

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

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

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, LE15 6HP on **Tuesday, 25th October, 2022** 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/

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/87096891833>

A G E N D A

1) WELCOME AND APOLOGIES RECEIVED

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on (23 August 2022 and 26 September 2022) and receive an update on actions agreed in the minutes of the previous meeting.

(Pages 3 - 12)

3) DECLARATIONS OF INTERESTS

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

4) PETITIONS, DEPUTATIONS AND QUESTIONS

Requests to speak on planning applications will 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

5) PLANNING APPLICATIONS

To receive Report No.171/2022 from the Strategic Director of Places.
(Pages 13 - 16)

a) 2022/0124/FUL
(Pages 17 - 28)

b) 2022/0336/MAO
(Pages 29 - 68)

c) 2022/0576/FUL
(Pages 69 - 74)

6) APPEALS REPORT

To receive Report No.172/2022 from the Strategic Director of Places.
(Pages 75 - 78)

7) ANY OTHER URGENT BUSINESS

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

8) DATE OF THE NEXT MEETING

Tuesday, 22 November 2022

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor E Baines (Chairman)

Councillor P Browne (Vice-Chair)

Councillor N Begy

Councillor D Blanksby

Councillor K Bool

Councillor A Brown

Councillor G Brown

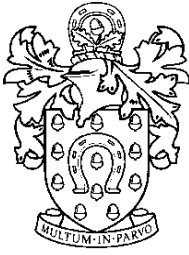
Councillor W Cross

Councillor J Dale

Councillor A MacCartney

Councillor R Wilson

Councillor R Payne



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday 23rd August 2022 at 7:00pm

PRESENT: Councillor E Baines (Chair) Councillor P Browne (Vice-Chair)
Councillor N Begy Councillor D Blanksby
Councillor K Bool Councillor A Brown
Councillor G Brown Councillor W Cross
Councillor J Dale Councillor A MacCartney
Councillor R Wilson

ABSENT: Councillor R Payne

OFFICERS PRESENT: Justin Johnson Development Manager
Nick Hodgett Principal Planning Officer
Sherrie Grant Planning Solicitor
David Ebbage Governance Officer

1 APOLOGIES

Apologies for absence were received from Councillor R Payne.

2 MINUTES

Consideration was given to the minutes of the meeting held on 19th July 2022.

RESOLVED

- a) That the minutes of the meeting on 19th July 2022 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor W Cross declared a non-pecuniary interest in item 5b – Planning Applications, application 2021/1319/OUT having known the applicant for several years through business. Councillor Cross confirmed he came to the meeting with an open mind.

Councillor J Dale declared a personal interest in item 5b - Planning Applications, application 2021/1319/OUT as the applicant was his brother-in-law. Councillor Dale would leave the meeting at that point.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Rutland County Council Planning and Licensing Speaking Scheme, the following deputations were received on item 5, Planning Applications:

In relation to application 2021/0319/OUT, Giles Crust spoke as a member of the public supporting the recommendation, Helen Eskdale spoke as a member of the public opposed to the recommendation and Richard Jeynes spoke as the applicant.

5 PLANNING APPLICATIONS

Report No.141/2022 was received from the Strategic Director of Places.

Item 5a – 2022/0469/FUL - Two storey side and rear extension and associated works to existing dwelling.

(Parish: Langham; Ward: Langham)

Item 5b – 2021/1319/OUT - Rear Of 8A Reeves Lane Wing Rutland, Outline application for 5 no. dwellings with All Matters Reserved.

(Parish: Wing; Ward: Braunston & Martinthorpe)

5a 2022/0469/FUL

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Councillors G Brown, A Brown and W Cross left the meeting at this point as they were not able to take part in the debate due to them not being in attendance when the application originally came to Committee.

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Justin Johnson, Development Manager, addressed the Committee and gave an executive summary of the application, the recent alterations to the application since it came to the last meeting. These were set out in the addendum, recommending approval.

He updated Members on the two-storey element had been reduced and ensured that the development complied with the Design Guidelines for Rutland especially in relation to the guidance around the 45 degree rule. In view of this it was considered that the proposed development was acceptable and whilst there would be some impact on the neighbour this was within acceptable limits.

Condition 4 dealt with the issue of overlooking from first floor windows and required these to be fixed and obscure glazed where they are below 1.7m in height when measured from the internal floor of the extension.

The use of a white render was considered acceptable due to several white rendered properties in the area. He did have one amendment to condition 3, which was for the applicant to provide a sample colour of the render which would be used for the exterior.

Members were happy with the alterations that had been made and the loss of the garage to help resolve the parking situation to the front of the property.

It was moved by Councillor E Baines and seconded that the application be approved subject to the condition in the report. Upon being put to the vote the motion was unanimously agreed.

RESOLVED

- a) That the application 2022/0469/FUL be **APPROVED** subject to the conditions outlined by the Development Manager and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website

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

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Councillor J Dale left the meeting and Councillors G Brown, A Brown & W Cross joined the meeting at 7.15pm

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5b 2021/0319/OUT

Justin Johnson, Development Manager, addressed the Committee and gave an executive summary of the application and additional information set out in the addendum, recommending approval.

Prior to the debate the Committee received deputations from Giles Crust who spoke as a member of the public supporting the recommendation, Helen Eskdale as a member of the public opposed to the recommendation, and Richard Jeynes spoke as the applicant.

Members were concerned about the lack of information and the impact it would have on the character and appearance of the conservation area. This was contrary to the advice in the Para 194 of the NPPF, and Policy SP20 of the Site Allocations DPD.

Members agreed with the objections from highways around the safety of the proposal and the visibility issues at the potential access to the site.

Members made the applicant aware about having pre-app discussions with the Council and the Parish Council before putting in a revised scheme.

Members felt the site was not sustainable and the development would not contribute to affordable housing. This was contrary to Policies CS10 and SP9 and the advice in Paras 124 and 125 of the NPPF.

It was moved by Councillor E Baines and seconded that the application be refused subject to the conditions in the report and an additional note to the applicant that:

- Having pre-app discussions with the Council and the Parish Council before putting in a revised scheme.

Upon being put to the vote, the motion was unanimously agreed.

RESOLVED

- a) That application be **REFUSED** subject to the conditions in the report and additional note that:
- Having pre-app discussions with the Council and the Parish Council before putting in a revised scheme.
- b) The full list of conditions can be found on the Council's planning portal: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

6 APPEALS REPORT

Report No. 142/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

- a) That the contents of the report be **NOTED**.

7 ANY OTHER URGENT BUSINESS

There were no items of urgent business.

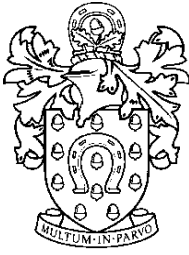
8 DATE OF NEXT MEETING

Tuesday 20th September 2022

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The Chairman declared the meeting closed at 8.30pm

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Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 26th September, 2022 at 6.00 pm

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

ABSENT: Councillor A Brown Councillor R Wilson

OFFICERS PRESENT: Justin Johnson Development Manager
Nick Hodgett Principal Planning Officer
Sherrie Grant Planning Solicitor
David Ebbage Governance Officer
Roger Ranson Planning & Housing Policy Manager
Craig Howat Quality Assurance Officer

1 APOLOGIES

Apologies were received from Councillor A Brown and R Wilson.

2 DECLARATIONS OF INTERESTS

There were no declarations of interest

3 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 5, Planning Applications:

In relation to 2020/0297/MIN, Richard Creasey spoke as a member of the public opposing the application, Ken Edward spoke as Chairman of Greetham Parish Council, and John Gough spoke as the applicant.

In relation to 2021/0170/MAO, Dan O'Boy spoke as a member of the public opposing the application, Ken Edward spoke as Chairman of Greetham Parish Council, and Neil Osborn spoke as the agent.

In relation to 2021/0171/MAO, Dan O'Boy spoke as a member of the public opposing the application, Ken Edward spoke as Chairman of Greetham Parish Council, and Neil Osborn spoke as the agent.

4 PLANNING APPLICATIONS

Report No.150/2022 was received from the Strategic Director of Places.

Item 5a – 2020/0297/MIN - Mick George Ltd

Greetham Quarry, Greetham North Western extension to Greetham Quarry including the extraction of Limestone and building stone and importation of suitable inert material.

(Parish: Greetham; Ward: Greetham)

Item 5b – 2021/0170/MAO - Hereward Homes Ltd Greetham Quarry, Greetham Outline planning application for 30 residential dwellings (Class C3), with all matters reserved except for access.

(Parish: Greetham; Ward: Greetham)

Item 5c – 2021/0171/MAO - Hereward Homes Ltd Greetham Quarry, Greetham. Outline planning permission with all matters reserved except access for a maximum of 94,000m² of Class B8 and Class B2 and E(g) and ancillary business and service space (Class E).

(Parish: Greetham; Ward: Greetham)

5 2020/0297/MIN

Nick Hodgett, Principal Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Richard Creasey who spoke as a member of the public opposing the recommendation, Ken Edward spoke as Chairman of Greetham Parish Council, John Gough spoke as the applicant and Councillor Nick Begy spoke as the Ward Member. The Committee also had the opportunity to ask questions of these speakers.

The applicant confirmed with Members that there would be no processing within 350m of any residential property or the community centre.

The applicant listed daily basis suppression measures for dust control such as haul roads will be sprayed, a dust buster which will catch any dust around the mineral processing plant using water spray, a requirement for a weather station on site which historically it didn't previously have. In terms of wheel wash, vehicles leaving the site would go across a wheel wash and be sheeted when they exited the site.

The Environmental Health Officer explained to members that they had monitored the air quality for a year, and it was measured at a level of 7.9. National data suggested that it would be 16.9 but the measured level was 7.9. If above 17 microns, it had the potential for it to exceed the air quality standard. With the screening process at the

level of 7, it was extremely unlikely that the 40 micrograms per metre cubed per day limits would ever be exceeded.

It was explained to Members that conditions were in place in case of any breaches occurred. Conditions 38 down to 42 within the report set out what was required of the operator and to ensure they were being compliant. If a breach did occur, then the operator would need to investigate that breach and notify the Council within two days.

The Environmental Health Officer informed the Committee that the nuisance dust that effected cars and exterior of buildings was not a health risk. The levels of dust would be measured by four frisbee style deposition gauges for nuisance dust deposition, for which the compliance dust-fall limit was 103 mg m⁻² day⁻¹. Monitoring would be undertaken periodically, the duration and frequency of which was set out in the Dust Management Plan.

Members raised concerns over the real time data and how any alerts would be reported. They felt the data should be readily available to the Council or even residents of Greetham. Officers responded by saying the real time data would not come to a council office, the data would be kept by the applicant and that the council could access and examine at any time. If a breach occurred or an alert had gone off, they had two days to notify the council.

Monitoring visits would take place on a regular basis to ensure the applicant was complaint with all the conditions and the data they held was sent to the council.

It was suggested by Councillor G Brown to include within the Dust Management Plan to set trigger points of dust at which there is notification, so residents can be satisfied that the operator is taking it seriously and that the information was made readily available, it was not commercially sensitive and that it could be provided online.

It was pointed out by the Environmental Health Officer that whilst PM_{2.5} can cause health problems, they were not a significant factor within the quarrying industry, the majority was within the 10 micron range from quarries. The PM_{2.5} level in Greetham was 5.7 micrograms per metre cubed.

Councillor Begy did point out that the recommended figures at the World Health Organisation in 2021, the levels of PM_{2.5} should not exceed 5 micrograms per metre cubed. He also stated that if the Committee was minded to refuse the proposal it would be on the precautionary principal, it was simply too close with too much doubt on the impact of the residents of Greetham who used the community centre and playing field.

Councillor G Brown suggested a number of potential conditions should the committee be minded to approve. It was confirmed that the additional conditions suggested by Councillor G Brown would be discussed with the applicant following the deferral.

It was moved by Councillor Cross and seconded that the application be deferred and for it to be brought back to a future meeting. The reasons for deferral were:

- The technology around the real time management and how it is delivered back to the office.
- That the phase 4 boundary being omitted from the proposals.

