

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

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

Ladies and Gentlemen,

A special meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Rutland County Museum , Catmos Street, Oakham on **Tuesday, 13th July, 2021** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Please note that whilst this meeting is being held in public, the social distancing requirements that remain in place mean that we have limited available seating for members of the public. If you would like to reserve a seat please contact the Governance team at governance@rutland.gov.uk. The meeting will also be available to view live on Zoom using the following link: <https://zoom.us/j/99221913742>

A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) 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.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

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

To request to speak at a Planning Committee, please send an email to

Governance@rutland.gov.uk

(Pages 3 - 6)

4) PLANNING APPLICATIONS

(Pages 7 - 44)

---oOo---

DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr E Baines (Chairman)

Mr N Begy

Mr K Bool

Mr G Brown

Mrs S Harvey

Ms A MacCartney

Mrs K Payne

Mr D Blanksby

Mr A Brown

Mr W Cross

Mr A Lowe

Mr M Oxley

OTHER MEMBERS FOR INFORMATION

RCC Planning Committee Meeting 13/7/2021 – representation in person

Speculative Planning Application 2020/0172/OUT

Ladies and Gentlemen,

The Planning Report reaches the right decision based on **some** of the material planning considerations, **but** it does **not** address the '**Heritage Asset**' classification of this landscape, which is also a **material planning consideration**.

The Local Authority has identified and listed this landscape in the Historic Environment Record (HER MLE 24620), and as such it is classified as a 'non-designated **heritage asset of local significance**'. This classification falls within the prescribed definition as a '**Heritage Asset** **under the NPPF**'. The NPPF is clear about the principle of protection and since there are ample alternatives both locally and within Rutland, including more than ample brownfield capacity, its destruction is entirely **unjustified**.

To re-cap, this is **the one and only** Medieval ridge and furrow landscape in Rutland which is classified as a Heritage Asset in its own right, it is a unique, high quality example which has survived undisturbed below sheep pasture since the Medieval period. It provides a still visible narrative of the Medieval 'open field' system way of life linked together with the nearby moated manor, just 900 metres away, and other Medieval heritage such as Oakham Castle. It is a surviving, still visible and rare cornerstone of the history of Rutland.

It is a policy of Historic England **not** to comment on such '**heritage assets of local significance**'. This does **not** mean that Historic England is 'not overly concerned' as claimed incorrectly in the Planning Report. Rather, it is the **responsibility of the Local Authority** properly to assess such Heritage Assets in accordance with policies and further to establish a Rutland Local Heritage List, as recommended by Historic England **and** as recommended specifically in writing to RCC in April 2020. Furthermore, Historic England makes strong reference to the rarity of this kind of Heritage Landscape and its worthiness for protection in their publication 'Turning the Plough' which has been highlighted in the representations to this speculative planning application.

The Local Authority **Archaeologist** states that this well defined and well preserved historic ridge and furrow earthworks landscape would be lost, recommending that the loss of these significant and increasingly scarce remains is given due consideration, taking into account the harm their destruction would cause to the historic environment, in accordance with the NPPF. 'The term 'due consideration' must focus on the fact that **there is no need to destroy this Heritage Asset since there are ample alternatives. In other words it is not justifiable. To do so is contrary to the spirit and the letter of the NPPF and contrary to various local**

policies. It would set an unacceptable precedent that it is alright to destroy a Heritage Asset when there is no need to do so.

It is observed that the Rutland **Conservation Officer** has neither understood the local significance of this classified Heritage Asset nor the policy requirements. He should greatly strengthen efforts to report, support and protect heritage assets in Rutland.

The Planning Report makes reference to the new draft Local Plan, however this has numerous times been found unsound for the subject landscape according to the NPPF, in addition to which there are critical errors and omissions in 3 key areas of the Evidence Base: the Site Selection Study (where there are at least a dozen alternatives), the Landscape Sensitivity and Capacity Study (where this landscape is actually high sensitivity and low capacity) and the Sustainability Report, **none of which state that this land is classified as a Heritage Asset**. All of these errors and omissions have been comprehensively documented in the representations. Accordingly the Local Plan cannot be relied upon as a sound or credible reference for this landscape. We await judgement of this by the Inspector for the Secretary of State who must withdraw this land from the Local Plan; it should never have been there to start with.

To conclude, in line with the Rutland and Whissendine community including the Parish Council and The Rutland History Society, and based upon all the facts comprehensively documented, the **refusal** of this **speculative** planning application is the **right** decision. However, the Planning Report should be amended to address the missing facts about the Heritage Asset classification of this land and the misleading statement about Historic England's views, making it clear that under established policies **this Heritage Asset shall not be destroyed whilst alternatives exist**.

Copies of this representation are available at this meeting and it has additionally been sent by email to the RCC Planning Department.

I will be pleased to address any questions.

Thank you.

Richard Drabble
Whissendine
Rutland

This page is intentionally left blank

Rutland County Council

Planning & Licensing Committee – 13 July 2021

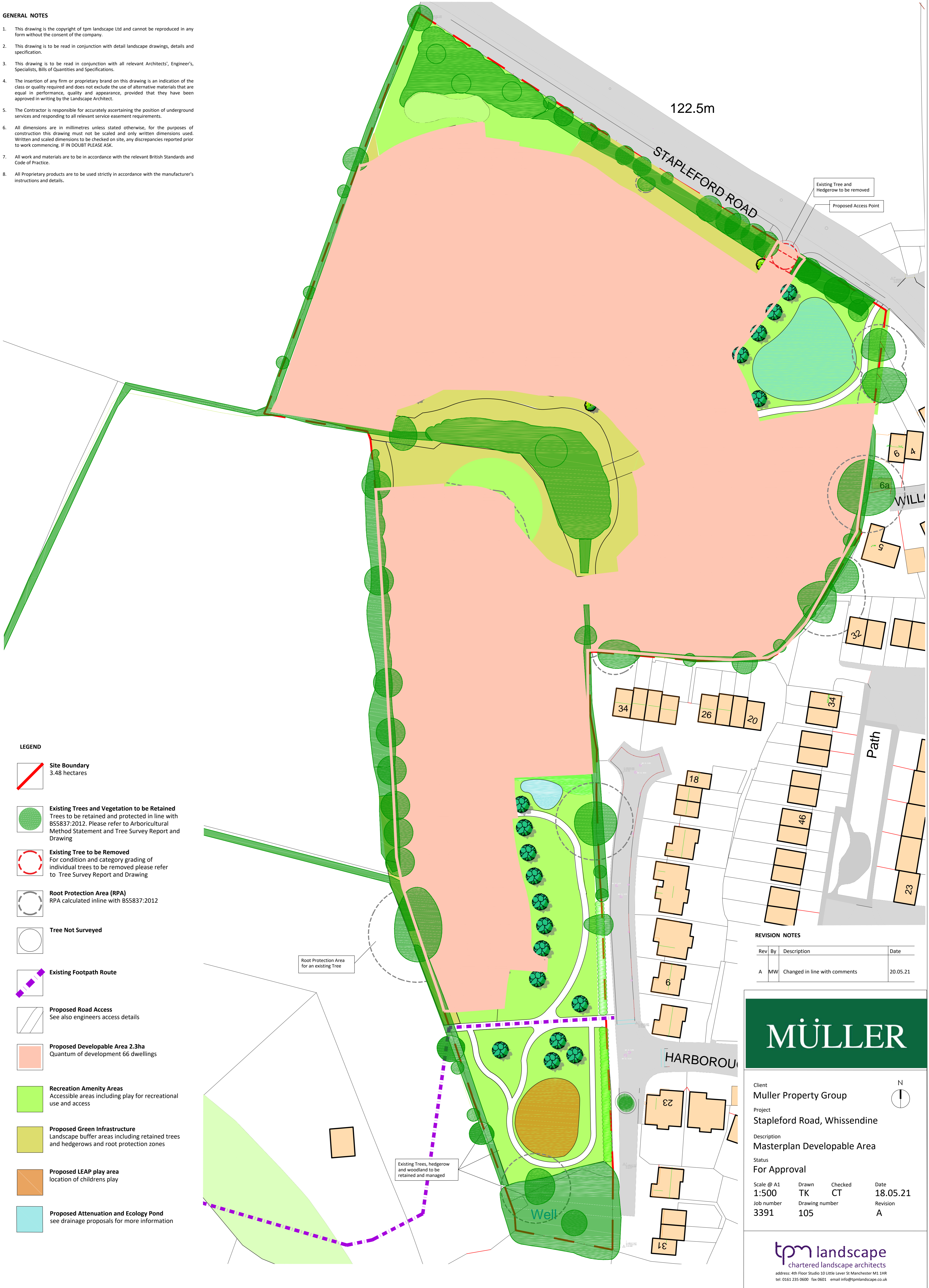
Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1.	2020/0172/OUT	Muller Property Group Land To The South Of, Stapleford Road, Whissendine, Rutland, Outline Planning Application for the development of up to 66 no. dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access.	REFUSAL
2.	2020/0942/OUT	Vistry Homes Ltd Land Off, Park Road, Ketton, Rutland, PE9 3SL 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.	REFUSAL

