

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 15th February, 2022** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

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Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk, We are also asking attendees to wear face coverings at all times and masks and sanitiser will be available at the meeting. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/99985488358>

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 11 January 2022.
(Pages 3 - 10)

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

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

To request to speak at a Planning Committee, please send an email to Governance@rutland.gov.uk

5) PLANNING APPLICATIONS

To receive Report No. 31/2022 from the Strategic Director of Places.
(Pages 11 - 84)

6) APPEALS REPORT

To receive Report No. 32/2022 from the Strategic Director for Places.
(Pages 85 - 90)

7) ANY OTHER URGENT BUSINESS

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

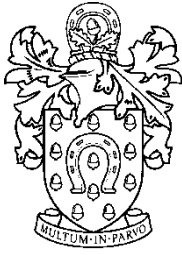
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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor E Baines (Chairman)	Councillor N Begy (Vice-Chair)
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor P Browne	Councillor W Cross
Councillor J Dale	Councillor A MacCartney
Councillor M Oxley	Councillor K Payne

OTHER MEMBERS FOR INFORMATION



Rutland County Council

Catmose Oakham Rutland LE15 6HP.
Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 11th January, 2022 at 6.00 pm

PRESENT:

Councillor E Baines (Chair)	Councillor N Begy (Vice-Chair)
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor W Cross	Councillor J Dale
Councillor A MacCartney	Councillor M Oxley
Councillor K Payne	

OFFICERS PRESENT:

Justin Johnson	Development Manager
Julie Smith	Interim Highways Engineer
Sherrie Grant	Planning Solicitor
Nick Hodgett	Principal Planning Solicitor
Tom Delaney	Governance Manager

1 APOLOGIES

Apologies had been received from Councillor P Browne.

2 MINUTES

Consideration was given to the minutes of the meeting held on 23 November 2021.

RESOLVED

That the minutes of the meeting held on 23 November 2021 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor M Oxley declared a non-pecuniary interest in item 1 – Planning Applications, application 2019/1249/MAF having previously spoken in favour of renewable energy. Councillor Oxley confirmed he came to the meeting with an open mind and would remain in the meeting.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received:

In relation to item 1 – Planning Applications, application 2019/1249/MAF, Paul Wilson would be speaking as a member of the public opposed to the application, Pat

Ovington would be speaking on behalf of Langham Parish Council, Jeremy Smith would be speaking on behalf of Knossington and Cold Overton Parish Council, Guy Longley as the agent and Councillor O Hemsley as the Ward Member.

In relation to item 2 – Planning Application, application 2020/0706/FUL, Alasdair Ryder would be speaking on behalf of Great Casterton Parish Council and Tom Helliwell would be speaking as the agent.

In relation to item 3 – Planning Application, application 2020/1254/MAF, Mary Cade would be speaking on behalf of Ketton Parish Council and Kate Wood would be speaking as the agent.

In relation to item 4 – Planning Application, application 2021/0083/FUL, John Morris would be speaking as a member of the public opposed, David Johnson would be speaking on behalf of Ridlington Parish Council and Tom Helliwell would be speaking as the agent.

5 PLANNING APPLICATIONS

Report No. 163/2021 was received from the Strategic Director of Places.

Item 1 – 2019/1249/MAF – Land at Ranksborough Farm, Melton Road, Langham. Construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 28MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works, together with retention and extension of existing hedgerow.

(Parish: Langham; Ward: Langham)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report and the Addendum.

Prior to the debate the Committee received deputations from Paul Wilson as a member of the public opposed, Pat Ovington on behalf of Langham Parish Council, Jeremy Smith on behalf of Knossington and Cold Overton Parish Council, Guy Longley as the agent and Councillor O Hemsley as the Ward Member. The Committee also had the opportunity to ask questions.

In response to a question from Members to Paul Wilson regarding his assertion that the Planning team were biased and incompetent, he stated that his understanding was, no renewable energy plan had been created by the Council on which a decision on a solar farm could be made. Paul Wilson also asserted that the interests of the local community had not been taken into account and he confirmed that he had not been consulted on regarding the application and neither had any fellow neighbours in Cold Overton.

In response to a question regarding the reasoning behind the assertion that Melton Borough Council were not in favour of the application, Paul Wilson stated that he was not aware of the reasons, but that Cold Overton was in Melton's jurisdiction and Cold Overton was to be affected by the application. Members highlighted that it was stated in the report that Melton Borough had no formal objection to the application and had only forwarded a letter of concern from a resident to the Council.

A Member questioned the assertion that the development would not benefit Rutland, as the power generated would still be received in Rutland via the National Grid, Pat Ovington stated that Rutland and the village of Langham would benefit indirectly but not directly.

In response to questions from Members asking if it was in Langham Parish Council's opinion that the developer for the application had disregarded Government recommendations for full consultation with local communities, Pat Ovington advised that a 6 page document had been sent through to Members and on page 5 all attempts made by Langham Parish to engage with the developer had been highlighted. The developer had been invited to a community meeting and did not attend.

Following a question asking for confirmation on whether an exhibition by the developer had taken place on 29 January 2019 in Langham as part of their consultation, Jeremy Smith advised that the event had taken place was not advertised to Cold Overton residents.

In response to Members questions, Councillor Hemsley confirmed that his recommendation would be for the application to be rejected and for the applicant to be invited to consult with the community and reapply. It was also confirmed that the Council did not currently have any targets for renewable energy production within the County. An application for the footpath running across the site to be upgraded to a bridle pathway had been submitted. Following a question from a Member as to whether this should be considered prior to 2019/1249 MAF, Councillor O Hemsley stated that this would be a decision for the Planning Committee. Following a question regarding the exhibition on 29 January 2019 in Langham and whether this took place, Councillor O Hemsley confirmed that the consultation did take place and some minor adjustments were made to the application, but these did not address the issues raised during the consultation process.

Following a question from Members, Guy Longley confirmed that a reduction in size to the site had already been made to the proposed area and that contact, and dialogue had taken place with Langham Parish Council. It was also confirmed that there was scope for continued agricultural use and that the ecological benefits were set out in the Planning Officer's presentation. Justin Johnson, Development Manager confirmed that there was potential for grazing on the land and around the panels.

Prior to the debate Sherrie Grant, the Planning Solicitor, confirmed to the Committee that there was no legislation regarding pre consultations having to take place in relation to solar panels. There was strong guidance stating that there should be community engagement prior to any application being submitted. From the committee report it was clear that some engagement had taken place and therefore the requirements had been met from a legal perspective and the application could be considered. The Development Manager confirmed that as a Planning team, applicants were encouraged to engage with communities.

The Principal Planning Officer confirmed that the lack of a renewable energy plan was not a material planning consideration when looking at the application. It was also confirmed that the operation period of the solar panel site would expire after 30 years as stated within the addendum.

Several Members raised concerns over the detrimental effect the application would have on the landscape. It was therefore requested, that if the application was approved then the landscaping plan that would be submitted as a requirement would be thoroughly comprehensive so to meet the needs of the community and for ecological purposes to maximise biodiversity. The lighting would also need to be minimised as part of the conditions.

It was moved by the Chair that the application be refused due to the scale of the application, the impact on the landscape and the interference of the enjoyment of the landscape and public right of way. This was seconded and upon being put to the vote with four votes in favour and seven against the motion failed.

A second proposal was moved by Councillor G Brown that the application be approved subject to conditions in the officer's report and addendum, with a thoroughly comprehensive landscaping plan to be submitted, the lighting to be minimised and the Ward Member to be consulted regarding the landscaping plan. This was seconded and upon being put to the vote with seven in favour and four against the motion was carried.

RESOLVED:

That Application 2019/1249/MAF be **APPROVED** subject to the conditions in the report and addendum, and the following additional conditions outlined during the debate:

- 1) A thoroughly comprehensive landscaping plan be submitted with the Ward Member to be consulted on this.
- 2) The lighting to be minimised.

The full list of conditions can be found on the planning application page of the Council's website:

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

Item 2 – 2020/0706/FUL - Stamford Osteopathy Clinic, Old Great North Road, Great Casterton. Erection of 4 No. residential two-storey dwellings and introduction of an access road on the western side of the existing Stamford Osteopathic Clinic car park.

(Parish: Great Casterton; Ward: Casterton and Ryhall)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report.

Prior to the debate the Committee received deputations from Alasdair Ryder on behalf of Great Casterton Parish Council and Tom Helliwell as the agent. The Committee also had the opportunity to ask questions.

A question was raised by Members regarding the open space outlined in the application and whether this was an open space or a play area. The agent, Tom Helliwell confirmed that the area as outlined in condition 8 was planned play area and the intention would be for the land to be transferred free of charge as a gift to Great Casterton Parish Council who would then maintain ownership. Justin Johnson, Development Manager advised that the play area due to the proximity to the residents would only be suitable for smaller children. Alasdair Ryder confirmed that Great Casterton Parish Council were in favour of the proposals for the development and the design.

The Development Manager advised Members that if the application was approved and it was insisted by Members that a footpath be erected from the Pickworth Road through to the development, that an amended plan be submitted and deferred to the Chair for final approval. The only area available for the footpath would be through the middle of 2 plots and their garages. Julie Smith, Highways Officer confirmed that this would need to be DDA compliant and would be a private route. There would need to be high fencing on both sides which would impact on the appearance of the entrance to the site, and it was not known what the levels or gradient would have to be. Concerns were raised by Members regarding the safety of having a footpath through the 2 plots in question.

It was moved by Councillor M Oxley that the application be approved subject to the conditions in the report and subject to discussions taking place with the Chair and Ward Member regarding the feasibility of a footpath being included between the 2 plots in question. This was seconded and upon being put to a vote which was unanimous the motion was carried.

RESOLVED:

That Application 2020/0706/FUL be **APPROVED** subject to the conditions in the report and addendum, and that discussions would take place with the Chair and Ward Member regarding the feasibility of a footpath being included between two plots.

The full list of conditions can be found on the planning application page of the Council's website:

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

Item 3 – 2020/1254/MAF - Demolition of Existing Modern Buildings, Conversion and Extension of Barns to 6 no. Dwellings and 2 no. offices, Erection of 9 no. Dwellings, and Alteration to Access and 2020/1249/LBA - Application for Listed Building Consent for the Conversion and Extension of Listed Dovecote to a Dwelling.

(Parish: Ketton; Ward: Ketton)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report.

Prior to the debate the Committee received deputations from Mary Cade on behalf of Ketton Parish Council and Kate Wood as the agent. The Committee also had the opportunity to ask questions.

Following a question from Members regarding the self-build plots and those potential buyers having primary input into the final design and layout, Kate Wood stated that the new dwellings would be offered on the open market and if a plot was purchased as a self-build project the intention would be that the buyer would build the houses identified within the plans. If the buyer wanted to build using different plans than a new planning application would need to be submitted. The viability assessment currently assumed that all of the dwellings would be normal market housing but there was a claw back set out in the addendum report whereby if more money was made by the developer, this would be included towards the commuted sum for affordable housing.

Kate Wood confirmed that there would not be a specific track through the site for pedestrians as the access road was not wide enough. The access going into the site was called a shared surface whereby pedestrians would have the right of way. Members asked Officers to seriously consider the surface water drainage system.

Kate Wood explained that the surface water on the site would be managed by soakaways and crate systems. This would allow the surface water to be held back and distributed through the pipes at a controlled rate. As the water system was underneath a private road it could not be adopted by Anglian Water so would be managed by a management company.

Concerns were raised by Members regarding the lack of affordable homes included within the development and the use of steel roofing.

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At 9:29pm the Chair proposed that a full extension of 30 minutes be taken, and this was unanimously approved by the Committee.

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Councillors G Brown and K Payne raised concerns as Ward Members regarding the visibility of entering and exiting the development given the High Street already experiencing parking issues and the narrow entrance to the site. The Highways Officer stated that the road through the site was narrow as the developer was trying to encourage slow moving traffic through the site. The Principal Planning Officer confirmed that there had been discussions regarding the widening of the entrance, but this would have involved demolition of the attractive stone barn at the frontage. 4.8 metres was the standard measurement for a private drive and did give enough room for 2 passing cars.

It was moved by Councillor A MacCartney that 2020/1254/MAF be approved subject to the conditions in the report and addendum, with additional conditions for the removal of the zinc sheeting and an alternative roofing material to be identified, but lighting to be a standard and when the drainage system was submitted for final approval that the flow into the main drainage system was minimised. This was seconded and upon being put to a vote with seven in favour and four against the motion was carried.

RESOLVED:

That Application 2020/1254/MAF be **APPROVED** subject to the conditions in the report and addendum and the following additional conditions:

- 1) Zinc sheeting to be removed and an alternative roofing material to be identified.
- 2) Bat lighting to be a standard.
- 3) Following the submission of a final drainage system plan, the flow into the main drainage system would be minimised.

The full list of conditions can be found on the planning application page of the Council's website:

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

It was moved by Councillor Brown that 2020/1249/LBA be approved subject to the conditions in the report and addendum. This was seconded and upon being put to the vote with eight in favour and three against the motion was carried.

RESOLVED:

That Application 2020/1249/LBA be **APPROVED** subject to the conditions outlined in the report and addendum.

The list of reasons can be found on the planning application page of the Council's website:

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

Item 4 – 2021/0083/FUL - Church Farm, 2 Church Lane, Ridlington.

Development of the land on the south side of Church Farm, Ridlington to create 1 no. detached 2.5 storey C3 dwellinghouse with associated driveway, parking and garage with first floor habitable space.

(Parish: Ridlington; Ward: Braunston and Martinsthorpe)

It was noted that there was insufficient time left for the remaining application to be considered and Councillor E Baines apologised to those who had been waiting to speak to the application and undertook that the application would be considered as soon as practicable.

RESOLVED:

That Application 2021/0083/FUL be **DEFERRED** to a future Planning and Licensing Committee meeting and to be the first item on the agenda.

6 APPEALS REPORT

Report No 11/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed the appeals received since the 23 November meeting of the Planning and Licensing Committee and summarised the decisions made.

RESOLVED

That the contents of the report be **NOTED**.

7 ANY OTHER URGENT BUSINESS

There were no items of urgent business for consideration.

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The Chairman declared the meeting closed at 9.51 pm.

