimental to the overall supply and quality of employment land within the County.
54. The scale and design of the development is, acceptable and there would not be a significant impact upon the vitality or viability of the town centre.
55. The application is accordingly recommended for approval, subject to suitable conditions.



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DRAFT
ISSUE

C	16.01.19	acoustic fence added to workshop	RJC
B	17.09.19	Electric vehicle recharging points added	RJB
A	13.09.19	Colour added	MFG NC
Rev.	Date	Drawn	



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E-Mail: info@hssparchitects.co.uk Web: www.hssparchitects.co.uk
Project: Proposed Commercial Development
Hackamore Way
Oakham
Rutland

Title.

Proposed Site Plan

Scale.	Drawn.	Checked.	Date.
1:200 @ A1	RJB	-	August 2019
Drawing No.			Revision.
7967-02-006			C

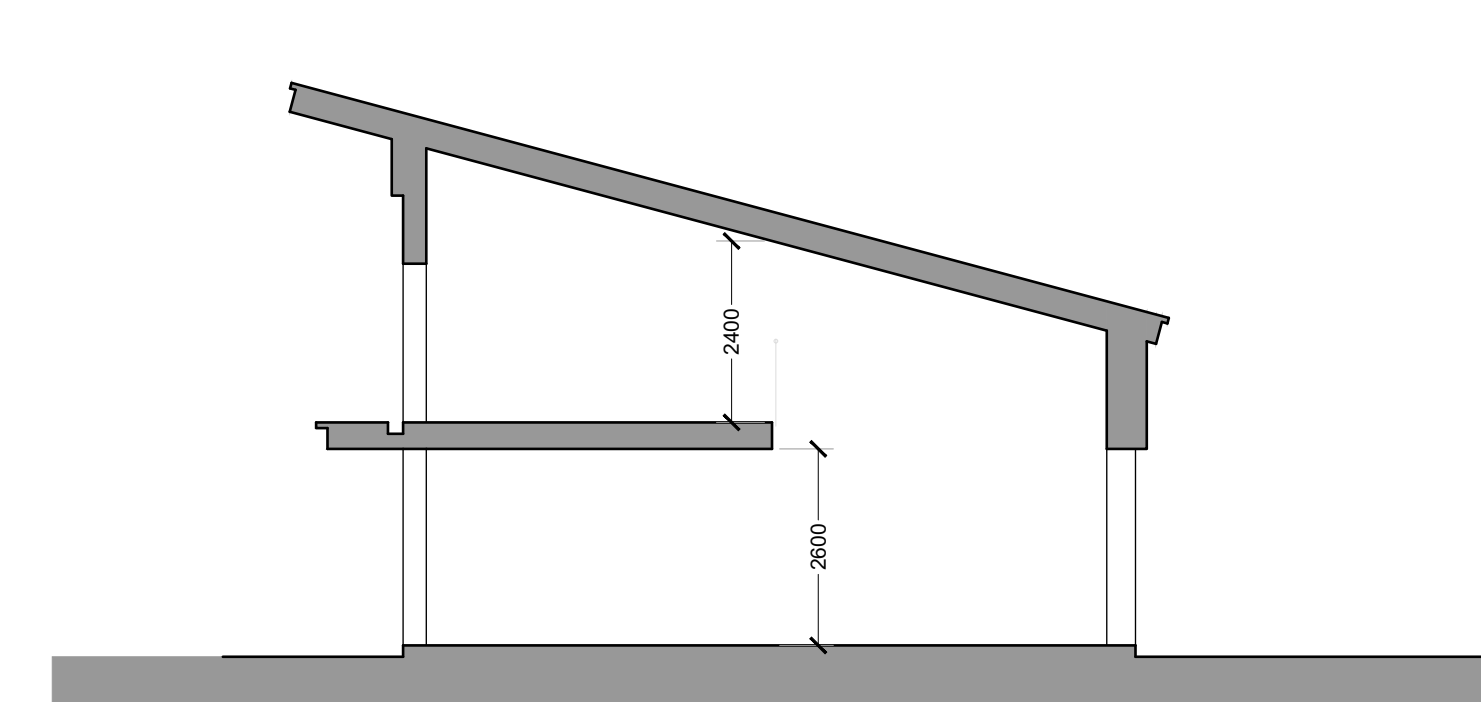
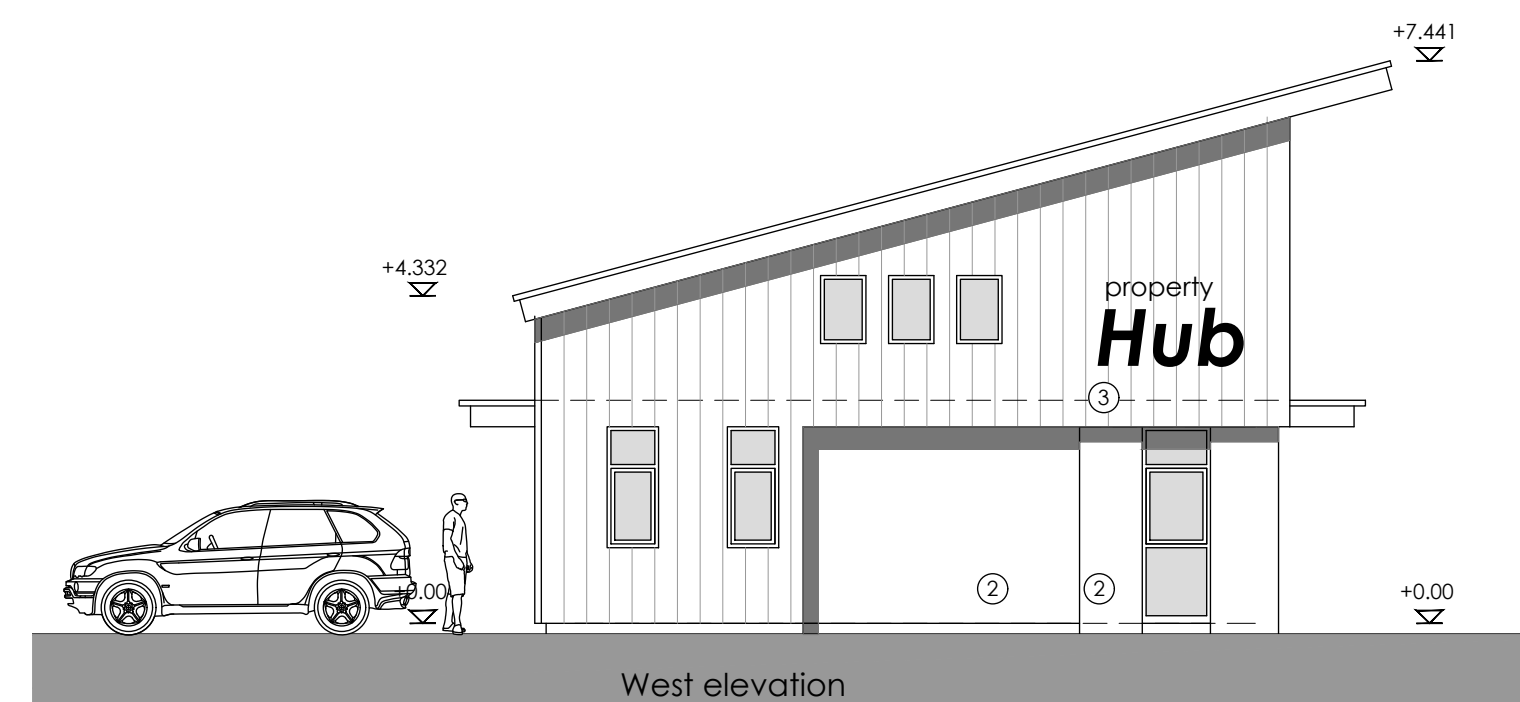
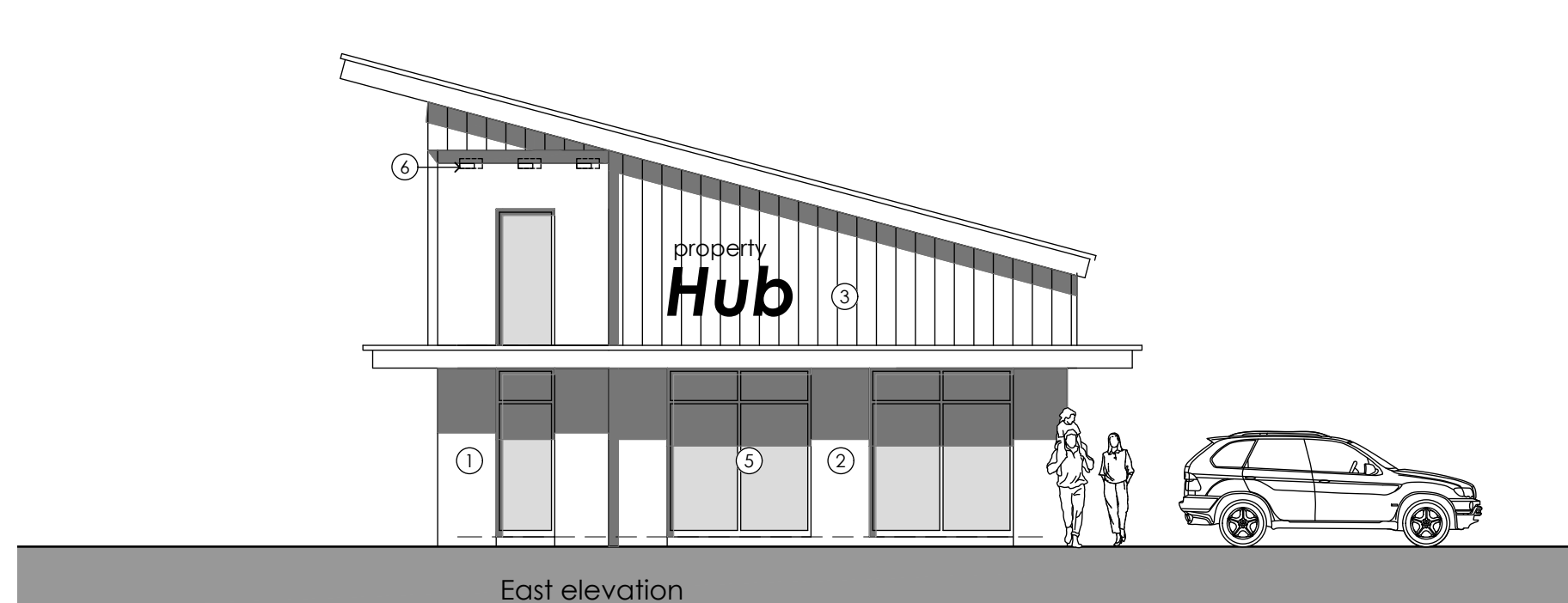
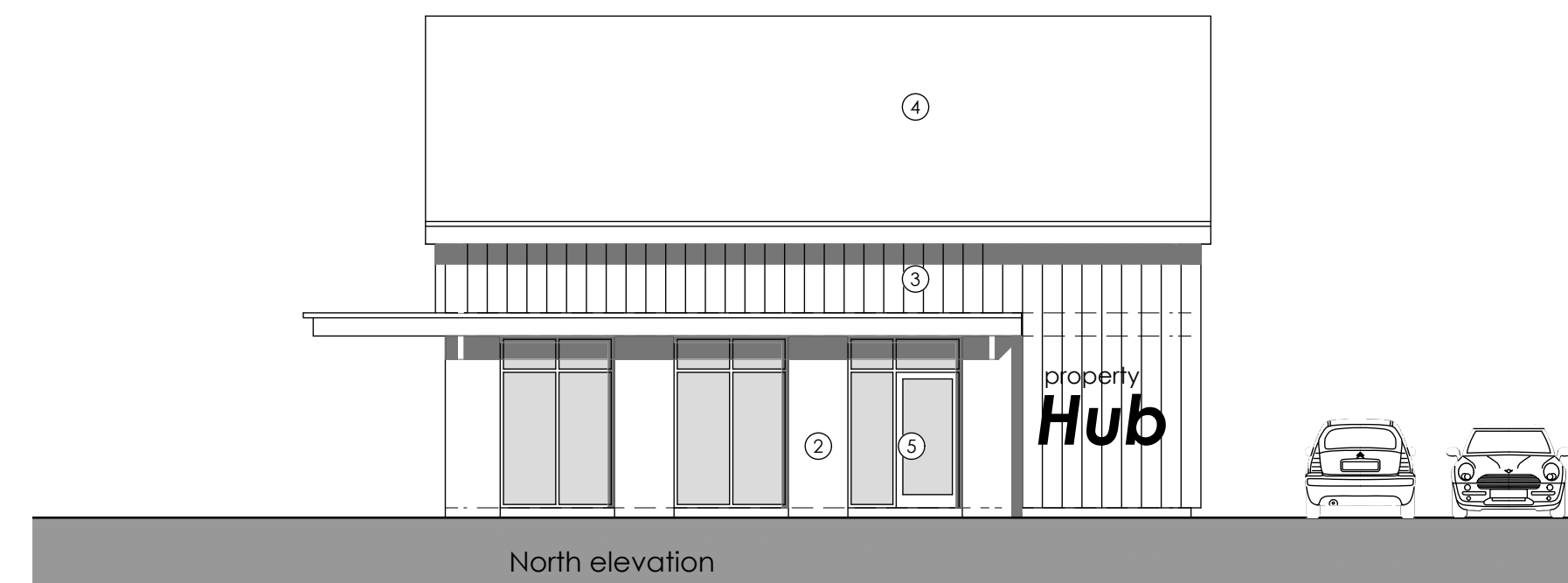
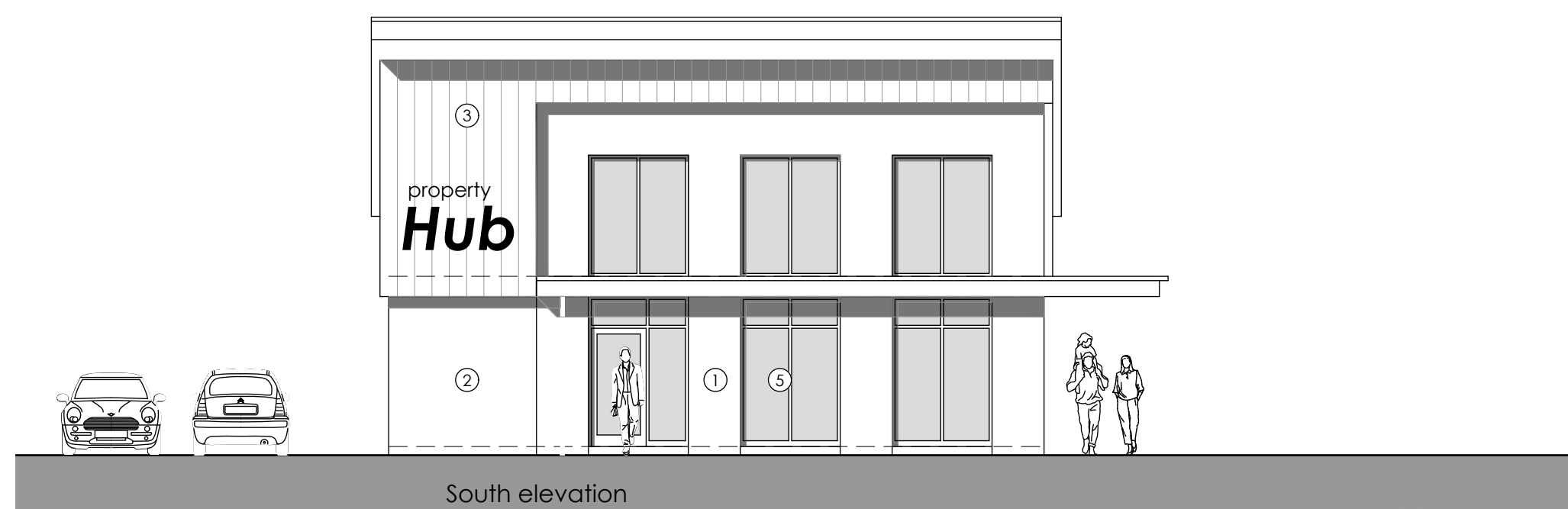
PLANNING DRAWING

Property Hub - Ground Floor - 1:50

Property Hub - Mezzanine Floor - 1:50

Materials (see also dwg ref.):


1. Ironstone
2. buff facing brickwork
3. dark grey metal cladding
4. metal standing seamed roof
5. dark grey aluminium windows & doors
6. 3no. swift bricks - Manthorpe nest brick or equivalent.



Area Schedule

Usable internal area (excluding
toilets and stair core) - 129sq.m

Gross external area (ground floor and mezzanine) - 157sq.m

 40sq.m defined A2 usage area within B1 planning unit

C	21.11.19	swift brick added	RJC	--
B	08.11.19	hatched area denotes A2 usage zone	RJC	--
A	21.10.19	stair half landing windows added	RJC	--
Rev.	Date.	Drawn.		