This page is intentionally left blank

GENERAL NOTES

1. This drawing is the copyright of tpm landscape Ltd and cannot be reproduced in any form without the consent of the company.
2. This drawing is to be read in conjunction with detail landscape drawings, details and specification.
3. This drawing is to be read in conjunction with all relevant Architects', Engineer's, Specialists, Bills of Quantities and Specifications.
4. The insertion of any firm or proprietary brand on this drawing is an indication of the class or quality required and does not exclude the use of alternative materials that are equal in performance, quality and appearance, provided that they have been approved in writing by the Landscape Architect.
5. The Contractor is responsible for accurately ascertaining the position of underground services and responding to all relevant service easement requirements.
6. All dimensions are in millimetres unless stated otherwise, for the purposes of construction this drawing must not be scaled and only written dimensions used. Written and scaled dimensions to be checked on site, any discrepancies reported prior to work commencing. IF IN DOUBT PLEASE ASK.
7. All work and materials are to be in accordance with the relevant British Standards and Code of Practice.
8. All Proprietary products are to be used strictly in accordance with the manufacturer's instructions and details.



LEGEND

- Site Boundary**
3.48 hectares
- Existing Trees and Vegetation to be Retained**
Trees to be retained and protected in line with BS5837:2012. Please refer to Arboricultural Method Statement and Tree Survey Report and Drawing
- Existing Tree to be Removed**
For condition and category grading of individual trees to be removed please refer to Tree Survey Report and Drawing
- Root Protection Area (RPA)**
RPA calculated inline with BS5837:2012
- Tree Not Surveyed**
- Existing Footpath Route**
- Proposed Road Access**
See also engineers access details
- Proposed Developable Area 2.3ha**
Quantum of development 66 dwellings
- Recreation Amenity Areas**
Accessible areas including play for recreational use and access
- Proposed Green Infrastructure**
Landscape buffer areas including retained trees and hedgerows and root protection zones
- Proposed LEAP play area**
location of childrens play
- Proposed Attenuation and Ecology Pond**
see drainage proposals for more information

Existing Tree and Hedgerow to be removed
Proposed Access Point

122.5m

STAPLEFORD ROAD

WILLIAMS

Path

HARBOROUGH

REVISION NOTES

Rev	By	Description	Date
A	MW	Changed in line with comments	20.05.21

MÜLLER

Client
Muller Property Group
Project
Stapleford Road, Whissendine
Description
Masterplan Developable Area
Status
For Approval

Scale @ A1	Drawn	Checked	Date
1:500	TK	CT	18.05.21
Job number	Drawing number	Revision	
3391	105	A	

tpm landscape
chartered landscape architects
address: 4th Floor Studio 10 Little Lever St Manchester M1 1HR
tel: 0161 235 0600 fax 0601 email info@tpmlandscape.co.uk

This page is intentionally left blank

Application:	2020/0172/OUT	ITEM 1	
Proposal:	Outline Planning Application for the development of up to 66 no. dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access.		
Address:	Land To The South Of Stapleford Road, Whissendine, Rutland		
Applicant:	Muller Property Group	Parish	Whissendine
Agent:	Harris Lamb	Ward	Whissendine
Delegated Report Reason:	Contrary to Policy and to consider with other proposals		
Date of Committee	13 July 2021		

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development but a small section is allocated for development in the Submitted Local Plan approved by Full Council in February 2020. There have been many objections to the development. Issues of policy, archaeology, highway safety, flooding and residential amenity have been considered but the policy issue is overriding in this instance. There is no justification for the development of this wider site and there are no material considerations in this instance that would justify outweighing the development plan. The applicant has not demonstrated to the satisfaction of the Lead Local Flood Authority that the site can be sustainably drained of surface water.

RECOMMENDATION

REFUSAL, for the following reasons:

The site is outside the Planned Limits to Development for Whissendine 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 and there is no overriding need for this level of affordable housing in Whissendine. 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.

It has not been demonstrated that up to 66 dwellings can be accommodated on the site having regard to appropriate densities, urban design principles, ecology and highway safety. The development would thereby potentially result in a cramped form of development which would be detrimental to the character of this edge of the village, lack adequate open space, be harmful to biodiversity and potentially result in parking and access difficulties. This would be contrary to Policies CS19 and CS21 of the Core Strategy (2011), Policy SP5, SP15 and SP19 of the Site Allocations and Policies DPD (2014), Para 175 of the NPPF.

Its has not been demonstrated that surface water from the site can be drained satisfactorily to prevent additional flooding issues in the village. The proposal is thereby contrary to Policy CS19(d) of the Core Strategy (2011) and the advice in Chapter 14 of the National Planning Policy Framework, particularly paragraphs 160, 163 and 165.

The scheme would result in a net loss of biodiversity, contrary to Policies CS21 and SP19 of the development plan and Chapter 15 of the NPPF.

Site & Surroundings

1. The site is located on the west side of Stapleford Road, Harborough Close and Willow Close at the north west end of Whissendine. The land is used for grazing and is surrounded by hedges. The land also contains historic ridge and furrow features.
2. A small part of the overall site, 1.03 hectares off Willow Close, has been put forward for allocation as a housing site in the replacement Rutland Local Plan, for 25 dwellings (Site WHI/09a).
3. The site is bounded to the west by open farmland and to the east mostly by existing modern housing. To the north is Stapleford Road, a rural lane leading out of the County into Leicestershire.
4. There is no Conservation Area in Whissendine. There are 3 listed buildings on Stapleford Road, close to the junction with Harborough Close. The GII* listed Windmill in the village to the south of Melton Road is approximately 250 metres from the nearest proposed house and 200m from the site boundary.
5. The site is outside the Planned Limit to Development (PLD) for Whissendine and thereby in open countryside.