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REPORT NO: 31/2022

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

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Rutland County Council

Planning & Licensing Committee – Tuesday 15 February 2022

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2021/0083/FUL	Mr Daniel Lount Church Farm 2 Church Lane Ridlington Development of the land on the south side of Church Farm, Ridlington to create 1 no. detached 2.5 storey C3 dwellinghouse with associated driveway, parking and garage with first floor habitable space.	Approval	15-32
2	2021/1452/MAO	Vistry Homes Ltd Land Off Park Road, Ketton Outline application with all matters reserved except for means of access, for residential development of up to 75 no. dwellings with associated public open space, landscaping and infrastructure.	Approval	33-50
3	2021/0794/MAF	Davidsons Development Ltd Land off Uppingham Road, Oakham Erection of 84 dwellings, including public open space, landscaping, a pump station and associated infrastructure	Approval	51-75
4	2021/0967/FUL	Wilford 5a Adderley Street, Uppingham Proposed demolition of existing buildings and replacement with new dwelling with garage off-road parking and landscaping.	Approval	75-84

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0083/FUL	ITEM 1	
Proposal:	Development of the land on the south side of Church Farm, Ridlington to create 1 no. detached 2.5 storey C3 dwellinghouse with associated driveway, parking and garage with first floor habitable space.		
Address:	Church Farm, 2 Church Lane, Ridlington, Rutland, LE15 9AL		
Applicant:	Daniel Lount	Parish	Ridlington
Agent:	Class Q Ltd	Ward	Braunston & Martinthorpe
Reason for presenting to Committee:	Policy considerations		
Date of Committee:	11 January 2022		
Determination Date:	22 March 2021		
Agreed Extension of Time Date:	24 December 2021		

EXECUTIVE SUMMARY

This scheme for a new house in Ridlington raises issues of policy and the impact on heritage assets.

Overall the scheme is recommended for approval because the locational policies of the development plan are out of date as the Council can no longer demonstrate a 5 year housing land supply and the design of the proposal is acceptable in terms of its impact on heritage assets.

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.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."
REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of

being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

5. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out nor shall any structure be erected within the curtilage, except in accordance with the prior planning permission of the local planning authority.
Reason: The dwelling would be sited in a prominent position within the conservation area, adjacent to listed buildings. Any further additions or windows would be likely to have a detrimental impact on heritage assets and residential amenity and hence need to be considered by the local planning authority.
7. The development shall not be occupied until the applicant has made provision for the deposition of the archaeological archive from their investigation of the development site. The arrangements for the archive will be submitted to and approved by the planning authority.
Reason: To ensure satisfactory archaeological investigation and recording.
8. Provision and retention of visibility splays Prior to commencement of the development, the verge area to the northeast of the vehicular access between the new beech hedge and the channel line of the carriageway in Church Lane will be clear of all obstruction above 650mm above ground level for a distance of 50m along Church Lane from the channel line of Holygate Road, and thereafter maintained free of any obstruction at all times.
Reason: To provide adequate inter-visibility between vehicles using the access and those approaching along Church Lane in the interest of highway safety.
9. The design of the resurfaced existing access should incorporate measures to ensure that no loose surfacing material or surface water shall cross from the access onto the public highway.
Reason: To ensure that no loose material or private surface water flows on to the public highway in the interests of highway safety.

Site & Surroundings

1. The site is located on the corner of Church Lane and Holygate Road in Ridlington. The site is located within both the Planned Limit to Development (PLD) and the Article 4 Ridlington Conservation Area, the boundary of which runs along the opposite side of Holygate Road.

2. The site is raised above the level of the 2 roads and comprises open unkempt land. There are conifer trees along the Holygate Lane frontage with an informal low dry stone wall on the Church Lane side.
3. To the rear is the yard to Church Farm which comprises utilitarian agricultural buildings. To the west is a substantial listed house known as The Dower House, which has a modern extension nearest the application site boundary, beyond which is The Old Rectory, also listed together with its front boundary wall.
4. To the north is Church Farm house, also listed, beyond which is the Parish Church (Grade II*). On the east side of Church Lane is the listed Ridlington House
5. The site is subject to an Important Frontage designation in the development plan. This applies to the boundary around the front and Church Lane sides of this site

Proposal

6. It is proposed to erect as new 2½ storey dwelling on the site, details of which are shown in the Appendix.
7. The materials would be ironstone and slate reflecting the local vernacular.
8. The scheme would involve the removal of the conifers along the Holygate Road boundary and replacement with more appropriate species.



Revised CGI Image of proposal

Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))
Chapter 5 – Delivering a sufficient supply of homes
Chapter 12 – Achieving well designed places
Chapter 16 – Conserving the historic environment

Site Allocations and Policies DPD (2014)

SP1- Presumption in favour of Sustainable Development
SP5 - Built Development in the Towns and Villages
SP15 – Design & Amenity
SP20 – The Historic Environment
SP21 – Important Open Spaces and Frontages

Core Strategy DPD (2011)

CS03 - The Settlement Hierarchy
CS04 - The Location of Development
CS19 – Good Design
CS22 – Historic Environment

Neighbourhood Plan

There is no NP for Ridlington

Officer Evaluation

Principle of the use

9. Ridlington is classified as a Restraint Village in Policy CS3 of the Core Strategy. These were villages that were considered unsustainable. CS4 did not permit development in such areas.
10. The recently withdrawn Local Plan Review (LPR) had re-assessed the settlement hierarchy and Ridlington was to be designated as a Smaller Village. The criteria was not greatly dissimilar to CS4. However, other than the 'other villages' identified in the settlement hierarchy, all other settlements are considered sustainable in terms of applying control in the situation where there is an out of date policy (as per Para 11(d)). Whilst the LPR has been withdrawn, the settlement hierarchy has been appraised and can still be taken into consideration.
11. The Restraint Villages Policy is therefore out of date as this has now been superseded by National Planning Guidance and the NPPF.
12. The Site Allocations & Policies DPD, includes Policy SP1 – Presumption in Favour of Sustainable Development. This policy is now more relevant where the Council cannot demonstrate a 5 year supply of housing. The policy states the Council will take a positive approach when considering development proposals that reflect the Framework presumption in favour of sustainable development in line with Paragraph 11(d). This includes applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to

- any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
13. Given the current shortfall in the required five-year housing supply, consideration needs to be given whether the adverse impacts of developing the site significantly outweighs its benefits. As such the development will need to be in compliance with the National Planning Policy Framework.
 14. In terms of location of the site, the Framework advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The National Planning Practice Guidance (NPPG) states that all settlements can play a role in delivering sustainable development and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
 15. The Council has produced a background paper 'Sustainability of Settlements Assessment Update' (November 2019). Ridlington is classed in the Smaller Village category. These villages tend to have only some of the key facilities and/or are less accessible to higher order centres than villages in the Local Service Centre category. Small scale development on infill sites, redevelopment of previously developed land and the conversion or reuse of existing buildings will be supported.
 16. The site is thereby in a sustainable location and meets the Frameworks core approach to sustainable development. The Council will need to consider whether the proposal will harm the character and setting of the countryside.
 17. Overall, the Council will need to be satisfied that this proposal is sustainable development in accordance with the Framework and that it is unlikely to have an adverse impact on the surrounding environment or character of the area that would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
 18. The site is within the PLD and whilst it may be former agricultural land, and thereby not classed as previously developed, other than the important frontages policy, it does not contribute positively to the character of the Conservation Area.
 19. The opportunity therefore exists for the development of the site to make a positive contribution to the character, subject to design and other issues considered below.

Impact of the development on the character of the area

20. There is a statutory obligation on the Local Planning Authority to ensure that the character of the Conservation Area and the setting of Listed Buildings be preserved or enhanced by a new development pursuant to S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990.
21. Paragraph 134 of the Framework states:
22. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
 - a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 23. Overall, the principle for development in this location would have been contrary to the development plan, but the locational policies are now out of date. The council should be satisfied that the scheme meets the criteria set out in Para 134, Policies CS19, CS22, SP15 and SP20.
- 24. The scheme has been amended to reduce its impact in relation to the listed building next door. The design is of generally high quality using appropriate materials and detailing, reflecting a) above.
- 25. This is a large new dwelling, but it is on a large plot and is commensurate with the scale of the listed buildings adjacent.
- 26. The scheme does not impinge on this important frontage and landscaping can be designed to enhance its contribution to the conservation area, which is currently poorly defined, in accordance with Condition 3 in the recommendation.

Impact on the neighbouring properties

- 27. The proposed house would be set forward of the adjacent listed building (Dower House). This property has trees along its front side boundary that provide some screening effect. There would be one first floor window on that side, to an en-suite. There are also 2 rooflights to bedrooms on that side, a minimum of 1.6m above floor level. The floor level of the new house would be below existing site levels to reduce the impact.

Heritage

- 28. As set out below the Conservation Officer had some initial concerns about the scheme. These have now been addressed, including by reducing the height of the wing adjacent to the Dower House.
- 29. The proposal would preserve or enhance the character of the conservation area and would not detract from the setting of the nearby listed buildings.

Highway issues

- 30. No highway objections. The existing access is to be used which would have catered for farm machinery at one time. One additional dwelling will not have an undue impact on traffic in the village where traffic counts are actually very low.
- 31. This scheme does not warrant contributions to resolve other highway issues in the village.
- 32. For clarity, regarding Para 41 below, the recommended Condition 8 covers the requirements of the highway authority and there is no objection from a highway safety point of view.

Crime and Disorder

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

Human Rights Implications

34. 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.
35. It is considered that no relevant Article of that act will be breached.

Consultations

36. **Conservation Officer**

Initial Comments

Application site is prominently located within the Ridlington Article 4 Conservation Area amongst a group of several Listed buildings. There is a gentle fall across the site northwards from the Holygate Road frontage and it sits significantly higher than Church Lane that runs along the eastern boundary. Whilst old photographs show the site was once an open working yard associated with the agricultural buildings to the north. The site is currently laid to grass with a row of mature Leylandii on the Holygate Rd frontage, a few mature trees of differing species scattered across the site and newly planted saplings on the eastern boundary.

As stated at the time of the Pre-app enquiry, I see the proposal for a dwelling on this site to be an opportunity for enhancement as the views across the site from the south/south-east are marred by the group of unsightly agricultural buildings of various inappropriate materials occupying the land between the Dower House (Grade II) and Church Farm House (Grade II).

There are views across the site from the south-east and east to the Dower House (recently extended towards the application site) and roof of the, three storey, Old Rectory to the west and Church Farm House sits prominently views northwards along Church Lane.

The proposal is to erect a house with an L-shaped floor plan in the north-west corner of the site, close to the boundary with the Dower House. A detached triple garage with, as is frequently the case nowadays, accommodation in the roofspace accessed via an external staircase.

The proposed house would comprise a 2½ storey element on an east/west alignment and a 1½ storey element on slightly higher ground and aligned parallel with and in close proximity to the western site boundary with the Dower House. This latter element includes a floor to ridge height glazed dining area with a stone gable wall.

Church Farm House dates from the C18, is constructed of ironstone and has a thatched roof. It is understood to have been associated with the farm buildings to the north of the application site and the former use of the site itself. The application site has, therefore, a historical connection with the application site.

Materials are specified to be Ironstone for the external walls, natural blue slate for the roofs, timber doors and metal windows.

Timber gates, similar to those of the Dower House, and stone piers would be erected at the entrance at the south-east corner of the site. It is unclear what the boundary

treatments are proposed in addition to restoration of the low boundary/retaining walls on the eastern and southern perimeters.

I would agree with the applicants' heritage consultant that "construction of a single dwelling within the defined plot is a continuation of a tradition which has resulted in the present village configuration." However, whilst I do not necessarily have any concerns with regard to the design of the house itself which should, over time, weather and blend in with its surroundings, I do have concerns about the positioning of the house and its impact on the setting of nearby designated heritage assets. By positioning such a large house in close proximity to the western boundary it would obliterate the present view across the site to the Dower House and the Old Rectory, as the submitted 'Illustrative View' demonstrates.

The question is, therefore, to what extent does the setting of the Dower House and Church Farm House contribute to their significance as designated heritage assets? The submitted elevation drawings do not show how the proposed dwelling would sit in relation to the Dower House and Church Farm House I would really like to see a drawing showing the relationship of the proposed dwelling particularly to the Dower House before coming to a final conclusion on this scheme.

Further comments

I thank the Architect for providing the additional information regarding the impact of the proposed dwelling on the setting neighbouring Grade II listed Dower House.

Having reviewed this information I can confirm that I consider that the setting issue has been satisfactorily taken into account in the design and positioning of the proposed dwelling.

However, I suggest that we take up the Architect's offer to reduce the overall height of the south-east wing by 600mm, as anything that will lessen the impact on the neighbouring Listed building is welcome from a conservation point of view.

Otherwise, I no longer see any reason, from a conservation point of view, why permission should not be granted for proposed development, subject to the usual conditions (samples of materials, etc).

Further Comments

I note the latest amendments to the proposal, in particular the reduction in height of the west wing of the proposed dwelling and can confirm that this revision to the design is welcome and I have no further comments other than to suggest that, if the development is approved, consideration be given to the removal of permitted development rights for extensions and free-standing garden structures, as these could have a significant impact on the surroundings to this prominent site and so ought to be assessed by the LPA.

37. **Ridlington Parish Council**

Ridlington Parish Council raise the following concerns in objection to the application:

- a) The height of the proposed development, compared to properties in close proximity, is of concern and should be considered.
- b) The gateway is sited on the corner of a dangerous bend and this raises road safety concerns. See attached report for further information.

- c) Previous applications for new builds in Ridlington, a Conservation Area and subject to Article 4, have been declined - 2011/0663/FUL 1 Hannah's Field erection of a bungalow was refused. Fairness to all should be maintained.
- d) The application is not accompanied with developer contributions.

Addendum:

Dear Councillor Baines

I am writing on behalf of Ridlington Parish Council in order to bring to your attention our concerns in regard to, in our opinion, an increased danger to road safety caused by a substantial increase in traffic usage along Top Road and Holygate Lane in Ridlington.

This is not just about the numbers of cars travelling this route but mainly about the increased number of commercial vehicles of all types and especially by heavy and articulated lorries coming in and out of the village from Brooke Road passing along Top Road, Holygate Lane and on up to the Parker farms properties at the top of Holygate Lane. These roads are already heavily used by agricultural traffic, the necessity for which is understood.