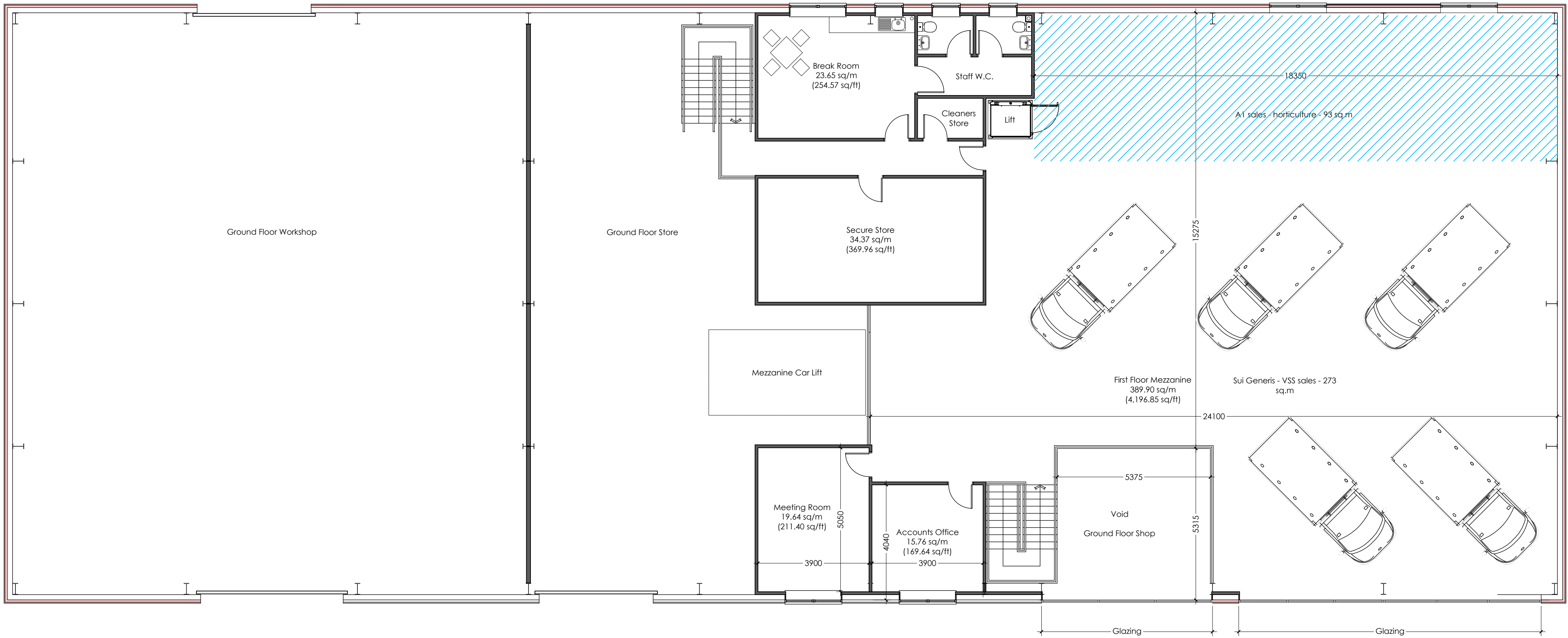
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Project.

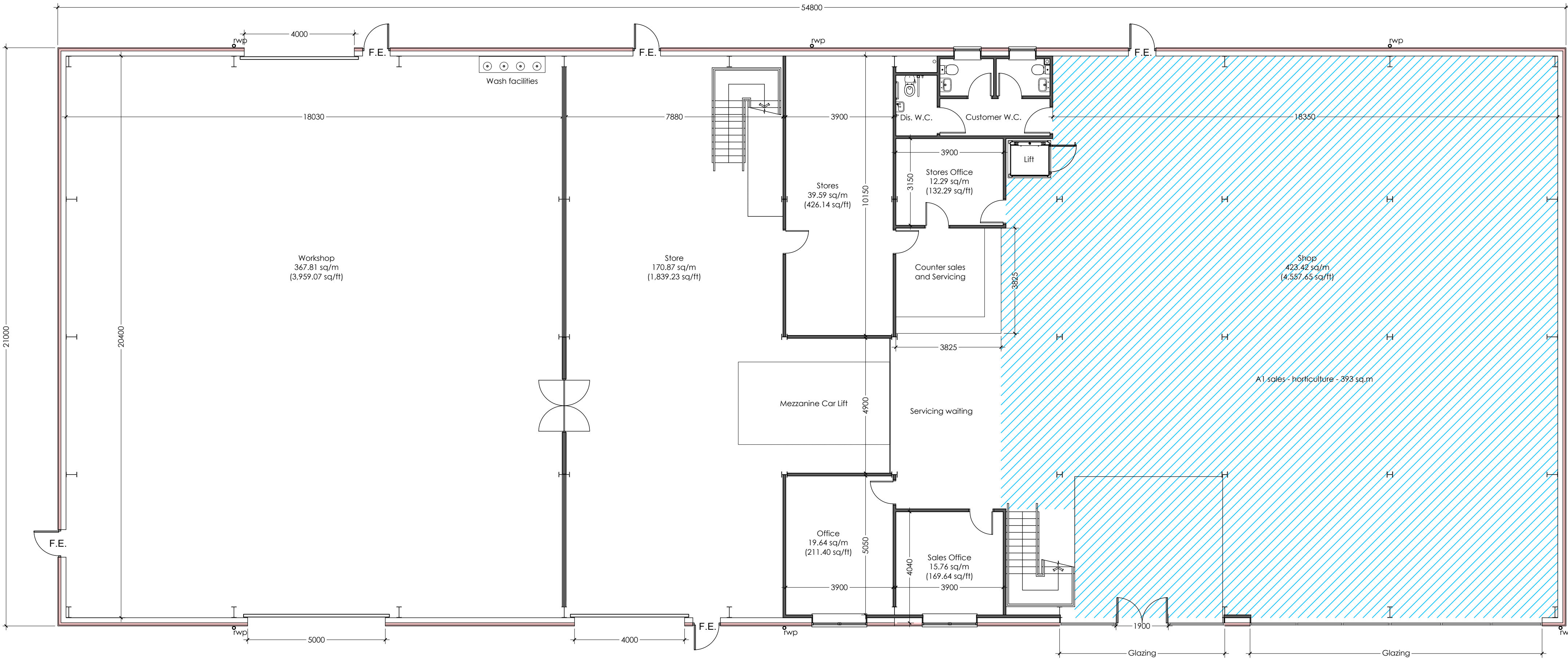
Proposed Commercial Development
Hackamore Way
Oakham
Rutland

Title:	Proposed Floor Plans - Property Hub
--------	-------------------------------------

Scale. 1:50 & 1:100	Drawn. RJB/ RJC	Checked. -	Date. August 2019
Drawing No. 7967-03-003			Revision. C



First Floor Plan
516.63 sq/m (5,517.90 sq/ft)



Ground Floor Plan
1,105.68 sq/m (2,076 sq ft)

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PLANNING DRAWING

Area Schedule

gross external area
ground 1150.8sq.m
mezzanine 511sq.m
Total 1661.8sq.m

A1 retail space
ground 393sq.m
mezzanine 93sq.m
Total 486sq.m

Sui Generis use - 273sq.m

C	08.11.19	retail floor space allocated	MFG	---
B	12.09.19	Windows revised	MFG	---
A	05.09.19	Client requested amendments to mezzanine, glazing, room allocations and wash facilities.	RJB	---

Rev.	Date	Drawn
------	------	-------



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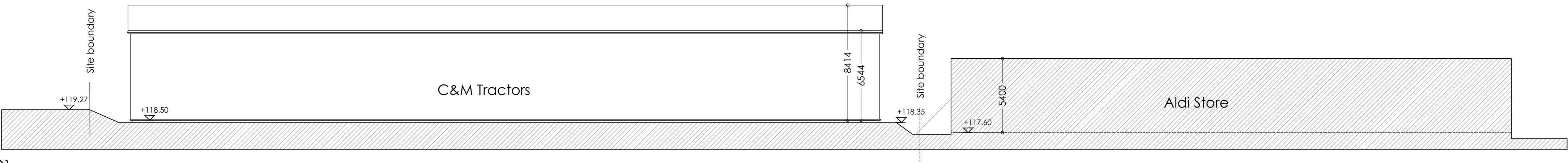
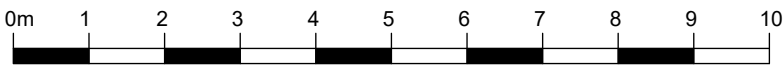
Project:
Proposed Commercial Development
Hackamore Way
Oakham
Rutland

Title:
C&M Tractors Ltd - Proposed Floor Plans

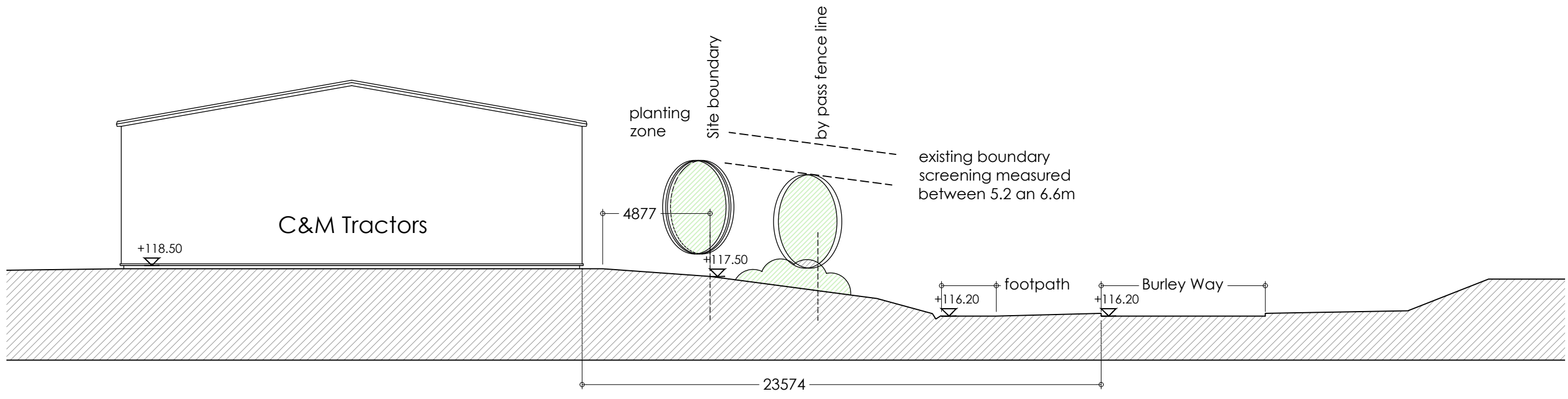
Scale: 1:100 @ A1	Drawn: RJB	Checked: -	Date: July 2019
Drawing No: 7967-03-005	Revision: C		



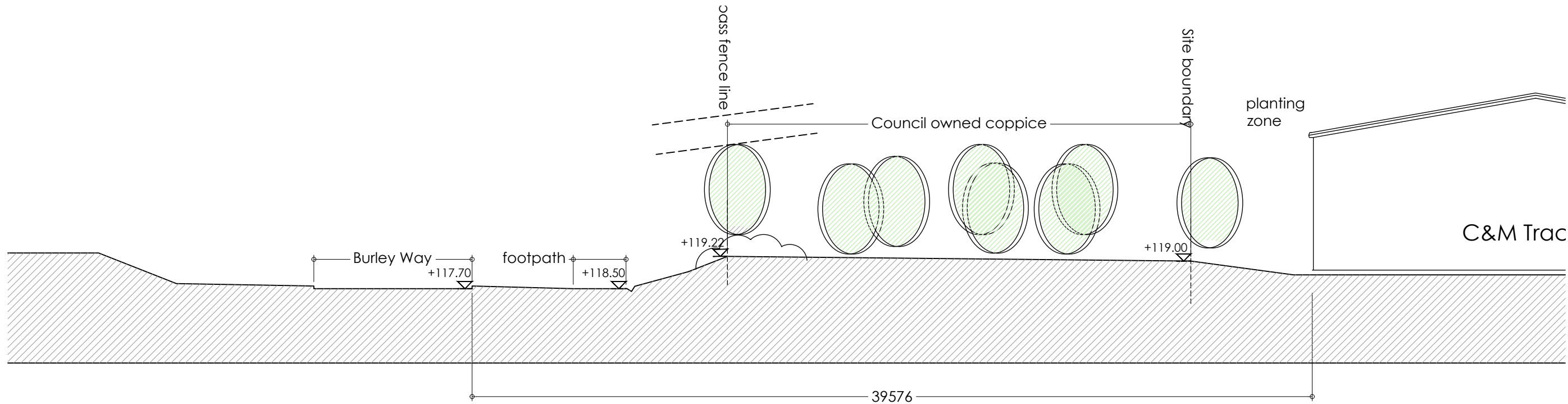
Street elevation to Hackamore Way



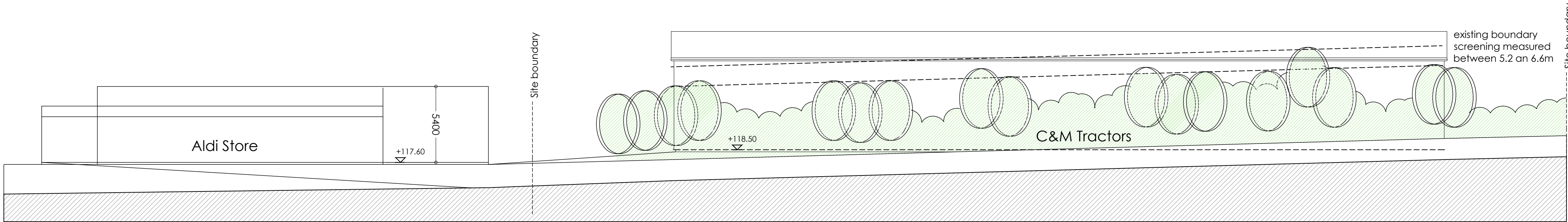
Section drawn parallel with C&M Tractors Front Elevation



Section drawn parallel with C&M Tractors Eastern boundary



Section drawn parallel with C&M Tractors Western boundary



Section drawn parallel with C&M tractors & taken through line of Burley Way by pass



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PLANNING
DRAWING

Rev.	Date	Drawn	Additional context sections added	RJC	--
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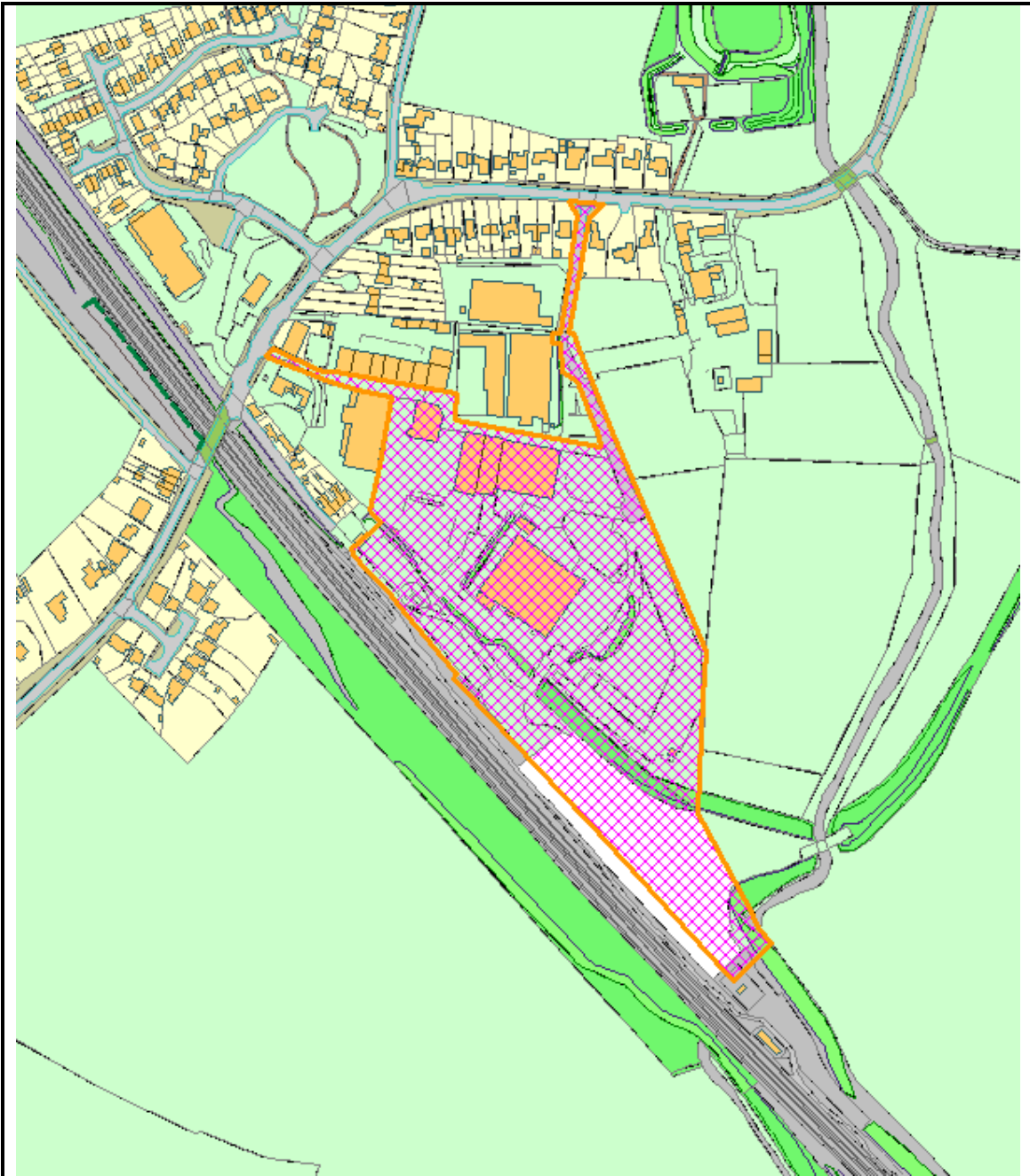
Project:
Proposed Commercial Development
Hackamore Way
Oakham
Rutland

Title:
Hackamore Way - Street scene

Scale: 1:100 @ A1	Drawn: MG	Checked: -	Date: Sept' 2019
Drawing No: 7967-03-010		Revision: A	

HSSP A1

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0628/FUL		ITEM 2
Proposal:	Change of use for parking of coaches. Construction of workshop for maintenance of coaches. Installation of 2 No. modular units to house toilets and office relating to workshop.		
Address:	Building 27, Meadow Park Industrial Estate, Essendine, Rutland PE9 4LT		
Applicant:	Stamford Storage Ltd	Parish	Essendine
Agent:	Arctica Ltd	Ward	Ryhall & Casterton
Reason for presenting to Committee:	Objections and Ward Member request		
Date of Committee:	11 February 2020		

EXECUTIVE SUMMARY

The scheme is for a coach depot and workshop on a long established industrial estate. It is to be relocated from a garage site nearer to Ryhall. The scale of the building is acceptable and would not impact on residential or visual amenity. The impact of the coaches on local residents and the highway network is limited and acceptable. The proposal is therefore recommended for approval as it complies with the relevant development plan policies. Members visited the site on 24 January.