Proposal

6. The proposal is an outline application for residential development of up to 66 dwellings. Only the proposed access to the north of the site off Stapleford Road is included for full approval, although there is an indicative layout submitted, this has been revised during the life of the application. The agent has latterly deleted the illustrative layout to show just developable areas. **See Appendix 1.**

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving the historic environment

Site Allocations and Policies DPD (2014)

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)

CS03 - The Settlement Hierarchy

CS04 - The Location of Development
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS19 - Promoting Good Design
CS22 - The Historic and Cultural Environment

Other Policies

Rutland Landscape Character Assessment 2003

Whissendine is located in 'High Rutland Area A(ii) – Ridges and Valleys', an area whose description includes:

'...the sub-area does exhibit a number of historic features, with ridge and furrow and old lanes linking medieval villages still characteristic of this part of High Rutland'.

The recommended landscape objectives for this area are:

To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stone built conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges.

Planning Obligations SPD - 2016

This document superceded Policy CS11 of the Core Strategy in terms of affordable housing contributions.

Other considerations

The replacement Rutland Local Plan

This has been through its Regulation 19 consultation and has been submitted for Examination. This plan allocates a small section of this outline site for development of up to 25 dwellings (Policy/site H1.18). Whilst the new plan has some weight due to its current status, it does not promote the development of this wider current site. The policy in the Submitted Local Plan establishes development principles to be followed in achieving development on the smaller allocated site.

Whissendine Neighbourhood Plan

The Plan area was designated in July 2020. No draft plan has yet been published.

Consultations

Planning Policy

7. We can confirm that the current five year land supply is as published in the Five Year Land Supply Report published in May 2021. This demonstrates that a 5.2 year supply is in place. A review of the issues raised in support of the proposal does not lead us to believe that the figure should be amended and we are confident that the five year supply can be justified.

8. As you are aware the entire site lies outside the Planned Limit to Development (PLD) in the Development Plan and far exceeds the proposed allocation in our draft Local Plan approved by Council for its Regulation 19 consultation. The plan has been submitted to Government for its public examination following statutory consultation. A number of objections have been made regarding the allocation of the smaller site which will be considered through the examination process. The plan therefore carries some weight at this stage with respect to this site. In light of both the five year land supply and the stage reached with the new Local Plan it is considered appropriate to determine the application in light of the Adopted Development Plan policies set out below:
9. Core Strategy Policy CS3 - The Settlement Hierarchy identifies Whissendine as a “smaller service centre” and Policy CS4 - The location of development indicates that only minor scale development on previously development land would be acceptable within these settlements. The proposal is not minor in scale and is on a greenfield site. Minor is identified in para 2.19 of the Core strategy as being an individual development of up to 5 units or infilling with up to 2 units. In exceptional circumstances a small scale development may be allowed on a brownfield site.
10. The Site Allocations and Policies DPD expands on these policies with Policy SP5: Built development in the towns and villages supporting sustainable development within the Planned Limits of Development only. The applications site is outside the PLD and therefore contrary to this policy – the site therefore constitutes open countryside where Policy SP6 - Housing in the countryside would be relevant. This policy restricts housing development in the countryside to a number of limited circumstances – none of which are proposed by this application. I therefore consider the proposal is contrary to RCC’s adopted policies.

Urban Designer

11. The main issue I would stress is that the scheme needs to respond better to the context, particularly the existing landscape features and assets on the site – exploiting and making features out of them, rather than hiding them away behind houses. The layout should be outward facing (fronting green edges, green features and adjacent streets).
12. A site and contextual analysis plan / series of plans is needed and then a plan showing the response to the context is required. This should then lead to a plan showing the strategic layout – key green spaces and green corridors, containing both green and blue infrastructure, pedestrian and cycle routes based on desire lines, perimeter blocks of development etc. This would be sufficient at the Outline stage, rather than a detailed plan with each dwelling on it.
13. The (first) revised illustrative plan submitted does not address these issues, making only minor cosmetic changes to the scheme. The agent has suggested that the illustrative Masterplan is excluded from consideration to concentrate on the principle of development.

RCC Highways

14. Aspects to keep:
 - In general I like the design of the site, the long sweeping bends will help to keep vehicle speeds to a minimum
 - The site has been designed to an adopted standard
 - The 30mph limit is to the west of the site access on Stapleford Road and therefore only requires a visibility splay of 2.4m by 43m in both directions. This can be achieved.
 - The developer has shown a link on foot from the development to the village centre. This is idea as it will enable residents to be able to walk to school/village shop.

Additional info required

- The TRICs ratio used in section 5.3 are very low. A lot of TRICs sites are not similar to Rutland as they either have good local transport or are close to town centre locations. I would suggest the developer look at other sites in Rutland where planning permission has been granted and use a similar ratio.
 - The sites close to Oakham have used a TRICS rate closer to 0.5/0.6, whereas this development has used 0.3 and 0.1
 - These are too low for a village location with only an hourly bus service

15. Junction improvements may need to be looked at with the additional vehicle movement such as Main Street/Stapleford Road junction

Lead Local Flood Authority

16. I can appreciate the residents' concern as the road in Whissendine does flood. The river backs up in Whissendine due to a capacity issue further downstream out of county. No properties have flooded and the highway is only impassable for a period of time.

LLFA concerns

- The LLFA have concerns about the proposed method of surface water discharge as not enough information has been provided. The developer has advised the infiltration is not possible within their site and therefore are proposing to outfall into the surface water sewer which discharges into the watercourse in Whissendine.
 - During heavy rain fall this watercourse bursts its banks and floods the highway. No properties have been flooded due to their own flood defences. Therefore the LLFA would have concerns about an increased flow into this watercourse as properties may flood
 - The developer has suggested that the greenfield run off is currently 9l/s. The LLFA advise that any run off from this site should be restricted to 5 l/s for the whole site
 - The developer needs to design a sustainable drainage scheme. Even though infiltration is not possible there are a range of other methods that the developer could explore to improve the water quality before it enters the surface water sewer.
 - To conclude not enough information has been provided at this stage and there has not been enough assessment of what actually happens on site
17. The applicant has stated that if infiltration is not possible, they will look to connect into the watercourse to the west, not sure how, and only to the SWS as a third option.
18. However, we need more information for the outline application. At present they have not provided enough information to clearly show that one of the 3 options is available.
19. They have also advised that their greenfield run off rate is 9l/s. I would be concerned that if we approved this outline application on that basis it would fix the 9 l/s discharge, however this is not acceptable. Greenfield run off must be restricted to 5 l/s for the whole site.
20. As there is a history of flooding issues in Whissendine I think we need them to clearly show what form of surface water drainage they are going to use and how they will mitigate any risk to the neighbouring properties
21. The LLFA require a full drainage strategy for this site before it moves forward. The development may not be physically possible to construct due to surface water, and flooding is a real cause for concern in Whissendine

Historic England

22. Following concerns expressed by residents about the status and rarity of the ridge and furrow on site, Historic England was specifically consulted. The response was:
23. *I have spoken to colleagues and we consider that if you were to consult us on this application, we would not provide detailed comments but refer you to your specialist conservation advisors, including Archaeology at Leicestershire County Council.*
24. In other words HE was not overly concerned about the ridge and furrow such that it wanted to get involved. It is not a 'designated' area of any kind.