In June 2020 retrospective planning permission was granted by Rutland County Council for two businesses to operate from the barns situated within the Park Farm site with the possibility of further planning being approved in relation to business use at the barns.

The Parish Council sought the views of residents and the main issues identified were:

1. Top Road and Holygate Lane form part of very popular walking, cycling and riding routes in the area and are frequented not just by local villagers but by many visitors from further afield in Rutland.
2. Large sections of the route have no provision for vehicles approaching one another from opposite direction to pass safely and with large lorries this becomes an impossibility. It is difficult enough as well for walkers (often with dogs) and horse riders to get off the road to allow sufficient room for these vehicles to pass safely.
3. The narrowness of the blind double bend situated at the junction of Top Road and Church Lane makes this particularly hazardous not only to pedestrians but also cyclists, horse riders, farm traffic, cars, delivery vans and heavy commercial traffic.
4. Increased business traffic will risk increasing damage to the roadside ecology as vehicles are eroding the grass verges. The only pavement in existence starts and ends at Hannahs Field at the entrance to the village. Holygate Lane in particular is a single lane country road with no footpath and is, in our opinion, completely unsuitable for the increased usage of commercial traffic now being seen.
5. Residents of properties fronting Hannahs Field on entering the village have only limited off road parking resulting in several vehicles being parked along this stretch of road, narrowing this stretch even further.

As a minimum to mitigate this, if planning cannot be avoided, it has been suggested that developers should consider the installation of footpaths/bridle ways all along the route but especially along Holygate Lane. It is understood that this could be made possible by utilising Section 106 or equivalent before planning is granted.

We understand there is no substantiated data in existence of accident history along Top Road or Holygate Lane, but residents are aware of a number of "near misses" over recent time as well as there having been three known separate collisions between delivery vans over the last couple of years or so.

The voluntary recording of accidents, near misses and other incidents occurring along these roads is to be raised at our next Parish Council meeting and a suitable action plan agreed.

We are of course aware of the way in which Covid 19 has restricted working practices and officer time being diverted to Covid related work streams. However, we feel it essential to raise these safety concerns with you and that these be noted and actioned when possible.

We should emphasise that as a Parish, we are not against any future plans for change of use of disused agricultural buildings provided such use is within permitted boundaries but we feel RCC, in conjunction with our Parish Council, has a responsibility to ensure that individual's safety is not compromised by this increased traffic.

We would appreciate your views on this matter and how we might achieve a conclusion to all parties' satisfaction.

38. Historic England

Thank you for your letter of 9 February 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

39. Archaeology

Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements.

The supplied desk based assessment and the Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within an area of high archaeological potential.

We suggest if you have not already, to consult with Historic England and the conservation officer regarding the setting impact on the scheduled monument and listed buildings. The preservation of archaeological remains is, of course, a 'material consideration' in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

This will require provision by the applicant for:

A field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate.

Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 189 & 190).

Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists 'Standards' and 'Code of Practice', and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

Final comments

Thank you for the final archaeology report. I can confirm it is satisfactory and no further archaeological work is needed.

I note the report includes a commitment to OASIS reporting with the Archaeological Data Service and an accession number for the Rutland Museums Service, and further confirmation of a physical archive being unnecessary. These provisions are in accordance with the approved Written Scheme of Investigation, and therefore no condition regarding archaeology will be needed on the application.

40. **Ecology**

Trees on site should be retained, where removal is unavoidable trees should be replaced with locally native species. Any other planting on site should be of locally native species attractive to pollinating insects.

41. **Highways**

Visibility splays

The LHA accept the visibility plays for Church Lane that the applicant have provided. However they have not provided any details relating to the visibility splays Church Lane that passes the eastern side of the site. This is a junction - how will vehicles from this site interact with the junction/those approaching from the north

Traffic generation

This is accepted - the level of traffic from 1 dwelling will not have a significant impact on the network

Collision data

This is accepted. Generally highways would want the developer to collect the accident stats from the Council Accs Maps which is a data base from the police. CrashMaps can be unreliable. However the LHA have recently undertaken a study in this area and can confirm there are no accidents

Gradient at site access
This is accepted

Drainage
This is accepted

Neighbour Representations

42. Comments have been received from 4 residents on the following grounds:

1. The scale and height of the proposed development is completely excessive, not only for the size of the plot and relative to the historic buildings surrounding it, but also in terms of the imposing elevation visible from the corner of Top Road /Hollygate Road / Church Lane. Not only would the new property (to quote the Architectural Contextual Analysis) "overshadow, completely, the agricultural site to the north" but it would completely dominate all neighbouring (listed) properties in the village.
2. The plans would suggest that the property will sit in front (i.e. to the south) of, and not in alignment with, the Dower House, allowing a new build to completely dominate (and remove from view from the corner of Hollygate Road and Church Lane) a historically important and architecturally aesthetic Grade II listed building.

The location of the proposed development in an elevated position very close to the Dower House boundary must also be a very real concern for the owners of the Dower House. In the absence of any development being able to sit in alignment with the Dower House to the West, the aspect of any (more conservative) development would be less intrusive to the East of the site, running parallel to Church Lane (in alignment with the wider family's thatched house to the north of Church Lane) maintaining the current perspective of the Dower House.

3. The application seems to have little or no regard to the fact that Ridlington is:
i) in a Conservation Area and subject to Article 4 (in relation to which we understand previous applications in Ridlington have been declined); and (ii) classified in the Rutland County Council Local Plan 2018 - 2036 as a "Smaller Village" with the implications that (and Policy SD2 and SD3) has for the proposed development. In particular, the proposal is patently not:
- filling a small gap in a continuously built up frontage; nor
- small scale.

We would respectfully suggest that the Architectural Contextual Analysis has no objectivity to it at all; it is not based upon what is appropriate for Ridlington but on maximising returns and short term profit from land with no thought to the consequences for those living in the area (which is also evident from how the site has been maintained by the applicant's family to date).

4. We note the Highways Technical Note but we would take issue with that. The village of Ridlington and in particular, Top Road, Hollygate Road and Hollygate Lane have seen a significant increase in traffic over the last year or so, including industrial and heavy duty vehicles. The double bend to the south of the proposed development is already a hazard for walkers, cyclists and other drivers which will

be further impacted by having a frequently used access point on one of those bends.

5. We note there are no Developer Contributions accompanying the application.

The proposed development is too large in relation to the land upon which it sits and its setting. It is a very extensively sized 3 storey, 6-bedroom potential property sitting on 0.15 hectares and as such is too big for the site.

- In the Rutland County Council Local Plan 2018 - 2036, Ridlington is classified as a "Smaller Village". Policy SD2 (The spatial strategy for development) and Policy SD3 (Development within planned limits of development) are relevant to the proposed development.

- Policy SD2, in relation to smaller villages states: "Small scale development on infill sites, redevelopment of previously developed land and the conversion or reuse of existing buildings. Development which is demonstrated to be necessary to support and/or enhance community facilities that are considered important to the maintenance or enhancement of a sustainable community will be supported". In clause 4.17 it states: "Infill development is defined as the filling of small gaps within the settlement and would normally involve development of a gap in a continuously built up frontage."

- Policy SD3 states that development must be: "appropriate in scale and design to its location and to the size and character of the settlement" and "the amenity of new and neighbouring occupants will be safeguarded through adequate separation and design of the development".

- The proposed development does not comply with Policy SD2 and SD3 for the following reasons:

- The Design and Access Statement provided as part of the planning application claims that the proposal is a "small scale infill development". However, the proposal is not small scale, particularly in relation to the size and location of the site. The Design and Access Statement states that the proposed dwelling is designed as a "late 17th Century Manor House" and it comprises 6 bedrooms, three floors and a three-car garage. At its highest the height of the house is almost 10 metres (9.982m according to the Elevation drawings).

- According to the Heritage Statement provided as part of the application the land has been "free of structures in living memory" and as such the development is not a redevelopment of previously developed land or the conversion or reuse of existing buildings. The development is not filling a small gap in a continuously built up frontage, it is a prominent open site at the centre of the village.

- The siting of the house is too far out of alignment with the Dower House - it does not continue the East-West axis of the Dower House, rather it is located on higher ground to the South-East of the Dower House. As such it sits too far forward from the setting of the Dower House and will be a very dominant presence, in terms of scale, height and mass. Because the land upon which the development will sit is around 1.5 metres higher than the land upon which the Dower House sits, the size and height of the new development will be even more dominant. The development will damage the amenity of the Dower House through loss of privacy, view and light. Moreover, as a consequence of the siting of the proposed development, it would have a dominating visual impact on the neighbourhood.

- The proposed house would cause a loss of existing view to the neighbouring Dower House. The proposed development comprises three floors and at its highest is almost 10m and as such would have a very significant impact on views from the front windows of the Dower House. This loss of view and light would have an adverse impact on the residential amenity of the Dower House.

- The proposed development would be overbearing and lead to a loss of privacy by the neighbouring Dower House. The proposed development is too tall and out of proportion in relation to the site and location. The rear windows of the proposed development will have direct line of sight into the Dower House windows. The

upstairs storey of the Dower House and the Dower House terrace and garden would be heavily overlooked. The proximity of the proposed house to the Dower House is also problematical as it is sited very close to the fence between the properties. The North West corner of the new proposed house is only 10.8 metres from the South East Corner of the Dower House whilst being on land about 1.5 metres higher than the Dower House.

6. Ms J Rivett

- The proposed buildings will tower above the thatched farm house as the ground is at a higher level than the farm and the proposed house has an additional floor. (The applicant is not the current occupier of Church Farm).
- The drive joins the road at a dangerous blind double bend at the junction with Church Lane.

7. Mr Nathan McAlindon

A fantastic looking scheme and a great way to optimise the land. Look forward to the land being put to good use.

Conclusion

43. The Restraint village policy is now out of date and Ridlington was considered as a smaller village in the Local Plan Review settlement hierarchy assessment. Weight can therefore be lent to approving housing proposals where a 5 year housing land supply cannot be demonstrated. The scheme is well designed and has limited impact on the setting of the listed buildings and the character of the conservation area.

EXISTING STONE WALL TO BE RETAINED AND A NEW BEECH HEDGE TO BE EXTENDED AROUND THE PERIMETER OF THE SITE TO THE NORTH. THE EXISTING DRIVE WILL BE INFILLED TO THE SURROUNDING LEVEL AND THE AREA WILL GENERALLY BE PLANTED WITH LOW LEVEL SPECIES SUCH AS JUNIPER, PYROCANTHA AND LAUREL.

EXISTING OAK TREE TO BE RETAINED
(Indicative canopy size)

EXISTING OAK TREE TO BE RETAINED

DEAD TREE TO BE REMOVED

DRIVEWAY TO BE HARDCORE, TERRAM FABRIC AND 14mm WASHED GRAVEL, HARD COMPACTED TO THE ENTIRE AREA.

SPECIMEN WALNUT (*JUGLANS*), MINIMUM HEIGHT 2.5 METERS, TO BE SET IN THE CENTRE OF THE DRIVE. ROOT PROTECTION AREA TO BE ESTABLISHED THROUGH BLUE ENGINEERING BRICK CIRCULAR DETAIL, WITH BARK MULCH TO BASE OF TREE.

NEW BEECH HEDGE TO BE PLANTED AT THE TOP OF THE SLOPE, IN TRIPLE STAGES, TO ENSURE MAXIMUM DENSE GROWTH. HEIGHT OF HEDGE TO BE 1.2 METERS AT POINT OF PLANTING. LOWER PART OF THE SLOPE TO BE SEEDED WITH SLOW GROWING RYE GRASS WITH SPRING BULBS (DAFFODILS, CROCUS ETC.) TO CREATE A MAINTAINED BANK.

EXISTING MATURE TREES TO BE RETAINED AND ALL CONSTRUCTION WORK TO BE CARRIED OUT OUTSIDE THE ROOT PROTECTION ZONES

LEYLANDII TO BE REMOVED
PINE TREE TO BE RETAINED

EXISTING ACCESS TO BE REUSED, WITH FIRST 8 METERS OF THE DRIVE TO BE HARD SURFACED TO AVOID GRAVEL SPILLING OUT ONTO THE ROAD. LINE OF NEW TIMBER GATES, SEE DETAIL, TO COINCIDE WITH EXISTING DWARF STONE WALL.