RECOMMENDATION

APPROVAL, 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, numbers DR-PL001 Rev 03, DR-PL002 Rev 03, DR-PL003 Rev 03, DR-PL004 Rev 02, DR-PL005 Rev 01, and the Vehicle Movement Statement V2, dated November 2019.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No coaches or buses from this site shall use the western access to Bourne Road at any time.
REASON: In the interests of highway safety as the western access is too narrow to allow for 2 commercial vehicles to pass clear of the highway.
4. Before the proposed workshop is brought into use it shall be fitted with a working exhaust scavenger system the details of which shall have been submitted to and approved by the local planning authority. This system shall be retained and maintained in working condition whilst the workshop remains in use.
REASON: To ensure that any emissions from the workshop are discharged in a satisfactory manner to ensure that pollution does not impact on nearby residents or adjacent workers.
5. Any artificial lighting used at the site shall be installed to comply with Table 2 (page 5) for Environmental Zone E3 'Urban' in 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' and in accordance with details that shall have previously been submitted for the approval of the Local Planning Authority.
REASON: In the interests of preventing light pollution in a relatively dark rural area.

Site & Surroundings

1. The site is located within the established industrial estate in Essendine. It is surrounded on the north side by existing industrial buildings. To the south, a row of 10 new employment units has recently been constructed.
2. There is also a small area with Hazardous Substance Consent for storage of bromine, hence the Health & Safety Executive has been consulted.

Proposal

3. It is proposed to relocate Mark Bland Travel from behind the former petrol filling station on Essendine Road in Ryhall (now a car wash) and use the open part of this site for parking of 15 coaches. There is also a proposed new workshop for maintenance of coaches, together with 2 portable units for office and employee facilities. The coaches appear to mainly operate during school term time as school buses.
4. The workshop would be a maximum of 12 metres wide, 18 metres long and 8.5 metres to the ridge. However, the levels on site mean that this building would be significantly lower than the ones behind it (see Appendix 1)
5. The application has been amended and subject to re-consultation because the original access to the west was too narrow. The revision states that the existing industrial estate access to the north will now be used instead.
6. The workshop building would be clad in grey materials similar to the nearby new units.
7. The applicant provides supporting information reproduced in Appendix 2, which now includes reasons for wanting to move from their current site and a list of vehicle movements provided from trackers to show that buses do not all leave together at Appendix 3.
8. The site was subject to a member site visit on 24 January following deferral of the proposal at the January meeting.

Relevant Planning History

2005/1252 – Extension to building 25 Approved April 2006 – Not built – now expired

A previous building, No.27, has been demolished from the site of the proposed workshop.

Planning Guidance and Policy

National Planning Policy Framework

Chapter 6 – Building a strong competitive economy
Chapter 8 - Promoting healthy and safe communities

The Rutland Core Strategy (2011)

CS4 – Location of Development (Essendine is a ‘Smaller Service Centre’)
CS13(c) – Employment & Economic Development

Site Allocations and Policies DPD (2014)

SP5 – Built Development in towns and villages

Consultations

9. **Parish Council**

Concerns raised at additional volume of traffic, also large vehicles sharing a fairly narrow road with residential traffic. The condition of the road surface is also poor.

See later Parish response at Appendix 4.

10. **RCC Highways**

Objection to the original access as it was not wide enough to allow 2 commercial vehicles to pass.

On the revised access –

No Objections if built in accordance with drawing Nos. DR-PL005 Rev 01 and DR-PL002 Rev 03, and operated in accordance with the Vehicle Movement Statement Version 2 November 2019.

The proposed access road to the north is a private road. Therefore whoever owns this road could impose their own parking restrictions if they wanted, such as DYL. These lines would only be enforced by the land owner

The access to the north would result in vehicles turning left through Essendine, however this is the A6121 and part of the strategic network and is therefore catered to take large vehicles.

11. **Network Rail**

No objections

12. **Health & Safety Executive**

Does not advise against the development (in relation to the nearby Hazardous Storage Consent)

13. **Ecology**

It appears that this proposal is for a development on existing hardstanding, with no loss of vegetation or demolition of existing buildings. Based on this, the site does not appear to meet any of the biodiversity 'triggers' contained in the Local Validation Criteria and we have no comments on, or objections to, this application.

14. **National Grid**

No objections

15. **Environment Agency**

No objections

16. **Environmental Protection**

It's likely the workshop will require a vehicle exhaust gas scavenger system to extract vehicle exhaust fumes, while engines are running inside the workshop, however I haven't seen any details in the application regarding this.

This is an industrial estate not a residential area. The objectors state that there is already movement of lorries and drone of vehicles so it is not a quiet village but one with an industrial estate with the associated noise. It won't add any significant air pollution to the existing levels or to the overall traffic noise to the area. The bus depot operates between the villages already.

17. Further Environmental Protection Comments

These comments are made following receipt of the 'Vehicle Movements Statement' dated August 2019, from the applicant's agent, which has at least clarified that buses/coaches will be using the proposed site as a depot/parking area, not just parking/storing vehicles for maintenance purposes.

The applicant has confirmed that the proposed site has existing permissions for industrial, storage and distribution uses. There are a few specific points that I understand the applicant has provisionally agreed, that could be conditioned with the aim of minimising impacts, where possible.

- The applicants have confirmed that the vehicle exhaust scavenger system will discharge 1m above the ridge of the building, although detailed plans aren't available at this stage. I would suggest that if Planning Permission is granted, a Planning Condition should be attached requiring details of the scavenger system to be submitted to the Local Planning Authority and should be subject to our written approval and the installation should be in accordance with the approved details.
- The applicant's agent has suggested that if Planning Permission is granted they would agree to a Planning Condition for artificial lighting, although they state that use of any such lighting will be of limited duration i.e. it wouldn't be on throughout the whole night. On that basis and if you deem it appropriate in Planning terms I would suggest a Planning Condition, the following wording maybe useful:
'Artificial lighting at the site shall be installed to comply with Table 2 (page 5) for Environmental Zone E3 'Urban' in 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' unless otherwise agreed in writing by the Local Planning Authority.
Development shall only be carried out in accordance with these standards.'
- Buses/Coaches leaving the site from about 6:30 to 7:30 am for the reasons outlined above would appear to fit within the existing permissions for the site and wider area. It is also noted that in terms of overall traffic flows on the A6121, Bourne Road, the numbers from this site are very low and will already use the local road network as the business is currently based about 1 mile away on the A6121.

Neighbour Representations

18. There were 23 objections from residents in the village to the original proposal and many similar to the revised access. These can be viewed on line in detail but can be summarised as follows:

- This is a village in the countryside, not an industrial estate
- 10 new units being erected nearby already
- Additional fumes from vehicles pulling away, especially when cold pulling uphill from revised access
- Buses only meet old regulations (Euro 3 – 2000), not today's standards (Euro 6 since 2014)
- No carbon offset has been offered
- Children cross the road to get school bus
- Access not wide enough – cars often parked blocking width
- Access is not suitable for 2 HGV's pulling in and leaving at the same time
- Impact on residential access off the estate road
- Use of tools in workshop will cause nuisance
- Speeding is already an issue through the village – difficult to join the road, buses will make it worse
- Existing depot close by – saturation with this type of business
- Unsocial hours of use – engines noisy early in the morning

- Extractors will cause noise and fumes
- Residents will monitor NO2 and seek damages from RCC and the bus company -
- Diesel engine exhaust known as carcinogenic to humans
- Bus depot in the middle of a residential area is madness

Planning Assessment

19. The main issues are policy, residential amenity and highway safety. The applicants' agent has supplied a response to the objections that have been received and is reproduced at Appendix 2. It is also referred to in the further comments from Environmental Protection above.

Planning Policy

20. Core Strategy Policy CS13 seeks to safeguard all existing employment areas to maintain the choice and variety of employment sites around the County. These contribute significantly to the economy and sustainability of the County. Other new units have recently been approved and are under construction/complete. The principle of development on this industrial site is therefore well established and acceptable.

Residential Amenity

21. The nearest residential properties to the actual site are a terrace of cottages at 5-8 Station Road. There are houses either side of and opposite the revised access onto Bourne Road and others on Bourne Road and surrounding areas.
22. The prevailing wind would take any emissions from the workshop away to the north east of the village, away from the main residential area.
23. Environmental Protection Officers state that the use will not adversely impact on local residents. The site is in the centre of an existing industrial estate where existing general industrial uses do not have any planning restrictions on times and emissions etc.
24. There is approximately 12,961m² of B1, B2 and B8 uses on site at present. The new workshop would be 258m² so is insignificant in terms of intensifying the use of the overall site. It would have a smaller footprint than the building that was previously on this site.
25. The relatively small increase in potential vehicle movements and noise would not be significant enough to justify refusal of planning permission in this industrial area.
26. Subject to conditions, the proposal is acceptable in line with SP15.

Highway Safety

27. The existing coach site between Essendine and Ryhall is located just inside the newly revised 30mph limit road. The revised access to the application site is to Bourne Road to the north which is the main access to the industrial estate. There was a planning permission to create this access road in 1963. The carriageway here is 5.7m wide. The highway authority advises that this is of adequate width and has adequate visibility to cater for the proposal. The access is within the 30mph limit where visibility splays are reduced to 2.4m x 43m.
28. The highway authority has examined the accident records for Essendine in the past 10 years. There have only been 10 accidents in that period. The last accident was in 2018 which involved a motorbike losing control around the bend. There was only 1 incident close to the industrial estate access road which involved a vehicle failing to slow behind

a vehicle pulling into the access road in wet conditions, colliding with the rear of the turning vehicle. There have been no fatalities but 3 serious injuries to individuals, 2 of them in one incident.

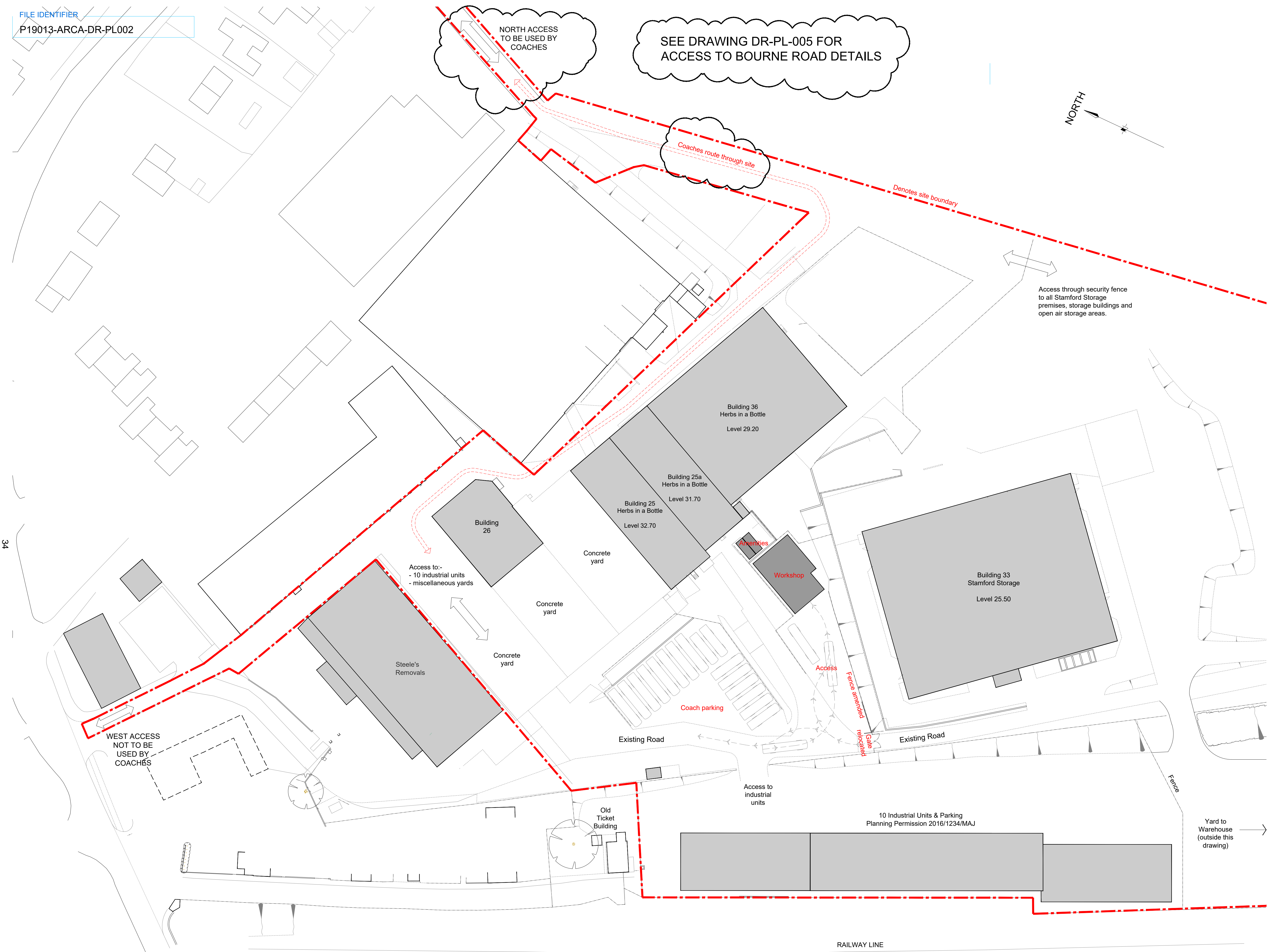
29. 6 of these incidents were well outside the village towards Ryhall at the junction with Uffington Road. The remaining 3 were on the bend to the east of the access
30. The Highway Authority recently installed a large section of high friction surfacing to prevent any further accidents at this location. Additionally speed surveys have recently been carried out which show vehicles are generally complying with the speed limit.
31. There is no highway objection to the use of the existing access for this user, complicit with SP15.
32. During the site visit on 24 January, questions were asked about alternative access procedures, in particular whether a one-way system could be worked or if the 2 access points could be jointly used for leaving the site in the early morning to reduce any impact on the houses either side of the western access.
33. Members enquired about a nursery that operates from one of the units nearby. This is self contained within a fenced off parking area where children are unlikely to run about on the internal access roads unsupervised.
34. Further discussion with highways has resulted in no overall preference as it would be difficult to enforce such arrangements and in any event there are no restrictions on the movements from other units on the site. On that basis it is recommended that the application is determined on the basis of the use of the northern access only. The applicant has presented details of vehicle movements to show that buses do not all queue to leave the access together.

Conclusion

35. Whilst the concerns of the village are acknowledged, this is an industrial estate with several general industrial uses. Policies support the local economy and the retention of employment land. The advice from Environmental Protection is that the uses will make little difference to the amenities of local residents and there is no highway objection to the use of the (revised) existing access. The scheme generally complies with the policies of the development plan and should be approved in accordance with Para 11 of the NPPF.