Conservation Officer

25. I leave the matter of the significance of the ridge and furrow to the Archaeological Advisor but I would be interested to see their comments.
26. I agree with the analysis of the nearby heritage assets and the conclusions reached as to the likely impact of the proposed development on those assets.
27. As the HIA states, there is some inter-visibility between the site and the Grade II* Listed windmill to the southwest. It is important that views to the Windmill are retained in order to maintain sense of place.
28. There do not appear to be any views across the site from surrounding public vantage points to heritage assets that need to be preserved due to mature trees and hedgerows on the site's perimeter.

Public Rights Of Way Officer

29. In principle, all looks good (based on Masterplan 103 Rev J). However, as far as I can tell details of works to the existing public footpath (E8), such as surface treatment, are not described and must be submitted to the highway authority for approval prior to work commencing (on the footpath). Please make the applicant aware that if permission is granted they must ensure that:
 - (a) There is no diminution in the width of the right of way available for use by members of the public
 - (b) No building materials are stored on the right of way
 - (c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
 - (d) Vehicle movements are arranged so as not to interfere with the public's use of the way
 - (e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
 - (f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
 - (g) The safety of members of the public is ensured at all times

Archaeology

30. In the current circumstances and based upon the available information, we recommend the application lacks sufficient archaeological information in order to determine the implications of the scheme. We therefore recommend the determination is deferred pending submission of the additional information outlined below. We also advise in taking forward the application, due consideration is given to the significant harm the proposals will have upon the historic landscape, due to the truncation of the presently well-preserved and coherent ridge and furrow earthworks.

31. It is noted that the application is accompanied by a desk-based Heritage Assessment (ref.: AAL2019107) and a supporting geophysical survey (ALL2019131). Both are in themselves adequate reports, respectively detailing the known archaeological resource and results of a geophysical survey of the application site. The former indicates the site lies in an area of significant archaeological interest, on the western edge of the historic settlement core of Whissendine, in close proximity to the known site of prehistoric and early medieval archaeological remains recovered from excavation in 2000/2003. There is every reason to suspect that a continuation of these features or of the related remains, will occur within the current application area.
32. The applicant has supplemented this assessment with a site-specific geophysical and LiDAR survey of the development area. The former suggests continuation of features into the site, as well as the presence of discrete anomalies, possibly indicative of sub-surface archaeological remains. However, the dominant feature of the survey is evidence of the well-preserved ridge and furrow landscape, the latter encompassing the entirety of the site. This has the effect of masking the potential for earlier and less detectable remains. It should also be noted that geophysical survey is less effective at picking up earlier prehistoric and Early Medieval (Anglo-Saxon) remains.
33. Finally LiDAR survey, supplemented by photographic evidence (Heritage Assessment and Geophysical Survey) and appraisal of aerial photography of the wider area, demonstrates that the site contains high quality ridge and furrow earthwork remains of the medieval and post-medieval agricultural landscape. The evidence suggests the earthworks comprise the remains of at least two separate furlongs (sub-units of the openfield system), the most intact being that adjacent to Stapleford Road. At the north east corner of the site, there appears to be a fragmentary holloway, with individual 'lands' (ridges) aligned east-west across the application site to a probable headland boundary at the western edge of the site. A seam in the ridge and furrow, coinciding with the east-west section of the later enclosure boundary, appears to mark the division between two furlongs, the southern of which extends further westward and has been truncated to the east by development the Sherrard Close.
34. The current evidence indicates the application area has a significant archaeological potential warranting further archaeological investigation. This should take the form of archaeological trial trenching targeting the potential for subsurface features, including further investigation of the identified geophysical anomalies. Without the information provided by this further work, it is unlikely that a clear understanding of the impact of the development could be established, nor that any positive recommendation could be offered to the planning authority (NPPF Section 16, para 189 & 190).
35. Considering the earthwork remains, the submitted masterplan makes no allowance for preservation of the surviving features. As such the currently coherent historic earthwork landscape, which encompasses much of the western edge of Whissendine will be significantly truncated. The submitted Heritage Assessment suggests that this can be addressed in part by an earthwork survey. While this will indeed record the presence of the effected features, it will not compensate for their destruction as a tangible component of the landscape, nor off set its fragmentation.
36. It is recommended that the loss of these significant and increasing scarce remains is given due consideration, taking into account the harm their destruction will cause to the historic environment (NPPF Section 16, para 197).
37. 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.

38. This will require provision by the applicant for:
A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, 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.
39. 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).
40. 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. Information on suitable archaeological organisations to carry out this work can be obtained from HNET. Should you have any further queries please do not hesitate to contact us.
41. Further comments Dec 2020 (after Field trenching undertaken)
42. Thank you for the report and while it is an interim report, there is enough information within to make a decision on the below ground archaeological remains. Could the applicant please ensure that the final copy of the report is forwarded to us when complete. The trial trenching evaluation undertaken by Trent and Peak Archaeology showed that the ridge and furrow earthworks disguised archaeological features on the geophysical survey. Archaeological features were found across the site with only a handful of blank trenches. These remains are prehistoric, although there is the potential for some Saxon remains, and consist of pits, ditches and postholes.
43. We would like to reiterate our previous comments regarding the destruction of the ridge and furrow earthworks:

'Finally LiDAR survey, supplemented by photographic evidence (Heritage Assessment and Geophysical Survey) and appraisal of aerial photography of the wider area, demonstrates that the site contains high quality ridge and furrow earthwork remains of the medieval and post-medieval agricultural landscape. The evidence suggests the earthworks comprise the remains of at least two separate furlongs (sub-units of the openfield system), the most intact being that adjacent to Stapleford Road. At the north east corner of the site, there appears to be a fragmentary holloway, with individual 'lands' (ridges) aligned east-west across the application site to a probable headland boundary at the western edge of the site. A seam in the ridge and furrow, coinciding with the east-west

section of the later enclosure boundary, appears to mark the division between two furlongs, the southern of which extends further westward and has been truncated to the east by development the Sherrard Close.

*Considering the earthwork remains, the submitted masterplan makes no allowance for preservation of the surviving features. As such the currently coherent historic earthwork landscape, which encompasses much of the western edge of Whissendine will be significantly truncated. The submitted Heritage Assessment suggests that this can be addressed in part by an earthwork survey. While this will indeed record the presence of the effected features, it will not compensate for their destruction as a tangible component of the landscape, nor off set its fragmentation. **It is recommended that the loss of these significant and increasing scarce remains is given due consideration, taking into account the harm their destruction will cause to the historic environment (NPPF Section 16, para 197).***

In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

44. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
45. As a consequence, it is recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. **This will involve an earthwork survey and archaeological excavation of the impacted areas of archaeological remains.**
46. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.
47. If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.
48. The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
49. We therefore recommend that if any planning permission be granted they should be subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning

authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

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

Reason: To ensure satisfactory archaeological investigation and recording

50. 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.
51. 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.

Clarification from Team Manager (Heritage) LCC

52. We are recommending a need for more archaeological work (in addition to the field work already carried out), however this should be **secured by condition on any approved planning application**. There is no need for any further work in advance of a planning decision. Chloe has outlined the scope of the archaeological work in her email above.
53. Apart from the conditioned archaeological work, the only issue the planning authority needs to consider in determining the application is the residual effect of the proposals on the significance of the historic landscape and specifically the ridge and furrow earthwork landscape. I addressed this in my original advice and it is repeated in Chloe's comments below, as follows:

Considering the earthwork remains, the submitted masterplan makes no allowance for preservation of the surviving features. As such the currently coherent historic earthwork landscape, which encompasses much of the western edge of Whissendine will be significantly truncated. The submitted Heritage Assessment suggests that this can be addressed in part by an earthwork survey. While this will indeed record the presence of the effected features, it will not compensate for their destruction as a tangible component of the landscape, nor off set its fragmentation. It is recommended that the loss of these significant and increasing scarce remains is given due consideration, taking into account the harm their destruction will cause to the historic environment (NPPF Section 16, para 197).