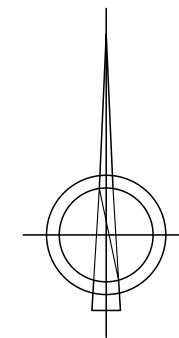
GENERAL NOTES:

ALL TREES TO BE RETAINED AND PROTECTED IN ACCORDANCE WITH BS:5837:2012

CONTRACTORS COMPOUND AREA TO BE SET IN MIDDLE OF DRIVE WITH SPECIMEN WALNUT TO BE PLANTED AT END OF PROJECT, SUBJECT TO SUITABILITY OF MONTH

GRASSED AREAS TO BE SEEDED IN PREMIUM LAWN SEED WITH METAL EDGING TO ABUTMENT WITH DRIVEWAY AREA

TERRACED AREAS TO BE LAID IN NATURAL STONE



Job No. 1442 Church Lane, Ridlington, LE15 9AL

Drawing No. 05 **Proposed Site Plan - 1:200**

Revision
Scale
1:200 @A2

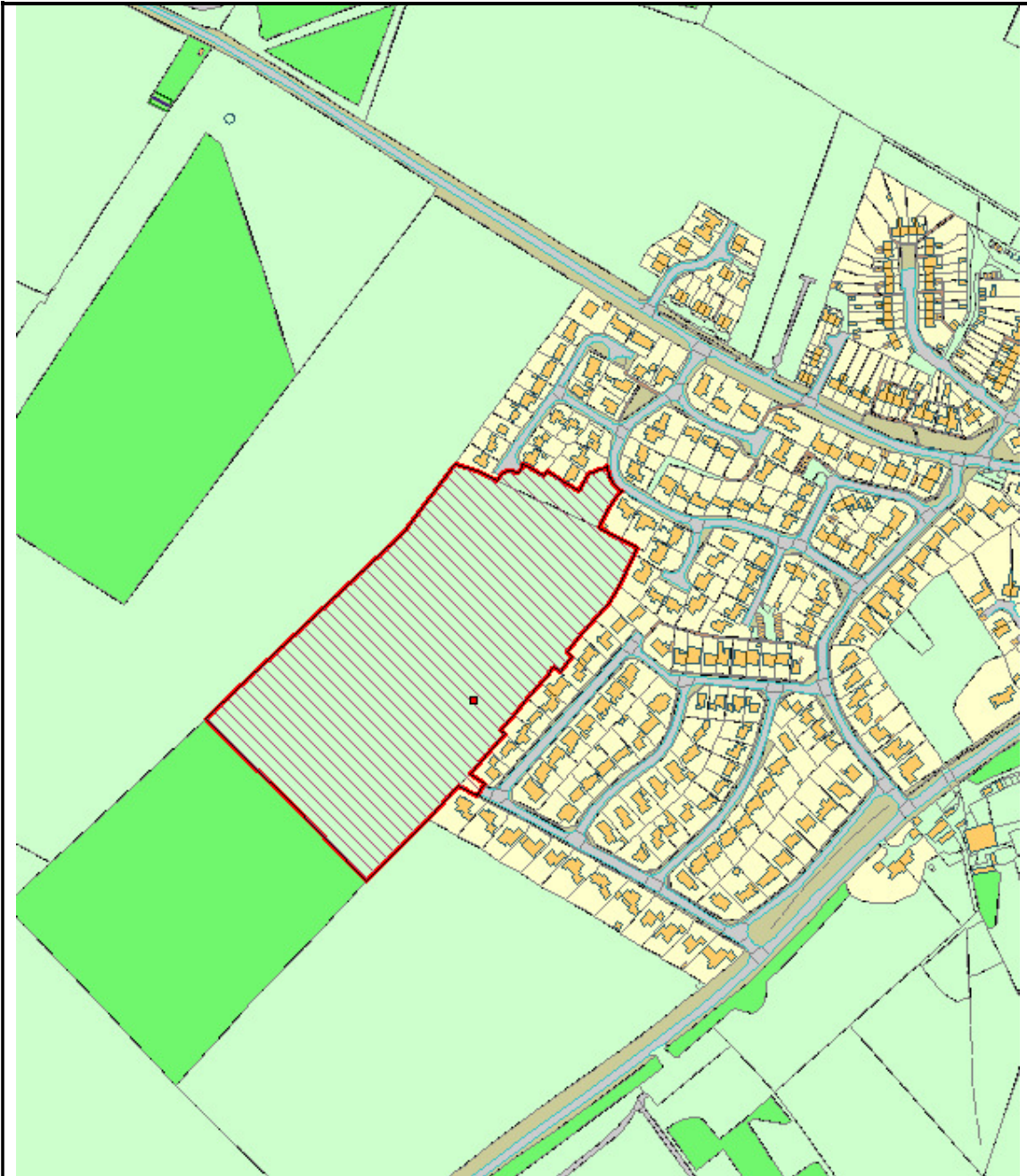
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Issue Date: 00.00.2020 Drawn: RJ

Drawing to be scaled for planning purposes only. All dimensions to be verified on site. All drawings are the copyright of Ross Thain & Co. Ltd.

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Ordnance Survey [100018056]



Rutland County Council

**Catmose,
Oakham,
Rutland
LE15 6HP**

Application:	2021/1452/MAO	ITEM 2	
Proposal:	Outline application with all matters reserved except for means of access, for residential development of up to 75 no. dwellings with associated public open space, landscaping and infrastructure.		
Address:	Land Off Park Road, Ketton, Rutland		
Applicant:	Vistry Homes Ltd	Parish	Ketton
Agent:	Pegasus Group	Ward	Ketton
Reason for presenting to Committee:	Policy considerations and objections		
Date of Committee:	15 February 2022		
Determination Date:	15 March 2022		
Agreed Extension of Time Date:	N/A		

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development for Ketton. There have been many objections to the development. Issues of policy, archaeology, highway safety, flooding and residential amenity are all acceptable. A previous refusal solely on the ground of having a 5 year housing supply is no longer relevant so the application is recommended for approval.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement for affordable housing and open space provision and maintenance, 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. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including design and layout of open spaces), 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.
Reason: The application as submitted does not provide sufficient particulars for consideration of these details.
3. 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.
4. The Reserved Matters shall be based upon the following plans and documents:
 - Illustrative Master Plan Ref. EMS2818_002 Sheet No: 01 Rev: G
 - Design & Access Statement, EMS2818_200, Aug 2020;
 - Flood Risk Assessment (Drainage Strategy) Glanville, 12 August 2020;
 - Proposed Access Junction Layout plan ADC1366/001
 - The recommendations for biodiversity enhancements on Page 5 of the Extended Phase 1 Habitat Survey (CBE Consulting Aug 2020)
 - The advice from Leicestershire County Council Ecologist in response to this application.
Reason: To ensure that the final development accords with the parameters set out in

the outline application, the provision of an alternative form of layout would be likely to have a detrimental impact on residential amenity, on the amount of open space available and the space available for a sustainable drainage scheme, in the interests of proper planning.

5. The Reserved Matters shall provide for a maximum of 75 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 and in accordance with Policies SP5 and SP15.
6. 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, in accordance with Policies SP5 and SP15.
7. 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, in accordance with Policy SP15.
8. The plans and particulars submitted in accordance with condition 2 above shall include:
 - (i) a plan to a scale of 1/500 or 1/200 showing the location of and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

Reason: To ensure that the final layout of the site takes account of important trees on and around the site, in the interests of sustainability and visual amenity and in accordance with Policy SP15.

9. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in

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

Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

10. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system, based on the Flood Risk Assessment and Drainage Strategy submitted with this outline application. The submitted details shall:

- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development does not lead to additional risk of flooding in the local area or the nearby strategic highway network, in accordance with Policy SP15 and Chapter 14 of the NPPF.

11. 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 works

Reason: To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

12. The landscaping scheme to be submitted as part of the Reserved Matters shall include the recommendations for biodiversity enhancements in section 4.4 of the Extended Phase 1 Habitat Survey submitted with the outline application.

Reason: To ensure that the layout and landscaping of the site is acceptable in terms of biodiversity, in accordance with policies CS22 and SP19.

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

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with policies CS22 and SP20.

14. The pedestrian/cycle link from the site to Park Road shall be provided before the occupation of the nth house, in accordance with details that shall have been submitted as part of the Reserved Matters layout and landscaping details.
Reason: In the interests of permeability of the site to the remainder of the village.

Site & Surroundings

1. The application site is located to the south-west of the centre of Ketton village. The site comprises a rectangular parcel of land comprised of approximately 5.52ha of agricultural land.
2. The site is bound to the north-east and south-east by modern residential housing developments along Bartles Hollow, Timbergate Road and Wytchley Road. To the south-west of the site there is a mature woodland (Cats' Hill Spinney) and to the north-west agricultural fields.
3. The site boundary features include a mix of mature hedgerow, woodland and residential timber fences.
4. The site is sloping with levels falling by approximately 20m from the western corner to the north eastern corner. The slope is undulating with some natural plateaus before falling into a hollow along the north east boundary.
5. The application site is located adjacent to but outside of the planned limits of development for Ketton as designated in the adopted Development Plan.

Proposal

6. The proposed development seeks outline permission with all matters reserved for future approval, with the exception of the means of access from Bartles Hollow.
7. The application seeks approval for up to 75 dwellings along with its associated infrastructure, including drainage, landscaping and public open space. A new access is proposed to be taken from Bartles Hollow this would then lead into primary and secondary streets within the development.

Relevant Planning History

2020/0942/MAO – Erection of up to 75 dwellings – Refused July 2021 for the following single reason:

The site is outside the Planned Limits to Development for Ketton where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for setting aside the development plan. The proposal is thereby contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.

That decision is currently subject to an appeal to the Planning Inspectorate.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 - Achieving Sustainable Development (Para 11 – Presumption in favour of sustainable development):

Para 11

Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, flooding etc.

Chapter 15 – Conserving the Natural Environment

Core Strategy DPD (2011)

CS01 – Sustainable development principles

CS02 – The spatial strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS08 - Developer Contributions

CS10 - Housing Density & Mix

CS11 - Affordable Housing

CS18 – Sustainable transport and accessibility

CS19 - Promoting Good Design

CS21 – The Natural Environment

CS22 - The Historic and Cultural Environment

CS23 – Green Infrastructure, open space and recreation

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of sustainable development

SP2 – Sites for residential development

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP9 - Affordable Housing

SP15 - Design and Amenity

SP19 – Biodiversity and geodiversity conservation

SP20 – The historic environment

SP22 – Provision of New Open Space

SP23 - Landscape Character in the Countryside

Other Policies

Planning Obligations SPD - 2016

The Council's current adopted strategic policy on developer contributions is set out in Policy CS8 and the supporting text of the Core Strategy Development Plan Document. The Council has also adopted the Community Infrastructure Levy (CIL) that places a levy on new developments in Rutland towards meeting the costs of infrastructure. There is also scope for the provision of S106 Agreements, entered into by developers under S106 of the Town and Country Planning Act (1990) to make their developments acceptable. These are now mainly related to affordable housing and exceptional cases where site specific physical infrastructure, community facilities or services are essential to make the development proposed acceptable. The current adopted policies regarding affordable housing is set out in Policy CS11 of the Core Strategy and Policy SP9 of the Site Allocations and Policies DPD. These are supplemented by the Planning Obligations Supplementary Planning Document – 2016.

Neighbourhood Plan

Ketton and Tinwell had a neighbourhood area designated in September 2018, with a view to creating a neighbourhood plan, though a draft plan has not been published at the time of writing this report.

Officer Evaluation

8. The main issues are planning policy, design, highway safety, flooding, archaeology, ecology and provision of affordable housing.

Principle of the use

9. In terms of planning policy members are aware that the withdrawal of the replacement Local Plan has left the authority without a 5 year housing land supply. The current situation is about 3.5 years. This means that the locational policies for housing in the development plan are out of date. The Council's inability to demonstrate a 5 year HLS means that the tilted balance in Para 11(d) of the NPPF is invoked and planning permission should be granted unless there are other overriding reasons why it should not be.
10. In this case all other issues were considered in the last application in July of 2021 and were considered to be acceptable. There has been no change in circumstances in those other issues since then.
11. An appeal is pending on the previous refusal which the Council will find difficult to defend if this application is refused. The Council will need to agree a Statement of Common Ground with the appellant which will inevitably include the fact that there is no 5 year housing land supply. There are therefore no other grounds for contesting an appeal.
12. There are benefits in granting permission subject to our conditions rather than leaving it to an Inspector to decide. An inspector if he/she determines approval of the scheme may not impose conditions the Council feel are necessary nor approve S106 obligations.

Issues considered in the previous application (no change in circumstances)

Impact of the use on the character of the area

13. This is an outline application with all matters reserved for subsequent approval with the exception of the access. Notwithstanding this it is considered that although the site has sloping topography it has the potential to accommodate some residential development

and that this could be assessed in full at the reserved matters stage of the development. The illustrative masterplan also shows open space at the top of the slope which would reduce the overall visual impact of the development when viewed from a distance.

Impact on the neighbouring properties

14. Although this is an outline application the submitted illustrative masterplan demonstrates that there is sufficient space to accommodate the proposed development without having any significant impact on the residential amenities of the occupiers of existing properties bordering the site in terms of overlooking or loss of light. The back to back distances to Timbergate Road meet the criteria set out in the new Rutland & SK Design Guide.
15. Concerns have been raised about the loss of views from existing properties but this is not a material planning consideration.

Highway issues

16. Concerns have been raised by a number of objectors about highway safety and capacity. The local highway authority had originally recommended refusal of the application due to lack of information.
17. The applicant carried out an assessment of Empingham Road on the previous application, including the cross roads. They have looked at peak highway times and peak school times. The survey dates were agreed with RCC and were carried out once all schools were open after a lockdown.
18. The survey shows that there is sufficient capacity on Empingham Road and at the cross roads to cater for the development, therefore one access onto Bartles Hollow is acceptable to the local highway authority and they have withdrawn their objections to the development, the access arrangements are therefore considered to be acceptable.

Noise

19. Concerns have been raised in relation to noise and disturbance from the development particularly during the construction phase. There would inevitably be some disturbance during the construction period. This can be control by suitable conditions.

Ecology

20. The submitted metric indicates that there is a potential 16.99 Bio-diversity Unit gain on site. There is no ecological value of the actual land at present and the existing value is in the hedges and trees surrounding it.

Section 106 Heads of Terms

21. If the development is approved a Section 106 legal agreement would be required in order to secure the provision of and on-going maintenance of the open space and to secure the 30% affordable housing requirements.
22. The development would be liable for the Community Infrastructure Levy which will contribute towards local services.

Crime and Disorder

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

Human Rights Implications

24. 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.
25. It is considered that no relevant Article of that act will be breached.

Consultations

26. Ketton Parish Council

Objections - We note that the original planning application 2020/0942/OUT which was refused, attracted very many resident objections. The current application is little different to the original application, and as a consequence contains much out of date information, especially in terms of Ketton being a 'sustainable location'(see points 2, 3, 6), and data based on the 2011 census.

- The site is outside the current Planned Limits of Development of the village and is a greenfield site. Grade 3 Agricultural land is what most of Rutland has (Grades 1 and 2 tend to be Fenland peats), and can be very productive in terms of ecosystem services (provisioning eg food, regulating eg flood prevention, supporting eg nutrient cycling and cultural eg aesthetic).

In this respect, the proposed development is contrary to most aspects of CS1 Sustainable Development Principles.

The Ketton and Tinwell Joint Neighbourhood Plan Survey

(<https://ket2tin.wixsite.com/kettinnp> survey, March 2020, 30% response rate) showed that 64% of respondents (rising to 75% of those with an opinion) said that homes should not be built outside the Planned Limits of Development; 86% said that the Planned Limits of Development should be kept the same or decreased; 72% (rising to 82% of those expressing an opinion) said that new homes should be built on brownfield sites, and over 60% said that farm fields were a very important aspect of the natural environment and landscape.