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FILE IDENTIFIER
P19013-ARCA-DR-PL002



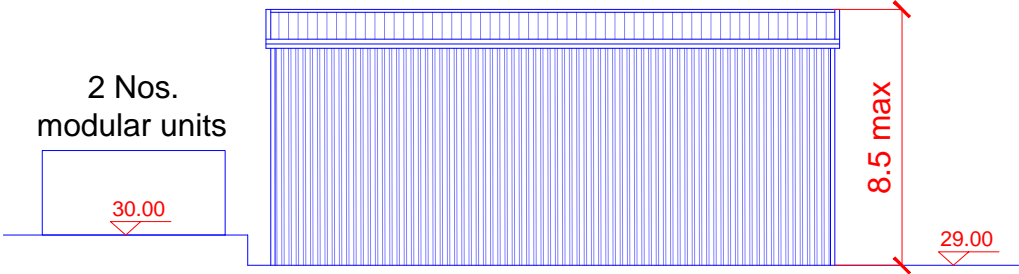
03	09.11.19	LRD	ACCESS FOR COACHES CHANGED TO NORTH ACCESS ROAD. ROUTE THROUGH SITE ADDED.	LRD
02	09.08.19	LRD	WEST ACCESS DETAIL AMENDED. NOTE ADDED TO NORTH ACCESS. VISIBILITY SPLAYS ADDED.	LRD
01	09.06.19	LRD	FIRST ISSUE.	LRD
ISSUE	DATE	DRAWN	NOTES	CHECK



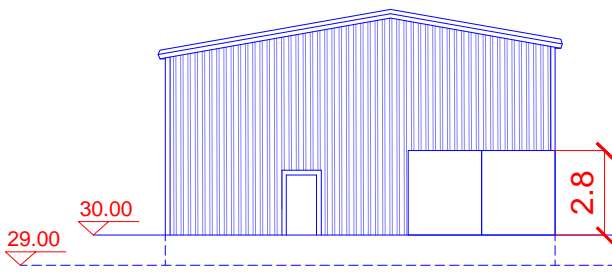
Telephone 01780 482200 Fax 01780 480716
freshthinking@arctica.co.uk

PROJECT	
MEADOW PARK ESTATE ESSENDINE - COACH PARKING & WORKSHOP	
DRAWING	
BLOCK PLAN AS PROPOSED	
A1 SCALE	A3 SCALE
1:500	1:1000
NUMBER	JOB
DR-PL002	P19013
	REV
	03

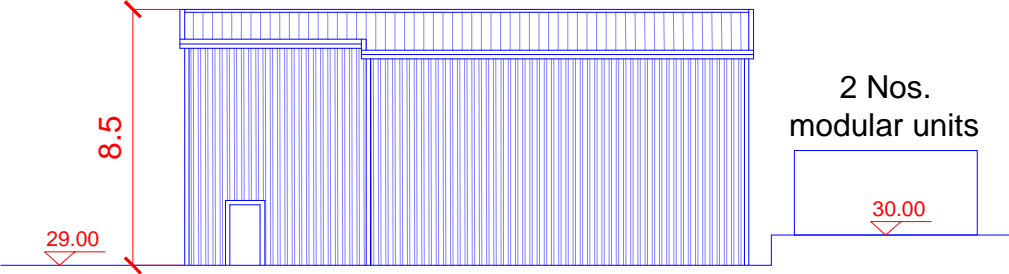
FILE IDENTIFIER
P19013-ARCA-DR-PL004



WEST ELEVATION
AS PROPOSED



NORTH ELEVATION
AS PROPOSED



EAST ELEVATION
AS PROPOSED

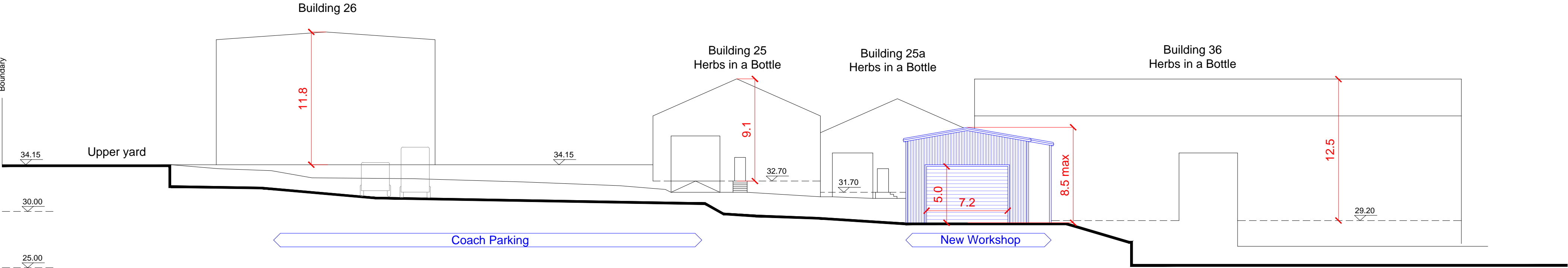
Workshop - materials as proposed:

- Roof - Colour coated steel sheets, in Goosewing Grey RAL 7038
- Walls - Colour coated insulated steel sheets cladding panels, trapezoidal profile laid vertically, in Goosewing Grey RAL 7038
- Fascia and verges: proprietary, Merlin Grey RAL 180 40 05
- Rainwater goods: powder coated aluminium to match Merlin Grey
- Personnel doors and roller shutters to match Merlin Grey
- 200mm diametre stainless steel flue to exhaust extraction system to project 1m above roof. Location TBC.

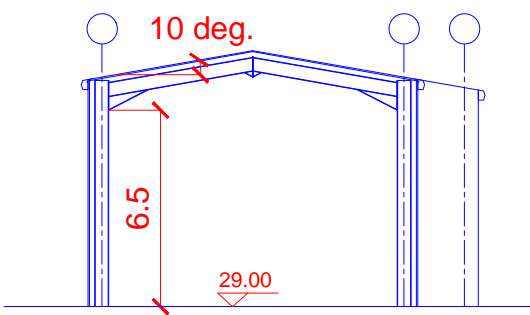
External works - materials as proposed:

- Alterations to existing 2m high high security galvanised steel W palisade fencing and gates will be done with matching materials.
- Alterations to Armco barriers will be in matching steel painted yellow.

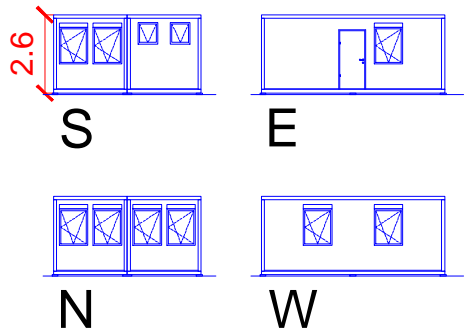
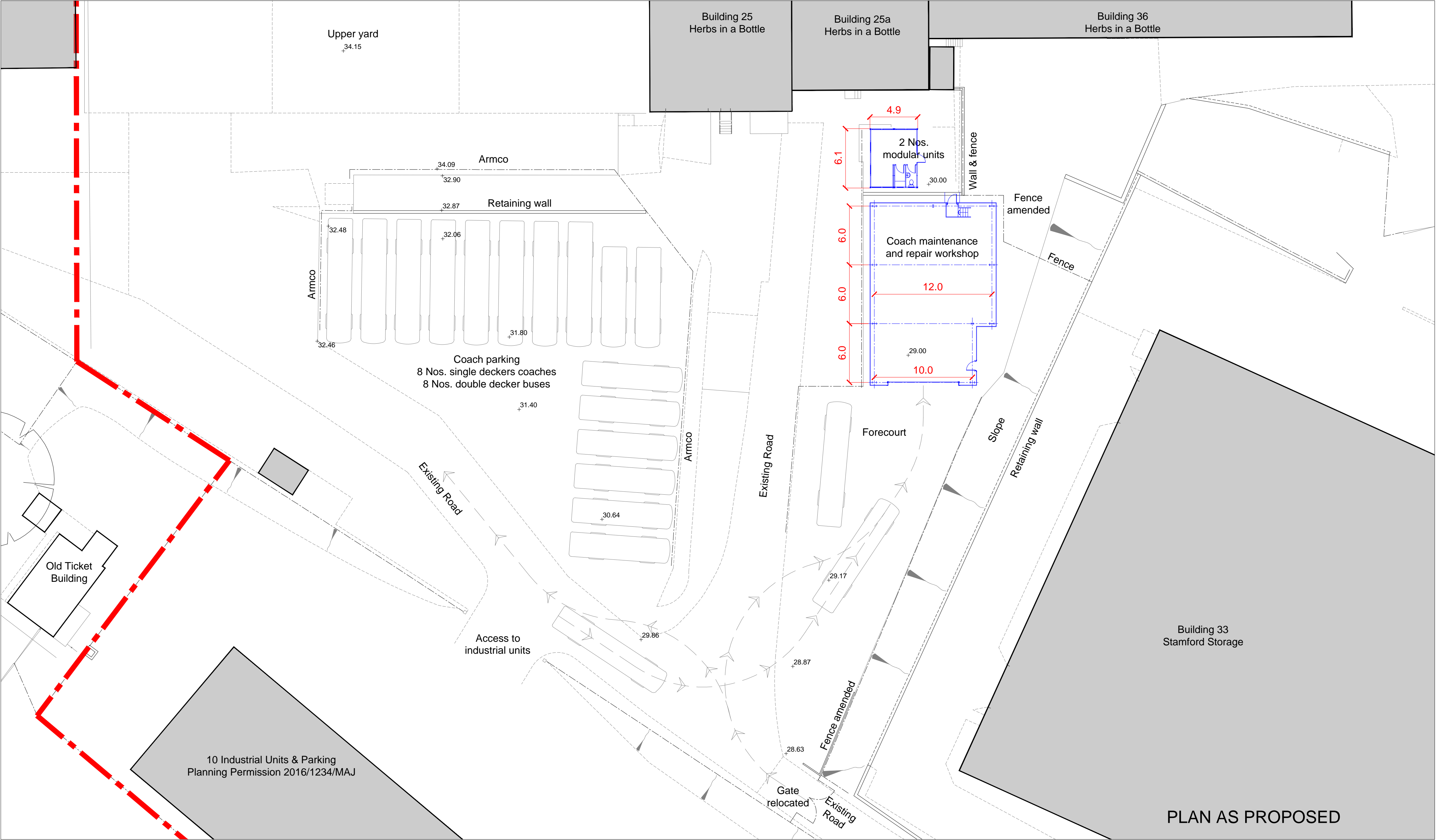
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SOUTH ELEVATION AS PROPOSED



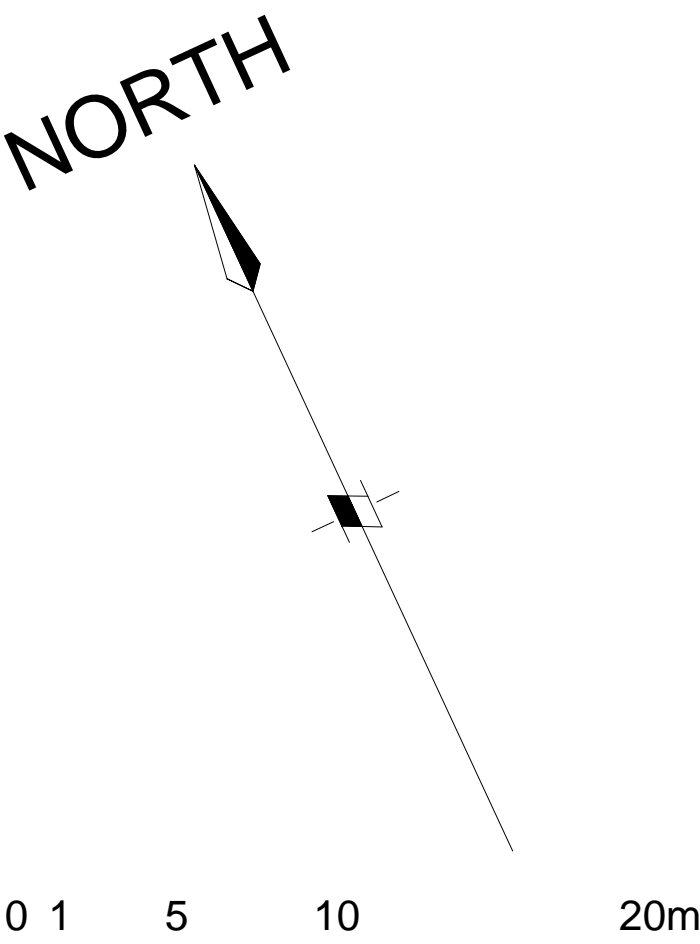
TYPICAL CROSS
SECTION



MODULAR UNITS ELEVATIONS

Modular Units:

- Two prefabricated modular units by Stamford Storage to house toilets and office related to the workshop.



02	09.06.19	LRD	NOTES ABOUT FLUE AND EXTERNAL MATERIALS ADDED. MODULAR UNITS ELEVATIONS ADDED.	LRD
01	07.06.19	LRD	FIRST ISSUE	LRD
ISSUE	DATE	DRAWN	NOTES	CHECK

ARCTICA
Fresh thinking

Telephone 01780 482200 Fax 01780 480716
freshthinking@arctica.co.uk

PROJECT

MEADOW PARK ESTATE
ESSENDINE - COACH
PARKING & WORKSHOP

DRAWING

SITE PLAN
PLAN & ELEVATIONS
AS PROPOSED

A1 SCALE	A3 SCALE	JOB
1:250	1:500	P19013
NUMBER	REV	
DR-PL004	02	

Additional Information in relation to the proposal

- The parking area for 16 coaches is intended as a depot for routine school transport services.
- Mark Bland operate 15 school coaches, during term time only.
- The operation of school coaches is thus: -
- 5 days a week for 38 weeks (that is 52 weeks minus 14 weeks' holiday (6 in the summer; 2 in October; 2 at Christmas; 1 in February; 2 at Easter; 1 in June)).
- Therefore, maximum of 190 days, depending on bank holidays.
- 5 to 6 Saturdays during term time.
- Incredibly occasional ad hoc use out of those days.
- The 15 vehicles all leave the site between 06:30 and 07:30, with most departures at 07:00. All vehicles return for the night between 18:30 and 19:00.
- Because of this pattern, it is extremely unlikely that two coaches will have to pass each other.
- Half of the coaches would come back into the depot after the morning school trips and leave again for the afternoon school trips.

Based on the information above, the daily vehicle movements would be: -

- 15 leaving in the morning
- 8 returning mid-morning
- 8 leaving mid-afternoon
- 15 returning early evening

Those daily movements currently occur at Mark Bland's site in Ryhall and half their vehicles travel through Essendine already to do so.

Agents Response to Objections

Up to and including 8th August, there were 21 objections from different people who raised concerns about the following: -

Air pollution (17)
Light pollution (1)
Noise / hours (14)
Increase in traffic (16)
Excessive speed (11)
Access road (8)
Pedestrian safety (1)
Other miscellaneous comments

Most of the questions raised have been answered in the attached report which gives additional details about the access to the site, how and when the business will operate and, what types and numbers of vehicles will use the site.

This e-mail should be read in conjunction with the report.

Air pollution:

This is a relocation of the Mark Bland Travel depot in Ryhall
All coaches are Euro 3 emission compliant
The age of the fleet has been massively reduced in the last three years
The workshop will have an exhaust extraction system

Light pollution:

This was a general comment about the existing industrial estate.

Noise / hours of operation:

15 coaches will depart between 06:30 and 07:30

8 coaches return mid-morning

8 coaches depart mid-afternoon

15 coaches will return between 18:30 and 19:00

Monday to Friday, term time only (38 weeks out of 52 weeks)

Also 5 to 6 Saturdays during term time but reduced numbers

Half of the coaches already pass through Essendine from the existing facility in Ryhall

Increase in traffic:

A survey carried out in 2016 identified 7,924 vehicles on average per day

The development will add 18 cars per day during term time, Monday to Friday therefore 36 movements

The development will add 23 coaches per day (46/2 as half already pass through Essendine) during term time, Monday to Friday

Excessive speed:

A survey carried out in 2016 identified that the average speed through Essendine was between 27mph and 30mph.

If speeding has increased since, it should be addressed but this is a separate issue.

Safety of access road:

This is an existing access to the site

The report shows the width of the road and sight lines

Pedestrian safety:

A pertinent comment from one of the respondents

Mark Bland Travel have indicated that they would induct their drivers about the specific characteristics of the new access

Other comments were made which do not relate directly to the application but we wish to make a response nonetheless.

Current noise and light disruption:

Some respondents have complained about noise and light disruption coming from the site at night and week-ends.

The current site does not operate at night and week-ends.

The new coach facility will not operate at night and week-ends.

The applicant suspects that this noise comes from Network Rail who are regular visitors to the rail line and the adjacent land as they can only do work overnight and / or at week-ends.

This would continue in any event and is nothing to do with any of the occupiers of the industrial estate.

Residential and industrial uses:

The development is described as being “in the middle of a residential area” or in a “quiet village.

As some other respondents commented, the acreage of Essendine is mostly industrial. Whilst residents should not be adversely affected by new development, the existing businesses on the existing and established industrial estate are also entitled to pursue and develop their business interests.

Reasons for moving from existing premises:

We face several problems and challenges at our current site.