54. As discussed, based on previous experience, I do not feel that a reason for refusal could be sustained on the grounds of the impact to the ridge and furrow earthworks alone. This is due to the non-designated status of the earthworks, their lack of association or direct link to a separately designated asset/assets (e.g. a scheduled monument, listed building or conservation area), and the significance of the impact upon the earthwork remains (a continuation of the earthworks will survive outside the development area, with related earthworks to the north and southwest). That is not to say the impact is negligible, undoubtedly the development will have a detrimental impact on the surviving remains, and

the only viable form of archaeological mitigation – recording the earthworks before they are lost – represents a poor substitute to their physical retention.

55. With this in mind the planning authority, as guided by the NPPF para 190 and 197, should assess the significance of impact on the particular significance of the affected heritage asset and take a balanced judgement as to the scale of any harm or loss upon those remains. Where in the view of the planning authority, the public benefit of the scheme outweighs the significance of the impact to the historic environment, the NPPF para 199 requires that the developer should be 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 the scheme. The results of this work and any archive generated, should then be made publicly accessible. The latter can be addressed by the imposition of a suitable condition on any planning approval.

Conclusion

56. I can confirm from our perspective the impact of the development upon the historic environment (buried archaeological remains and surface earthworks) does not constitute a reason to refuse the application. However, this is subject to the applicant accepting the imposition of suitable pre-commencement conditions on any approved scheme. Were they to refuse to accept such conditions, to allow for the necessary additional archaeological investigation and recording of the site, in advance of the development taking place, that would be a reason to refuse the scheme. The conditions are required in respect of all six tests (NPPF Para 55), the particular focus in this case being test 3, relevant to the development to be permitted.

Ecology Unit

57. This application is supported by an Ecological Appraisal (Woolley Ecology, January 2020). This report identifies that the site comprises semi-improved grassland, with some diversity but the site would not meet Local Wildlife Site criteria. The site is bounded by hedgerows and a small spinney is present within the middle of the site. The proposed development will result in the loss of all of the grassland currently present. The woodland and hedgerows are being retained, but they do not appear to be buffered from the development. Our standard advice is that hedgerows should be buffered by a minimum of a 5m buffer and woodlands by a 10m buffer. This helps to ensure that they are managed as one feature and also prevent problems of overhanging branches being removed, resulting in the hedgerows/woodland slowly being eroded.
58. I would therefore recommend that the layout is amended to provide adequate buffers.
59. The habitat survey identifies the presence of *Tilia cordata* (small-leaved lime) within the woodland. This is a rare plant in Leicestershire and Rutland (noted as 'scarce' in *The Flora of Leicestershire and Rutland*, Jeeves, 2011) and is therefore worthy of retention and protection. It would therefore be helpful to know the exact location of this species, with a conservation plan in place to ensure that it is retained and protected throughout the development.
60. No evidence of protected species was recorded on site. A number of mature trees had potential to support roosting bats, should these be impacted by the development they should be surveyed for the presence of bats, as recommended in section 6.13 of the report. The site was also identified as having potential to support great crested newts (GCN) in their terrestrial phase, with GCN presence being confirmed in ponds to the north of the site. Whilst the nearby ponds were surveyed and presence was established, no detailed surveys were completed to establish population size and no mitigation has been provided. This information should be submitted upfront with the planning application, in accordance with paragraph 99 of the ODPM Circular 06/2005 (Biodiversity and Geological

Conservation).

61. I am concerned that this proposed development does not appear to provide any opportunities for net gain, more habitat appears to be lost than will be created as a result of the development. Paragraph 174 of the NPPF states 'to protect and enhance biodiversity and geodiversity plans should:'. b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.' At the present time Rutland do not have a policy for managing net gain, but it does not appear that this development has sufficient habitat creation to demonstrate this.
62. In summary, I would place a Holding Objection on this application, pending the satisfactory resolution of the points raised above. Following the receipt of the GCN mitigation plan and potential changes to the layout to accommodate hedgerow and woodland buffers and net gain I would be pleased to make further comments and recommendations on this site.

On revised Masterplan

63. The masterplan has improved, with 10m buffer zone to the central woodland, which supports the locally rare Small-leaved Lime, and 5m corridors along retained hedges, both as requested earlier this year by my colleague.
64. The ponds to the north have been surveyed for great crested newts, and a small-medium population was discovered in one pond, some 250m away from the site boundary. The ecologist has proposed licensed mitigation for impacts on GCNs – an offence is likely without mitigation – in the form of trapping and translocation.
65. The GCN pond is some distance from the site, separated by a lane, and with limited connectivity to the site, and therefore I feel that risks are low. Although I do accept the ecologists proposals, an alternative approach does exist, which may be more acceptable to the applicant. This to follow NE's 'flexible' approach by taking precautionary working and reasonable avoidance measures, coupled with habitat improvements aimed at GCNs. Some habitats improvement along the northern boundary is proposed, but the proposed wetland is an attenuation pond (or two? The plan is not clear) and therefore not ideal for GCNs. If the flexible approach was followed, specific GCN habitat creation along this edge would be needed; I recommend that this include a purpose-made pond, surrounded by c 25m of tussocky grassland, and a wider corridor or rough grassland alongside the northern hedge. If this is not possible, then the trapping/translocation approach is acceptable, as proposed by the ecologist. Either approach needs to be subject to a planning condition.
66. The applicant may be aware that NE are proposing District-level licensing for GCNs in Rutland. This is not finalised yet, but it is anticipated that it may be in place next year.(2021) If so, this could provide an alternative method of mitigation for impacts on GCNS, involving payment of a set tariff sum to NE to fund an appropriate level of pond creation elsewhere.
67. The revised masterplan also shows creation of another pond in the southern part of the site, within the open space. Although this is welcomed, it is unlikely to benefit GCNs, being separated from the known population by the housing development, with little to no habitat connectivity. It would be better if this additional pond was located in the northern part of the site.
68. When my colleague commented on the application earlier this year, she highlighted the requirement for biodiversity net-gain as a result of development. She felt, as I do, that the

proposals were in net loss. Although there has been some change to improve the situation, I feel this is still in net-loss. The compensatory measure proposed are welcome but relatively minor, and are unlikely to compensate for losses of moderately species-rich grasslands.

RCC Transport Strategy

- **Site permeability:** We request that the developer ensure any future proposals on the site have good permeability for pedestrians and cyclists – helping to minimise dependency on car travel. Pedestrian and cycle links should be provided through to both Stapleford Road and Harborough Close and if viable consider cut through's to Sherrard and Willow Close.
- **Site accessibility:** Outside of the site, it is requested that a pavement is provided up to Willow Close and consideration given to how pedestrians continue into the village centre as parts of Stapleford Road have no footway. As such, the developer should investigate the viability of providing a footway here or if not possible, put forward an alternative proposal to enable pedestrians to safely access the village centre.
- **Electric charging:** Information on electric charging provisions could not be found within the supporting documents of the application. We would request that future plans include such provision to ensure the development is able to cater for future vehicle technology.
- **Cycle parking:** Should any flats be proposed we request that cycle parking is provided in line with Council policy.
- **Road safety:** Suitable measures must be taken to remove conflict between site vehicles and any pedestrians or cyclists in the vicinity.
- **Encouraging active travel:** We request that the developer prepare a site travel plan for new residents.
- **Lighting:** Suitable lighting should be provided to enhance safety and encourage walking and cycling from/ to the new development.
- **Cycleway/ footway provisions:** It is requested that any pavements within and adjoining the site are of suitable width and design to enable upgrade to a joint cycleway footway in the future. At present the transport assessment stated pavement widths of 2m. Where possible it is requested that pavements are 3m wide.
- **Transport assessment:** We would ask that the Transport Assessment is updated to take in to account the Council's Local Transport Plan 4, Passenger Transport Strategy and once published, RCC's forthcoming Local Cycling and Walking Infrastructure Plan (which will set out the gaps in our existing walking and cycling network).