Upon being put to the vote, with 5 votes in favour and 5 against, the motion was carried on the Chair's casting vote.

RESOLVED

That planning application 2020/0297/MIN be **DEFERRED** to a future meeting.

6 2021/0170/MAO

Nick Hodgett, Principal Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Dan O'Boy who spoke as a member of the public opposing the recommendation, Ken Edward spoke as Chairman of Greetham Parish Council, Neil Osborn spoke as the applicant and Councillor Nick Begy spoke as the Ward Member. The Committee also had the opportunity to ask questions of these speakers.

Members raised concerns over the biodiversity net-gain. One of the conditions set out that the landscaping scheme would be submitted as part of the reserved matters stage and shall be accompanied by a Biodiversity Net Gain matrix to demonstrate that the scheme could achieve at least neutral impact.

Members felt the application failed to provide proper evaluation and understanding of the biodiversity impacts of the calcareous grassland required by the planning consent for the former quarry.

It was confirmed to Members that the removal of invasive species had commenced on the proposed site. The treatment started to remove the invasive weed Piri-Piri Burr but officers could not confirm if it had completely eradicated. It would require ongoing treatments.

A noise assessment was carried out and the conclusion was that if all three proposed applications were approved, the noise emissions for all sites could be controlled. It also concluded that the housing site could stand alone without the warehousing but with the quarry.

The assessment from the highway's safety point of view, the highways team had assessed the access to the site and took into account all the data that they held, and they concluded that the access arrangement was acceptable.

Members raised concerns of the sustainability of the site as Greetham does not fully meet the criteria for a local service centre with no primary school, no post office and the local shop is closed. To access all those services would mean travel by car. Officers responded by saying with no 5-year housing land supply issue, the harm from the development did not outweigh the benefits of providing housing, subject to the conditions could contribute to the 5-year housing land supply. The NPPF states that only whether the adverse impact significantly and demonstrably outweigh the benefits should permission be refused.

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At 9:27pm the Chair proposed that an extension of 30 minutes be taken, and this was unanimously approved by the Committee.

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It was proposed by Councillor Begy and seconded that the application be refused due to the issues around biodiversity, sustainability, and concerns over highway access.

Upon being put to the vote, with 5 votes in favour and 5 against, the motion was lost on the Chair's casting vote.

The Chair then proposed for the application for approval, this was seconded and upon being put to the vote, with 5 votes in favour and 5 against, the motion was carried on the Chair's casting vote.

RESOLVED

- a) That planning application 2021/0170/MAO be **APPROVED** subject to the conditions outlined by the Development Manager and agreed by Members within the debate.

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

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

7 2021/0171/MAO

Nick Hodgett, Principal Planning Officer, introduced the application and gave an executive summary, recommending refusal.

Prior to the debate the Committee received deputations from Dan O'Boy who spoke as a member of the public supporting the recommendation, Ken Edward spoke as Chairman of Greetham Parish Council, Neil Osborn spoke as the applicant and Councillor Nick Begy spoke as the Ward Member. The Committee also had the opportunity to ask questions of these speakers.

Members felt the proposed site was not sustainable for the surrounding area and felt other locations would be better suited.

Members felt that an additional reason for refusal should be added around the increase of traffic movements by private cars.

Members agreed with officers around the uncontrollable HGV traffic through Greetham and the detriment of the character and appearance of the conservation area.

It was proposed by Councillor Bool and seconded that the application be refused, upon being put to the vote, this was unanimously carried.

RESOLVED

That application 2021/0171/MAO be **REFUSED** for the reasons set out in the officer's report.

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

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

8 APPEALS REPORT

Due to the lack of time left in the meeting, it was agreed that the Appeals Report be postponed to the next meeting.

9 ANY OTHER URGENT BUSINESS

There were no items of urgent business.

10 DATE OF THE NEXT MEETING

Tuesday 25th October 2022

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The Chairman declared the meeting closed at 9.55pm.

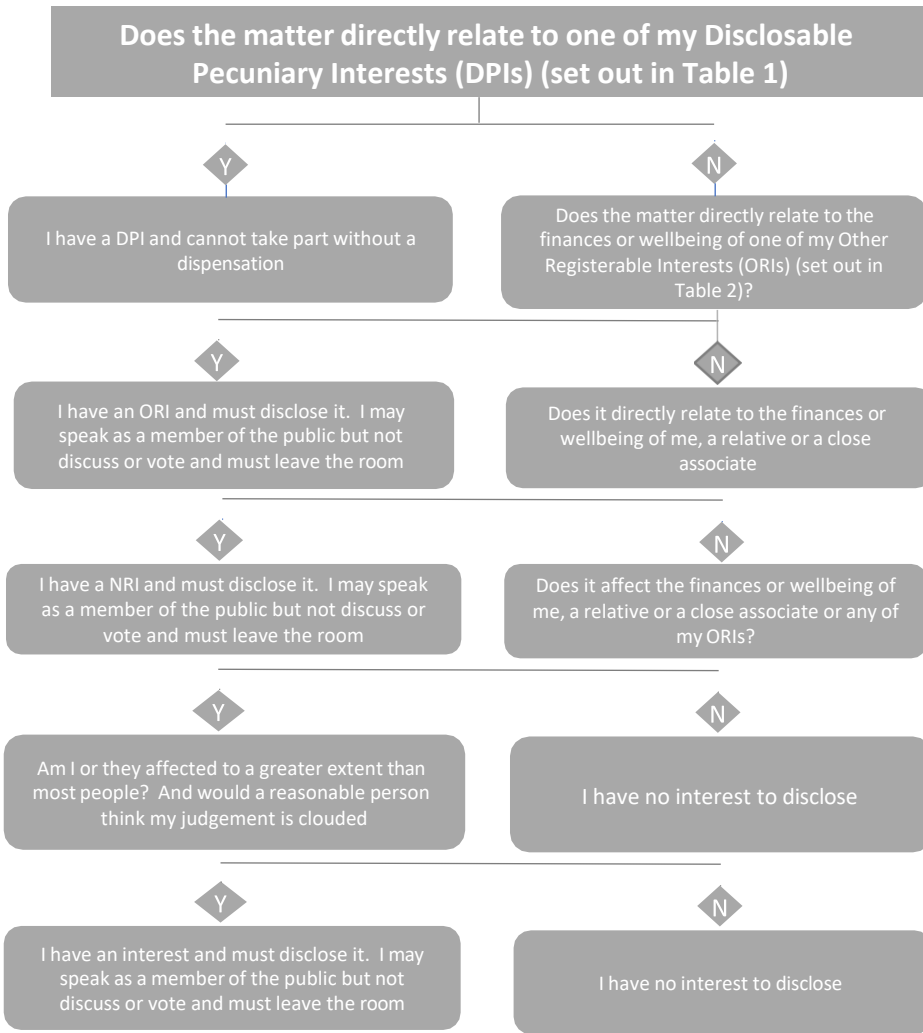
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Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council’s Constitution

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test	Predetermination Test
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased	At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact monitoringofficer@rutland.gov.uk

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

Rutland County Council

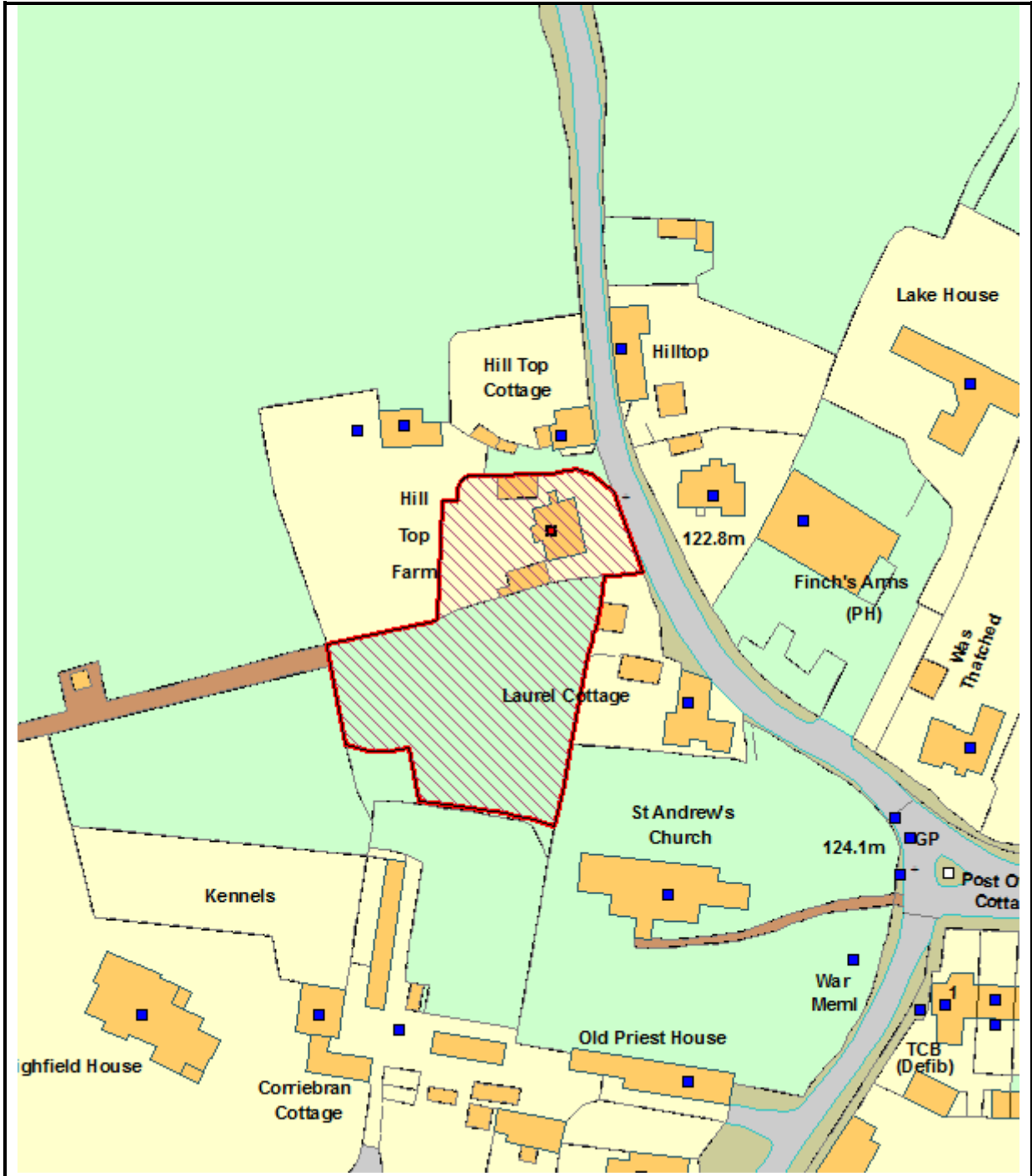
Planning & Licensing Committee – 25th October 2022

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2022/0124/FUL	Mr Roger Sugden Hill Top Farm House, Oakham Road, Hambleton Single storey rear extension including internal alterations of existing farmhouse. Conversion of outbuildings within the courtyard to create a home office. Erection of new garage with car port and small stable block within the grounds of the house.	Approval	17-28
2	2022/0336/MAO	Pigeon Capital Management 3 Ltd & the Burley Estate Farm Partnership Land off Burley Road, Oakham Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping and all associated infrastructure.	Approval	29-68
3	2022/0576/FUL	Mrs Abigail McCartney Workshop off America Lodge Lane, Brooke 40 No. 16kw roof mounted solar panels on roof of industrial unit. 148 No. 40 kw ground mounted solar panels, mounted in a single row. 20 No. 7 kw panels on top half of south facing vertical elevation.	Approval	69-74

Appeals Report

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0124/FUL	ITEM 1	
Proposal:	Single storey rear extension including internal alterations of existing farmhouse. Conversion of outbuildings within the courtyard to create a home office. Erection of new garage with car port and small stable block within the grounds of the house.		
Address:	Hill Top Farmhouse, Oakham Road, Hambleton		
Applicant:	Mr Ryder Sugden	Parish	Hambleton
Agent:	Mr Jason Edwards	Ward	Exton
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	25 October 2022		
Determination Date:	24 March 2022		
Agreed Extension of Time Date:	28 October 2022		

EXECUTIVE SUMMARY

The proposal comprises extensions and alterations to the listed dwelling, the erection of a garage and the erection of a stable building. The proposals are acceptable in principle and in terms of visual amenity, heritage, ecology and residential amenity. Objections have been raised by residents to the proposed stable building on the grounds of impact on highway safety; however, the proposal would convert the existing stable into ancillary domestic habitable accommodation and the proposed replacement stable would therefore not lead to an intensification in the use of the access which has led to the Highway Authority raising no objection on highway safety grounds.