Non-existent drainage at our Ryhall site means that every morning after rainfall our workshop is flooded. Our mechanics spend the first hour of their day emptying the workshop of water and it leaves damp floors which are hazardous for slips, also it creates a real headache with three phase electricity running near the floods.

The parking isn't surfaced and is just compressed aggregate / muck, meaning that at this time of year it's like a quagmire, and creates horrible working conditions for our staff and an impossible challenge of trying to keep things clean. In the summer it's dusty, and fills the vehicles with dust. Pot holes are a regular problem damaging vehicles.

It was fit for transport operations 30 years ago, isn't now, but doesn't allow us to improve.

We've not renewed our lease at the current site, as this move is proposed, and if we were to stay in Ryhall would likely have to threaten solicitors proceedings with the landlord who is already unwilling to solve the flooding. Based on their previous behaviour with other units, I would expect us to be given notice to vacate rather than fixing the flooding as has happened with previous tenants in their other properties.

With a new tenant in the back unit, we've lost half of our parking space, which is making manoeuvring safely in the mornings a real challenge. Also, if we have an issue with a vehicle, blocking another in, a massive shuffle operation occurs, things are delayed and our reliability is impacted.

We're looking forward to moving to a clean, environmentally compliant site, that will allow us to offer the best possible service to our customers (mainly the population of Rutland) and will create far improved conditions for our staff, visiting customers etc.

Moving represents a significant investment by us and Stamford Storage but means that we are best placed to offer a reliable service to the county for many years to come.



MARK BLAND TRAVEL

Mark Bland Travel Ltd
Maples Yard
Essendine Rd
Ryhall, Stamford
Lincolnshire
PE9 4JN

Evidence of current vehicle movements.

This evidence of typical vehicle movements has been collated in order to respond to concerns raised at the meeting of the Rutland Planning and Licensing Committee on Tuesday 14th January.

It was suggested that vehicles would all leave the site in close convoy during the morning peak times and this would cause queuing on the Eastern access road where the vehicles wait to join the A6121.

We have extracted data from our vehicles trackers (Appendix 1) The data shows that, at our current location, we have no issues with bunching whilst exiting our depot and joining the same carriageway safely at any time of day.

The table in Appendix 1 show the times the vehicles depart the depot and how many vehicles depart at the same time. This shows it is very rare for more than one vehicle to depart at the exact same time, with this occurring only 9 times over a 2 week period.

If two vehicles should leave at the same time going forwards, there is no reason why we couldn't instruct them to stagger their departure by 1-2 minutes. This would have no adverse effect on our business.



MARK BLAND TRAVEL

Mark Bland Travel Ltd
Maples Yard
Essendine Rd
Ryhall, Stamford
Lincolnshire
PE9 4JN

APPENDIX 1

	06/01/2020	07/01/2020	08/01/2020	09/01/2020	10/01/2020	13/01/2020	14/01/2020	15/01/2020	16/01/2020	17/01/2020
06:00										
06:01										
06:02										
06:03										
06:04										
06:05				1						
06:06										
06:07			1							1
06:08										
06:09		1							1	
06:10					1	1	1	1		1
06:11	1									
06:12							1			
06:13								1		
06:14						1			2	
06:15			1		1					
06:16										
06:17										
06:18				1						
06:19										
06:20							1	1		
06:21										
06:22										
06:23						1				1
06:24						1				
06:25										
06:26		1								
06:27					1	1			1	1
06:28	1							1		1
06:29				1				1		
06:30							1			
06:31					1					
06:32										



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Essendine Rd
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Lincolnshire
PE9 4JN

06:33			1								
06:34											
06:35			1		1				2		
06:36	2		1	1							1
06:37											
06:38		1									
06:39	1										
06:40			1				1				
06:41			1	1	1			2			
06:42							1	1			
06:43					1				1		
06:44				1			2	1			
06:45			1								1
06:46				2							
06:47		2			1						1
06:48				1							
06:49											
06:50		1			1						
06:51									1		
06:52			1								
06:53		1	1						1		
06:54											
06:55					1				1		
06:56		1		1	1		1				
06:57				1	1		1	1	1	1	1
06:58	1			1						1	
06:59										2	1
07:00	1							1			
07:01											
07:02	1	2									
07:03					1						
07:04											
07:05	1		1								
07:06											
07:07								1			
07:08										1	
07:09	1	1					1				1
07:10									1		
07:11				1							
07:12											



MARK BLAND TRAVEL

Mark Bland Travel Ltd
Maples Yard
Essendine Rd
Ryhall, Stamford
Lincolnshire
PE9 4JN

07:13											
07:14			1								
07:15											
later								2			
Total	10	11	12	13	13		12	11	13	11	11

Please note two vehicles are not fitted with trackers as they are new to the fleet, so their exact departure time was not able to be tracked. However, the above data clearly shows the vehicles do not all depart at the same time so there are no congestion issues.

Additional Parish Comments

1) On Tuesday 19 November Cllrs Ian Collis and Bob Bainbridge visited Rutland House at the request of the owner. They discussed the impact of this new access route with the owner of Rutland House (by the proposed entrance to the site) and took the opportunity to ensure the occupant of the other property directly affected was aware of the change and the date of the next EPC meeting. They also walked round the proposed route to evaluate the feasibility. Following additional reviews of the original application Cllr Bainbridge then organised an escorted visit with Stamford Storage to assess the security measures if this proposal was approved.

2) The escorted visit offered some additional information which may well restrict the ability of the village to make any worthwhile representation on the application. Given the strong feelings in the village expressed on social media and at the open meeting held by EPC Cllr Bainbridge contacted Rutland County Council (RCC) on Friday 22 November expressing his concerns and asking for clarification on the following issues:

- a) That RCC Highways Department visited the site since the original application and advised that the use of the Western Access was not suitable due to the width of the access road. They asked for an alternative solution which resulted in the new application being submitted. Why RCC did not consider it appropriate to include a village representative, in the process, seems very blinkered given the amount of negative correspondence from the village on the application.
- b) It has been suggested that Stamford Storage already has the appropriate authorisation for the buses to use the site as commercial vehicles already access and park on the premises.
- c) It appears that the bus company already has an operating licence for the Essendine site from the Department for Transport.
- d) No additional warning notices were displayed advising residents of the changes to the application.

3) The industrial site has been expanding in a rather piecemeal manner for many years and is now significantly larger than was originally envisaged. The site has two narrow access roads used by an increasing number of heavy goods vehicles. The Parish Council is concerned that in the event of a major incident (such as another fire) access for emergency vehicles could be difficult and evacuation of at risk people could be problematic. RCC has designated Essendine as a "small service centre" -this hardly seems appropriate given the size of the area.

4) Access Issues

a) Paragraph 2 Access to the site. This paragraph uses two photographs from Google maps to show the initial access to the site from the A6121. These photographs do not reflect the actual access conditions during the normal working day when the access width is restricted by constant parking of vehicles. The following two photos give a more realistic view of the entrance road during the day. It should be noted that there are no pavements for pedestrian access.

Photo 1 - View from the A6121 showing that numerous cars are parked outside S James Prestige premises during the working day.

Photo 2 - View from the industrial estate to the A6121 showing that there is only space for a single HGV to use the access.

b) As these photographs show that, while the road may be 5.7m wide between kerbs, that is not the width usually available. It should be noted that there is a health and safety issue with no footpaths for pedestrians. Parents frequently walk their children or push prams to the nursery on the site.

c) This access road passes between 2 residential houses, these houses will be subjected to additional noise and pollution between 0530 when the drivers arrive to prepare the buses and 0700 when the buses have left the site. There is already evidence of vehicle damage to both the kerb and fencing alongside these houses.

d) The majority of the buses will then be turning left up the hill introducing significant increase in traffic noise to residents of Bourne Road.

e) The buses will also impact on the traffic flow through the village as they turn in and out of the access road. The last speed survey was in 2016 since then several new large housing estates have been built in Bourne increasing the traffic flow through the village.

f) The buses have also to pass between two car parks one servicing a gym and children's play park before/after manoeuvring through a narrow 'S' chicane and passing through a gate. EPC are concerned that this gate may well be left opened by the buses (see para 4b below). Health and Safety Executive regulations do state that on industrial sites there should be "separation of pedestrians and vehicles", also "designated walkways and crossing points".

5) Paragraph 3 Number of coaches and coach movements

a) The applicant suggests that due to the movement schedule of the buses it is extremely unlikely that two coaches will have to pass each other. However, it does not consider the fact that there are also HGVs entering and leaving the site. There is also significant LGV and car traffic using this access road and there is often insufficient space for two cars to pass due to the parking on one side of the road.

b) The proposed route passes through two gates currently closed. Stamford Storage advises the first gate will be secured every evening (although both the bus company and the industrial units will have access codes). The second gate will allow vehicles access through the site from the Western Access to the Northern Access and its security will be dependent on the bus company. This has the potential to impact on which access route will be used to access units on the site.

Particularly on the 10 new industrial units about to become active who potentially can also use the northern access route rather than the western access route detailed in their planning application. As the road is used by pedestrians, many of them mothers with pushchairs any increase in traffic flow on this route through the site would have a negative impact on the site safety.

6) Increased Air and Noise Pollution. Particular concerns are:

a) The planning application states that all the buses are Euro III compliant. As this standard was superseded in 2005 by Euro IV, in 2008 by Euro V and in 2012 by Euro VI, it does not offer significant reassurance. Euro III emissions standard allows more than 11 times the amount of highly poisonous nitrous oxide than the current Euro VI. The occupants of the two residential properties as the buses leave in the morning will have 16 cold engines (and therefore even less efficient) waiting outside their properties between 0630 and 0700. Does this mean they are expected to keep their bedroom windows shut at night to avoid the noise and air pollution?

b) Within the industrial site the proposed extractor system for the maintenance shed will be running regularly and will cause noise and pollution.

c) During winter months buses are notorious for running engines to warm the vehicles before starting their journeys, again causing significant pollution and noise.

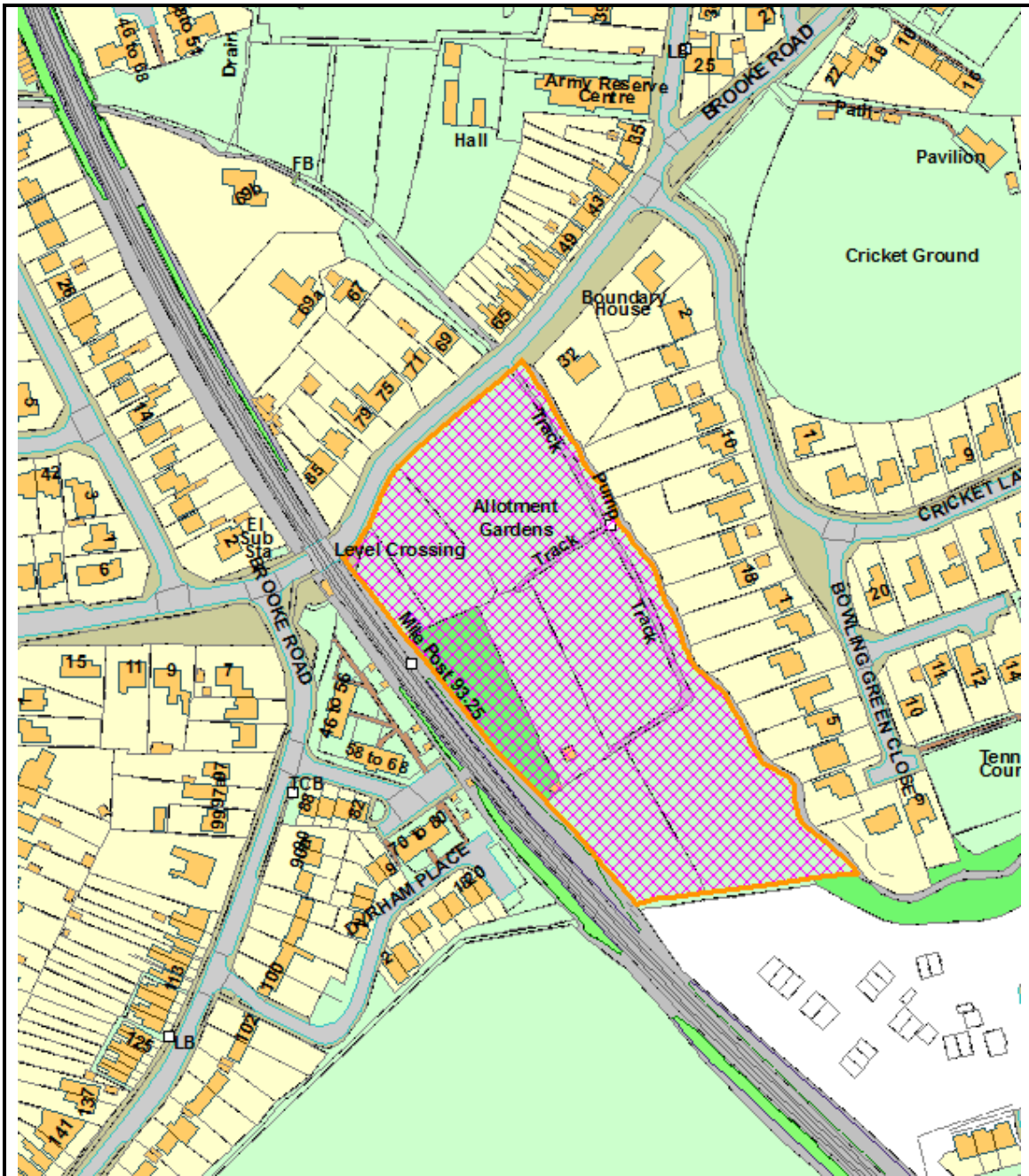
7) Increased Industrialisation of the village. The considerable increase over the last few years of small industrial units on the site has had a detrimental effect to the people living here. It has also had a significant impact on the traffic through the village. With noise and speed of particular concern.

8) Additional observation - in Paragraph 1 End User it states that 'The access to the current base is located in a 50mph stretch of the A6121'. This is no longer an accurate statement, as the access is now within Ryhall's 30mph speed limit.

Summary

Essendine Parish Council is not supporting this application because of concerns over;

- Noise and air pollution
- Health and safety of people using the site (particularly parents with children)
- Road safety
- Increased industrialisation of the village.



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/1228/OUT		ITEM 3
Proposal:	Outline application for the erection of up to 40 no. dwellings with associated open space, landscaping and infrastructure (access and highway improvements for detailed consideration with all other matters reserved for future consideration).		
Address:	Allotment Gardens, Brooke Road, Oakham		
Applicant:	Burley Farm Estate Partnership	Parish	Oakham
Agent:	Pegasus Group	Ward	Oakham South
Reason for presenting to Committee:		Objections and previous appeal	
Date of Committee:		11 February 2020	

EXECUTIVE SUMMARY

This re-submitted application seeks to overcome the reason for dismissing the previous appeal, mainly related to railway noise. Discussions have taken place between the developer and the Councils Environmental Protection Officers who are satisfied that the new scheme will adequately mitigate noise to an acceptable level.

The highway issue, previously stated as a reason for refusal by this Committee, was found to be acceptable by the Inspector so cannot be used as reason for refusal as it was before.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement for the provision of affordable housing, the provision of open space including a LEAP and its maintenance and funding for a Traffic Regulation Order 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 other than the works within the highway required by condition 8 below and the formation of the new access hereby approved, shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall broadly comply with the illustrative material submitted with the outline application.
REASON – The application as submitted does not provide sufficient particulars for consideration of these details and to ensure that the site is developed in a satisfactory manner in terms of open space, road layout and impact on existing and proposed residents.

4. The development, including applications for reserved matters, shall be carried out in accordance with the provision for open space and design principles set out the Design and Access Statement ref: P19-1900 by Pegasus Group (October 2019) and the revised illustrative layout P19-1900_SK01 Rev A .
REASON – The provision of an alternative form of layout would be likely to have a detrimental impact on residential amenity, the ecological interests in the watercourse, on the amount of open space available and the space available for a sustainable drainage scheme.
5. The Reserved Matters shall provide for a maximum of 40 dwellings.
REASON – The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development.
6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
REASON – To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
7. The submission of reserved matters shall include a 10 metre buffer from the top of the bank of the watercourse along the eastern side of the site to the access road.
REASON – To ensure that the development does not have an adverse impact on ecological interests along the watercourse and to ensure that there is adequate maintenance access to the banks of the watercourse.
8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction worksREASON - To ensure that contractors and workers vehicles are managed in a way that minimises disruption to the safe operation of the highway, in the interests of highway safety.
9. No dwelling hereby approved shall be occupied until the highway improvement works on Brooke Road have been completed in accordance with the details shown on Drawing Nos. JNY9107-05 and JNY10352-03.
REASON – To ensure that the impact of the development on the adjacent highway network is mitigated to ensure that traffic can be kept free flowing, particularly in relation to the adjacent railway crossing.