- There are already 3 designated sites for residential development in the village - Chater Field (21 dwellings), The Crescent (50 dwellings) - these both have had recent planning approval; and Home Farm (15 dwellings) - which is likely to be given approval shortly. This gives a total of 86 new homes, which is 64% of Rutland's annual housing requirement. With another 4 sites, including this proposal, at various stages in the planning application process, Ketton could be providing 253 houses which is equivalent to 1.9 years of Rutland's 5 year housing supply. This is an unacceptable burden for one village, on the far East of the county, with no public transport access to Oakham, to bear. This is contrary to CS9 in terms of the distribution of new housing.
- The existing facilities and amenities in Ketton are inadequate for a further 75 homes on top of the 86 homes already allocated. The village school is at capacity, there is only 1 shop (not open on Sundays), only 1 pub, no eating facility, no village car parks, no filling station, no children's playground at Ketton Sports and Community Centre, and no doctors' surgery. It is difficult to see how most of these facilities could be improved using section 106/CIL. This is contrary to CS1
- 75 new homes at the land off Park Road, together with 3 other possible housing developments off the Luffenham and Empingham Roads, could produce a huge increase in traffic within and through the village. The greatest effect will be on traffic

volumes down Empingham Road and at the junction of the Empingham Road with the High Street. Most traffic will travel along the High Street, passing the school, library and shop, and be joined by further traffic from the 3 designated/approved sites towards Stamford.

The roads in the centre of the village, have narrow pavements, and, the High Street from just west of the shop until just after Bull Lane, is already congested with parked cars for much of the day.

The Transport Assessment states that the development will result in an additional 46 peak time traffic movements and that these extra movements will 'not be material'. This underestimates the increase in vehicles due to the proposed development, as it is based on 2011 data from edge of town and suburban sites - both of which may have lower car use due to closer/better access to a town and bus services etc and are not relevant to a village on an A road, 5km from the nearest town and with poor public transport (see point 6). Leicestershire and Rutland Police have commented that 2018 traffic data cannot be used to assess risk for conducting a 'Speed Watch' as it is 'out of date'.

The Ketton and Tinwell Joint Neighbourhood Plan Survey found that the major traffic problems in Ketton were deemed to be parking (55%), traffic speed (44%) and traffic volume (33%).

- There is only one access road to the proposed development, via a blind bend in Bartles Hollow, and the roads within the development are quite narrow, with many bends. Given that the off road parking provision within the new development may be inadequate (the Ketton and Tinwell Joint Neighbourhood Plan Survey found that 41% of current households have 2 cars and 19% have 3 or more cars), the new estate's roads may easily become congested with residents' parked cars, visitor cars, delivery vans etc The single access point at Bartles Hollow will become congested at busy times for travelling to and from work, school etc and could be a safety issue for the increased number of school children walking to school or to the school bus stop. Emergency vehicles may also have problems accessing the development.

Residents of Bartles Hollow, near the access road will be heavily affected by construction traffic during the construction phase of the development, which could be over several years.

- Sustainable Transport

The Transport Assessment states that 'the existing public transport infrastructure has capacity to accommodate the proposed demands of the development'. Although there is a regular bus service to Stamford and Uppingham it does not run on Sundays, and the times do not link with train times in Stamford. With the new (Sep 2021) service provider, route and timetable, the first bus arrives in Stamford at 8.58 - too late for schools, connections to other school buses or commuting trains, or for most jobs. The last bus to leave Stamford for Ketton is at 17.40 and therefore unsuitable for getting home from work or commuting home by train.

There is no direct public transport to Oakham to access the county offices at Catmose. Stamford train station is 750m from the bus station and the 60 parking places are already inadequate for the current usage - a problem that will only increase with the new and proposed developments in Stamford. Parking in Stamford as a whole is already a problem.

Call Connect is of limited use especially if you need to use it to reach (and get back from) a particular destination at certain times that do not coincide with requirements of

other users.

The Transport Assessment states that 'the train station at Stamford is within cycling distance', but in another section 'there are no designated cycle routes, but experienced cyclists can use the carriageway' - therefore hardly a sustainable option for most people. Additionally, the cycle parking at Stamford Station is minimal and vulnerable, being not on the platform or surveyed by CCTV.

The Ketton and Tinwell Joint Neighbourhood Plan Survey found that the car was the main form of transport for work (50%), shopping (90%), and leisure (over 50%), and that bus, taxi and Call Connect usage was very low.

- Much of the site is on a slope (1:20 - 1:16), with an 18.3 metre difference in height across the site. The Design and Access Statement states that 'the site is visible from a number of locations' and therefore will be visible from much of Ketton and will overlook the existing properties in Timbergate Road. The Timbergate Road and Park Road properties adjoining the site will suffer a loss of privacy due to the proximity of proposed new dwellings.

The site, and Bartles Hollow, already suffers localised surface water flooding, which was considerable during the winter of 2020/21. This is likely to be intensified by the run off from this proposed new estate and the increasing fluctuating and unpredictable weather patterns resulting from climate change. The lowest point of the development is behind number 7 and 9 Bartles Hollow, the proposed access road and the 2 proposed new dwellings on the plot corner; the drainage pond is at a greater height, and when it overflows 'goes to ground' (rather than to a sewer) so could result in localised flooding at the lowest point.

- Biodiversity Net Gain

Biodiversity Net Gain seems to rely on the creation of a wetland habitat, having a grassland areas with some trees and the subjective, rather than data based, view that cultural and regulating ecosystem services will increase.

A retention or attenuation 'pond' can only be of a high aesthetic and ecological benefit if it is constructed and maintained to function as a 'pond' in both wet and dry conditions. Also, if litter/debris is removed, inlets and outlets are cleaned, vegetation is managed and sediment is monitored and removed as necessary.

Tree or hedge planting, and establishing a meadow will take several years, with suitable management, to achieve BNG. Without a legal agreement of no further development on the site, BNG may never be gained.

Similarly, bird and bat boxes need to be positioned carefully, remain in place (not removed by residents), be maintained regularly and only be exposed to bat-friendly lighting if they are to contribute to BNG.

In summary, Ketton Parish Council objects to the proposed development on the basis that it will adversely affect the village in the ways listed above, and any benefit is already served by other designated developments in the village, and proposals in the surrounding area.

27. **Highways** (prev comments for now)

Since October 2020 the applicant carried out an assessment of Empingham Road, including the cross roads. They have looked at peak highway times and peak school times. The survey dates were agreed with RCC and were carried out once all schools

were open after the lockdown.

Highways previously recommended refusal on this application on 13/10/2020 as insufficient information was provided.

The survey showed that there is sufficient capacity on Empingham Road and at the cross roads to cater for the development, therefore one access onto Bartles Hollow is acceptable

28. **Archaeology**

We welcome the desk-based assessment and geophysical survey and while there are little anomalies with the geophysical results there are some which do not correspond with anything from the historic mapping. Also, some archaeological remains cannot be seen within geophysical survey such as pre-historic remains.

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context 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. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

1. 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 by the local planning authority in writing. For land that is included within the WSI, no demolition/development

shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

29. **Ecology** (prev comments for now)

I have reviewed the additional information you forwarded (Biodiversity Impact Assessment) regarding the above planning application. I am generally happy with the proposals and have made more detailed comments below:

- To achieve optimum biodiversity on the site the proposed swale/soakaway should be landscaped and managed to provide habitat for wildlife.
- Planting in the open 'parkland' should be planted with native species to promote diversity, this includes creation of species rich grassland
- The illustrative masterplan shows a green 'wedge' where the boundary of the development meets Cats Hill Spinney - this should be planted to create/improve scrub/woodland habitat in this area; this will improve the woodland edge
- Planting in gardens should be of species attractive to pollinating insects. Garden lawns should be planted with a flowering lawn mixture such as Emorsgate EL1.
- Boundary hedgerows on the site should be retained and improved. Boundary trees should be retained.
- Trees proposed for planting on the residential streets should be appropriate species for 'street trees'.
- If close boarded fencing is to be used on site hedgehog holes should be created to allow movement between gardens and out into the wider natural environment.
- Bat bricks/boxes and bird (inc. Swift) bricks/boxes should be included in the development; these should be incorporated into the buildings on site; integrated bricks are preferable.

If the above are incorporated into the development then sufficient net gain in biodiversity should be achieved.

30. **Anglian Water**

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission

be granted.

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.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Ketton Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: FOUL SEWAGE & UTILITIES ASSESSMENT. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4)

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5)

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such,

we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented

31. **Environmental Protection**

In accordance with the Phase 1 Geo-Environmental Desk Study recommendations that a phase 2 intrusive investigation is undertaken and submitted to the LPA for approval: For any form of development, BRD recommend that an intrusive ground investigation is undertaken in order to confirm ground conditions and allow design of the new structures. It is recommended that the ground investigation for geotechnical assessment includes, a general spread of exploratory holes to confirm site conditions, the installation of groundwater monitoring pipes to determine standing groundwater levels and soakage testing in accordance with the BRE Digest 365 Soakaway Design guidance.

Neighbour Representations

32. There have been 54 objections from local residents at the time of writing.

The objections are summarised as follows:

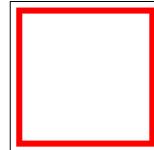
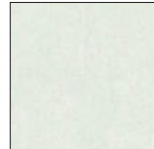
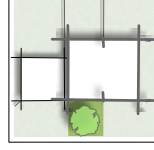

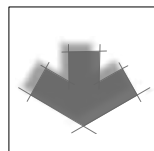
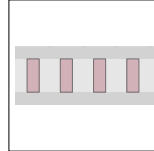
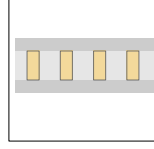
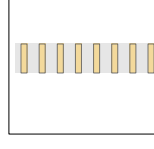
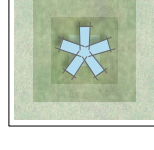
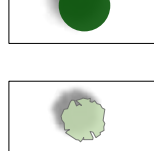
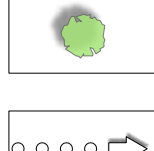
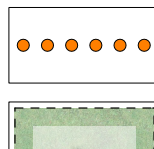

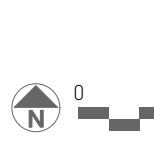

- Greenfield land should not be built on
- Recent refusal should not be overridden
- Loss of views (non material)
- Too close to rear of Timbergate houses
- Impact on village infrastructure
- Ecological impact
- Cumulative development in the village
- Highway safety
- Residential amenity

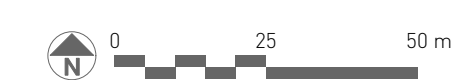
Conclusion

33. This application is acceptable on policy grounds on the basis the Council does not have a 5 year land supply. On the basis there were no other grounds for refusing the previous application, there are now no grounds for withholding permission for this proposal and permission should be granted in accordance with the Framework and the recommendation above.

APPENDIX 1

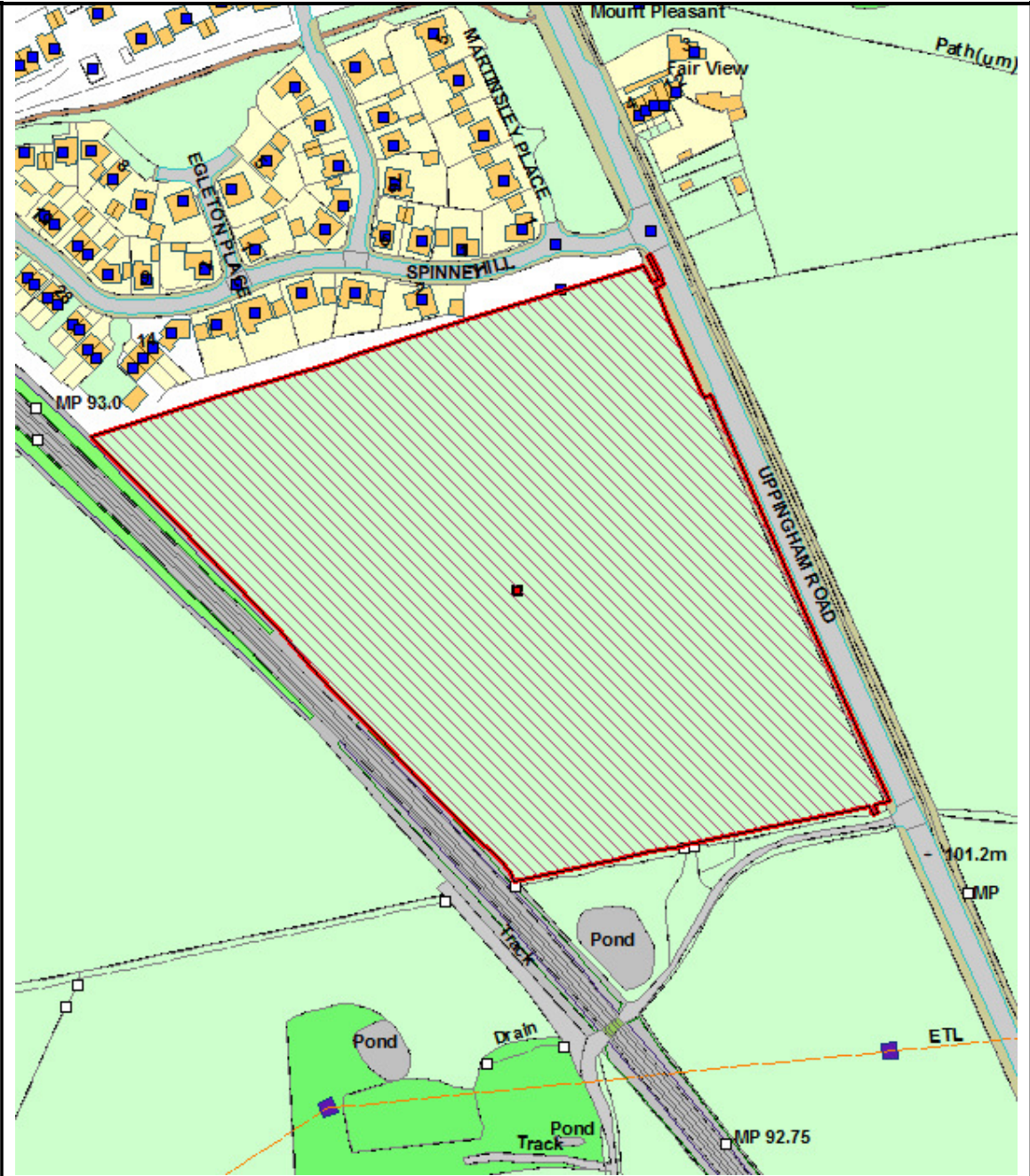
Key

-  Site Boundary
5.52Ha
-  Development Area
-  Illustrative Housing Strategy
up to 75 dwellings (dependent on housing mix)
-  67m Contour
-  Vehicular Access
-  Street
2m footpath - 5.5m road - 2m footpath
-  Lane
2m footpath - 4.8m road - 2m footpath
-  Shared Private Drive
circa 4.5m shared surface
-  Indicative
Drainage Basin
-  Existing Trees & Hedgerows
Taken from topo survey
-  Illustrative Landscape Strategy
Including buffer planting
-  Illustrative Landscape Strategy
Feature tree planting
-  Pedestrian / Cycle Links
2m/3m
-  Public Right of Way
-  Play Space
LEAP