RECOMMENDATION

<p>APPROVAL subject to the following conditions:</p> <p>1. The development shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 1277.RS.20.001 Rev A Location Plan 1277.RS.20.010 Rev B Proposed Site Plan 2 of 2 1277.RS.20.012 Rev C Proposed Stables 1277.RS.20.013 Rev B Proposed Garage 1277.RS.20.009 Rev B Proposed Site Plan 1 of 2 1277.RS.20.007 Rev B Proposed Ground Floor Plan 1277.RS.20.008 Rev A Proposed First Floor Plan 1277.RS.20.011 Rev B Proposed Elevations Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.</p> <p>3. Prior to any above ground development, the following shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details.</p> <p>-Sample stone -Details of coursing of the stone</p>

- Details of the mortar mix to be used and the method of application
- Slate sample
- Details of the balcony balustrading
- Details of all doors and windows
- Details of the rooflights (shall be conservation rooflights)

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. The home offices hereby approved shall only be used as accommodation ancillary to the use of the building/site as a dwelling and no separate trade or business shall operate from this accommodation.

Reason: For the avoidance of doubt, in the interests of highway safety and to accord with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. The existing stable in the outbuilding to the rear of the dwelling and the proposed new stable building shall not be used concurrently to accommodate a horse.

Reason: For the avoidance of doubt, in the interests of highway safety and to accord with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. Prior to the first occupation of accommodation within the dwelling hereby approved, details (including location and timeframe for installation) of 2 bat boxes, to be installed on the dwelling, shall be submitted to and agreed in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to first occupation of the accommodation within the dwelling hereby approved and thereafter retained.

Reason: In the interests of the protection of wildlife and their habitat and to comply with Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.

Informatives

CIL – Standard Informative

Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Section 149 Highways Act 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.

Access Movements during Construction

The development will result in the delivery of materials and vehicle movements associated with tradesmen and use of a substandard vehicular access. It will be expected that all measures are taken to ensure all of these temporary additional movements are done so in a safe manner, which should include the use of a banksman to ensure all vehicles exiting the site can do so without endangering themselves or other users of the public highway.

Site & Surroundings

1. The site accommodates a two-storey stone and slate dwelling that sites back from the highway and includes a subservient wing to the side and a detached outbuilding along the other boundary. Previous extensions and alterations have been carried out including two single storey extensions to the rear.

Proposal

2. The proposal comprises a single storey rear extension including internal alterations of the existing farmhouse, the conversion of outbuildings within the courtyard to create a home office, the erection of a new garage/car port and the erection of a stable block within the grounds of the house.
3. Revised plans have been received in relation to the proposed garage and stable.

Relevant Planning History

4. There is a detailed history on the site. The most relevant includes F/1996/0303 which approved the conversion of the outbuilding with a link to the existing dwelling to form additional residential accommodation. FUL/2001/0130 approved the construction of a single storey pitched roof extension to the rear, the conversion of the outbuilding and various internal and external alterations. Application 2022/0125/LBA is the associated listed building application for alterations/extensions to the dwelling which has been approved.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

Extensions to Dwellings SPD

Officer Evaluation

Impact of the use on the character of the area

5. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
6. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
7. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features. Policy CS19 relates to design, Policy SP15 relates to design and amenity.
8. The proposal comprises several elements. The first has already been approved through the listed building application and comprises the removal of part of the wall between the snug and kitchen. The proposal also includes removal of part of the external wall to the rear where the proposed extension would be attached. This would impact on only a small section of wall as there is already an opening between the existing house and the lean-to extension. Although some historic fabric would be lost, this would be minimal, and the original layout of the building would remain legible.
9. A link extension is proposed between the dwelling and outbuilding. This would have a narrow width under a pitched roof. The walls would be largely glazed to provide a lightweight link and no objection is raised.
10. The outbuilding would then be converted from ancillary residential use into a home office. An internal spiral staircase would be provided to create a mezzanine on the upper floor for a seating area. This could be carried out with limited impact on the outbuilding and no objection is raised. Externally, existing openings would be re-used and the insertion of three rooflights on the inner roof would allow use of the upper floor. The robust character of the barn would be retained.
11. The proposal also comprises a single storey extension; this would be added onto part of the existing single storey extensions. The proposed extensions would incorporate a flat roof design and be built of stone to match the dwelling. Although the flat roof design is not ideal, the parapet would hide the flat roof and the benefit of this design approach is to keep the height lower and to reduce the impact on the rear elevation. The extension would allow the upper floor windows to be unaffected and a more traditional lean-to extension would not work due to the limited height of the dwelling.
12. The proposed balustrading to the side elevation would have a limited impact on the character or appearance of the listed building or the wider area.

13. The proposals also relate to the erection of the garage/car port. This would be located in the grounds, south-west of the dwelling and would comprise a single storey plus attics structure with garaging/open car port on the ground floor and home office/storage above. It would be clad in timber with a slate roof and would have the appearance of a traditional rural domestic outbuilding.
14. The garage would be well related to buildings to the north of the site and although some way beyond the rear of the dwelling, would be within the established garden and would have a rural, domestic appearance. It would be sufficiently separated from the church grounds as to be visually acceptable and not affect the setting of that building. The building would be set off the western boundary and beyond the site would not be unduly prominent or dominant. The site is beyond the limits to development in the Development Plan but within the garden of the property.
15. The proposed stable building, constructed of timber cladding and slate, would be sited to the south of the proposed garage. The building would accommodate a single stable plus tack room and would be small-scale. Visually, it would not be prominent or dominant and would be set slightly off the boundary of the site. Overall, no objection is raised visually.
16. In terms of the impact on the conservation area, it is considered the proposals would meet the tests set out above. The proposed extensions/alterations to the dwelling would be to the rear, where there is an existing extension and would sympathetically convert the outbuilding and link physically to the dwelling. These would preserve the character and appearance of the designation. The proposed stable building and garage/car port would be set within the grounds, would have a typical rural domestic appearance and would not be unduly prominent or dominant within the site or when viewed from outside of the site. The proposed outbuildings would not affect the setting of the listed host building.
17. Taking the above into account, it is considered that subject to the imposition of conditions the application is considered to be visually acceptable and would not result in harm to the character or appearance of the Conservation Area. The proposal would also be acceptable on the building and site itself, in accordance Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD and the Council's Extensions to Dwellings SPD (2015).

Impact on the neighbouring properties

18. The proposed extension would be to the rear and would be set off any boundary. Given this and comprising a single storey of limited proportions, it would have no undue impact on neighbouring amenity. The conversion of the outbuilding would use the footprint and massing of the existing building and there would be no openings on the external elevation.
19. The use as a domestic office/seating area would be ancillary and would not result in undue noise or disturbance to neighbouring properties. A condition can be imposed to ensure the use remains ancillary to the host dwelling.
20. The proposed garage/car port would be set away from neighbouring properties and again would involve an ancillary, domestic use. The proposed stable would also be set away from neighbouring properties, would accommodate only a single horse and would not impact adversely on neighbouring amenity either physically or through the proposed use.
21. Public Protection raise no objection.
22. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Extensions to Dwellings SPD (2015).

Highway issues

23. The proposal seeks to use the existing access which serves two other properties, the neighbour to the north and the neighbour to the west. The Highway Authority raised an objection to the original submission, seeking clarification on where and how the horses would be transported to sufficient grazing land and objecting on the grounds that it had not been demonstrated the existing access was sufficient to accommodate horse transportation safely. The access is not of sufficient width to accommodate two standard family vehicles to pass or a horse truck/horse trailer with a car, and there is limited visibility to the north of the access. Oakham Road narrows considerably adjacent to the site to one vehicle width with no formal right of way. The Highway Authority concluded the horses would need to be transported at times in the future for various reasons and given the restricted access width and poor vehicle to vehicle visibility, the intensification of use brought about by the proposed stables was considered unacceptable due to highway safety concerns.
24. The Highway Officer concluded that movements for horse transporters could not safely be accommodated within the existing access or joining the public highway of Oakham Road. The proposed stable use would result in an intensification of use an inadequate access and therefore the recommended refusal on highway safety grounds.
25. Following this, revised plans were received reducing the size of the proposed stable from three stables plus tack room to a single stable plus tack room. Further comment from residents and the applicants followed this, as summarised below:

Neighbours have stated the following:

- The previous owners of Hill Top Farmhouse kept ponies in a nearby field and have not kept horses since 2003;
- Cannot recall any time since of horses being kept in the garden of Hilltop Farmhouse;
- There has never been regular or frequent use of the driveway by horsebox/ trailer as stated in the submission;
- The outbuilding comprises only a single stable and this is unsuitable for horses now;
- Work was carried out recently to alter the building for stabling use;
- The submitted plans illustrate this building as three stores, not stables, and refers to the building as being dilapidated;
- Horses have only recently been seen in this building;
- There is no formal agreement to use the paddock for grazing;
- The submission refers to the access being used frequently by horse vehicular movements;
- The proposal would result in increased volume of traffic in and out of the village and increased speed of traffic in and out of the village.

The applicant has provided the following in support of the application:

- photographs to demonstrate horses using the stables (the outbuilding to the rear of the farmhouse);
- they confirm they have two horses currently stabled at the property;
- that vehicles and trailers can exit and enter the site safely;
- there is adequate space within the site to turn a trailer round;
- horses that are fed and stabled do not require grazing land;
- there were three horses on the site historically;
- they could use the existing stable for a horse and this would be a fallback position;
- the previous owners had two or three horses and used the paddock to the west for grazing;
- there would be no net gain in traffic.

26. Whilst the existing plans refer to the outbuilding as a store, it does incorporate a stable door and it is reasonable to assume it had a historic use as a stable. Furthermore, evidence has been provided to demonstrate that the building has been used as a stable recently.
27. As such, it is considered there is sufficient evidence to conclude the outbuilding provides a stable for one horse. This building would be converted into domestic accommodation as part of the application and the proposal then seeks a separate stable building to provide accommodation for a single horse within the grounds.
28. The Highway Authority has reviewed the application in light of the revised plans and additional submission of views, both in support of the application from the applicant and of objection from residents. They state that further to confirmation that the building currently used as a stable could remain in that use, the objection on highway grounds is withdrawn on the basis that the proposed stable will replace the existing one, which is now being repurposed within the overall proposal. Conditions are sought regarding limiting the use of the offices for personal use.
29. Therefore, it is concluded that the conversion of the existing stable into ancillary, domestic accommodation, and the erection of a replacement stable building would not result in the intensification of use of the access and would not introduce additional traffic movements comprising horse vehicles. As such, on balance, it is not considered the proposal would have an unacceptable adverse impact on highway safety and the proposal would be in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

30. The Preliminary Bat Roost Assessment report (Ramm Sanderson, November 2021) is satisfactory; no bats or evidence of such was found, and the buildings have negligible to low bat potential. No further survey work is required and the recommendations in the report should be followed.
31. The proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

Crime and Disorder

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

Human Rights Implications

33. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

34. Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

35. **LCC Ecology**

The Preliminary Bat Roost Assessment report (Ramm Sanderson, November 2021) is satisfactory; no bats or evidence of such was found, and I agree that the buildings have negligible to low bat potential. No further survey work is required.