Housing Strategy Officer

69. There is insufficient affordable housing need from Whissendine for a development of this size to justify provision to meet Whissendine's needs only, as evidenced by the Whissendine housing needs survey report 2014. I will leave it to colleagues to address other issues such as sustainability. If approved, this application would be expected to meet needs from a wider area within Rutland including the 30% requirement for affordable housing under the Planning Obligations SPD 2016. There is a net need for 44 additional rented affordable homes per year in Rutland as a whole (Strategic Housing Market Assessment 2019, Figure 3.10). There is also a need for up to 10% of housing overall to be forms of low cost affordable homeownership (preferably shared ownership, see paras. 3.71 to 3.74 of the SHMA 2019), which would form part of the 30% requirement. A section 106 agreement would need to be drafted to ensure any required provision is delivered; discussion would need to take place regarding this with the developer regarding an appropriate mix of dwelling types, tenure and mechanisms for inclusion, etc.

70. If approved, the following applies:

There's a proposed 66 dwellings, which would mean 20 affordable dwellings and working on the basis of one-third shared ownership would mean 13 for rent and 7 shared ownership. I note though that the Masterplan seems to be drawn up as what looks like 20 identical family houses, so I'm not sure what is actually proposed. I would suggest the following mix for the rented affordable properties, meeting a broad range of needs (subject to planning), from both Whissendine and a wider area of Rutland.

2 no. 1 bed (2 person) houses for social or affordable rent;
2 no. 2 bed bungalows (3 person) for social or affordable rent;
5 no. 2 bed (4 person) houses for social or affordable rent;
3 no. 3 bed (5 person) houses for social or affordable rent;
1 no. 4 bed (7 person) house for social or affordable rent.

71. Rents not to exceed the Local Housing Allowance and more detailed provisions would be in an appropriate section 106 agreement.

72. Shared ownership properties

73. I am mindful of market conditions for shared ownership houses in Rutland villages and would recommend the following:

4 no. 2 bed (4 person) houses
3 no. 3 bed (5 person) houses

74. All to be available from a 25% share, but it is understood that RPs may sell at a higher share under their rules if the purchaser can afford it.

75. An appropriate section 106 agreement with more detailed terms would be needed

Forestry Officer

76. Properties are situated close to the woodland, within the centre of the site, this will increase pressure on the removal of the woodland due to shade issues. Consider revising the layout.

77. The planning proposal, as it currently stands, will see the loss of approximately one tree by the main access point, within G6 (of the consultant's report). So the proposal is one that will retain nearly all the trees, however; there are some threats that are less obvious.

Shade

78. The shade of the trees will be excessive in some areas. The following trees will pose shade issues to the following properties:

W29 on properties 36-39. This will be at its worse when the trees are at their highest value in terms of landscape, ecology and arboriculture.

- T10 on property 32.
- T11 and T12 on properties 28-30.
- T26 will cause shade nuisance.
- G27 will cause shade on many properties.

79. The shade issue will become worse in future years as most of the trees are only in their semi-mature stages and have many more metres of growth, (in some cases double), to develop. Shade can be accepted by some residents but unlikely to be accepted by all. The pressure to have the trees removed on the grounds of shade is highly likely.

Flood Attenuation Pond

80. The flood attenuation ponds are situated in areas where roots are highly likely to be. The most significant areas of damage will be to T8, and G2, but also potential for T7 and T9. The ponds will require deep excavation currently proposed within the RPA of some trees, and thus an arboricultural impact is accepted as highly likely.

Future Management

81. I appreciate that this proposal is preliminary, however; the future management and ownership of the trees, and hedges will be significant in terming the risk of loss. If the trees are managed by the residents' then the loss of trees on the grounds of shade, perceived risk, and obstructing views would be high.

Conclusion

82. The current proposal presents a very low risk to the trees in terms of the construction phase. It is the ownership phase that is the concern. Therefore the serving of a TPO is recommended as this will protect the trees after the properties have been sold to customers but should not unreasonably interfere with the construction phase.
83. The flood attenuation ponds need only minor alterations to ensure that the roots of the retained tree stock are adequately protected.
84. The distance of properties to woodlands and hedges made by Ecology are valid.

Rutland Local History & Record Society

85. We are in agreement with the correspondence from the Parish Council regarding the impact of the development taking place outside the village envelope, more importantly we believe that Ridge and Furrow is considered a "heritage asset" as noted in the publication by Historic England in 2018, "Field systems - Heritage Assets" and as such the Society believes that destruction should be avoided.

Severn Trent Water

86. With reference to the above planning application the Company's observations regarding sewerage are as follows:

Condition

87. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
88. Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

89. Severn Trent Water advise that although its statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Public Protection

90. To address the potential geo-environmental issues outlined above, a Phase II investigation is considered necessary for design purposes. It should address the following issues:
- characterise nature of near-surface natural soil/groundwater beneath the site;
 - assess soil contamination and include a site-specific assessment of risk to human health;
 - establish soil-gas regime at the site;
 - provide geotechnical design parameters for foundation design purposes.
91. The report identified a low risk so I think this could be for reserved matters.

Whissendine Parish Council

92. The Parish Council met on 2 March to consider this application.
93. The Parish Council would be pleased to see this application rejected because: it is outside the village envelope, it is historically important; the increased risk to road safety the pressure on limited infrastructure and the increased risk of off-site flooding that is likely to result from a development of this scale in this location.
94. In the absence of the formal adoption of the draft Local Plan 2018 to 2036 by the Minister this field falls outside the envelope of the village. The draft local plan 2018-2036 includes part of this field as a development site (H1.18) for 25 dwellings. This outline application includes an area considerably larger and outside the envelope of the village. The Parish Council have serious concerns about use of this site for development as its been listed as historically important as a unique example ancient ridge and furrow.
95. From road safety view-point it is considered that the increase in traffic flow arising from a development on Stapleford Road could reduce road-safety. This development accesses a country-road with no street-lighting that enters the main housing area via a sharp bend on a narrow stretch with a junction with other lanes, and with restricted visibility. It is also a stretch affected by the congestion at school start/finish times and acts as a short-cut to Melton Mowbray for through traffic.
96. This site acts as a holding site for rain water, with increased surface area due to ridge and furrow. The village is vulnerable to flooding in the centre from the Whissendine Brook and the Parish Council would wish to see as much water-holding land as possible retained to reduce the time it takes the water to reach the flood plain and cause the brook to back up. Any drainage schemes that rely on use of local water courses will exacerbate the flood problem.
97. The infrastructure and services that exist within the village are not believed to have capacity to cope with a large development in this location.