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 Ordnance Survey [100018056]



Rutland County Council

Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2021/0794/MAF	ITEM 3	
Proposal:	Erection of 84 dwellings, including public open space, landscaping, a pump station and associated infrastructure		
Address:	Land Off Uppingham Road, Oakham		
Applicant:	Davidsons Development Ltd	Parish	Oakham
Agent:	Pegasus Group	Ward	Oakham South
Reason for presenting to Committee:	Major application with policy considerations		
Date of Committee:	15 February 2022		
Determination Date:	17 Sept 2021		
Agreed Extension of Time Date:	28 February 2022		

EXECUTIVE SUMMARY

This site was allocated for development in the withdrawn Replacement Local Plan. It has been assessed as being suitable and deliverable and is in a sustainable location. The layout and design is acceptable and there are no technical reasons for refusing planning permission. Due to the shortage of a 5 year housing land supply following withdrawal of the Local Plan Review, Para 11(d) of the NPPF is engaged and planning permission should be granted.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 Agreement to deliver affordable housing and the provision and maintenance of open space, and the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers n1251 001 B, n1251 008 I, n1251 009 B, n1251 400 B, n1251 600 B, n1251 700 C, GL1112 14B, GL1112 15B, GL1112 16B, ADC1841-DR-001 P4, ADC1841/DR/050 P4, The Travel Plan ADC Ref ADC1841-RP-F, House Packs 1-3, Garage Pack.(All subject to confirmation)
Reason - For the avoidance of doubt and in the interests of proper planning.
3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, 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, in accordance with Policy SP15.
4. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to

be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

5. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system, based on Plan ADC1841/DR/050 P4 and the drainage details submitted with this application. The submitted details shall:
- include a timetable for its implementation; and
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason – To ensure that the development does not lead to additional risk of flooding in the local area or the nearby strategic highway network, in accordance with Policy SP15 and Chapter 14 of the NPPF.

6. No development shall take place 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 works
 - Hours of working on site
 - Details to satisfy Network Rail requirements

Reason: To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

7. The development shall be carried out in accordance with the Extended Phase 1 Habitat Survey (CBE Consulting) (v3, 8 June 2021) and before the occupation of the final dwelling on site, a total of 15 integrated bat bricks shall be incorporated into the development in accordance with details that shall have been submitted for the approval of the local planning authority.

Reason: To ensure that any protected species near to the site are dealt with appropriately.

8. The development shall be carried out using glazing in accordance with the recommendations contained in the noise assessment Document reference: Uppingham Road, Oakham-1010435-05-AM-20180601-Environmental Noise-Rev 4). No dwelling shall be occupied until the noise insulation has been validated and agreed in writing by the local planning authority.

Reason: In the interests of the amenities of future residents.

9. No development shall commence on any foundations until gas monitoring in accordance with Para's 6.3 and 7.3 of the Phase 1 Desk Study by RLE, May 2018, has been carried out and the results submitted for approval by the local planning authority.

Reason: To ensure that dwellings are built to a safe standard in the event that any landfill gas is discovered.

Informatives:

- Need for European Protected Species Licence
- CIL note

Site & Surroundings

1. The site is located on the west side of Uppingham Road, immediately south of the Spinney Hill development. It is bounded to the road frontage and the southern boundary by a field hedge. The boundary with Spinney Hill is a hedge with occasional trees, beyond which is an area of open space that is now 're-wilding' and has no public access.
2. To the west is the railway line, having a similar at level relationship with this site as it does with Spinney Hill. The site is relatively flat and fall gently to the south east.
3. The boundary to Oakham Conservation Area runs along Uppingham Road to the north east corner of this site then turns across the fields to the east of the road. The site is outside the Conservation Area.
4. A water main runs along the eastern and northern edges of the site making a natural green corridor around the periphery.



Photo of the site from the south east on Uppingham Road

Proposal

5. The proposal is a full detailed application for the erection of 84 dwellings, including 30% affordable units, open space and new access.
6. The scheme would provide the following dwelling types:

Beds	Number	Affordables
1	8	8
2	16	8
3	38	9
4	18	0
5	4	0
Total	84	25

7. The layout has recently been revised following discussions with representatives of the Spinney Hill residents and in response to consultations. The amendments that have taken place are as follows:
 - The footpath has been moved away from the root protection area of the tree along the northern boundary. Furthermore, it is confirmed that a “no dig” construction process will be used in the construction of the footpath.
 - Knee rail fencing has been included along the swales along the eastern and western boundary;
 - More detail is provided for the timber bridges over the swales.
 - Trees have been included in the verge on the primary street on both sides;
 - The highway has been softened around The Green with the use of block paving
 - Dwellings with chimneys have been focused around the arrival green space, Uppingham Road frontage and ‘The Green’.
 - Hedgerow boundary treatment has been applied to the secondary street (please see boundary treatments plan).
 - The Gardens associated with plots 46 and 47 have been improved
 - The materials plans and house types pack have been amended to include stone finishes and rendered plots across the site.
 - Detailed landscaping is provided which gives more detail of the specific landscaping as well as the proposed SUD’s basin to the south of the site.
 - The Site location plan has been slightly amended to allow for the surface water drainage connection to the south of the site.
 - A flood risk Addendum is submitted in response to the consultation comments made by the LLFA.
 - An updated Noise Survey is submitted to take account of any potential change in train movements on the adjacent railway line since the original report was produced.
8. The site is laid out such that the open space is located at the south east side, i.e. the immediate edge to the entry to the town.
9. The site was allocated for development in the now withdrawn replacement Local Plan.
10. The latest layout plan is in the Appendix.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages
SP6 - Housing in the Countryside
SP9 - Affordable Housing
SP15 - Design and Amenity
SP20 - The Historic Environment
SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS04 - The Location of Development
CS03 - The Settlement Hierarchy
CS08 - Developer Contributions
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS19 - Promoting Good Design
CS22 - The Historic and Cultural Environment

Neighbourhood Plan

The Oakham and Barleythorpe Neighbourhood Plan had its area designated in April 2016. Formal Examination of the Plan began in May 2021 but no final Examiners report has been received due to the withdrawal of the replacement Rutland Local Plan and the publication of a revised NPPF in July 2021. A consultation on recommended modifications ran until 7 January 2022.

Officer Evaluation

11. The main issues are planning policy, highway safety, residential amenity, drainage, ecology, and provision of affordable housing.

Principle of the use

12. The site is outside the PLD for Oakham in the current Development plan. Members will be aware that it was allocated for development in the now withdrawn Local Plan Review (LPR). The site has thereby been assessed as being suitable for development and is deliverable.
13. In view of the withdrawal of the LPR, the Council can no longer demonstrate a 5 year Housing Land Supply as required by the NPPF. On this basis Para 11(d) of the NPPF is activated and the housing locational policies of the current development plan are to be considered out of date. This means that the Para 11(d) carries significant weight in the determination of this application.

14. There is therefore a presumption in favour of sustainable development. Oakham is the most sustainable settlement in the County so is a main focus for new development. The scheme also meets the 3 test of sustainability, i.e., economic, social and environmental as set out in NPPF para 8.
15. The adjacent Spinney Hill development was allowed on appeal in 2011 as the Council could not demonstrate a 5YHLS at that time, even though it was argued at the appeal that we did, as it showed around 5+ years. The Council and existing residents at that time both produced advocacy from Counsel but the Inspector accepted the appellants argument that not all sites were deliverable and the appeal was allowed. A similar situation exists on this site now due to the withdrawal of the Local Plan.
16. This site was the subject of a full assessment as to its suitability for housing for the now withdrawn Local Plan. It was considered suitable and was approved for submission to examination. It is in a sustainable location on the edge of the County's most sustainable town. It is therefore suitable for development to help make up the 5HYLS that is currently under provided.

Design/Layout

17. The layout follows the advice in the Rutland Design Guide in that it provides clusters of outward facing dwellings such that no rear boundaries face onto a road. The road hierarchy is appropriate with smaller lanes and shared surfaces bearing off the main access road.
18. The revised layout include street trees as required by the NPPF.
19. It identifies landmark plots and ensures that all corner dwellings have appropriate features on both front and side elevation, i.e. they 'turn the corner'.
20. The house types are standard to the developer but with the use of appropriate materials they are not unacceptable per-se.
21. The scheme provides a generous amount of open space which, as stated elsewhere, provides a softening edge to the town that Spinney Hill does not achieve with its dwellings so close to the boundary.
22. With the design this layout proposes, the impact of housing on the west side will be softened from the current situation where housing on Spinney Hill turns its back on the countryside and is relatively close to the boundary, which , on the basis of current thinking on urban design would not have been appropriate today.
23. The submission includes a very detailed landscaping scheme for full approval.
24. The location of the play area was considered in accordance with the comments of the Town Council but with the open space being necessary on the southern edge, its relocation would have pushed housing further south on the site. The area is well overlooked by dwellings facing onto the open space.

Impact of the use on the character of the area

25. The advice from a landscape consultant employed by the Council for the Spinney Hill appeal was that refusal on the grounds of landscape impact would not be successful. In allowing the appeal the Inspector agreed with that view.

26. This site, at a local level forms part of the low-lying Vale of Catmose landscape character type that sweeps from the County boundary to the north-west across Oakham to the western shoreline of Rutland Water. More specifically the site forms part of the Egleton Plain sub-area that is defined by an area of low-lying intensively managed predominantly arable farmland that is crossed by the service infrastructure including a railway, the eastern bypass to Oakham (Burley Park Way) and overhead powerlines. The site is not subject to any specific landscape designations.
27. A landscape study for the Council carried out in 2021 assessed that the site had medium landscape sensitivity and medium capacity to accommodate development.
28. A comprehensive Landscape Visual Impact Assessment has been provided with the application, prepared in accordance with the guidelines from the Landscape Institute. This concludes that the landscape and visual effects arising from this proposal are not considered to be unexpected, or uncommon for the scale and nature of this proposal. The main impacts are localised and the scheme adopts effective mitigation measures capable of successfully assimilating the scheme within its local context of settlement and surrounding farmland. They also secured a high level (38% of site area) of green/blue infrastructure that has demonstrated is capable of securing an overall net gain in biodiversity.
29. The location of open space to the south of the site means that the impact of the development on the edge of the town would be softer than the current edge on Spinney Hill where dwellings are closer to the field boundary. There are no grounds for refusal on landscape impact grounds.

Impact on the neighbouring properties

30. The neighbouring properties are located on the southern edge of Spinney Hill development. They are set back from the northern boundary of this site by varying distances. There is also a landscape strip between those gardens and the northern boundary.
31. The new development would be set well in from the northern boundary such that typical front to rear distances with Spinney Hill properties would be from 27m to 44m. The newly adopted Design Guide states a minimum of 21m is required. No.2 Spinney Hill is sideways on to the site and the nearest front elevation on site (Plot 28), is 21m from the side of No.2, the Design Guide requires 14m.
32. The occupier of No.2 is concerned about loss of privacy from the proposed footpath. This would be 4m from the site boundary and 9m from the southern (side) boundary to No.2.
33. There is also an area of open space and an established hedgerow around the northern boundary of the site which, together with the distances set out, means that the amenities of the Spinney Hill dwellings are protected in accordance with the policy, SP15 and the Design Guide.
34. Members are aware that no-one has a right to a view and whilst the development of the site would be disappointing for those on the southern edge of Spinney Hill, this is not a reason for refusal.
35. There may be some short term disturbance from construction phase but members are also aware this is not a reason for refusal.

Heritage

36. The site is close to the Oakham Conservation Area boundary which lies primarily on the east side of Uppingham, Road, mainly opposite the Spinney Hill development. In allowing the Spinney Hill appeal, the Inspector (nor the Council in the reasons for refusal it put

forward) made any reference to that development having an impact on the character and appearance of the Conservation Area. The character of the land on this west side of Uppingham Road is different from that within the Conservation Area on the east side. On this west side the character is more of a plain agricultural flavour, which is reflected on the east side opposite this site. Within the Conservation Area the land takes on a more parkland character, enhanced by dense tree cover.

37. It could be argued therefore that the Spinney Hill development had a similar or even more of an impact on the character of the conservation area, but nevertheless was not an issue identified by the Inspector.
38. The development would not therefore detract from the character and appearance of the conservation area. The public benefit of the development in providing much needed housing would outweigh any perceived less than substantial harm in any event.

Highway issues

39. The site would have a new vehicular access from Uppingham Road. This is in accordance with the geometry required by the highway authority. The internal layout is also acceptable and the scheme provides adequate off street parking for the scheme to comply with policy.
40. Some technical highway issues do remain to be clarified and an update will be made in the Addendum.

Ecology

41. The field is regularly cultivated and cropped and is highly fertile and productive. It contains little diversity as a result. The boundary hedgerows are not of high species diversity but are of some local value providing screening and linear routes for wildlife, particularly along the western and southern boundaries of the site. The proposed development provides a significant landscape area along the southern boundary of the site which will provide stand-off from the ponds and allow space for suitable habitat to be created to enhance this boundary area.
42. There is no physical evidence or field signs of protected species within the area where residential development is being proposed there is potential for protected species to be present along the boundary areas which will require mitigation, including the need for a European Protected Species Licence being obtained from Natural England.
43. The boundary hedges and trees are to be retained a detailed landscaping scheme using native species will mean that there will be an increase in bio-diversity over current conditions. The requirements of the Environment Act for a 10% gain has not yet been activate by secondary legislation.

Drainage

44. The site would be connected to the existing foul sewer in Uppingham Road by a pumping station adjacent to the surface balancing pond.
45. Surface water would be to a balancing area via a system of pipes and swales and thereafter at a controlled rate into a surface water sewer. The surface water details are required by Conditions.

Noise

46. Noise from construction can be a short term problem but the recommended Construction Management condition can deal with this.