The recommendations in the report should be followed. As a condition of any planning permission granted, 2 x bat boxes should be installed on the dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged. Further information on bat boxes and installing them can be found here <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

36. **Highway Authority**

Original Comments:

I have visited site and reviewed all the documents and plans submitted as part of this application and make the following comments:-

1. There appears to be limited grazing within the site edged red to accommodate 3 horses. Where and how will the horses be transported to sufficient grazing land?
2. It has not been demonstrated that the existing access, shown within the site edged blue, is sufficient to accommodate horse transportation safely. Having visited site, it is apparent that the access is not wide enough to accommodate two standard family vehicles to pass, let alone a horse truck / horse trailer with a car, and there is virtually no visibility to the north of the access. Oakham Road narrows considerably around the extent of the site to one vehicle width with no formal right of way. Whilst there is no information about horse transportation, it will be inevitable that the horses will need to enter and leave the site at times in the future for various reasons, let alone for grazing purposes. Given the restricted access width and poor vehicle to vehicle visibility, the intensification of use brought about by the proposed stables is considered wholly unacceptable due to highway safety concerns.
3. The mezzanine floor above the garage is proposed to be a office/store, although it is not clear what the split is. If the split is not determined here, then the proposed floor area could easily accommodate numerous desks and thus people. Whilst the LHA would raise no objection to a home office for the residents of the property, we would have concerns if the office were to be used by others, again due to the poor vehicular access. Any consent should be strictly confined to the residents of the host dwelling in perpetuity with no staff or visitors permitted.
4. The LHA have no objection to the proposed parking/carport/garage.

In summary, the LHA raise no objection to the parking proposals, would not raise any objection to the office accommodation if this is strictly confined to the residents of the host dwelling, but raise a highway objection to the stables on the basis that the movements for horse transporters cannot safely be accommodated within the existing access or moving from the existing accesses to and from the public highway of Oakham Road. The proposed stable use will result in an intensification of an inadequate access and therefore the LHA would strongly recommend refusal on highway safety grounds.

In the event the stable element is removed from the application, the LHA would raise no objection subject to the strict restriction of the office use to residents of

the host dwelling only with no visitors or staff permitted. Should this be the case, please append a suitably worded condition and the following informatives:-

Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Section 149 Highways Act 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.

Access Movements during Construction

The development will result in the delivery of materials and vehicle movements associated with tradesmen and use of a substandard vehicular access. It will be expected that all measures are taken to ensure all of these temporary additional movements are done so in a safe manner, which should include the use of a banksman to ensure all vehicles exiting the site can do so without endangering themselves or other users of the public highway.

37. **Highway Authority**

Comments on Revised Proposals:

Further to a further review of the information provided for the above-mentioned application and receipt of confirmation that the building currently used as a stable could remain in that use, the LHA withdraw their previous objection. This is on the basis that the proposed stable will simply replace the existing one, which is now being repurposed within the overall proposal.

As mentioned in my previous consultation response, dated 5th April 2022, the LHA raise no objection to the parking proposals or the office use (subject to it being conditioned to personal use only).

If you are minded to approve the application, please append the informatives previously provided.

38. **Public Protection**

No objection.

Neighbour Representations

39. 5 objections received which are summarised below:

- Concern over the pinch point entry and exit from the village, exactly at the point of the drive access to Hilltop House Farm, poor visibility and space for only one

vehicle, to allow an oncoming vehicle to pass other traffic already pull into the drive entrance of Hilltop.

- Existing access already inadequate for three dwellings, a horsebox would need to be manoeuvred into the access.
- The previous owners kept ponies in a nearby field but have not kept horses since 2003, horses have not been kept in the garden, there has never been regular or frequent use of the driveway by horsebox/trailer.
- Size of home offices could be used to consult with clients or used for more people to work in office causing more traffic up and down drive, could be used commercially.
- The proposed garage and stable block appear to be located inside the Hambleton Conservation Area and outside the Planned Limits of Development.
- The character of the Conservation Area will be adversely affected by new buildings at this location.
- There is inadequate grazing for horses in the application site.
- No provision is made for storage and disposal of horse waste.
- No apparent turning facility for horse box/tailer.
- Loss of amenity with increased use over the access including commercial purpose.

3 representations received in support stating:

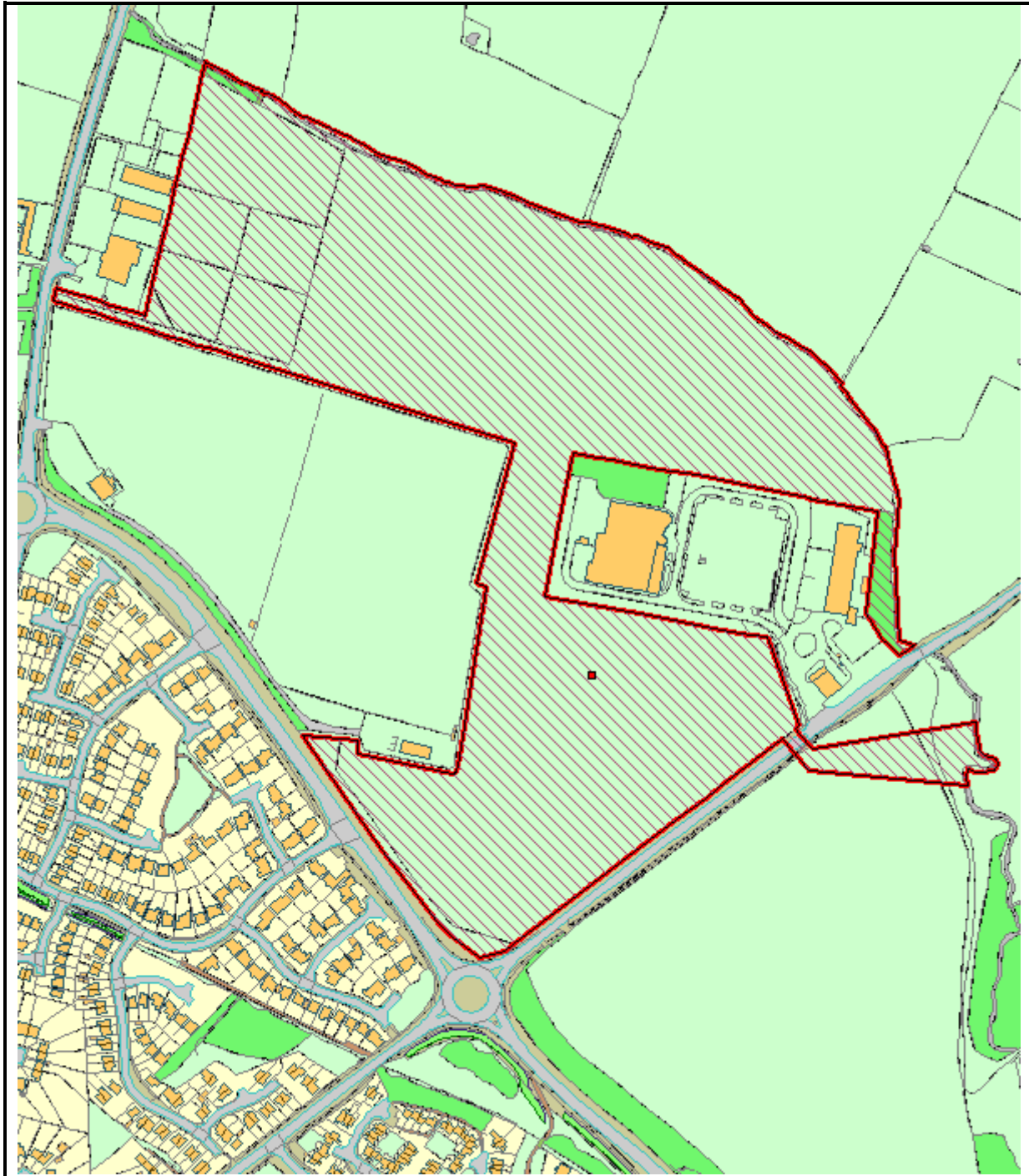
- Support changes to the outbuilding which would improve the site visually.
- The garage is a necessity and an expected amenity associated with any modern-day substantial family home.
- No objection to the proposal to replace existing outbuildings with a modest stable for the sole use of the owners as this will not create any additional vehicular or pedestrian activity on the existing.
- There is plenty of room on the site to allow the planned works.
- There is enough land for the horse, and it makes perfect sense to stable it at home.
- This is already a very busy village, with farm machinery, hotel traffic, the pub and hundreds of walkers each week, to suggest the movement of one vehicle like a house box is going to be dangerous is ridiculous.
- One horse stable is being created for a retired ex racehorse who would be housed there for 8 months of the year (the extra 4 months will see him out at summer grazing), the stable is for personal, there is likely to be movement of a small two stall horse trailer maybe six times a year. Minimal increase in traffic. If the application is turned down the retired horse will have to be stabled elsewhere which will result in the driveway in question and road usage in the village to increase.
- Previous owners kept horses at the property for a number of including using a horse trailer every Wednesday and Saturday for a number of years.

Conclusion

40. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area or affect the setting of any listed building. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

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2022/0336/MAO



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0336/MAO	ITEM 2	
Proposal:	Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping and all associated infrastructure		
Address:	Land Off Burley Road Oakham Rutland		
Applicant:	Pigeon Capital Management 3 Ltd and the Burley Estate Farm Partnership	Parish	Oakham
Agent:	Carter Jonas LLP	Ward	Oakham North East
Reason for presenting to Committee:	Policy and Objections		
Date of Committee:	25 October 2022		
Determination Date:	14 June 2022		
Agreed Extension of Time Date:	28 October 2022		

EXECUTIVE SUMMARY

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

RECOMMENDATION

APPROVAL, subject to the completion of a s106 agreement to provide affordable housing and the provision and maintenance of open space, and the following conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 24 months from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason – The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The Reserved Matters shall provide for a maximum of 213 dwellings.
Reason – To ensure that sufficient space is available for open space, sustainable drainage and ecological interests and to ensure compliance with Policies SP5 and SP15.

5. The Reserved Matters shall have regard to:
- The Design & Access Statement,
 - The Post Submission DAS Addendum (11 July 2022)
 - Parameters Plan J0027570_CJ_MP_003
 - Illustrative Masterplan J0027570_012_V1
 - Illustrative Affordable Housing Plan J0027570_013_V1
 - Illustrative Parking Plan J0027570_014_V1
 - The Biodiversity Metric assessed by Dr G Hopkins
- Reason – To ensure that the final development accords with the parameters set out in the outline application, has an acceptable relationship with the adjoining properties, provides adequate open space and a sustainable drainage scheme and in the interests of proper planning.
6. The development shall be carried out in accordance with the access plan number JNY11194-RPS-0100-001 Rev I, excluding the proposed shared use footway cycleway which shall be carried out in accordance with details to be submitted pursuant to condition 15.
- Reason – To ensure that the site is accessed safely in accordance with the approved plan.
7. The development shall be carried out in accordance with the Residential Framework Travel Plan JNY11194-02b, v02b, RPS, 24 February 2022
- Reason – To ensure that sustainable travel is built into the development.
8. No development of a phase shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill for that phase have been submitted to and approved in writing by the Local Planning Authority. The layout of the 2 or more storey houses shall take account of the levels change across the site and demonstrate that they will have a satisfactory relationship with the landform, wider visual amenity and adjacent residents. The development shall be implemented in accordance with the agreed scheme before any individual dwelling is first occupied.
- Reason – To ensure that the relationship of the proposed dwellings to each other and to the wider landscape is acceptable, in the interests of residential amenity.
9. No development of a phase shall take place until precise details of the provision, siting, design and materials of screen walls and fences for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.
- Reason – To ensure that appropriate boundaries are installed in the interests of visual and residential amenity.
10. The landscaping scheme to be submitted as part of the reserved matters shall be accompanied by a Biodiversity Net Gain matrix to demonstrate that the scheme can achieve at least neutral impact. The scheme shall provide for bat and/or bird boxes on all dwellings together with holes in fencing and boundaries for hedgehogs and other small mammals in accordance with the Ecological Assessment (Hopkins, March 2022).
- Reason – To ensure that the development provides the current minimum requirement for biodiversity on the site.
11. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be

agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in the interests of residential and visual amenity.

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

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

13. Prior to any development above damp course level of any dwelling, a landscape and ecology management plan shall be submitted to the local planning authority for approval. The development and subsequent management of the open spaces on site shall be carried out in accordance with that approved plan.