10. The landscaping scheme to be submitted as part of the reserved matters shall include replacement tree planting within the highway to replace those trees lost by the highway works and the housing layout and take account of the requirements of the Councils Ecology advisors, set out in their e-mail received by the Local Planning Authority on 6 December 2019. It shall also include provision for replacing the hedge across the front of the site to provide adequate visibility where required.
REASON – The trees and hedge make a contribution to the amenities of the area and their removal is only acceptable if suitable replacements are provided, in the interests of visual amenity.
11. No development above damp course level shall take place until details of the facing and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
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.
12. 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) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - 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.

REASONS - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.
13. No development other than that required to be carried out as part of an approved scheme of remediation shall 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.

14. No development shall commence until a noise mitigation scheme, to include provision for final in-situ testing and validation, to ensure that noise levels in the proposed dwellings is kept to the levels set out in the submitted Acoustics Noise Assessment, Rev 2 October 2019, by Hoare Lea, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme.

REASON – To ensure that the occupiers of the dwellings are adequately protected from the impact of noise from the adjacent railway.

15. A reserved matters application for layout or landscaping shall be accompanied by an updated ecological survey to confirm (or otherwise) the presence of protected species (bats and badgers) on the site to be approved in writing by the Local Planning Authority. If protected species are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

REASON - In order to safeguard protected wildlife species and their habitats and because the site is of a character likely to sustain protected species.

16. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref: BRA-BWB-EWE-XX-RP-YE-0002_FRA) and the following mitigation measures detailed within the FRA:

- There shall be no development located within area 1 as identified within the FRA drawing reference BRA-BWB-HDG-00-DR-YE-0003 Rev P1.
- Finished floor levels are set no lower than 104.00m above Ordnance Datum (AOD) or 150mm above existing ground level (whichever is greater) in area 2.
- Finished floor levels are set no lower than 103.7m above Ordnance Datum (AOD) or 150mm above existing ground level (whichever is greater) in area 3.
- Finished floor levels are set a minimum of 150mm above existing ground level for the remainder of the site.

An 8m wide easement shall be provided from the top of bank of the River Gwash. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON – To reduce the risk of flooding to the proposed development and future occupants. To ensure that access to the channel is maintained in order to carry out statutory duties

17. No dwelling shall be occupied until the footpath has been constructed across the site frontage to complete a link between the existing tarmac path and the railway crossing.
REASON – To improve pedestrian access across the site in the interests of highway safety.

Notes to Applicant:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Site & Surroundings

1. The site is approximately 1.97 hectares, located within the Planned Limit to Development for Oakham, on the southern side of Brooke Road between the northern arm of the River Gwash and the railway line/level crossing.
2. The site was formerly used as allotments and is considered to be a greenfield site. As the allotments were in private ownership, they are not considered to be protected as 'statutory allotments'. The land has been vacant for over 3 years and has become overgrown.
3. Opposite the site are dwellings located at 69 to 85 Brooke Road and to the south is the Jeakins Weir residential development site off Uppingham Road, which is nearing completion.
4. The front boundary is formed by a hedge, approximately 2 metres high. There is substantial screening along the eastern river boundary, beyond which are dwellings on Cricket Lawns and Bowling Green Close.
5. The site is generally flat in appearance but actually falls gently from the north-west to south-east in direction, from 106.5m AOD down to 101.7m AOD. The land was used as allotments until October 2016 when the tenants were required to vacate. It is now overgrown with several dilapidated sheds and greenhouses still present on site. There are several trees within the site.
6. There is an existing access gate into the site off Brooke Road, located in the north east corner adjacent to the river and 32 Brooke Road.
7. In terms footway provision on Brooke Road, there is a short length of footway, approximately 8 metres long, at the junction of Cricket Lawns and Brooke Road. There is then a wide grass verge containing highway owned trees, from the footway to the application site entrance. Progressing south there is then a narrower grass verge across the front of the site. A macadam footpath then again emerges for 50 metres as the highway approaches the railway crossing.

Proposal

8. The application is for outline planning permission for the erection of up to 40 dwellings on 1.03Ha of developable land with only the new access and alterations to the highway included for full approval at this stage. Appearance, landscaping, layout and scale would be reserved for future approval.
9. The application is submitted following a dismissed appeal for a similar scheme in 2018. Permission had been refused on the 2 grounds of highway safety and railway noise. The Inspector, in dismissing that appeal, found that the highway issues were satisfactory and did not form the basis of the dismissal. He also awarded partial costs against the Council for failing to substantiate its highway reason for refusal. The main reason for dismissal was noise from the railway line. The appeal decision is attached at Appendix 1.
10. The application proposes alterations to land within the highway to facilitate a parking bay on Brooke Road for residents opposite whilst maintaining a highway width of 6 metres which will allow for 2-way traffic to flow. This is an improvement on the current situation where traffic has to queue behind parked vehicles. This would involve the loss of highway trees. A plan showing this arrangement is attached as Appendix 2.
11. The illustrative material submitted with the application indicates that the hedge would be removed from the site frontage to allow for highway visibility from the site entrance but would be replaced further back within the site to allow a new footpath on Brooke Road to be provided across the frontage of the site. The indicative illustrative layout suggests that there would be a Locally Equipped Area for Play (LEAP) and open space at the front of the site. This is also attached at Appendix 3. An illustrative section through the site and the railway is at Appendix 4.
12. The Design & Access Statement suggests that net housing density would be 36 dwellings per hectare on the developed part of the site. There would be an additional 0.73Ha of open space and 0.12Ha of attenuation drainage space.

Relevant Planning History

Application	Description	Decision
2017/0989/OUT	Outline application for 40 dwellings	Refused, Appeal dismissed

Planning Guidance and Policy

National Planning Policy Framework - 2019

Chapter 2 – Achieving sustainable development

Para 8 states that there are 3 elements to sustainable development, economic, social and environmental that should not be taken in isolation because they are mutually dependent. The Economic role: contributing to a strong economy by ensuring that sufficient land is available in the right place at the right time

The Social role: supporting strong healthy vibrant communities by providing the supply of housing to meet needs of present and future generations and by creating a high quality environment with accessible local services

The Environmental role: contributing to protecting our natural built and historic environment and as part of this to help biodiversity, use natural resources prudently minimise waste and pollution and mitigate and adapt to climate change including a low carbon economy.

The Council can currently demonstrate a 5 year supply of housing land to meet the requirements of the NPPF.

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

The Rutland Core Strategy (2011)

CS1 – Sustainable Development Principles

CS4 – Location of Development

CS11 – Affordable Housing

CS19 – Promoting Good Design

CS23 – Green Infrastructure

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development

SP5 – Built development in the towns and villages:

SP9 – Affordable Housing

SP15 – Design & Amenity

SP21 – Important Open Spaces and Frontages:

SP22 – Provision of new open space

Appendix 2 – Parking Standards

Appendix 5 – Open Space Standards

Supplementary Planning Document

Planning Obligations (2016) – calls for minimum 30% affordable housing on sites of this scale.

Consultations

13. Environmental Protection

The recommendations in the noise assessment report namely:

On the basis of the updated site layout incorporating a perimeter acoustic barrier and with the benefit of dwellings located further back from the railway, it is recommended that all habitable rooms should be fitted with windows with a minimum manufacturer's rating of Rw 33dB. The sound reductions should be achieved by the window unit as a whole including frames and furniture.

All habitable rooms overlooking the railway lines to the west and Brooke Road to the north should be provided with alternative means of ventilation in accordance with Building Regulations requirements. All such vents should, when open, have an acoustic rating equivalent to that of the window system.

For summertime cooling, the Environmental Health Officer has advised that all habitable rooms on the western elevation should be provided with an attenuated ventilation system which provides an equivalent open area to an open window. The fencing element of the western perimeter acoustic barrier should be continuous with no significant gaps and of minimum density of 10kg/m². In practice, these requirements can be achieved with close boarded timber panels and concrete gravel boards

A verification report that demonstrates the required insulation standards have been met

should be submitted prior to occupation by residents.

A phase 2 site investigation for contamination as recommended should be undertaken and submitted to the authority prior to commencement of construction.

Any remediation works undertaken and verification reports to demonstrate any contamination has been successfully remediated.

14. **Highways**

In terms of highway safety, the Inspector found that the new highway proposals to improve the flow of traffic along Brooke Road was acceptable.

Some objectors have raised the issue of future rail traffic increases. The latest information available from Network Rail is that the number of freight trains using this section of railway is set to increase and predicts a total of 3 freight trains per hour each way in 2023 (6 freight trains per hour overall) and 4 trains per hour each way by 2043 (8 freight trains per hour overall).

15. **Lead Local Flood Authority**

A Sustainable drainage scheme should be provided on the site. Water should infiltrate at source. The developer will need to prove that infiltration is not possible on their site before designing a pipe and pond system.

Under Riparian ownership – Land owners adjacent to a water course have the responsibility to keep the water course and bank clear. Could the applicant advise if the land alongside will belong/be maintained by a management company or the home owners?

Outfall into the watercourse must be approved by the EA as this is an EA main river

16. **Oakham Town Council**

Recommend refusal on the grounds of unsuitability of the nature of the site, negative impact on protected wildlife, the negative impact on road usage and pedestrian safety and the poor quality of life due to the negative impact of the railway, for those who would have to live there.

17. **Archaeology**

The site has previously been subject to archaeological survey which indicated a low potential for archaeological remains to exist on site. For this reason no further intervention is required.

18. **Ecology**

The Preliminary Ecological Appraisal submitted in support of the application (Delta Simons, October 2019) identifies that the site comprises overgrown allotments and areas of species-poor semi-improved grassland. A watercourse, identified as the River Gwash, also bounds the site to the east.

This survey recorded no evidence of badgers on site. However, the previous 2017 recorded a badger latrine to the south of the site and badger setts are known within the vicinity of the site. I accept the findings of this report at this stage, but would recommend that an updated badger survey is completed and submitted in support of the reserved matters application. This will establish if the use of the site by badger has changed since the last survey and will allow any mitigation to be incorporated into the design of the development.

The buildings on site were not considered to be suitable to support bats. However, a number of trees were assessed as having some bat roost potential. If these are to be impacted by the development a bat survey must be submitted in support of the reserved matters application, this is in accordance with the recommendations in the report.

An eDNA survey of the onsite pond was completed in 2017, this was negative. Additionally, the pond now appears to be dry. Based on the current condition of the site, great crested newts should not be a constraint.

Whilst the Illustrative Layout (P19-1900-SK01) is indicative at this stage, it is worth adding comments, especially given the sensitivity of the watercourse to the east of the site. We welcome the proposed buffer between the new road and the watercourse. This should be a minimum of 10 meters and should comprise semi-natural vegetation. The proposed SUDs/POS to the south should also be designed with biodiversity in mind and we would recommend planting of a meadow species mix in this area. All existing hedgerows on site should be retained and buffered by a 5m maintenance buffer from proposed plot boundaries. The landscaping plan should be agreed and supported by a management plan. The lighting plan should ensure that there is no light spill onto the watercourse.

In summary, if planning permission is granted we would recommend that the following is incorporated into condition(s) of the development:

- The reserved matters application should be accompanied by a badger survey no more than 12 months old. If evidence of badgers is found a mitigation plan must also be submitted.
- A bat survey of trees assessed as having bat roost potential must be submitted if they are impacted by the development.
- Watercourse to be buffered by 10 meters of semi-natural vegetation. Existing hedgerows should be buffered by 5m from the development.
- All landscaping to be agreed. The proposed planting must comprise a biodiversity enhancement, including the use of wildflower seeding along the watercourse corridor and the proposed SUDs area.
- A biodiversity management plan to be submitted.
- Bat and bird boxes to be incorporated into the design of the development.

19. **Transport Strategy**

Thank you for providing us with the opportunity to comment on the following application: 2019/1228/OUT. Please see our feedback below.

Site permeability: The 'design and access statement' states a 'secondary pedestrian/cycle access point will be provided along the western boundary of the site' however it wasn't clear where this would be or where it would join to. Further details of this are requested.

Walking provisions: It is requested that a footway is provided to the front of the development, along the south side of Brooke Road 'up to the level crossing to the west and Cricket Lawns to the east.

Cycle provisions: It is requested that any pavements within the site are of suitable width and design to enable upgrade to a joint cycleway footway in the future.

Electric charging: Information on electric charging provisions could not be found within the supporting documents of the application. We would request that future plans include such provision to ensure the development is able to cater for future vehicle technology.

Cycle parking: Compliance with RCC's requirements was noted.

20. **Network Rail**

With reference to the protection of the railway, Network Rail originally had concerns that the proposed development may lead to congestion on Brooke Road resulting in queueing back over the level crossing, posing a risk to operational railway safety. Having been made aware of the Inspectors decision those concerns have been withdrawn.

21. **Anglian Water**

The foul drainage from this development is in the catchment of Oakham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewage network itself has capacity for the development.

The preferred method of surface water disposal is to SUDS.

22. **Environment Agency**

The proposed development will only meet the requirements of the National Planning Policy Framework if the following conditions are applied to manage flood risk and potential land contamination.

Condition 1 (flood risk) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number - BRA-BWB-EWE-XX-RP-YE-0002_FRA Rev P2, compiled by BWB Consultancy. In particular, the following mitigation measures detailed within the FRA and shown on FRA drawing reference **BRA-BWB-HDG-00-DR-YE-0003 Rev P1** (appendix 4) shall be incorporated:

- No development to be located within area 1
- Finished floor levels to be set no lower than 104.00m above Ordnance Datum (AOD) or 150mm above proposed ground level (whichever is greater) in area 2
- Finished floor levels to be set no lower than 103.7m AOD or 150mm above proposed ground level (whichever is greater) in area 3
- Finished floor levels to be set a minimum of 150mm above proposed ground level for the remainder of the site
- An 8m wide easement must be provided from the top of bank of the River Gwash

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to ensure that access to the River Gwash channel is maintained for the Environment Agency to carry out its relevant statutory duties.

Please note that our advice covers the risk of flooding from fluvial and tidal sources only and not that from ground water, drainage systems, reservoirs, canals or ordinary watercourses.

Condition 2 (land contamination) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework. We have reviewed the Phase I Geo-Environmental Assessment (ref: BRA-BWB-ZZ-XX-RP-YE-0001-

Ph1_P2) by BWB, dated October 2019. In so far as it relates to the risks to controlled waters, we consider the site to pose a low risk to controlled waters given the absence of significant potential sources of contamination at the site.

Neighbour Representations

23. Comments have been received from 20 local residents. These comments are summarised as follows:

- Up to 80 cars further blocking Brooke Road and the crossing which is already difficult to use
- Bus services limited
- Doctors cannot cope now
- Infrastructure lacking facilities
- Should remain protected green space
- Houses should not be allowed so close to the railway, maybe 25 or 30.
- Houses will still suffer noise and vibration
- Parking provision minimal
- Disputes findings of the Transport Statement
- New road layout will encourage speeding
- Brooke Road needs widening up to Cricket Lawns
- Increased air pollution
- Insufficient wide notification of the proposal
- Loss of privacy
- Council should provide a new bridge from Brooke Road to Uppingham Road

24. **Oakham Residents Group**

I write as Convener of the Oakham Residents Group. This group, with a membership of approximately 600 people, was convened to represent Oakham residents who are actively concerned with the sympathetic and sustainable growth and regeneration of the town.

Firstly, I am surprised that since we lodged an objection to the first appeal, we were not informed of this renewed application, and we trust that the considerable volume of correspondence expressing opposition to the original application and the appeal will again be taken into account. We recommend yet again that this application should not be allowed for a number of sound reasons.

This land is being described as 'waste land' which is misleading in the extreme. Until two years ago, when the landowner ejected the allotment holders and grazier, this land has been in continuous agricultural production for time out of mind. Most of the land was fully occupied with allotments for local residents and the rest was grazing land for a small herd of sheep. Since being left unmanaged, wildlife has returned to the site and I have seen photographs of otters and muntjac in the wetland. I believe otters are a protected species. An urban nature reserve would be an ideal use for this land.

The land itself is part of the flood plain for the River Gwash and its contributory streams. There is a risk of it being seasonally vulnerable to flooding. Historically this land has always been associated with ponds and poor drainage, making it unsuitable for building. Looking to the future, a likelihood of wetter winters and drier summers might well result in increased flooding in winter and increase of health and mosquito problems due to drying up pools in summer, a forecast which ought to be taken into consideration. This is reflected in the water authority's stipulations.

Oakham has seen a large increase in new house building in the last few years and the required quota has been met. Construction of houses of all categories is still under way

on the north side of the town. For Rutland as a whole the proposed developments of Woolfox, 7,500 homes, and St Georges, 2,200 homes to the east of the county just eight miles away, mean that there is not a driving need for additional housing here in Oakham.

Brooke Road, from the crossroads with South Street running west to beyond the railway crossing, is already an area of serious concern. It was the single most identified traffic congestion issue in the written comments of the Neighbourhood Plan 'Big Survey'. With only two railway crossing points in the town, the traffic flow here is substantial, and residents of the housing on Brooke Road, built in less traffic-congested times and without off-road parking, suffer great difficulties in manoeuvring into parking bays. We have on file letters describing damage to parked cars along this stretch, and aggressive behaviour on the part of some impatient motorists.