47. Noise from the railway is dealt with by condition on the recommendation of Public Protection.

Overhead Lines

48. There is an overhead line crossing the site feeding into Spinney Hill. This will be diverted underground along the western boundary of the site in an existing agreement with Western Power.

Other Issues

Infrastructure

49. As members will be aware, the Community Infrastructure Levy (CIL) that is paid for each market dwelling on site goes towards local infrastructure (schools, doctors etc.) so there is no need to seek additional payment for such provision in an individual planning application.

Brownfield Land

50. Many residents stated there is adequate brownfield land in Rutland to cater for its housing needs. Many refer to St Georges Barracks or Woolfox, which members have rejected for development.
51. Thus, the current Brownfield Land Register contains just 5 sites, 2 of which already have planning permission for development (The Crescent in Ketton and Holme Close in Tinwell – total 49 dwellings). The other 3 are:

Land east of Seaton Rd Glaston
Part of the White Horse Inn Morcott, and
Pinfold Close North Luffenham.

52. These 3 sites are estimated to have the potential for between 17 and 25 dwellings. This is clearly insufficient to cater for the County's housing needs in the medium term. None of the 3 sites are in public ownership so there is no compulsion for them to come forward for development in any event.
53. There are no other brownfield sites available to cater for the County's 5YHLS.

Soil Quality

54. Suggestions have been made by objectors that the soil on the site is classified as Grade 1 Agricultural land and thereby contrary to Government advice on the development of such land. This was shown on a more strategic map but on-site investigations have shown that the majority is in fact Grade 3a land with a small pocket of Grade 2.
55. The regional classification is used as the starting point for our strategic assessments, although in some cases there will be evidence of more detailed and site specific assessments of soil quality.
56. The regional agricultural land classification website contains a statement to the effect that: "This map forms part of a series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading".
57. In this particular case, the Council has been presented with additional substantive evidence on the soil analysis for this individual site. This evidence is specific to this

location and more detailed than the evidence available from the regional agricultural land classification.

58. This evidence is therefore more robust to use in the assessment of this site than had been possible in preparing the Local Plan.

Section 106 Heads of Terms

- Delivery of 30% Affordable Housing on site as agreed with the applicant
- Delivery and maintenance of public open space and play equipment on site

Crime and Disorder

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

Human Rights Implications

60. 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.

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

Consultations

62. Public Protection

On Original submission

With respect to noise the following recommendations should be applied. In accordance with the results of the noise survey and the requirements of BS8233 it is recommended that all bedrooms 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 Uppingham Road to the east 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.

It is recommended that the garden boundary to plots which overlook either the railway or road be provided with solid barrier fencing of minimum height 2m above railway/road level. Based upon the layout in Appendix 1, this would apply to plots 1, 45 and 50. Any such fence should be continuous to ground level without any significant gaps and should have a minimum mass of 10kg/m². In practice, these requirements can be achieved with close-boarded panels and gravel boards.

The results indicated that measured vibrations over the monitoring period were sufficiently low in order that no vibration mitigation measures are deemed necessary for this development.

We accept the phased land assessment and ask the recommendations for further targeted gas monitoring and sampling be taken in full.

On revised plans and Noise Assessment:

The recommendations contained in the noise assessment Document reference: Uppingham Road, Oakham-1010435-05-AM-20180601-Environmental Noise-Rev 4.docx) must be fully implemented as stated and validated once completed.

63. **Highways**

Technical issues are being dealt with but likely no objections subject to conditions

Lead Local Flood Authority

No objection subject to conditions

64. **Environment Agency**

The Environment Agency does not wish to make any comments on this application.

65. **Anglian Water**

Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment

The foul drainage from this development is in the catchment of Oakham Water Recycling Centre that will have available capacity for these flows

Used Water Network

This response has been based on the following submitted documents: FRA and drainage Strategy The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (+Informatives)

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

66. **Oakham Town Council**

Recommend Approval but would like to note that the children's play area is moved on the site

67. **Ecology**

My previous comments of 27th July 2021 still stand. I would like to add that the proposed landscaping is acceptable.

Previous comments:

The Extended Phase 1 Habitat Survey (June 2021) was carried out March 2020 and updates the previous survey carried out in 2017. The recommendations in the report should be followed and made a condition of any planning permission granted.

The Great Crested Newt Survey report (CBE, May 2017) identified a small population of Great crested newts in a pond on adjacent land to the south of the site. The revised

Extended Phase 1 Habitat Survey report confirms that 'a European Protected Species License is required to define the mitigation measures to protect the ponds and Great Crested Newts to the south of the field. This mitigation is likely to take the form of exclusion fencing, trapping and removal within the field area, and the creation of new habitat within any proposed development' and 'A GCN mitigation strategy and method statement will need to be prepared by the Licensed Person applying for an EPSL.

This is likely to include erecting of exclusion fencing around the ponds when the GCN are known to be in the water body breeding and ensuring that the hedge on the southern perimeter of the field boundary are also outside of the construction area and any links to the pond are maintained'.

To achieve biodiversity net gain on the site trees and hedgerows should be retained and hedgerows enhanced by 'gapping up' with locally native hedgerow plant species. The swale and SuDS features should be planted and managed with biodiversity in mind. Any new planting should be of locally native species which benefit wildlife. Boundary planting of locally native species should be provided on the western boundary of the site to enhance this wildlife corridor. The above should be provided on a landscape plan.

The adjacent countryside provides suitable bat foraging habitat, I recommend as a condition of any planning permission granted, that a total of 15 integrated bat bricks are installed across the site on the new dwellings.

68. Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).

69. Housing Strategy

The latest revised layout is acceptable subject to a S106 to ensure delivery of affordable housing.

70. Leics Police Architectural Liaison Officer

I have now visited, and have reviewed the proposed development. There is a single proposed vehicle access point at Uppingham Road to the west side of the development. The internal road travels throughout the site providing access to all dwellings. There are also pedestrian walkways providing access to open space in the south east.

Internal roads allow access to all dwellings within the development. This Parcel is part of a much larger development so permeability is not a significant problem as long as the main entry points are covered by appropriate lighting and CCTV coverage is considered.

Access for Emergency Services is appropriate due to the size and scale of the site. There is water attenuation to the west and south of the site and around the perimeter.

Parking is in curtilage in general to each dwelling and consideration of gable end windows should be taken to allow as much natural observation by residents as possible.

Lighting throughout the site including the key vehicle entry point and other key areas should be to BS5489. A Section 38 Agreement is requested to install an electrical spur to the nearest lampposts would allow immediate installation. All pedestrian or cycle walkways should be illuminated likewise.

Consideration of the use of CCTV coverage of the key vehicle entry point is recommended to include Automatic Number Plate Recognition capability. This would add an element of general security to the development providing improved security. Due to the size and scale of dwellings proposed I recommend consideration of CCTV at the single vehicle entry point as part of construction. General Data protection Act signage would need to be displayed in the event to installation.

Wheelie bin storage and cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for bins.

71. **General Recommendations**

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision.

Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.

All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems.

Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.

72. Public Rights of Way Officer

No direct effect on the public rights of way network anticipated. Potential for increased traffic on footpath linking Oakham with Egleton, but previous attempts to upgrade / improve this path were rejected by a councilors due to an objection from Egleton PC.

Please ensure questions of ownership and maintenance liability for all proposed areas of green space and landscaping, particularly where they're adjacent to the highway, are resolved at the earliest opportunity. If the developers retain responsibility for maintenance this can be very difficult to enforce after a few years have passed.

73. Network Rail

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

Boundary Treatments, Landscaping and Lighting

Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Pados*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Cretaeus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Condition

Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.

Lighting

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

Additional Requirements

Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Reason for above conditions:

The safety, operational needs and integrity of the railway.

Informatives:

Please see attached standard railway requirements to be included as informatives.

Neighbour Representations

74. From Ward Member (Cllr Ian Razzell)

Having spoken with a good number of Oakham South residents over the past 18 months regarding their concerns over the development of greenfield sites as opposed to brownfield, I write in support of their concerns on application 2021/0794/MAF.

With my support to the emerging local plan on record however, opposing this application may seem at odds with the former but it is worth noting that the local plan had significantly more component parts than those relevant to Oakham South and as a County Councillor I considered my ward and the County across many of those areas.

Returning then to my opposition to this application, I must support the very real concerns of residents around infrastructure and (in particular) their worries around local healthcare. We simply must drive forward the improvements to primary care access and place based secondary care facilities that the current population needs BEFORE we consider putting yet more pressure on a health system that is already full.

In addition, I agree that we are in danger of losing the historic nature of our Market Town with the continued push of housing, right up to the boundaries of the current ring road. Retaining the green entry to Oakham is essential if we are to continue to reflect our historic Agricultural roots and the economy and community that makes Oakham South what it is.

In summary, many of the concerns I have listened too in Oakham South Ward are based on having access to affordable housing and having the facilities in place to support the growing population. In the past two years, residents have seen two greenfield sites approved for mixed and affordable housing but the burning issue now remains that of infrastructure. On that basis and with resident views that health facilities are not meeting their needs, I simply must support local opinion and oppose this application.

There have been 48 letters of objection from the adjacent Spinney Hill development and elsewhere in town.

- Spoil the view from the Rutland Round
- Impact on approach into Oakham
- Not in Oakham & Barleythorpe Neighbourhood Plan
- Preference should be given to brownfield land
- Brownfield sites in Rutland have been turned down despite significant funding and these should take precedence rather than destroying virgin land
- Contrary to the development Plan
- Contributions should be made to local infrastructure
- Rail noise has increased
- Does not preserve outlook from Spinney Hill as the withdrawn Local Plan required
- Impact on improving bio-diversity on Spinney Hill site
- Light pollution from cars to rear of Spinney Hill properties
- Designs are not in keeping with Oakham
- Loss of privacy from the new footpath along the northern boundary
- Can a roundabout be provided at junction of Uppingham Road with bypass?
- Noise and pollution from vehicles near the boundary
- Light pollution
- Consultation by developer is out of date
- Braunston Road permission now meets the 5 yr supply so no need for this
- Incongruous and intrusive finger of development into the former surrounding open countryside

- In agreeing a statement of common ground with the developer (for the local plan) the Council has prejudiced itself in making a decision on this application
- Dwellings should be to 'eco' standard as Spinney Hill was
- Local Plan only allocated 73 homes on this site
- Plots should not be occupied unless tested for sound attenuation compliance
- Noise Assessment is inaccurate
- No energy efficiency details
- Adds to global warming
- Will set a precedent for further large sites
- Will destroy an icon of the town
- Revisions are trivial
- Cycle path link to bypass required
- Green areas should be left to be enjoyed by Oakham residents

The detailed submissions from objectors can be read on the web site.

A letter of support has been received.

The main point made is there is no doubt we have shortage of properties in Oakham. All other issues and reasons of objection by others should be addressed with RCC. As regardless of all, more properties are needed.

Conclusion

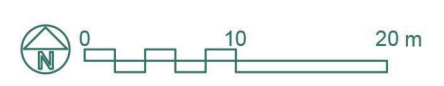
75. This site was allocated for development in the withdrawn Replacement Local Plan. It has been assessed as being suitable and deliverable and is in a sustainable location. Whilst there is a strong resistance to this development from local residents, as there was to the Spinney Hill scheme before it, the layout and design is acceptable, there are no adverse impacts on any interests of importance and there are no technical reasons for refusing planning permission. Due to the shortage of a 5 year housing land supply following withdrawal of the Local Plan Review, Para 11(d) of the NPPF is engaged and planning permission should be granted.

Key:
Application Boundary

APPENDIX 1



70



Project:
Uppingham Road, Oakham

Drawing Title:
Presentation Layout

Project Code: n1251
Drawing Nr: 009
Rev: B
Drawing Scale: 1:500 @ A1

Market Plots



Front Elevation



Front Elevation



Front Elevation



Front Elevation



Front Elevation

A



Side Elevation

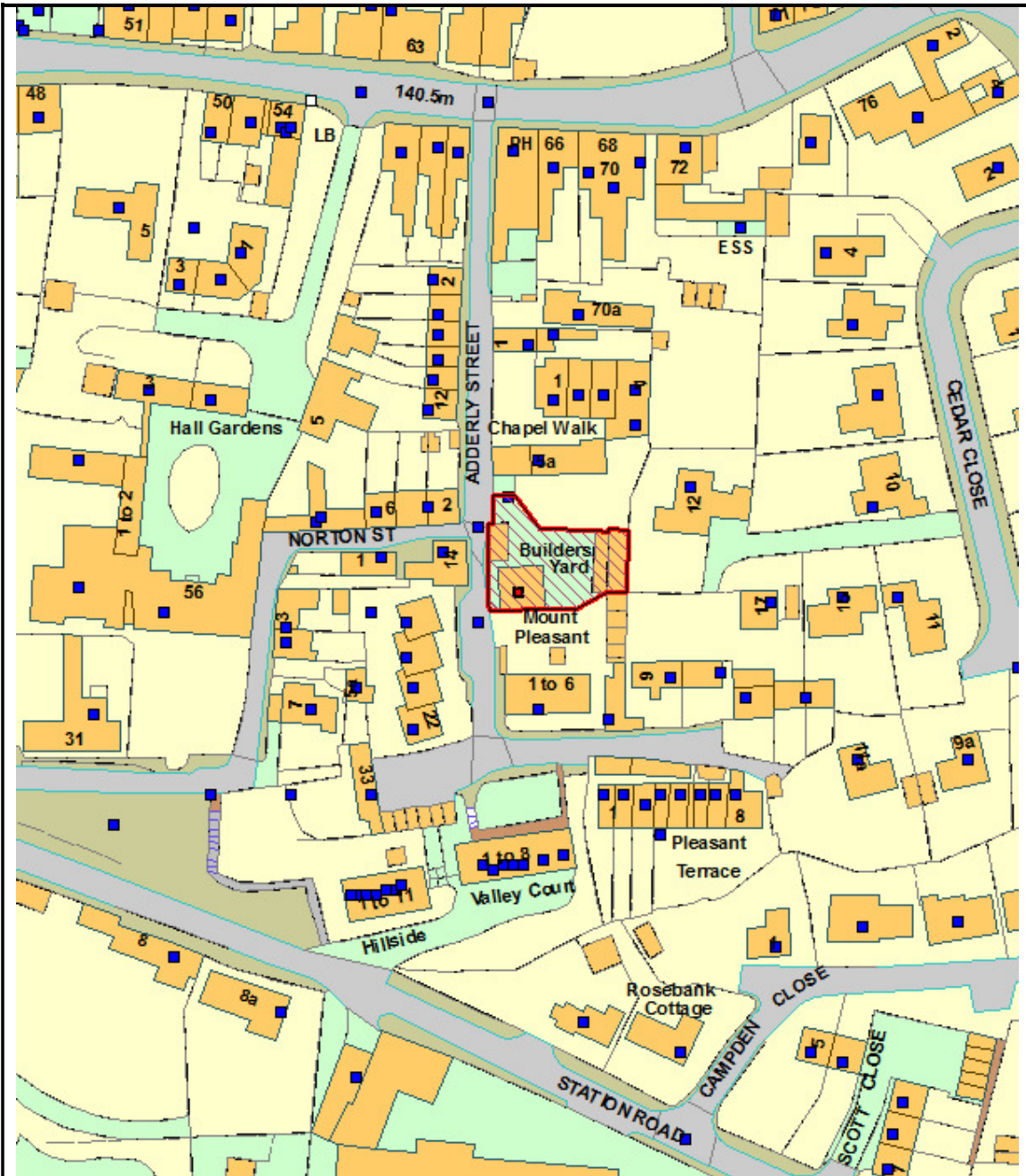
A



Affordables Examples







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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0967/FUL	ITEM 4	
Proposal:	Proposed demolition of existing buildings and replacement with new dwelling with garage off-road parking and landscaping		
Address:	5A Adderley Street Uppingham Rutland LE15 9PP		
Applicant:	Wilford	Parish	Uppingham
Agent:	Leaf Architecture & Design Ltd	Ward	Uppingham
Reason for presenting to Committee:	Chairman requested application be referred to Planning Committee		
Date of Committee:	15.02.2022		
Determination Date:	10.01.2022		
Agreed Extension of Time Date:	16.02.2022		

EXECUTIVE SUMMARY

It is considered that the proposed development would not have a detrimental impact on the character and appearance of the area, residential amenity or on the heritage assets. The development is therefore recommended for approval.