Reason: To ensure that the landscaping and biodiversity provision on site is properly maintained for an appropriate period in the interests of biodiversity and the appearance of the development.

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

- a) Information about the temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts and ditch clearance where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A full capacity and condition assessment of the existing ditches from the discharge points.
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A detailed management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- g) An assessment of the risks to controlled waters.

The development shall not be occupied until the approved scheme has been implemented in full.

Reason – To ensure that the proposed development can be adequately drained whilst ensuring there is no flood risk on or off the site resulting from the proposed development.

15. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

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

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

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

(ii) Submission of Remediation Scheme

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

(iii) Implementation of Approved Remediation Scheme

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

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

(iv) Reporting of Unexpected Contamination

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

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

(v) Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved details.

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

16. Prior to the commencement of development, with the exception of below ground works, a detailed design of off-site highway works including the proposed priority T junction with right turn lane, the proposed 3m wide shared use footway cycleway (or such other width footway cycleway as may be agreed in writing with the Local Planning Authority) between Burley Park Way and the Co-Operative store on Burley Road, pedestrian crossing points including the toucan crossing on Burley Park Way, the removal of any redundant pedestrian crossing points, replacement of existing street lighting columns and highway drainage gullies together with a fully iterated Stage 2 Road Safety Audit of the Burley Road scheme shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in full prior to first occupation.
Reason: In the interest of highway safety.
17. Prior to the commencement of development, with the exception of below ground works, details of the emergency access off Ashwell Road shall be submitted to and approved in writing by the Local Planning Authority. The approved emergency access will be implemented prior to occupation of the 100th dwelling.
Reason: In the interest of highway safety.
18. Prior to the first use of any external public lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare. The development shall be carried out in accordance with the approved details.
Reason: To ensure that users of the highway are not subjected to glare and

dazzle from lighting within the development in the interest of highway safety.

19. Any new trees located within 5m of the existing or proposed public highway shall be planted with root-protection, details of which shall have been first approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
20. Prior to commencement on site details of special measures to protect any existing trees within 30m of the works area shall be submitted to and approved in writing by the Local Planning Authority. The special measures shall be in place for the duration of the works.
Reason: In the interests of highway safety and protection of existing trees.
21. All private shared driveways, vehicular and pedestrian accesses shall be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
22. No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the access road serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The access roads and driveways shall thereafter be completed in accordance with the approved timetable and phasing plan.
Reason: In the interests of highway safety.
23. The developer shall contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out an inspection of the condition of the public highway before site traffic commences. The results of the inspection will be submitted by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development.
Reason: In the interests of highway safety.
24. No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-
 - a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
 - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
 - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
 - d) Haul routes to the site and hours of delivery
 - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway.

- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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

Reason: In the interests of residential amenity and highway safety.

- 25. The development shall be carried out in accordance with recommendations in the Ecological Assessment report (Hopkins Ecology, March 2022).
Reason – To ensure that the ecological interests of the site are protected during and after the development and because by the time reserved matters are submitted the existing surveys will be out of date.
- 26. Prior to the commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason – in the interests of proper phased planning of the development.
- 27. The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall into the adjacent ordinary water course.
Reason: To prevent the increased risk of flooding off-site resulting from the proposed development.
- 28. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

INFORMATIVES

- Outline CIL Informative (including confirmation that planning permission is a phased planning permission for the purposes of the Community Infrastructure Levy Regulations 2010)
- Street Naming & Numbering - Section 17 - 18 Public Health Act 1925
- The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>
 - Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

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

Utility Services - Section 50 NRSWA 1991

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

Off-site Highway Works - Section 278 Highways Act 1980

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

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

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

Removal of Deposits on the Highway - Section 149 Highways Act 1980

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

Traffic Regulation Order

- The proposal may include a post development reduction in the speed limit from 40mph to 30mph, which will require a Traffic Regulation Order. For details of the process and to make an application please contact Highways at highways@rutland.gov.uk. It should be noted that a speed survey will be required post development to support any proposal to reduce the speed limit and must be agreed with RCC's Road Safety Officer, the local constabulary and the Highways Team.

Internal Layout

- The LHA reserves the right to review the internal layout in detail under a future reserved matters application to assess its suitability including road hierarchy, surface water drainage, access road geometry, pedestrian connectivity, parking provision, turning provision, refuse collection facilities, access for emergency services, etc.

Site & Surroundings

1. The Site measures 17.13ha, is irregular in shape and currently comprises agricultural land. The Site boundaries follow existing boundaries, the majority of which are formed by mature vegetation, as follows:
2. The Site's northern boundary is marked by an existing field boundary comprising hedgerows and mature trees with a small stream (a minor tributary of the River (North) Gwash) running along it.
3. To the east there is a Co-operative supermarket which the Site borders to its north, west and south. Further to the east is a petrol filling station linked to the supermarket, as well as a car garage and showroom.
4. The Site boundary then follows Burley Road and Burley Park Way to form the Site's southern boundary. To the west the Site borders playing fields (Oakham School Wilson Fields). The Site boundary then follows the northern boundary of the playing fields with a strip of land connecting the main site with Ashwell Road. The Site's boundary then runs to the east of a number of existing commercial uses including Oakham Veterinary Hospital, which front Ashwell Road.
5. The Site's boundary also extends to the south of Burley Road to incorporate an area that is required for a surface water drainage outfall. No above ground built development is proposed in this location.

Proposal

6. The scheme has been subject to 2 separate informal presentations to members as it has progressed. A member site visit has also been undertaken.
7. The application is in outline form with a new access onto Burley Road, including a right turn lane, and a pedestrian/cycle/emergency access onto Ashwell Road included for full approval. A new section of footpath would join the Ashwell Road access to the existing footpath on the bypass. A new cycle/pedestrian (Toucan) crossing would be provided over the bypass at the southern end of the site to link to existing improvements along Burley Road into town.
8. The application gives the following breakdown of uses:

Area	Area (ha)	Area (acre)
Red line boundary	17.13	42.33
New homes area	9.28	22.93
Open/Green space/ Area for children's play	6.56	16.21
Drainage basin area	0.74	1.83
Zone for below ground surface water outfall (including section of Burley Road within the Site Boundary)	0.55	1.36

The scheme is intended to provide:

- A high quality landscape and design led sustainable scheme which will contribute towards the creation of a strong, vibrant and healthy community.
- Extensive areas of amenity space and green infrastructure (circa 6.56 ha)
- Allotments and areas for outdoor play (including a Local Equipped Area of Play and Local Area of Play).
- Ecological enhancements and an overall Biodiversity Net Gain (+22.9% for habitat units).
- SuDs features within areas of open space, including swales and bioretention features, incorporating species rich planting.
- Up to 213 new homes to meet a range of needs, including first time buyers, families and the elderly.
- Dedicated pedestrian and cycle links through the scheme and improvements to existing infrastructure at Burley Park Way and Ashwell Road to easily connect to facilities and amenities in Oakham.
- 30% affordable housing (up to 64 affordable new homes), including wheelchair accessible bungalows.
- Self/custom-build plots to meet the needs of people wishing to build or design their own home.

Relevant Planning History

9. Negative EIA Screening Opinion in relation to up to 220 new homes with accompanying green infrastructure and access dated 09 February 2022 (ref. 2021/1440/SCR). The negative Screening Opinion remains valid as a result of the more detailed application material and consultee responses that have been received in respect of the outline planning application.
10. There is no other planning history relevant to this application.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))

Chapter 4 – Decision making

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 challenges of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of sustainable development

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP9 - Affordable Housing

SP15 - Design and Amenity

SP17 - Outdoor lighting

SP19 – Biodiversity and geodiversity conservation

SP20 - The historic environment

SP22 - Provision of new open space

SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS1 – Sustainable development principles
CS2 - The spatial strategy
CS3 - The Settlement Hierarchy
CS4 - The location of development
CS5- Spatial strategy for Oakham
CS7 – Delivering socially inclusive communities
CS8 - Developer contributions
CS9 – Provision and distribution of new housing
CS10 - Housing density and mix
CS11 - Affordable housing
CS18– Sustainable transport and accessibility
CS19 – Promoting good design
CS20 - Energy efficiency and low carbon energy generation
CS21 - The natural environment
CS22 - The historic and cultural environment
CS23- Green infrastructure, open space, sport and recreation

Neighbourhood Plan

The Oakham and Barleythorpe NP was made in June 2022.

Policy 1: Residential Development Management

Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside. (but Para 11(d) still relevant)

Policy 2: Delivering Good Design

Policy 3: Housing affordability and Local Connection

Policy 6: Historic Heritage and Character

Policy 9: Green Infrastructure and Recreational Facilities

Policy 10: Protection of the Natural Environment

Other

Consultation draft Interim Position Statement on Housing Development (May 2022)

This statement, which was approved by Cabinet for consultation on 14 June 2022, aims to provide interim guidance which will apply until the Council has adopted a new Local Plan for Rutland, although it may need to be updated as the preparation of the plan progresses. Additionally, if prior to that point the Council has established a 5-year supply and has also maintained a satisfactory position with respect to the Housing Delivery Test, then the need for this Interim Position Statement will be reviewed. Sites should be deliverable and in sustainable locations. The statement suggests reducing the time limits for submitting details of reserved matters in outline application and reducing the time for commencement of work to maximise the delivery of new housing.

Officer Evaluation

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine the application in accordance with the Council's development plan unless material considerations indicate otherwise. The NPPF is a material consideration which is relevant to the determination of this application.

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

Principle of the use

13. The site had been approved by members as suitable for inclusion as a proposed housing site with an indicative capacity of 200 homes in the Replacement Rutland Local Plan. It has been assessed as suitable and deliverable. Had the Plan not been withdrawn from Examination the chances are it would now be part of the Development Plan (if the plan had been found sound and adopted by the Council).
14. The Development Principles for the site set out in the withdrawn Local Plan were as follows:

Indicative capacity 200

60 affordable homes / 140 market homes

A single comprehensive proposal will be expected for the whole site.

The proposed development should be designed to incorporate all of the following key principles within the layout:

- a) strengthen existing boundary features and provide significant structural landscaping and planting as well as open space to the northern boundary and north western part of the site to reduce the impact of this part of the site on the landscape;*
- b) design and orientate new buildings on the site in a way which retains and responds positively to key views out of the town and up towards Burley;*
- c) make appropriate provision for surface water management systems, including SUDs which will ensure that greenfield run-off rates are maintained once the site is developed;*
- d) provide safe, direct and convenient footway and cycleway connections through the site, and to the town centre;*
- e) ensure safe and direct pedestrian and cycle routes which follow desire lines, between existing residential areas to the west, the town centre, to existing cycle routes and crossings along Burley Park Way and Burley Road and other key destinations;*
- f) improve the pedestrian and cycle environment around the Co-op site, ensuring direct and safe routes to this retail site;*
- g) align development with prominent views, including views to the church and key navigational features within the site;*
- h) provide safe and convenient access to the site utilising Burley Road. Ashwell Road should not be used for vehicular access other than for emergency vehicles;*
- i) provides an appropriate mix of housing choices which reflect the mix set out in most up to date SHMA including 30% of the site capacity as affordable homes (a target of 60 homes);*
- j) provides appropriate green infrastructure and landscaping incorporating different types of open space, play and recreation facilities;*
- k) Provision of an onsite LEAP and allotments; and*
- l) demonstrate how the development will contribute towards delivering net biodiversity gain.*

15. The site is in a sustainable location on the edge of Oakham which is the main focus for new development in the Core Strategy. It has immediate access to the supermarket, easy walking distance of Oakham C of E school, which has capacity, and also of the town centre.
16. Whilst the site is outside the Planned Limit to Development (PLD) for Oakham, the absence of a 5 year land supply means that the provisions of Para 11(d) of the Framework are engaged and the locational policies of the development plan are out of date. As a

consequence, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with Para 11. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (the tilted balance). It is officers' view that there are no policies in the NPPF which would provide a clear reason for refusing the application.

17. Policy 1 Residential Development Management, of the Oakham and Barleythorpe Neighbourhood Plan supports the proposal on the basis of proviso 4 which states:
18. "Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside."
19. In this case the application of the tilted balance in the NPPF as a material consideration in decision making must be taken into account. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed scheme on this site, so the principle of this development is acceptable.