Neighbour Representations

98. There have been 62 individual letters of objection, albeit some of these are from the same objectors who have written more than once.
99. The objections can be summarised as follows:
- Site is outside the PLD/Greenfield/Contrary to CS3 and SP6
 - Over-development of the site
 - Impact on Ridge & Furrow
 - Flooding issues in the village will be made worse – site acts as a sink to rainfall
 - Narrow roads in and out of the village are inadequate
 - Harborough Close is blocked with school traffic already
 - Village drains are overloaded
 - Schools are full
 - No Doctors in the village - Oakham MP is over crowded
 - Too many additional cars
 - Nuisance to Harborough Close residents from use of footpath
 - Impact on views
 - Transport surveys carried out during school holidays so not accurate
 - Impact on wildlife
 - Sufficient housing land is available at St Georges
 - New housing should be in a new settlement with all its amenities
 - 18% increase in dwelling in the village

Planning Assessment

100. The main issues are planning policy, urban design, highway safety, flooding, archaeology, ecology and provision of affordable housing.
101. There was no pre-application enquiry for this development as recommended by the NPPF.

Planning Policy

102. In terms of planning policy the current situation regarding the status of the site and the Councils ability to demonstrate a 5 year HLS is set out in the consultations above.
103. On this basis there is no justification for this scale of development in this location. Whissendine is a Smaller Service Centre in the adopted Local Plan where a modest amount of new development can be accommodated. This is described as 5 units or infill. This scheme does not comply with that criteria. There are no material considerations or other public benefits such as a local demand for Affordable Housing on this scale that would warrant setting aside development plan policies in this case so the proposal should be refused, contrary in particular to Policies CS4 and SP6. The 5 year HLS depends on the sites in the Submission Draft Local Plan. If any of those are refused or the Plan is delayed or modified again, this site may need to be considered again.
104. In terms of landscape impact, the 2017 Local Plan Landscape study concluded that this land is of medium sensitivity to new development, of low to moderate landscape value and of medium to high capacity for development. The impact of the development on the landscape is not therefore a valid reason for refusal.

Urban Design

105. The comments of the Urban Design Officer are as set out above. This is an outline application with only access included for full approval. The illustrative masterplan has been revised twice as part of the application process, most latterly to remove the illustrative layout from the plan, but this does not materially alter the concerns set out in terms of the quality of the design of the layout and the way it responds to its context. It is not therefore demonstrated that the site could satisfactorily accommodate 66 dwellings whilst achieving good quality urban design and place making. The comments of the Housing Strategy Officer are also pertinent to this issue in that there does not appear to be provision for any affordable units in the illustrative layout. This could again have an impact on numbers achievable on the site.
106. The proposal is unacceptable in principle therefore as it has failed to demonstrate that 66 dwellings could be satisfactorily be accommodated on site in a way that respects its context and achieves good urban design principles, contrary to NPPF Chapter 12 and development plan policies CS19 and SP15 in addition to acknowledged Government guidance on design and established good practice.

Highway Safety

107. The highway authority has no objections in principle to the site being accessed as proposed in the application. It is noted that residents have expressed concern about traffic and parking in the locality, but the scheme would have a satisfactory access form Stapleford Road and would need to demonstrate that it can provide satisfactory parking and access to each property as part of a reserved matters scheme, bearing in mind the potential limitations of the layout as set out under urban design above. There is no reason therefore to refuse planning permission on highway safety grounds under Policy SP15.

Flooding

108. Whilst there is an acknowledged issue of flooding in the village, this is mainly limited to the Main Street adjacent to the Whissendine Brook. Flooding only occurs in periods of heavy rain and soon disperses. Some of this is caused by issues out of County.
109. If the development was demonstrated to be drained by a workable Sustainable Urban Drainage scheme it would be acceptable from the point of view of the Lead Local Flood Authority. However, such a system has not been demonstrated so it is not clear that a development of this size can be adequately drained on this site and not cause more issues further downstream. Downstream of this site is to the north as the watercourse runs away from the village to the north so impact on the centre of the village is less likely.

Archaeology

110. Your Archaeological advisors have requested that a condition is imposed on a planning permission to require more investigative work to be done. In relation to the ridge and furrow on site, the advice is that it is not of sufficient rarity or connected with other heritage assets such that it could be used as a reason for refusal in its own right. Further advice is awaited as to whether this can be a reason for refusal based on the fact that there is no public benefit to be gained by the scheme therefore any 'less than substantial harm' is not justified. This will be updated in the Addendum.

Ecology

111. The Councils Ecology advisor considers that the scheme would result in a net loss of biodiversity. The Environment Act will require a 10% increase in biodiversity on new sites when it comes into force. The submission has failed to demonstrate that there would be

any biodiversity benefit from the proposal. This makes it contrary to Policies CS21 and SP19 of the development plan and Chapter 15 of the NPPF.

Affordable Housing

112. The Housing Strategy Officer states that there is no demand for affordable units on this scale in Whissendine. This could have been a material consideration in favour of the scheme had there been so, (although not overriding) but, coupled with the pure policy issues set out above, there is no public benefit in the scheme that would outweigh the development plan, or indeed the emerging plan.

Conclusion

113. Taking all of the above into account it is considered that the site is outside the Planned Limits to Development for Whissendine 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 and there is no overriding need for this level of affordable housing in Whissendine. The proposal is therefore 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.

114. In addition it has not been demonstrated that up to 66 dwellings can be accommodated on the site having regard to appropriate densities, urban design principles, ecology and highway safety. The development would thereby potentially result in a cramped form of development which would be detrimental to the character of this edge of the village, lack adequate open space, be harmful to biodiversity and potentially result in parking and access difficulties. This would be contrary to Policies CS19 and CS21 of the Core Strategy (2011), Policy SP5, SP15 and SP19 of the Site Allocations and Policies DPD (2014), Para 175 of the NPPF.

115. Insufficient evidence has been provided to demonstrate that surface water from the site can be drained satisfactorily to prevent additional flooding issues in the village. The proposal is thereby contrary to Policy CS19(d) of the Core Strategy (2011) and the advice in Chapter 14 of the National Planning Policy Framework, particularly paragraphs 160, 163 and 165.

This page is intentionally left blank

Application:	2020/0942/OUT	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:	C/o Agent	Parish	Ketton
Agent:	Pegasus Group	Ward	Ketton
Reason for presenting to Committee:	Major Application		
Date of Committee:	13 July 2021		

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 have been considered but the policy issue is overriding in this instance. There is no justification for the development of this wider site and there are no material considerations in this instance that would justify outweighing the development plan.

RECOMMENDATION

That the application be Refused for the following 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.

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

No relevant planning history

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

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

Consultations

Anglian Water

8. 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.
9. 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.
10. The foul drainage from this development is in the catchment of Ketton Water Recycling Centre that will have available capacity for these flows
11. 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.

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

Severn Trent

14. The site is outside of Severn Trent's boundaries.

Forestry Officer

15. No comments

Public Protection

16. No objection to this development

Parish Consultation

17. Objections from Ketton Parish Council Planning Committee 23.9.2020

1. The site is outside the current Planned Limits of Development of the village and is a greenfield site.

The recent Ketton and Tinwell Joint Neighbourhood Plan Survey (<https://ket2tin.wixsite.com/kettinnp> survey taken in 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.

2. There are already 3 designated sites for residential development in the village - KET/06 Adjacent to Chater House (15 to 20 dwellings), KET/07 The Crescent (35 dwellings) and KET/08 Home Farm (10 dwellings) - giving a total of giving a total of 60 to 65

dwellings - the second largest allocation for any village in Rutland (largest is Edith Weston Officers Mess for 70 dwellings).