With the frequent crossing closures, as itemised in the appeal documents, stationary traffic fills the road, and when the gates open cars can only flow in one direction at a time due to the residents' parking bays. Currently it is not uncommon that not all queuing cars are able to cross the railway lines before the gates come down again. Even with road layout improvements, for which there is no guarantee of funding from the developer, this would still be a heavily used road, and an entrance into a housing estate at this point would not only exacerbate this problem, but also prove to be a poorly situated and potentially dangerous junction. This housing estate of 40 houses would represent possibly 80 cars plus service and delivery vehicles etc. all entering and exiting into Brooke Road.

Pedestrian safety is also a serious consideration here. There is no pavement on the south side of this stretch of road. Children walking from the Cricket Lawns and Spinney Hill estates walk along the wide grass verge before crossing the railway and turning left to head along to Brooke Road Primary Academy. This would entail crossing the new estate exit road. Residents of any new estate would, one might expect, walk into the town centre, and so those walking out of the new estate would need to cross the busy road to access the pavement opposite into the town centre.

Looking at the housing itself, the priority seems to be for 'affordable' housing. On the adjacent Spinney Hill Estate the affordable housing all backs onto the railway line, although in that location the land is much higher and the railway in a slight cutting. The Brooke Road Allotment site is much lower lying, and the railway runs on an embankment. This means that the affordable housing, frequently offered to young people and families and always in the least favourable positions, will suffer from noise and light pollution at first floor bedroom window level.

The appellant's own consultants admit that currently, through the daytime (07.00-23.00) there may be up to 94 trains, which is one every ten minutes. During the night (23.00-07.00), there may be up to 48 trains, which is one every twelve minutes, and we understand that this number is due to rise substantially in the future. These night-time trains, the great majority long, heavy and noisy ones carrying freight, will cause 'medium to high risk' of acoustic disturbance. Since the trains are diesel, the pollution from fuel and dust will also be a serious health issue for those living nearby, and especially children. Why should those people who can only afford the least expensive housing be offered such an unacceptable and unhealthy location when other more suitable building sites are available?

The extremely vague additions to the original application all appear to be in response to the Planning Inspector's serious concerns about the impact of the railway upon the lives of those who would live on this proposed estate. The installation of 'ventilator systems' on windows to allow intake of fresh air while excluding noise and pollution sounds an unsatisfactory contrivance. It is unclear whether this measure is meant to replace the facility to open windows, which would surely be undesirable.

The plans for sound barriers are not sufficiently defined. A barrier 4 metres in height is mentioned but not of what this might be constructed, and whether this is to be at ground level or at the embankment height. In either case the effect would be visually intrusive, oppressive and totally out of keeping with the rural aspect of the site. Additionally the impact would also be felt by those living in the houses and flats on the western side of the railway, with the possibility that the barrier might amplify and bounce increased noise and pollution in that direction.

Looked at from all angles it appears to us that the developers continue with their determination to build on this land, in total disregard for the unsuitability of the nature of the site, the negative impact on the local road usage for existing town residents, pedestrian safety and the poor quality of life due to the negative impact of the railway, for those who might have to live there. We very much hope that this new application will also prove to be unsuccessful.

Planning Assessment

25. Having had the main issues considered at the previous appeal, the main issue to consider now is railway noise.
26. The main issues in the original application were the principle of sustainable residential development, loss of 'open space', highway safety, residential amenity, affordable housing provision and ecology and these are re-visited here for completeness.

Principle of Development

27. Planning legislation states that decisions should be taken in line with the development plan unless material considerations indicate otherwise.
28. Core Strategy Policy CS1 sets out the main sustainable development principles for new development in the county. It encourages the re-use of previously developed land or redevelopment of vacant and under-used land and buildings within settlements. Policy CS2 and CS4 set out the Council's spatial strategy and directs new development to the most sustainable locations in accordance with the settlement hierarchy. Oakham is the main town within that hierarchy and is considered the most sustainable location to accommodate significant levels of growth with the key focus being land allocated to the north west of the town. Policy CS4 states that new development will be prioritised in favour of the allocation and release of previously developed land within or adjoining the planned limits of development.
29. Site Allocations and Policies DPD Policy SP2 allocates sites for new residential development. The application site is not allocated by this policy. Policy SP5 provides over-arching planning policy guidance relating to general built development proposed within the planned limits of development in Oakham and other settlements
30. The Council had a 6.44 year housing land supply for the period up to 31 March 2022 as at 1st April 2017. This now stands at 5.37 years at June 2019, so the housing supply needs to be maintained so that the Council is not at risk of losing unplanned greenfield sites on the edge of settlements. The housing policies in the development plan are therefore still up to date.
31. The proposal is for the development of housing on a greenfield site within the Planned Limits of Development of Oakham. The proposal complies with the aims of the spatial strategy and settlement hierarchy in terms of providing residential development within the main town of the County. The proposal would comply with policy CS4 in that the site is located within the planned limit of development in Oakham, however, it is not fully

supported by that policy as it is a greenfield site, albeit unused. In addition, there are other planning policies and site specific considerations that need to be considered in the evaluation of this proposal which are set out below.

32. The new Local Plan seeks to allocate the site for housing but this cannot be lent full weight until it has been through examination and is adopted. It is however a material consideration.

Loss of Green Infrastructure and Open Space

33. Core Strategy Policy CS23 seeks to ensure that the existing green infrastructure network will be safeguarded and improved to ensure accessible multi-functional green spaces by linking existing areas of open space...unless there is no longer a need and an alternative of equal quality has been provided, by:

- (a) continued development of a number of green spaces, paths and cycleways;
- (b) requiring new development to make provision for high quality open spaces of an appropriate size and links to the existing green infrastructure network;
- (c) resisting development resulting in the loss of green infrastructure or harm to its use or enjoyment by the public. Proposals involving the loss of green infrastructure will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided to meet the local needs that is both accessible and of equal or greater quality and benefit to the community; and
- (d) resisting the loss of sport and recreation facilities

34. Whilst the site has been previously used as allotments, it was not considered part of the green infrastructure of the County. The proposed development will result in the loss of an amount of green space through built development. Unlike the other types of green space protected by policy CS23, however, the site is not publicly accessible being a privately operated facility therefore its contribution to the green infrastructure network is limited. If granted approval, planning conditions will ensure that some of the open space value is retained through the provision of open space (including a LEAP) at the front of the site, an open buffer area along the River Gwash, open space associated with SUDs features and retention or replacement of trees and shrubs within the development. This would mean the open areas and LEAP are more accessible to the public than the site was previously.

35. The existing site is not currently well connected to other green infrastructure, however, the proposed scheme will help to ensure that the opportunity for biodiversity linkages are maintained through retaining a buffer area and enhanced landscaping along the River Gwash. The open space to the front of the site will connect with open green areas immediately adjacent on Brooke Road which from part of the highway land on Brook Road and includes a number of mature trees.

36. With regard to the loss of and demand for allotments, Oakham Home Gardens and Allotment Society (OHGAS) stated on the previous application that their Brooke Road members who wanted to move were accommodated elsewhere, but they have a few vacant plots but we are also receiving new enquiries. About 2 years ago in relation to another application they stated:

With the closure of Brooke Road, and the expansion of Oakham, we expect the number of applications, and our waiting list, to grow. There are other allotment societies in Town as well.

37. A letter dated January 2018 from OHGAS to the applicant's agent states that they had no formal tenancy at Brooke Road so were therefore unable to contest the closure. A compensation package had been agreed and part payment made to OHGAS to make improvements to their other sites in town. OHGAS has also taken on the Elms Close

allotments from the Town Council.

38. This payment by the landowner to OHGAS is for compensation and on that basis this is not something that would be justified in a S106 agreement as it is not a requirement to make the development acceptable and does not meet the relevant tests in the CIL Regulations. It is therefore entirely a private matter between the 2 parties.
39. As the allotments are no longer in use, the Council will need to be satisfied that there is sufficient evidence that there is no longer a need for allotments in this location or there is alternative provision that meets Core Strategy policy CS23 requirements. The Rutland Open Spaces Report (October 2015) addresses allotment provision in Rutland and paragraph 6.30 states Oakham is the only area where there isn't sufficient accessibility to the allotment provision i.e. it is not distributed widely. The report concludes that "the existing allotment sites should be retained and maintained to a high quality. New allotment sites should be developed in Oakham etc. to meet the proposed new standards."
40. Whilst the evidence points to a need for more allotments, especially in this Ward (Oakham South), the land is semi-derelict and in private ownership. It has no specific use at present, the allotments having been closed for a considerable time. There is no facility for the Council to insist on the land being brought back into use as allotments or for general public open space/public access.
41. Recently, there have been signs on the Burley Road and Lands End Way allotments that say allotments are available to rent.
42. Given the particular status of the former allotment use, the limited value of the site as an open space and its contribution to green infrastructure and the mitigation measures that may be achieved; the proposals are not considered to be in conflict with policy CS23.
43. This issue was not considered by the Inspector to be a reason for resisting the development of the site.

Important Open Space and Frontage

44. In accordance with Site Allocations and Policies DPD Policy SP21, the site is designated an Important Open Space & Frontage and the policy states that development will only be acceptable where it does not have an adverse impact on the Important Open Space & Frontage, having regard to a number of criteria in the Policy.
45. The designation in the Site Allocations and Policies DPD is based on evidence in the Review of Important Open Space and Frontages (June 2012). There were 7 criteria used to assess open space and frontages, any one of which could lead to designation as importance. This site was designated on the basis of 2 criteria; that it acts as transitional land between countryside and town and provides an open character to the street.
46. Policy SP21 lists a number of criteria to consider when assessing whether development would have an adverse impact on an Important Open Space. In considering the application against the criteria set out in this policy, whilst the development will result in the built development of an existing open area the following factors need to be taken into account in this case:
 - a) The intrinsic environmental value of the site is limited in terms of landform, tree cover and wildlife habitat. The watercourse would be unaffected by the development in the manner proposed. This is supported by the submitted ecological surveys.
 - b) The site is bounded by a dense hedge which effectively screens the site from immediate view although trees within the site, mainly around the edge, are visible

- from further afield. The illustrative masterplan indicates that the site could be developed while still providing an open area at the site frontage with scope for additional tree planting and a replacement hedge.
- c) The site has limited ability to provide wider views out of town especially now that the land to the south has been developed. Views within the town are limited to the hedge on the frontage which could be retained (albeit in the form of a new hedge).
 - d) Since the open space review was carried out in 2012, the site now has limited contribution as a site of transitional character given the nearby residential development, old and new. The only point where it is close to countryside is in the southwest corner where it adjoins the railway, beyond which is an open field. This site is currently allocated for development in the draft replacement local plan, although this factor carries little weight at this stage.
 - e) The contribution of the site to the character of the settlement arises mainly from its open nature and the trees which are located along the site boundaries. The majority of these trees are not assessed as being of high value in a report accompanying the application, however, there is scope to retain trees of some value and to provide additional tree planting along the boundaries of the site.
 - f) The site is not well related to other open spaces in Oakham given the surrounding built development.
 - g) The site does not contribute to the setting of a building or important natural features.
47. It is notable that this site has never been a publicly accessible open space, it was for the permissive use of allotment holders only. It no longer functions as allotments and will not do so in the future.
48. Whilst the requirements of Policy SP21 are noted, in this instance, the proposals offer the benefit of providing additional sustainable residential development within the planned limit of development within Oakham and provide potential mitigation to the loss of the open area through the opportunity to retain an open frontage with additional tree and hedge planting together with an equipped open space/frontage that would be genuinely accessible to the public, unlike the land in its current form. The open space extends to approximately 0.72Ha with a further 0.22Ha for the water attenuation area.
49. The new Local Plan seeks to allocate the land for housing so it will no longer be 'important open space'.

Highway Safety

50. At the preliminary enquiry stage, the owners were made aware of the requirements of the highway authority which were that the development would not be acceptable without moving the parking spaces on Brooke Road as additional congestion would be caused when the railway crossing is closed. The highway authority wished to see an assessment of the traffic movements resulting from the proposed development on the railway line closures particularly as these are proposed to increase together with the removal and relocation of all the parking spaces on Brooke Road.
51. The applicant has submitted survey information assessing impacts on the railway closures and proposals for improvements to the highway at Brooke Road in the vicinity of the site.
52. The current highway solution proposes cutting into the verge on the southern side of Brooke Road, including the loss of some highway trees, to create a 6 metre wide road. The existing parking spaces on the northern side would be retained in a built-out bay, allowing free flow of traffic in both directions. The proposals include an improved access to the site which would achieve visibility splays of 2.4 metres by 70 metres. In addition, a pedestrian footway would be provided across the frontage of the site between the crossing and the town side of the site. There would be a tactile section of paving to allow

pedestrians to cross Brooke Road as the land is too narrow to provide a footpath all the way to Cricket Lawns. This is now acceptable to the highway authority. Consequently there is no highway objection to the scheme subject to planning conditions. Details of on-site parking and internal road layout would be submitted at a reserved matter stage. It is not possible to require parking for existing residents on the application site.

53. There are town centre facilities including shops, railway, bus station and schools all within walking and cycling distance of the site, thus reducing the need to rely on a private car. This is a very sustainable location in the main County Town.
54. Some objectors stated that they would not object if an access could be found elsewhere, particularly via the Jeakins Weir residential development off Uppingham Road. This would involve the construction of a bridge across the stream and through land that is not within the ownership of the applicant. That part of the estate where access is suggested, is now being constructed thus preventing access from being obtained via that development. However, a highway solution has been found that would improve the current issues on this section of Brooke Road as well as mitigating the impact of the development.
55. This provides a solution to an acknowledged highway problem without cost to the public purse.

Residential Amenity

56. The site could be developed without harm to the amenities of adjacent residents. The layout proposed on the indicative plan keeps a wide area between the new dwellings and those on Cricket Lawns/Bowling Green Close. The open space proposed to the frontage would help to retain the amenity of dwellings on the opposite side of Brooke Road. The railway line would provide a buffer to houses on the south side of Brooke Road.
57. The applicant has commissioned a new noise report based on the revised layout that places new dwellings further from the railway and including a bund and acoustic fence. (see section at Appendix 3)
58. The Noise Assessment concludes that with the revised layout and acoustic fencing both the requirements of BS8233 and ProPG can be achieved with appropriate acoustic rated glazing and acoustic rated vents. The BS8233 external criteria can also be achieved for gardens throughout the scheme. Meeting the requirements of both BS8233 and ProPG demonstrate that an appropriate level of residential amenity can be demonstrated.
59. The amenities of the future residents of the development will be protected from railway noise by the condition recommended above.

Affordable Housing

60. There are high affordable housing needs in Oakham. The developer has offered to enter into a S106 agreement to provide the required 30% affordable housing provision on site in accordance with the development plan and the Supplementary Planning Document. This would need to include an appropriate mix of house types and tenure to be finalised by the Housing Strategy Officer and incorporated into the legal agreement.

Ecology

61. There is no objection in principle from an ecological point of view. The reserved matters would deal with surveys and mitigation s as set out in the ecology response and conditions above.

Conclusion

62. The development has been considered at a recent appeal where the Inspector found that the only relevant planning issue was noise. The applicant has commissioned more detailed report and analysis to demonstrate that, although the proposal is still in outline form, a detailed scheme, based on these outline principles, can be designed to mitigate noise to the users of the development. Balancing all these issues in the round, it is clear that the proposal constitutes sustainable development, with added highway benefits and should be approved in accordance with the NPPF.



Appeal Decision

Site visit made on 18 June 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/A2470/W/18/3219503

Brooke Road Allotments, Brooke Road, Oakham, Rutland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Burley Estate Farm Partnership against the decision of Rutland Council.
- The application Ref 2017/0989/OUT, dated 9 October 2017, was refused by notice dated 13 August 2018.
- The development proposed is an 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).

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by The Burley Estate Farm Partnership against Rutland Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal proposal was submitted in outline with the means of access being considered at the outline stage. Notwithstanding that, an illustrative layout plan has also been provided. However, with the exception of the site access, the details shown on this plan are not being considered at the outline stage. I have therefore treated these details as being indicative to show a possible way of developing the site.

Main Issues

4. The main issues are whether the proposal would provide suitable living conditions for the future occupiers of the development with particular regard to noise from the adjacent railway line; and the effect of the development on highway safety.

Reasons

Living conditions

5. The appeal site is located on the north-eastern side of the Leicester to Peterborough railway line and was last used as allotments. As set out by the Council, the appeal site is at a lower land level than the adjoining railway line which was evident from my site visit.