Design/Layout

20. This is subject to the reserved matters submission but changes have been made to the illustrative layout in consultation with the Urban Design Officer and a Design Review. This has added street trees and retained vistas though the site including to the Parish Church in town. The plan includes a substantial amount of green infrastructure. The latest Masterplan is attached as an Appendix. The proposed conditions would require any reserved matters application to have regard to the Parameter Plan and the illustrative masterplan, parking plan and affordable housing plan. On this basis officers are content that an acceptable design and layout for the proposed development can be achieved and policies CS10, SP15 and NP Policy 2 complied with.

Impact of the use on the character of the area

21. The application is accompanied by a Landscape and Visual Impact Assessment. This concludes that the landscape for the site is undesignated and was assessed to be of Low Value in the Council's Landscape Sensitivity and Capacity Study, and whilst the Capacity Ratings [capacity to accommodate change] in the 2010 report overall were Medium-High and Medium for the two sub parcels, this still compared favourably with all land north of the town which had less capacity to accommodate change, in addition to other areas around the town which fell within the locally designated 'Area of Particularly Attractive Countryside' (no longer a designation in the current development plan)
22. The assessment concludes that:

Overall, the proposals for the site are considered to have a 'Moderate Adverse Effect' on the landscape resource and local landscape character, as the proposals will see agricultural fields changed to one with residential use at the edge of the settlement. However, the proposals include the following measures to ensure the development fits with the character of the area:

- Retention and enhancement of existing hedgerow vegetation and mature trees along existing field boundaries and edges.
- Incorporating new trees, small tree groups and planting as part of a series of features to help integrate the proposed scheme, including the provision of a few tree lines to reflect the smaller scale linear field patterns in the vicinity of the Site

and to strengthen the connectivity lines between woodlands and green infrastructure features.

- Provision of footpath and cycle routes through the Site to increase public access, including greater connectivity between the Co-op site (adjacent) and Burley Park Way, into the town, as well as great connectivity through a shared cycle/ footpath access onto Ashwell Road. (These connections have the flexibility and potential to connect to wider rights of way enhancements elsewhere in future).
- Creating a series of deliberate views out towards the rolling landscape of the wider Vale of Catmose landscape and Burley Hill, by orientation of the layout and vistas with tree lines, extending back to a private track that runs around the sports fields.
- Increasing the amount of green infrastructure provision to reinforce character through open space with trees, orchard species and species rich meadow grass and allotments, as well as play space in the form of a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP).
- Providing an attractive hierarchy of tree lined streets, including some with swale features and hedge lines.
- Views of the Parish Church will be retained on the approach to the town, whilst the scheme will be set back to allow for new native planting including trees to reinforce the view along Burley Road.
- Reinforcing the northern edge of the Site with new native tree planting along the River Gwash tributary, which will help the transition between the settlement edge and the rural landscape, and also help ensure that the larger existing structures such as the Co-op building and Veterinary Hospital are less visible in existing views.
- Providing a substantial offset beyond the western edge of the scheme, to allow for allotments and structural native woodland planting, incorporating new trees and native species hedge planting in order to reinforce the north west part of the Site with a strong, defensible and robust undeveloped boundary to the wider landscape.
- Provision of self-build plots to the western part of the scheme reflecting appropriate ridge heights and a lower density overall, providing a better transition between the Site and rural landscape to the north west with an increased number of trees.
- Provision of attractive SUDs features within areas of open space throughout the scheme, including swales and bioretention features, and incorporating species rich planting, native tree clusters and incorporate longer grass/ species with heathland characteristics, to enhance the biodiversity and landscape characteristics of the area.

23. As a result, the proposed scheme will have a longer-term Slight Adverse Effect on the landscape resource and local character, without the loss of key landscape features. Indeed, there are a number of new features being introduced as part of the landscape masterplan, which will fit with the character of this location at the edge of the settlement.

24. Overall, the proposals result in a limited range of visual effects, but these are largely localised in extent, although it is accepted that the changes in views close to the Site along the Burley Road and Ashwell Road and Burley Park Way, will experience the most recognisable changes in visual amenity of Moderate to Slight Adverse Effect when the development is completed. Following establishment these receptors will have residual effects of Slight Adverse, including for the private track around Oakham School's sports fields.
25. Accordingly, the proposals incorporate the Landscape Character Objectives (strategy for the LCA) and it is considered that they will provide a high quality positive addition to the town of Oakham.
26. Officers consider that this is a reasonable conclusion to reach on this site and the proposal will not therefore have an unacceptable impact on the character of the area or the wider landscape and is in general conformity with policies SP23 and CS21.

Impact on the neighbouring properties

27. There are no immediately adjoining residential properties on this side of the bypass. The development relates well to the adjacent established retail/services facilities on the adjacent land.
28. There is concern from Oakham School with regard to the impact on the Wilson Playing Fields but a suitable buffer would be maintained and there would be no physical impact on that site.
29. Existing traffic on the bypass would not increase significantly due to the development.
30. Members are aware that there is no right to a view over third party land and the scheme is considered to comply with policy SP15.

Heritage Impacts

31. Under section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting. Case law has held that in enacting section 66(1) Parliament's intention was that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be *given "considerable importance and weight"* when the decision-maker carries out the balancing exercise. The NPPF (paragraphs 199 to 202) sets out the relevant considerations where a decision maker is considering potential harm to a designated heritage asset.
32. The applicant's submission concludes that development within the study site will result in change to a very limited part of the wider setting of the Grade I listed Burley on the Hill and the Grade II registered Burley on the Hill Park. However, change does not necessarily equate to harm and, whilst there is some limited intervisibility with the Grade II registered Burley on the Hill Park and parts of the Grade I listed Burley on the Hill, any views between these designated heritage assets and the study site are not considered to make an appreciable contribution to their setting and significance.
33. Therefore, it is considered that development within the study site will present no harm to the significance of either the Grade I listed Burley on the Hill or the Grade II registered Burley on the Hill Park. Therefore Section 66 (1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 S72 are not engaged.

34. This conclusion is concurred with by Officers. As such, it is not necessary to engage with the NPPF paragraphs 199 to 202 as officers consider no harm in heritage terms would arise from the proposal. In any event, any harm that may be considered to arise from the proposal is clearly less than substantial and is outweighed by the public benefits of providing housing, including affordable housing. The scheme is considered to comply with policies CS22, SP20 and Neighbourhood Plan Policy 1, Residential Development Management, and Policy 6, Built and Cultural Heritage and Character.

Drainage

35. Foul drainage would be into the existing sewer system which has capacity to cater for the development. There are connections on Burley Road and Ashwell Road.
36. The site is in Flood Zone 1, the least risk for development. Surface water would be controlled by a sustainable drainage scheme, attenuated in ponds and discharged into the stream that runs alongside the site at no more than greenfield run-off rates. This principle is acceptable and achievable. Details would be included in the RM. In this regard the scheme is in conformity with policy CS19.

Highway issues

37. The scheme involves a new access from Burley Road mid way between the Co-Op and the bypass. This will include a new right turn into the site for vehicles approaching from Burley and an emergency/pedestrian access onto Ashwell Road. The access is acceptable from a highway safety point of view and Burley Road has capacity to cater for the additional traffic likely to be generated. The scheme is in conformity with policy CS18.
38. The site is sustainably located in terms of walking/cycling and public transport and there is scope for adequate car parking to be provided in the RM. As such, the scheme is in conformity with policy CS1, CS4, CS18, and SP15.

Levels

39. The site is relatively flat with gentle slopes conducive to assisting the surface water disposal scheme. The reserved matters will include final floor levels of the dwellings but there is little in the way of constraint to an acceptable scheme.

Noise

40. The development will not produce an unacceptable amount of noise, and nor will it be affected from any local external noise source, such that it would be unacceptable. A construction management plan will be required. In this regard, the scheme is in conformity with policies SP15 and CS19.

Ecology

41. Prior surveys and the evolution of the illustrative layout indicate that there is no fundamental objection to the scheme and that it complies with policies CS21, SP19 and Neighbourhood Plan Policy 10. The main area of the site is arable and of low ecological value.
42. Permission should be granted in accordance with the Ecology comments below and the reserved matters will need to demonstrate a neutral biodiversity position but there is much scope for net gain (the statutory requirement for which has still not been enacted).

43. A Shadow Habitats Regulations Assessment has been prepared as part of the application to consider the potential for likely significant effects from the proposed scheme in relation to Rutland Water Ramsar site and Special Protection Area. In light of the Shadow HRA, Natural England's consultation response and the supporting information included with the application, officers conclude that the proposed development (together with the mitigation measures that are to be secured by condition) will not have an adverse impact on the site integrity of Rutland Water Ramsar site and SPA.

Archaeology

44. Initial work has been carried out such that there is no objection in principle subject to a condition requiring further on site trial trenching to be carried out.

Section 106 Heads of Terms

45. A draft agreement has been prepared that secures the provision of Affordable Housing and the provision and maintenance of open space in accordance with policy. A completed, signed s106 prior to a decision is not possible as there is no resolution to sign and seal it. However a S106 will need to be completed before a planning permission is confirmed.

Crime and Disorder

46. The proposal would not result in any significant crime and disorder implications in conformity with policies CS19 and SP15.

Human Rights Implications

47. 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.
48. No relevant Article of that act will be breached.

Housing Mix

49. The illustrative masterplan demonstrates that the site is capable of delivering a policy compliant housing mix, in accordance with policy CS9. The affordable housing mix is as per the Housing Strategy officers request and includes provision for wheelchair accessible bungalows.

Sustainability

50. The application is accompanied by a Sustainability Statement (included as part of the Planning, Design and Access Statement) that sets out how the scheme will provide for energy efficient homes, with opportunities for additional carbon savings through air source heat pumps or solar photovoltaic cells, EV charging and water efficiency measures. In this regard the scheme complies with policies CS1 and CS20.

Consultations

51. Highways

It is noted that all matters on this outline application are reserved except for 'access'.

Transport Assessment Ref JNY11194-01c Version 01c dated 4th March 2022

1. Para. 5.8 states that a reduction in speed limit along Burley Road from 40mph to 30mph would be appropriate as a result of this development. The LHA are not fully convinced that development of the frontage on one side of Burley Road

would lead to drivers observing a posted 30mph speed limit. From the speed data provided it is clear current speeds are around the existing posted 40mph speed limit. In order for a 30mph to be approved this would need supporting by a post development speed survey, which would need to gain the support of the local constabulary as well as RCC's Road Safety Officer and the LHA. Should a reduction in the speed limit be approved at that time the developer would be required to pay for all associated costs for the Traffic Regulation Order. As the outcome is unknown, the LHA would not agree to this at this time or recommend that this is conditioned, however, it could be written in to a S106 Agreement as a potential consideration for the developer to take up or not post development.

2. Plan JNY11194-RPS-0100-001 Rev G - Proposed Access Arrangement in Appendix 6 shows a narrowed section of footway to 2m between the new proposed access and Burley Park Way but it is not clear why this is necessary. As the site ownership/frontage abuts the public highway, there should be no reason for this narrowing other than the adjacent ditch, which could be realigned. Furthermore, not all layout plans are consistent, with some showing a 3m wide presumably footway/cycleway along the entire frontage, which is what the LHA would expect to see and be provided along the entire frontage of Burley Road. This does not prejudice the loss of the hedge fronting Burley Road.
3. Plan JNY11194-RPS-0100-001 Rev G - Proposed Access Arrangement in Appendix 6 shows various dimensions however the width of the right turn lane is not shown, this must be a minimum of 3.5m.
4. The plans do not show whether the existing pedestrian crossing point will be retained and incorporated in to the highway works or be removed. As there will provision for crossing Burley Road near Burley Park way and to the southwest of the proposed new access, the LHA will require the removal of the existing pedestrian crossing as it will become redundant.
5. It is noted that the access road width is 6.8m, which is unnecessarily excessive for a housing development and is likely to encourage speeds greater than 15-20mph, which would be appropriate. The LHA appreciates that this has potentially been guided by the swept path analysis for a refuse truck, but it is not necessary and should be reduced to 5.5m wide.
6. The plan in appendix 6 showing the emergency access will need a detailed design showing how vehicles will be prevented from entering, other than emergency. This could be conditioned though.
7. All other information within the report and the outcome is agreed and the LHA are content that the proposed development of up to 213 dwellings will not cause a highway safety or capacity issue.