3. The St George's Barracks development (approx 5Km to the NW of the development site) is due to deliver 1000 dwellings over the next 16 years.
4. The existing facilities and amenities in Ketton are inadequate for a further 75 homes on top of the 60/65 homes already allocated. The village school is at capacity, there is only 1 shop (currently not open on Sundays), no village car parks, no filling station and no doctors' surgery (see Local Plan priority theme strategic aim 1.5). The sewerage system in Rutland is at capacity (see 'Local Plan Sustainability Appraisal - Environmental Issues') It is difficult to see how these facilities could be improved using section 106/CIL.
5. 75 new homes at the land off Park Road, together with the 60/65 new homes already designated and the 1000 homes at the St George's site 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, with vehicles exiting from the proposed development via Bartles Hollow, and from the St George's development (especially if there are problems on the A606). Most traffic will travel along the High Street, passing the school, library and shop, and be joined by further traffic from the 3 designated sites towards Stamford. The roads in the centre of the village, and near the shop and Bull Lane are already congested with parked cars for at least several hours a 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 7). Leicestershire and Rutland Police have said 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%).
6. 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 several years.
7. Public 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, the times do not link with train times in Stamford, the first bus to Stamford leaves Ketton at 8.15am, and the last bus to leave Stamford for Ketton is at 17.40

(therefore unsuitable for commuting by train, or even reaching secondary schools in Stamford on time).

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 inadequate for the current usage - a problem that will only increase with the proposed new developments in Stamford. Parking in Stamford as a whole is already 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 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.

8. 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.
9. The site, and Bartles Hollow, already suffers some localised surface water flooding which may be intensified by the run off from the proposed new estate. 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.
10. Community response
The Design and Access Statement states that the development will provide 'new homes to meet the identified need for Ketton' - no source for the data to support this statement is provided; the number and range of new homes required are to be provided by the 3 designated sites in the Local Plan.
The Community response (86 responses - a response rate of 19%) was thought to be low; but is good considering number of people who live very close to the site. Some properties in Bartles Hollow did not receive leaflets. It would have been preferable to have leafletted the whole village since all of the village will be impacted, via traffic and pressure on facilities, by a single development at this location and of this size.
The developer gave a presentation, followed by a question and answer session to Ketton Parish Council, and to the Ketton and Tinwell Joint Neighbourhood Plan Steering Group.

And so, for clarity, KPC cannot strictly be said to have "worked collaboratively" with the developer

In summary, KPC 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.

Archaeology

18. No Objections and recommends conditions if the application is approved to secure a written scheme of investigation.

Highways

19. No Objections.
20. Since October the applicant has 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 last lockdown.
21. Highways previously recommended refusal on this application on 13/10/2020 as insufficient information was provided.
22. 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

Ecology Unit

23. I have no objection in principle to this outline planning application.
24. The ecology report (CBE Consulting, August 2020) is satisfactory. The recommendations in the ecology report should be followed.
25. The landscaping between Cats Hill Spinney and the proposed housing provides a sufficient barrier to protect the woodland. The hedgerows on the site should be retained and enhanced with the addition of native hedgerow planting. Further information on landscaping and biodiversity enhancements (including management) should be provided on a landscape and ecology management plan.
26. As this is an outline planning application, further comments and recommendations will likely be required when further information is submitted.

Further comments 3 Nov 2020

27. 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.

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

Neighbour Representations

29. 46 letters of objection have been received and are summarised below, there was one letter of support:

- Outside of planned limits for development
- 3 alternative sites for 60 dwellings have been approved
- The infrastructure is not in place in relation to roads, schooling, electricity and transport, GP surgery
- Impact on the environment
- Loss of natural habitats
- Loss of agricultural land
- The sloping topography of the site
- Access to the site is inappropriate
- Increase volume of traffic
- Concerns about parking and highway safety
- Concerns about speeding in the village
- No need for development given allocation of St Georges
- Concerns about housing types and density
- Open space is important and additional tree planting should be encouraged
- Loss of light / Overlooking and impact on residential amenity
- Too close to existing dwellings
- Concerns about flooding
- Impact on existing drainage system
- Impact on local wildlife
- Concerns about construction traffic
- Noise and disturbance
- Loss of a greenfield site that should be resisted.
- Loss of view
- Site would also be close to minerals extraction sites
- Concerns about number of neighbours notified about the development
- Traffic assessment is inaccurate

Evaluation

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

Principle of the use

31. In terms of planning policy the current situation regarding the status of the site and the Councils ability to demonstrate a 5 year HLS is set out in the consultations above.

32. On this basis there is no justification for this scale of development in this location. Ketton is a Local Service Centre in the adopted Local Plan where new development can be accommodated mainly through small scale allocated sites, affordable housing sites, infill developments and conversions. This scheme does not comply with that criteria. The

application site is located outside of the planned limits for development for Ketton There are no material considerations or other public benefits such as a local demand for Affordable Housing on this scale that would warrant setting aside development plan policies it is therefore considered that the proposal should be refused, contrary to Policies CS4 and SP6.

Impact of the use on the character of the area

33. 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 distance.

Impact on the neighbouring properties

34. 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.
35. Concerns have been raised about the loss of views from existing properties but this is not a material planning consideration.

Highway issues

36. 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.
37. The applicant has now 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 last lockdown.
38. 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

39. 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 controlled by suitable conditions.

Section 106 Heads of Terms

40. If the development were to be 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.

Crime and Disorder

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

Human Rights Implications

42. 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.
43. It is considered that no relevant Article of that act will be breached.

Conclusion

44. Taking all of the above into consideration it is concluded that the site is located outside of 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 therefore recommended for refusal as acceptance would be 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.

PLANNING & LICENSING COMMITTEE

13TH JULY 2021

ADDENDUM REPORT

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

Letter received from the Agent 25 June 2021:

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

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

- 1) It is clear that the Application Site must be in a location which the Council considers as appropriate for development. A significant proportion of the site, some 1.03 hectares, is proposed to be allocated in the emerging Plan. We submit that this is not a "small section" as it sets out in the Executive Summary and indeed exceeds the definition of small/medium as set out in the Framework.
- 2) The Government's objective is to boost significantly the supply of housing land. This point does not appear to be addressed in detail in the Officer's report. We understand that Officers consider to have a 5.2 year supply of housing land, although we consider that, in fact, the actual supply is less than 5 years as we have identified in the supporting documents attached to the planning application. We have seen no formal rebuttal of this document which would suggest that our findings are incorrect.
- 3) It is important that the scheme is not minor in scale, but neither is the proposed allocation in the emerging Plan.
- 4) We note that there are urban design comments about the scheme, but this is an outline application, and we are not asking for the illustrative plan to be approved. Therefore, what really needs to be considered is whether or not the scheme is capable of accommodating sufficient areas of green space as well as up to 66 dwellings. The point of applying for "up to 66" dwellings is that this is the maximum number of units which could be accommodated on the site, but at the reserved matters stage the actual figure may be less once various design considerations are taken into place.
- 5) There is a reference to highway safety being an issue amongst the reasons for refusal, but we have not seen any identification of such an issue in the professional Officer's

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

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

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

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

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

Letter Received from Agent - 9 July 2021

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

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

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

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

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

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

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

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

Patrick Downes BSc (Hons) MRICS
Director

Lead Local Flood Authority Comments 13 July 2021

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

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

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

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

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

Further Highways Comments 13 July 2021

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

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

Basically not enough information has been provided