6. From the Acoustic Design Statement (ADS) provided by the Appellant, it was freight trains which generated the loudest noise source. At my site visit, I observed, and heard, two freightliner trains passing the site – one in each direction. The noise I heard was loud and without any noise mitigation measures I consider it would be likely to cause an unacceptable level of noise disturbance to the future occupiers of the development.
7. The Planning Practice Guidance states at paragraph: 008 Reference ID: 30-008-20140306 that *'for noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development'*.
8. In considering such noise mitigation measures the ADS sets out that an acoustic fence located along the site boundary with the railway line should give an attenuation level of 5dB when the noise source is just visible to the receiver and 10dB when the screen completely hides the noise source.
9. However, given the raised nature of the railway line, I have serious reservations over whether an acoustic fence would make any meaningful difference in respect of noise reduction within the site without it being excessively tall. This is particularly the case as the height differential between the railway line and the appeal site is such that passing trains would still be highly visible from any rear gardens, and from windows of habitable rooms, facing the railway line. Therefore, the suggested reduction in noise as a result of such an acoustic fence is unlikely to be achievable given the characteristics of the site. Even if such a fence could be constructed it would be likely to be in excess of 4 metres in height given the land level differences and would not be visually attractive feature. This therefore presents a serious flaw in the suggested noise mitigation measures.
10. The ADS also sets out that the spatial separation between the noise source and the receptor should be maximised, and that the layout of the scheme should be used to reduce noise propagation across the site. The orientation of buildings should be used to reduce noise exposure to sensitive rooms and the building envelope should be used to mitigate noise to acceptable levels. It is also indicated that all first floor bedrooms should have at least one window facing away from the railway line.
11. Whilst the use of some or all of these measures would assist in providing some mitigation to noise from passing trains, the application and appeal documentation does not provide enough information for me to safely conclude that these measures would be sufficient to ensure that the future occupiers of the dwellings would be provided with suitable living conditions both internally and externally as a result of noise from passing trains.
12. In coming to that view I acknowledge that this is an outline application and the exact nature of the development is not known. However, in the absence of sufficient information to conclude that it would be possible to develop the site in a way which would provide suitable living conditions for its future occupiers it would not be appropriate for me to grant planning permission for such a development.

13. In addition to the above, I have also taken into account that there are other residential properties on the western side of the railway line and that there is a housing development currently under construction to the south-east of the appeal site. At my site visit I observed the juxtaposition of the residential properties on the west side of the railway line and I noted that it is not as elevated to the same degree as the appeal site. I also took the opportunity to visit the housing site under construction. As pointed out by the Council, the railway line at that point is not elevated and therefore the characteristics of the relationship of the housing sites to the railway line are materially different. In that sense, I can only give this limited weight.
14. I have also had regard to the suggested planning condition in relation to noise mitigation measures. However, from the evidence before me, I cannot safely conclude that it would be possible to provide suitable living conditions for the future occupiers of the development. As such, it would not be appropriate to grant planning permission, even with such a condition, as there would still be the possibility that such acceptable measures would not be possible thereby nullifying the benefit of any permission.
15. For the above reasons it has not been demonstrated that the development would provide suitable living conditions for the future occupiers of the development and would therefore be contrary to Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) (SAPDPD) which amongst other matters seeks to ensure that the amenity of the occupiers of the development is not adversely affected by noise.

Highway safety

16. The access to the appeal site would be located around 70 metres to the north-east of the level crossing over the Leicester to Peterborough railway line. From the evidence before me Brooke Road is not a heavily trafficked road and has on street parking spaces demarcated on the carriageway. At my site visit there were some cars parked in these spaces and I observed how traffic flowed through this section of road. I also observed the traffic flows before and after the barriers to the level crossing had been lowered. However, I acknowledge that my visit was only a snapshot in time and at other times of the day different traffic characteristics may occur.
17. From what I observed, the parked cars affected the traffic flows and caused some short-term congestion as a result of vehicles having to negotiate their way past the parked cars particularly following the lifting of the level crossing barriers. Any increase in traffic as a result of the development would be likely to exacerbate this current situation which would not be in the best interests of highway safety.
18. It is also clear that the addition of new dwellings at the site would inevitably result in an increase in traffic movements in the area. However, I also note that the Transport Assessment (TA) indicates that a greater proportion of traffic from the development site would flow towards the town centre. The TA indicates that the development would therefore be unlikely to have any significant impact on traffic crossing the railway line. I have not been presented with any significant evidence to suggest that the traffic flows indicated in the TA are unrealistic and I therefore give this significant weight.

19. As part of the development proposals, there would be a re-alignment of Brooke Road which would result in the parking spaces being contained in a dedicated parking bay off the main carriageway of the road. This would result in a significant change to the characteristics which I observed and what has been presented to me by the Council and local residents.
20. To my mind, this would provide the necessary mitigation against the increase in traffic as a result of the development. It would also have a wider benefit to traffic flows and highway safety through the better and safer flow of traffic along Brooke Road. I come to this view even when the possible increase in the amount of rail traffic is taken into account and the resultant knock on impact of a greater amount of time when the barriers are in a lowered position.
21. For the above reasons the development would not be detrimental to highway safety and would accord with Policy SP15 of the SAPDPD which amongst other matters seeks to ensure that development makes provision for a safe access by vehicles and that development does not have an unacceptable adverse impact on highway safety.

Other matters

22. As part of the appeal proceedings the Appellant has provided a completed section 106 agreement (dated 5 June 2019) which seeks to provide affordable housing and on-site open space (including a LEAP) together with its future maintenance.
23. The delivery of on-site open space is designed to mitigate the need for open space as a result of additional housing. I am also conscious that the delivery of much needed new housing is clearly a benefit of the scheme, as is the provision of affordable housing. I am also clear that the highway improvements would also benefit the wider area, as would the provision of on-site open space. However, whilst all of these factors are in favour of the development, these do not outweigh the harm I have found in relation to the living conditions of the future occupiers of the development.
24. I have also had regard to the matters raised in the representation received on the proposal which includes issues such as the loss of open space, loss of highway trees, drainage and sewers, the need for new houses, archaeological matters, the lack of footpath along site frontage, and infrastructure in the area. However, none of the matters raised provide a further compelling reason why planning permission should not be granted.

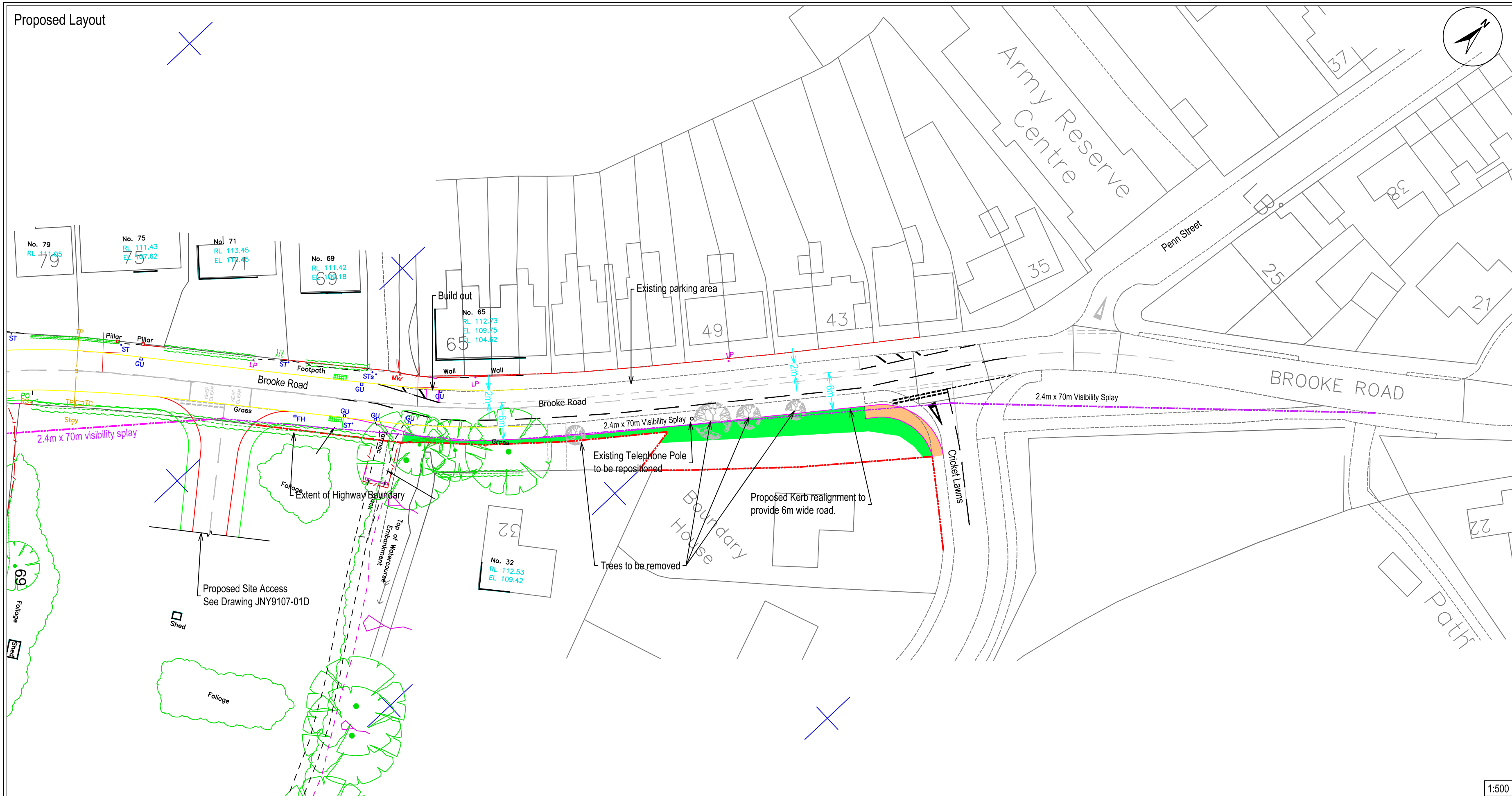
Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Proposed Layout



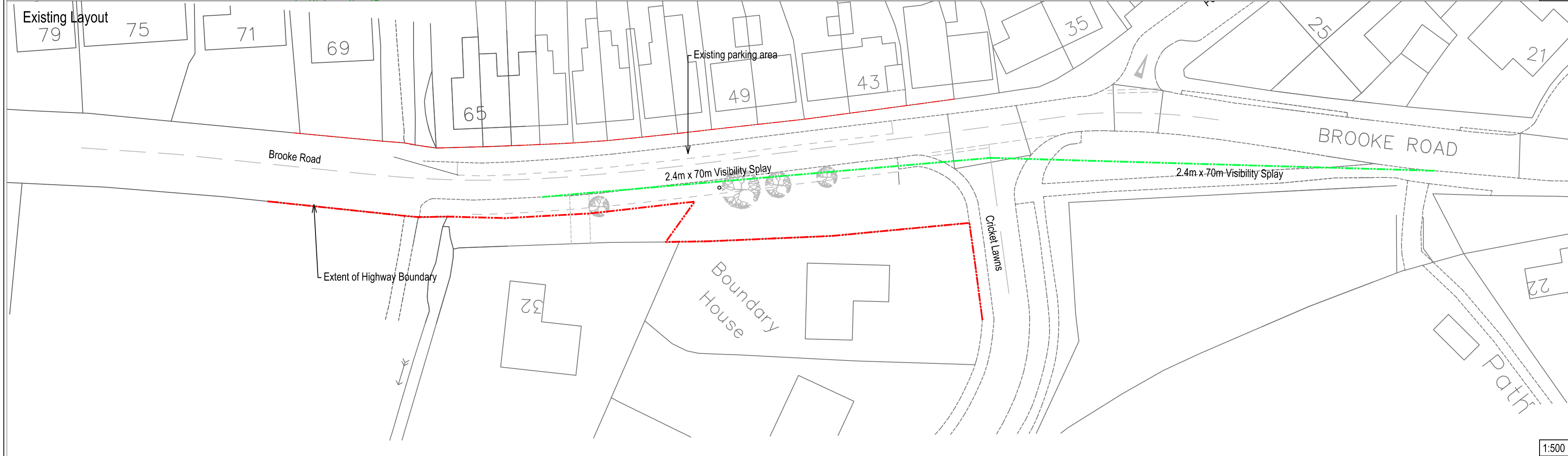
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NOTES

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1:500

Existing Layout



1:500

Rev	Description	By	CB	Date



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Client Burley Estate Farm Partnership

Project Brooke Road, Oakham

Title	Highway Proposals to Brooke Road
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Status	Drawn By	PM/Checked by
INFORMATION	HN	MAL

Project Number	Scale @ A2	Date Created
JNY10352	As shown	23.10.2019

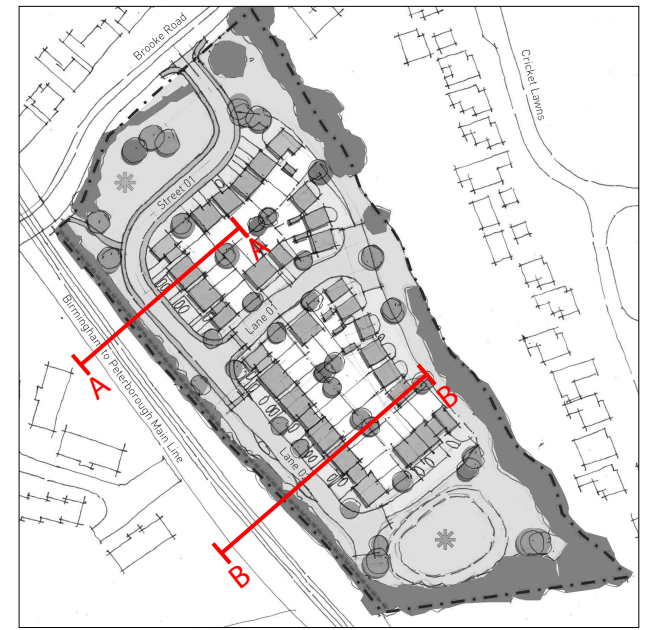
RPS Drawing/Figure Number	Rev
JNY10352-03	-

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Indicative Site Section A-A



Indicative Site Section B-B

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71

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REPORT NO: 33/2020

PLANNING AND LICENSING COMMITTEE

11th February 2020

APPEALS

Report of the Strategic 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):	Christine Traill, Strategic Director of Places (Environment, Planning & Transport & Highways)	Tel: 01572 758426 ctrail@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/19/3241273 – Mr Russell Nearn - 2019/0790/FUL

Hillside Lodge, 7A Main Street, Ridlington, Rutland, LE15 9AU

Retention of a single solar thermal panel on South facing roof.

Appealing against refusal – The retention of the solar thermal panel on the front roof slope by virtue of its prominence within the street scene and views within the conservation area would appear as incongruous feature. This would have

detrimental impact upon the character of a conservation area and heritage assets upon which it would be retained; and would fail to preserve or enhance the character or appearance of Ridlington Conservation Area. The harm caused by this would not be outweighed by wider public benefit. As such, the proposal is contrary to the expectations of Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, the NPPF (February 2019) and Policies CS22 of the Core Strategy and SP20 of the Site Allocation and Policies DPD (2014).

2.2 APP/A2470/W/19/324307 – Mr N & Mrs A Campbell – 2019/0983/FUL

The Old School, 4 Main Street, Caldecott, Rutland LE16 8RS
Detached 2 storey dwelling with garaging

Appealing against refusal - The proposed vehicular access to the site would not provide safe and suitable access for emergency service vehicles. In particular, in the case of a fire engine, this would result in all points of the proposed dwelling not being within 45 metres of a pumping appliance, to the detriment of fire safety. Any large vehicles unable to navigate the 'dog-leg' access would need to reserve more than 20m onto a busy road (Main Street), to the detriment of Highway Safety. As such, the proposal would be unable to provide a safe access, contrary to planning policies SP5 (c) and SP15 (l) of the Site Allocations and Policies Development Plan Document (2014), and Paragraph 110(d) of the National Planning Policy Framework (2018).

The vehicular access to the site would pass directly in front of the side elevation of The Old School, including windows to habitable rooms, resulting in a material disturbance from vehicular movements. Additionally, the position, size, and design of the building would appear overbearing from the private amenity areas of the properties flanking the site along the southern boundary, to the detriment of their residential amenity. Furthermore, the dwelling would result in perceived and actual overlooking to the surrounding private amenity areas abutting the site, especially no. 2 Church Close and Glebe House. This impact would be exacerbated by the removal of trees. While 7 trees have been shown to be removed on the submitted site plan, it is highly likely that the size and position of the dwelling within the site would require the removal of additional trees in order to accommodate and construct the dwelling, further opening up views into the gardens of neighbouring properties. The proposal is therefore contrary to planning policies CS19 of the adopted Core Strategy (2011) and SP5 and SP15 of the Site Allocations and Policies Development Plan Document (2014).

3. DECISIONS

3.1 APP/A2470/W/19/3237829 – Mr A Freeman – 2019/0005/FUL

County Lodge Café and Bar, 5 Glaston Road (A47), Morcott, Oakham, LE15 9DL
Erection of four holiday chalets with associated storage facilities, play area and car parking adjacent to the existing Country Lounge cafe and bar.

Delegated Decision

Appeal dismissed – 23rd January 2020.

Appeal costs dismissed – 23rd January 2020

- 4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**
- 4.1 None
- 5. ENFORCEMENT DECISIONS**
- 5.1 **Appeal A: APP/A2470/C/19/3235346 – Mr Nick Smith - 2019/0003/ENQ**
Appeal B: APP/A2470/C/19/3235347 – Ms Deborah Wallis - 2019/0003/ENQ
Dunroamin Farm, Baulk Road, Bisbrooke, Rutland LE15 9ES
The erection of a building without planning permission.
Appeal dismissed – 25th January 2020
- 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.