All Block Plans

1. The principle of the main access and the secondary one for emergency access is acceptable to the LHA
2. It is noted that the internal layout is only indicative at this stage, so may change considerably on a future REM or FUL application. Given this the LHA do not intend to provide a full review of the whole site but had provided significant comments and feedback at a meeting held a number of months ago with the applicant and agent. The comments made at that time still stand as the latest

layouts provided are those that were reviewed at that time. That said, I have provided a little further comment below, however the list is not exhaustive and the LHA will reserve the right to comment further on any future REM or FUL application.

3. Some of the very long lengths of straight roads will encourage vehicle speeds, so the LHA would seek to reduce the length of these to a max of 50m by realignment or introducing ideally horizontal deflection.
4. More sustainable drainage features such as swales will be sort.
5. Whilst the Parking Plan is noted the parking provision can not be checked as all house types would be needed. For the future detailed internal layout design it is worth remembering that parking provision is based on habitable rooms, which includes utility rooms. In addition, if one large room contains for instance a kitchen/lounge/diner it would not be considered as one room, it would be considered as three. This point should be taken on board when designing the detailed layout for any future REM or FUL application.
6. More dedicated visitor parking will be sought on any future application.
7. A fully detailed and dimensioned plan will be necessary on any future application and the LHA will reserve the right to comment on this in detail.

In summary, the principal of development of up to 213 dwellings is acceptable to the LHA and it has been demonstrated that there will not be any adverse impact on the local road network. The proposal includes off-site highway improvement works including the new bellmouth with right turn lane facility and footways/cycleways and crossing places together with a toucan crossing on Barley Park Way. The LHA would seek clarification on the narrowed footway along one section of Burley Road and would seek a 3m shared footway/cycleway along the entire frontage of the site up to the entrance of the coop and the width of the right turn lane. Ideally revised plans showing these updates would be preferred, however if you are minded to approve the application as it stands, the LHA would recommend the following conditions and informatives:-

Off-site Highway Works

A detailed design of off-site highway works including the proposed priority T junction with right turn lane, 3m wide shared use footway cycleway along the entire frontage of the site along Burley Road, pedestrian crossing points including the toucan crossing on Burley Park Way, the removal of any redundant pedestrian crossing points, replacement of existing street lighting columns and highway drainage gullies plus details of the emergency access off Ashwell Road together a fully iterated Stage 2 Road Safety Audit of the Burley Road scheme shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in full prior to first occupation.

Reason: In the interest of highway safety.

Lighting affecting the highway

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

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

Tree Root Protection

Any new trees located within 5m of the existing or proposed public highway must be

planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Works near Existing Trees within the public highway

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

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

Surface Water Drainage

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

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

Completion of roads

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

Reason: In the interests of highway safety.

Pre-condition Highway Survey

The developer must contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out an inspection of the condition of the public highway before site traffic commences. The results of the inspection will be submitted by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development.

Reason: In the interests of highway safety.

Construction Management Plan Condition

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

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction

operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.

- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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

Reason: In the interests of residential amenity and highway safety.

INFORMATIVES

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

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

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

Pre-Commencement Highway Survey

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

Utility Services - Section 50 NRSWA 1991

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

Off-site Highway Works - Section 278 Highways Act 1980

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

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

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

Removal of Deposits on the Highway - Section 149 Highways Act 1980

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

Traffic Regulation Order

The proposal may include a post development reduction in the speed limit from 40mph to 30mph, which will require a Traffic Regulation Order. For details of the process and to make an application please contact Highways at highways@rutland.gov.uk. It should be noted that a speed survey will be required post development to support any proposal to reduce the speed limit and must be agreed with RCC's Road Safety Officer, the local constabulary and the Highways Team.

Internal Layout

The LHA reserve the right to review the internal layout in detail under a future reserved matters application to assess its suitability including road hierarchy, surface water drainage, access road geometry, pedestrian connectivity, parking provision, turning provision, refuse collection facilities, access for emergency services, etc.

52. Lead Local Flood Authority

Sustainable Drainage Statement - March 2022

1. The plans in Fig 2 & 3 of the geo-environmental assessment are not showing the site correctly.

Flood Risk Assessment - February 2022

1. The strategies and outcomes set out in this report are acceptable, subject to detailed design and an assessment of the ordinary water courses used for discharge of surface water.
2. The assessment shows the discharge of surface water being restricted to greenfield run-off rate, which is acceptable to the LLFA.

3. A detailed design of the entire drainage system will be required and is to be conditioned together with a full management & maintenance plan.

In summary the LLFA raise no objection to the proposal subject to the following condition being appended to the decision notice if you are minded to approve this application:-

Drainage/SuDs

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

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A full capacity and condition assessment of the existing ordinary watercourse from the discharge points, upstream and downstream for 500m;
- e) A timetable for implementation;
- f) Site investigation and test results to confirm infiltrations rates; and
- g) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reasons: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

Land Drainage Consent

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

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

53. **Housing Strategy**

These are affordable housing comments only and colleagues will comment on other aspects of the proposed scheme.

For 213 dwellings, the affordable dwellings on the Affordable Housing are correctly shown at 64, or 60 in this case as the 2 no. 3 bedroom 5 person wheelchair accessible bungalows (which will need to meet the M4(3) Building Regulations standard) and the 2 no. 5 bedroom 8 person houses count as double under paragraph B1.10 of the Planning Obligations SPD 2016.

There is, however, an error in the addition under the 'Count As' column of the applicant's 'Indicative schedule of affordable accommodation' (and also in the Planning, Design & Access statement). The 2 no. 2 bedroom 3 person wheelchair accessible bungalows (which will need to meet the M4(3) Building Regulations standard) are shown as counting as 4, when they should only count as 2. The total of the column, 64, is correct.

The affordable housing mix proposed does meet local need, subject to an appropriate selection of properties for affordable housing for rent and affordable home ownership. The affordable home ownership should be 21, to meet the requirement for 10% AHO provision in the NPPF. This should consist of 12 no. 2 bedroom 4 person houses and 9 no. 3 bedroom 5 person houses. These should be shared ownership homes to meet the priorities in the Strategic Housing Market Assessment Update 2019. (There is no requirement to provide First Homes in Oakham and Barleythorpe due to the status of the Neighbourhood Plan.) The remainder of the properties should be social rented or affordable rented.

It is noted that the application form shows all the affordable homes as being for ownership. This is not acceptable and does not address local housing need under Policies CS11 and SP9.

The affordable homes are not well integrated in the development. In the Affordable Housing Plan, there is an affordable cluster of 18 dwellings separated only by 2 semi-detached pairs of market housing from another affordable cluster of 8. This is contrary to Policy SP9 of the Site Allocations and Policies DPD and 5R of the Design Guide SPD. More generally, both SP9 and 5R apply to the intergarion of affordable housing through, for instance, layout style and materials, with 5R especially relevant to 1 bedroom properties.

The Affordable Housing Plan also shows some detached properties. The affordable homes need to remain affordable, whether the homes are for shared ownership or for affordable housing for rent. It is particularly important that the rents for rented properties do not exceed the Local Housing Allowance.

A suitable section 106 agreement will be need to meet local housing need.

54. **Forestry Officer**

Our trees are showing within their boundary. We have trees, as part of the highway adoption, that are situated along Burley Park Way. They have encompassed these trees in the plan and show they will remove a hedge within it. We cannot permit this.

The dwellings they propose include many too close to our trees making future demand to remove them highly likely.

Also there appears too many proposed dwellings making any contribution to mitigate against the tree loss futile. I recommend, from an arboricultural perspective, we refuse this application.

Further comments

I have just had a productive meeting with Robert Snowling of Pigeon in reference to this site. He has given assurances that:

- The development acknowledges the trees managed by the Council via the Highway Adoption layer,
- That the Council-managed trees will only incur a small loss to allow a cycle lane,
- No underground services will go through the Council-managed trees,
- The dwellings within the site will be revised to allow more space around the sites of the proposed trees,
- The trees along the entrance road will be either publicly or Council owned. This protects them from resident's wanting to fell a tree near their house.

I withdraw my objection to the proposal.

55. **Archaeology**

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements.

The Leicestershire and Rutland Historic Environment Record (HER) notes that there is potential for archaeological remains on site to be impacted by the development. A recent (2019) geophysical survey shows archaeological remains within the application area and further work to determine and mitigate the remains is needed.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

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

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

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and

research objectives, and

' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

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

Please will you ensure a copy of the Decision Notice is sent to us in due course, to enable us to continue to monitor and safeguard the archaeology of this site. Should you or the applicant have any further queries please do not hesitate to contact us.

56. **Ecology**

The Ecological Assessment report (Hopkins Ecology, March 2022) is satisfactory. It identifies the site as an arable field with a smaller field of improve grass sward. There is a stream that runs along the northern boundary of the site and I am glad to see from the illustrative masterplan that a buffer has been provided between plot boundaries and the watercourse. No evidence of otter or water vole were found to be present in this watercourse. The report confirms that no further surveys are required which I find acceptable, however there are trees on the site that have the potential to support roosting bats; further surveys will be required if these trees are impacted. The recommendations in the report should be followed.

Each of the dwellings should have either a bat or bird box (see section 7.10 of the report) installed on them. Details of locations and specification (integral preferable) should be provided on the plans. Locations of holes in any fencing for hedgehogs and small mammals should be provided on plans.

Lighting will not be acceptable along habitat/wildlife corridors.

The report states that "The scheme will deliver an overall Biodiversity Net Gain and quantitative calculations for Biodiversity Net Gain are presented, and the scheme achieves an overall Biodiversity Net Gain with a net gain of +22.9% for habitat units, and +3.98% for hedgerow units". I have reviewed the DEFRA Metric which is acceptable. A LEMP (Landscape and Ecology Management Plan) will of course be required.

57. **Anglian Water**

ASSETS

Section 1 - Assets Affected

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

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

WASTEWATER SERVICES

Wastewater Treatment

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

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.
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.

Surface Water Disposal

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

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to

Anglian Water is unacceptable due to a lack of a surface water strategy containing intended connection points and flow rates. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency.

We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development.

As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.

58. **Environmental Protection**

No objection to this development as long as the following environmental mitigation is implemented .

The following works are recommended, ideally informed by a proposed scheme design: The contaminant linkages identified in Section 3 of the phase 1 report should be further assessed by means of intrusive investigation. This would likely involve the sampling of shallow soils throughout the area to confirm their suitability in a residential setting as well as groundwater and ground gas monitoring. An intrusive investigation covering a greater proportion of the site area should be completed with associated in-situ and laboratory testing also being completed as part of this work. This would allow for more specific geotechnical design information to be presented as well as providing more information for use in overall design of any scheme such as the detailed drainage strategy. For parcels the size of the land northwest of Burley Road, a grid centred around 100m (or closer) centres where soils are investigated (either by means of trial pits or boreholes) would typically suffice.

The recommendations contained within Chapter 5 Mitigation & Acoustic Design Statement of the Noise Assessment 21.138.2.R2 should be followed:

5.1 Road Traffic

5.1.1 The previous section has indicated that the majority of the Site falls into the low / medium risk category for the daytime and night-time periods. For the daytime period, the majority of the Site falls below 60dB and 57dB for the night-time. Nevertheless, good acoustic design should avoid 'unreasonable' acoustic conditions and prevent 'unacceptable' acoustic conditions. Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements.

5.1.2 Given the potential for plots to fall within the low / medium risk category, good

acoustic design is essential in these areas. Specifically, the following will need to be considered when designing the Site and plot layouts: Where possible, plots bounding/closest to the roads will need to be orientated such that any garden areas are protected by the building envelope and buildings should wrap around the sides to protect the gardens. If this is not possible acoustic barriers will be required for the garden areas. It can be seen in the Illustrative masterplan that this advice has been implemented and the majority of the dwelling fall below 55dB. Figure 1 of Appendix 6 shows the location of the proposed 1.8m barriers required for the garden areas that are side on to the roads; and Wherever possible, windows for habitable rooms should face away from the roads so that opening windows does not necessarily result in an exceedance of the internal noise criteria. However, where this is not possible, internal noise levels can be controlled by way of alternative ventilation.