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 Site Location and Block Plans dated 3 August 2021, 9674 L.11 Proposed Floor Plans and Elevations, Construction Management Plan dated 10 December 2021.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing, roofing materials, windows and roof lights to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. Before the occupation of the dwelling hereby approved shall be fitted with bat boxes, details of which shall be agreed in writing with the local planning authority prior to commencement of development.
Reason: Bats 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 paragraphs 174 and 175 of the National Planning Policy Framework (2018).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, and no provision of buildings, enclosures, swimming or other pool, shall be erected or carried out except with prior planning permission.
Reason: In the interests of the character and appearance of the conservation area and surrounding residential amenity.

Notes to Applicant

1. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self-build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal:
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Site & Surroundings

1. The application site is a former building yard within a predominantly residential part of Uppingham. The site is adjacent to Uppingham conservation area and listed building.

Proposal

2. The proposal seeks permission to redevelop the site and construct a single dwelling.

Relevant Planning History

FUL/2003/0744 – Demolish existing buildings on-site and erect a pair of semi-detached and one detached dwellinghouses. - Refused

FUL/2004/0650/FUL – Demolish existing buildings on site and erect a pair of semi-detached and 1No detached dwellinghouses. – Refused

FUL/2006/0755 - Erection of 3 no. dwellings and associated works (amended scheme). – Approved

FUL/2009/0333 - Erection of 3 dwellinghouses and associated parking, to replace existing buildings. – Approved

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 12 - Achieving well-designed places

Chapter 16 - Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP15 - Design and Amenity

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

Supplementary Planning Document

Supplementary Planning Document - Shop Fronts including Signs and Shop Security

Neighbourhood Plan

Policy 1 - Protect Central Conservation Area

Policy 8 – Design and Access

Officer Evaluation

Neighbourhood Plan

3. The Uppingham Neighbourhood Plan requires that new development should reflect the character and appearance of the immediate environment.

Principle of the use

4. Planning permission has previously been given to redevelop the site for housing. The Principle of residential development on this site is considered to be acceptable and in accordance with development plan policies.

Impact of the use on the character of the area

5. The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings pursuant to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
6. Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
7. Uppingham is classed as a small town in the Core Strategy Development Plan Document (2021) and is capable of a moderate amount of development subject to it being of an

appropriate scale, design and sustainability. The most relevant policies are CS4 (The location of development), SP5 of the Site Allocations and Policies Development Plan Document (DPD) (2014) (Built development in the towns and villages) The planning policies support residential development provided that it is appropriate in scale and design to its location and the size and character of the settlement.

8. The proposed dwelling would be a two-storey building incorporating a mix of traditional architecture and modern design. The design of the proposal derives from the existing buildings which are industrial in appearance with traditional building materials.
9. The dwelling would sit on a generous site and good location, and it would not result in an adverse impact on the character or appearance of the local area and surroundings. A condition would be included removing permitted development rights to avoid any further extensions and alterations.
10. The comments from residents are noted and have been given due consideration. Regarding design and materials, Adderley Street itself has a varied character in terms of style and materials, the design of the proposal complies with the requirements of the development plan policies and is considered acceptable. The external materials are conditioned to be agreed with the Local Planning Authority, to ensure that any agreed materials would not appear out of place within the street scene.
11. Given the above, by the design and scale the proposal would be following Section 12 and Section 16 of the NPPF (2021), Policies CS04, CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP5, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), and Uppingham Neighbourhood Plan (2014).

Impact on the neighbouring properties

12. Given the nature of the proposed development, its minor scale and adequate separation distances, the proposal would not have an unacceptable impact upon the residential amenities of the occupiers of adjacent properties.
13. As so, it is considered that proposed development would comply following the Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014)

Highway issues

14. The proposed development would not result any unacceptable impact on the highway safety and adopted parking standards.

Level

15. Not applicable

Noise

16. Not applicable

Dust

17. Not applicable

Section 106 Heads of Terms

18. Not applicable

Crime and Disorder

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

Human Rights Implications

20. 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.

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

Consultations

22. Highways

No Objections subject to the following condition;

Due to the location of the site a construction traffic management plan is essential for this development as a preconstruction condition

No development shall take place until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations and movements to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery.
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) A scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety in accordance with policies Policies SP15 and SP17 of Site Allocations & Policies Development Plan Document Adopted October 2014.

My only comment on the CMP is, are we able to prevent deliveries on a Wednesday? This is market day in Uppingham and the road leading to the site goes directly past the Market where some of the customers wait in the carriageway to be served.

23. **Historic England**

Thank you for your letter of 17 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

24. **Ecology Unit**

The buildings proposed for demolition are close to open countryside and sited in an area with good bat foraging habitat. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. A bat survey is therefore needed. Bat surveys involve an external and internal inspection of the building by an appropriately licensed bat worker and an assessment of its potential value for bat roosting. This can be done at any time of year.

If evidence of bat use is found, or the building is considered to have low, moderate or high value, or the surveyor cannot fully inspect the building, a suite of emergence surveys may also be required. Emergence surveys can only be carried out between May and mid Sept. The number of survey visits needed depends on the findings of the inspection, and should follow national guidelines. Buildings with low roost potential require 1 survey; medium require 2, and high potential require 3 surveys. The suite of surveys should include at least one between May and August.

A list of consultants able to do this work is available on request, and guidance on bat surveys can be found in our Bat Protocol via this link
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/3/LRERC-Bat-Protocol.pdf>

Depending on the results of surveys, mitigation may be required, and may be the subject of a planning condition and possibly a European Protected Species license application to Natural England.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation ' Statutory Obligations and their Impact within the Planning System).

If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here https://www.swift-conservation.org/Leaflet_1_Swifts_Nest-boxes_at_Your_Home-small.pdf The locations of

these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

Please let me know if you require any further information.

Kind regards
Donna Oxbrough

The Protected Species Survey report (Curious Ecologists, September 2021) deems all of the buildings on site as having negligible potential to support roosting bats. No further surveys or mitigation for bats are required. The recommendations in the report should be followed.

As a condition of any planning permission granted, 2 bat bricks/boxes should be incorporated into the new dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here https://www.swift-conservation.org/Leaflet_1_Swifts_Nest-boxes_at_Your_Home-small.pdf The locations of these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

25. Conservation Advisor

As previously stated at the Pre-App stage, I have concerns about the appropriateness of black-stained vertical cladding for prominent elevations of this development.

I suggest the use of this material be reconsidered.

I would emphasise that I do not have an issue with the use of timber cladding but black stained would be out of character with the surroundings and is not a material typical of the local vernacular.

26. Parish Consultation

Unanimously agreed that there are no objections

Neighbour Representations

27. Three residents of the neighbouring properties have raised comments about the design and external material of the proposed dwelling.

Conclusion

28. Given the above, it is considered that the proposal would be appropriate for its context and would follow the NPPF (Sections 9, 12 and 16), Policy CS19 and CS22 of the Rutland Core Strategy (2011), Policy SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014). The proposal would not be contrary to the Uppingham Neighbourhood Plan.

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PLANNING AND LICENSING COMMITTEE

15th February 2022

APPEALS REPORT

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Ian Razzell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@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/21/3285073 – Mrs Wendy Sullivan - 2021/0153/FUL**
Saw Pit Cottage, 7 Kings Lane, Barrowden, Rutland LE15 8EF
Front Porch

Delegated Decision:

Acceptance of the proposal would be contrary to the requirements of Barrowden and Wakerley Neighbourhood Plan. The proposed timber materials for the proposed porch would be contrary to the requirements of Policy BW6 2(g) of Barrowden and Wakerley Neighbourhood Plan which requires elevations visible

from the public realm to be in local-style rubble stone with traditional architectural feature and windows and doors of wooden construction.

2.2 APP/A2470/D/21/3285015 – Mr Kevin Williams – 2021/0926/FUL
9 Main Street, Barrow, LE15 7PE

Conversion of existing front elevation roof window into a pitched roof dormer window. Installation of a heat pump to rear side elevation. Erection of steel open frame supporting a glazed pitched roof with three solar panels on the south facing pitch. Installation of additional solar panels to the south facing pitch of existing roof of dwelling. Electricity storage batteries for the panels to be positioned on existing flat deck of single storey extension.

Delegated Decision:

1. The proposed first floor structure would appear as an incongruous addition to the property that does not relate well in design terms to the existing dwelling. It would appear to be an unnecessary addition to accommodate solar panels, as there are already south facing roof space to accommodate panels. The storage of solar batteries on the roof would also require access for maintenance, contrary to condition 1 on application no. 2019/1134/FUL restricting the use of the flat roof as a raised platform, in the interests of protecting the residential amenity and privacy of the occupiers of no. 8 Main Street, Barrow, who would otherwise suffer an unacceptable level of overlooking and loss of privacy. In addition to this, there are no manufactures details supplied with the application for the proposed heat pump and therefore not possible to assess the full impact of the pump. For the above reasons the proposal is therefore contrary to Policy CS19 of the Rutland Core Strategy (2011) Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Supplementary Planning Document for Extensions (2015).

2.3 APP/A2470/W/21/3284013 – Mr M Lount – 2021/0673/PAD
Former Pig Farm, Ayston Road, Ridlington, Rutland LE15 9NN
Conversion of agricultural building to dwellinghouse.

Appeal against conditions

Delegated Decision:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 7406 (03) 05, 7406 (03) 06 and 7406 (03) Rev D.

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

2. Before the development hereby approved is occupied the new post and rail fence shall be erected in accordance with the details shown on Drawing

Numbers: 7406 (03) Rev D and 20032- Post and Rail Fence Section and shall remain as such thereafter.

Reason: In the interests of securing a safe and suitable access to the development.

3. Before occupation of the development hereby approved the new section of access track shall be constructed in accordance with the detail shown on Drawings: 7406 (03) 04 Rev D and Proposed Gravel and Drive Cross Section.

Reason: In the interests of providing a safe and suitable access to the development.

4. The residential curtilage for the dwelling hereby approved shall be no greater than the area enclosed by the red line shown on Drawing Number: 7406 (03) 04 Rev D and shall remain as such in perpetuity.

Reason: For the avoidance of doubt and to comply with Class Q legislation.

5. The development hereby approved must be carried out in accordance with the approved scheme of remediation as detailed within the Contamination Land Remediation Strategy and Verification Plan by STM environmental dated 27th May 2020 and the following: (i) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. (ii) 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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3. (iii) 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 5 years, and the provision of reports on the same must be prepared, both of which are 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 must 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.

2.4 APP/A2470/W/21/3285325 – Mr Roger Barclay – 2021/0979/FUL

Manor Farm Barn, Thistleton Road, Market Overton.

Demolition of existing barn and agricultural silos. Construction of 2 storey dwelling and ancillary works, garaging, landscaping and alterations to the existing access.

Delegated Decision

1. The application site is located outside the Planned Limits of Development for Market Overton. Existing Local Plan Policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11. Residential development is only acceptable in the countryside to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. There is no indication that the proposal is intended to meet the requirements for housing in the countryside. As such the development would be contrary to Policies CS3 (The settlement hierarchy), Policy CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside), SP23 (Landscape character in the countryside), of the Site Allocations Development Plan Document 2014 and chapter 5 and 12, of the NPPF (2021).
2. The proposal would also result in harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. The degree of harm is assessed as being less than substantial, and therefore paragraph 202 of the NPPF (July 2021) requires that this harm to be weighed against any public benefits arising from the development. A dwelling of the scale and design proposed in such a prominent location would dominate the street scene with its formality and harm and diminish the established historic hierarchy of the village, and have a negative impact on the significance of the Market Overton Conservation Area, contrary to the provisions of Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and therefore would fail to preserve or enhance the character and

appearance of the adjacent Conservation Area and setting of nearby listed building. As such the proposed development would be contrary to policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), and policies SP15 (Design and amenity), SP20 (The historic environment) of the Site Allocations and Policies DPD (2014) and Chapters 12 and 16 of the NPPF (2021).

3. DECISIONS

- 3.1 **APP/A2470/D/21/3275261 – Mr Richard Dilworth – 2020/1381/FUL**
15 Melton Road, Langham, LE15 7JN
Replace 3 No. Wooden Windows with UPVC sash windows
Delegated Decision
Appeal Dismissed

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

- 10.1 An Equality Impact Assessment (EqIA) has not been completed 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

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