5.1.3 With regards to internal noise levels within dwellings from road noise, the previous section has shown that for both the daytime and night-time average noise levels, standard thermal double glazing will be adequate in controlling external noise levels. However, with a partially open window, the internal noise levels for the habitable rooms of the closest dwellings to the roads will exceed the noise level criteria. Accordingly, it is necessary to consider an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation. Adequate background ventilation can be achieved by using a window-frame mounted acoustic trickle ventilator as follows: Greenwoods EAR42W (affords up to 42dB Dn,e,w +Ctr).

5.1.4 Further calculation indicates that any bedroom window which lies within 110m of the centre of the Burley Park Way or 85m of Burley Road, with either full or partial line of sight to the roads will require the above trickle ventilator.

5.2 Commercial Sound

5.2.1 The previous Section has shown that the rated level will exceed the background sound level by between +1.0 and +6.4dB during the daytime period for the residential areas. In order to control this exceedance, it is recommended that gardens are orientated to the rear of any proposed dwellings so that the dwellings act as a barrier.

5.2.2 In addition, it is recommended that a 2.5m barrier is located on the boundary of the yard area with 2m barriers at the garden areas in order to further reduce noise level to meet the criteria. Figure 1 of Appendix 9 shows the sound reduction with the proposed barriers in place. With the proposed recommendations a level of 38dB can be achieved which with a 5dB penalty falls below the background sound level. 5.2.3 The proposed noise barriers will need to have a minimum mass of 15kg/m² and be free from holes.

5.2.4 With regards to internal noise levels within dwellings from commercial noise, the previous section has shown that for both the daytime and night-time noise levels, standard thermal double glazing will be adequate in controlling external noise levels. However, with a partially open window, the internal noise levels for the habitable rooms of the closest dwellings located in Groups B to D will exceed the noise level criteria. Accordingly, it is necessary to consider an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation. Adequate background ventilation can be achieved by using a window-frame mounted acoustic trickle ventilator as follows: Greenwoods EAR42W (affords up to 42dB Dn,e,w +Ctr).

59. **Crime Prevention Officer**

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In relation to the Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping and all associated infrastructure. At Land Off Burley Road, Oakham, Rutland.

I have now visited, and have reviewed the proposed development. There is a vehicle entry point at Burley Road south corner, which leads into the site before it splits into internal roads allowing access to all dwellings and associated areas within the development.

There are no through routes within the site layout and Emergency Access is appropriate for a site of this size and scale. Permeability is not an issue in my opinion due to the single vehicle entry point. There is open space and water attenuation to the north and east sides. Also, allotments to the west of the site including associated parking. There are pedestrian access points with two to the west and one to the east sides. I recommend illumination to the approaches and to these areas to BS5489.

There is open space and pedestrian walkways to the north, south and west sides and existing woodland is retained predominantly to the west and northern flanks, with water attenuation with smaller areas to the north and centrally. Lighting is recommended to be to BS5489 in these areas and their approaches. Existing perimeter enclosure is recommended to be retained, which appears to be the case.

Vehicle parking is in curtilage to dwellings which does offer good natural observation. I would recommend consideration of gable end windows were possible to increase the possible natural observation available. There is proposed communal parking near to the allotments which is recommended to be illuminated to BS5489.

Consideration of the use of CCTV coverage of the key vehicle entry point at Burley Road is recommended to include Automatic Number Plate Recognition capability. This will add an element of general security to the development providing improved security. In the event of it being required appropriate General Data protection Act signage would need to be displayed.

A Section 38 Agreement is recommended to install an electrical spur to the nearest lamppost to the junction to site the CCTV camera. The remainder of the site is recommended to have general coverage of key areas including walkways, and any other vulnerable areas. Emergency Services access at this development is appropriate without obstruction.

Lighting throughout the site including the key vehicle entry point and other key areas such as walkways and open space as well as water attenuation should be to BS5489.

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

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development. Retention of existing hedgerows is recommended to deter unauthorised access.

General Recommendations

All door and window sets will be to PAS24 (2016) which is now included in building

regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

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

60. **Barleythorpe Parish Council**

The Barleythorpe Parish Council meeting on 31st March 2022 to consider the planning applications was attended by a large number of members of the public and residents who all expressed their concerns and objections to the two planning applications (Planning Applications 2022/0336/MOA Land off Burley Way and 2022/0325/MOA Land to the west of Main Road) under consideration.

Although Planning Application 2022/0336/MOA Land off Burley Way lies within Barleythorpe County Council electoral ward, Barleythorpe Parish Council wishes to make the following observations.

The Parish Council's main concerns are the lack of community infrastructure which the present development of Oakham Heights has experienced with its lack of implementation despite apparent pre-planning. The development will increase the already overstretched Primary Care services and the number of dwellings proposed will put additional pressure on local schools. It is also a matter of concern that the plan will take up agricultural land which is becoming an increasingly valuable asset.

Rutland is a commuter county and there are very few jobs available in Rutland of which most are minimum wage. Local people in Rutland need affordable housing none of

which is in the proposal. So you are only looking for commuters to live in these homes.

Most residents will have to commute either to Nottingham, Leicester, Grantham, Peterborough, Northampton or even London to find the well paid jobs required to afford these homes. The UK Government wants the UK to become carbon neutral but this development would increase the carbon footprint as most of the new residents would have to commute to work.

Rutland medical services are already under severe strain. It is almost impossible to get a face-to-face appointment with a doctor in weeks, if at all. More families and an ageing local population has been increased locally in Barleythorpe by the addition of more age related residential care homes and retirement apartments.

Schooling is also a major concern with this development. Although there are continuing concerns about the provision of primary school places within Barleythorpe there is a particular concern relating to secondary schools and whether there is enough or sufficient provision of secondary school places to cope with any increased demand.

Barleythorpe has already seen the largest development to take place in Rutland with 1000 houses constructed and the emerging community has had to put up with 10 years of disruption and significant issues with the developers. Promised local infrastructure has not been delivered and traffic has increased significantly. Any further development in Barleythorpe should be seen as over development and this proposed site will change the character of the "old village".

61. **CPRE Rutland**

CPRE Rutland objects to this planning application. Notwithstanding the fact that the site was included as a draft allocation in the, now withdrawn, emerging Local Plan, it is considered that the location is not appropriate for residential development for the following reasons:

- The site is located beyond the Oakham by-pass on agricultural land, beyond Oakham's planned limits of development. Housing development in this location, on the scale proposed, cannot be considered a natural extension of the town but a satellite estate pushing into open countryside and with no obvious connection to services other than across a busy road
- The site boundary lies close to that of the designated Rutland Water Area and only 1.25 km from the western edge of the Rutland Water SSSI, Ramsar and SPA. Moreover, the site is at a level some 15 metres above that of the Rutland Water shore such that drainage from the site is likely to enter the tributary of the river Gwash which flows adjacent to the site and ultimately into Rutland Water.
- This could have an adverse impact on the integrity of the nature reserve and its special interests through water pollution. Has the applicant carried out an Appropriate Assessment?
- Even if development in the location proposed were to be considered acceptable in principle, CPRE Rutland contends that the scale, poor relationship to the town and potential adverse impact upon the special interest of Rutland Water, site for nature conservation, are significant negative factors
- It is further noted that the adjacent Co-op Store building had been well set down to minimise visual impact. At the Coop end of the proposed site, the land proposed for housing rises significantly ensuring that the planned housing will be prominent on the skyline.

Ron Simpson BEM
Chair CPRE Rutland

62. **Natural England**

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application may:

- have an adverse effect on the integrity of Rutland Water Special Protection Area <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Rutland Water Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- SuDS must be implemented and maintained as detailed within the Sustainable Drainage Statement
- A Construction Management Plan must be implemented to remove the possibility of construction related impacts to Rutland Water.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Advice on Mitigation

Having considered the shadow Habitats Regs Assessment and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we do not yet concur with the assessment conclusions. We recommend that construction impacts should be assessed within the HRA; where necessary, a CMP may be required to mitigate any additional impacts.

Natural England would like to welcome the inclusion of a Net Gain assessment and the use of the Biodiversity Metric 3.0. We note that a gain of only 3.98% in hedgerow units has been made; would like to point out that Mandatory Net Gain will make it a requirement of all developments to show a 10% increase in all three areas (habitat, hedgerow and rivers where appropriate). At this stage, we have no objection with regards to this, but would simply like to encourage a further gain in hedgerow units. This could be achieved via further hedgerow enhancements, which are a great 'bang for buck' way to boost biodiversity; this is reflected within the Metric.

Neighbour Representations

21 Objections have been received, which can be summarised as follows:

- Should be a condition of all new development that new infrastructure is paid for up front
- Concerned regarding only one permanent access on to Burley Road, Ashwell Road emergency access should be made permanent. 213 households, most will own two cars, all trying to enter and exit at peak periods via one access?
- Bypass was supposed to be the boundary to the town
- Visual impact on approach from Burley
- Need new medical and dental facilities
- Potential flooding of surface water brook and sewage works
- Traffic conflict with new wildlife park?
- Over development of Market Town
- Traffic on bypass already a problem
- Impact on character of the town
- Disruption and impact on vet hospital
- If approved - make all houses Passive Haus standard

Conclusion

63. The site has been properly assessed as a suitable site for development on the edge of Oakham as the main focus for development in the County.
64. Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). It has been demonstrated that the application proposals accord with the development plan, when taken as a whole, and therefore planning permission should be granted.
65. In any event the proposal will result in the delivery of an extensive benefits package, including extensive areas of amenity space and green infrastructure (circa 6.56 ha), allotments and areas for outdoor play, an overall Biodiversity Net Gain, policy compliant affordable housing, and new pedestrian and cycle infrastructure, and would make a meaningful contribution to housing delivery in the area for which there is an acute need. Accordingly, even if it was found that the development plan was not complied with as a whole, the benefits that would be delivered by the scheme would support the grant of permission nonetheless.
66. In any event, in view of the lack of demonstrable evidence that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits (as detailed above) in accordance with Para 11(d) (and no policies in the NPPF providing a clear reason for the application to be refused), the application should be approved.



1. Primary vehicle access to Site from Burley Road
2. Pedestrian/cycle access from Burley Park Way
3. Pedestrian access from the Site to Burley Road
4. Pedestrian/cycle and emergency access from Ashwell Road in to the Site
5. Indicative location of allotments
6. Indicative location of children's play (LEAP)
7. Indicative location of children's play (LAP)
8. Indicative location of surface water attenuation
9. Allotment parking
10. Pedestrian/cycle access to Co-Op supermarket from the Site including potential cycle parking
11. Proposed toucan crossing on Burley Park Way

- LEGEND**
- Site Boundary - 17.13 Ha
 - Proposed new homes
 - Self/custom build dwellings
 - Open space/green space
 - Children's Play Area (LEAP)
 - Children's Play Area (LAP)
 - SUDs Features
 - Existing Trees
 - Proposed Tree/Shrubs
 - Potential trim trail
 - Pedestrian links
 - Pedestrian/cycle links
 - Allotments
 - Allotment Parking
 - Acoustic barrier
 - Primary site access (refer to RPS dwg. JNY1194-RPS-0100-001 A)
 - Location of pedestrian and/or cycle access
 - Pedestrian/cycle/emergency access
 - Key pedestrian/cycle links from the Site to Oakham

Carter Jonas

PROJECT TITLE
**PIGEON
 LAND OFF BURLEY ROAD, OAKHAM**

DRAWING TITLE
ILLUSTRATIVE MASTERPLAN

ISSUED BY	London	T: 020 7016 0720
DATE	12.07.22	DRAWN EV
SCALE	1:2500	CHECKED JC
STATUS	Planning	APPROVED JC

DWG. NO. JO027570_012_V1

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 Source: Ordnance Survey



Fig 40: Axonometric sketch of the scheme looking south towards Oakham

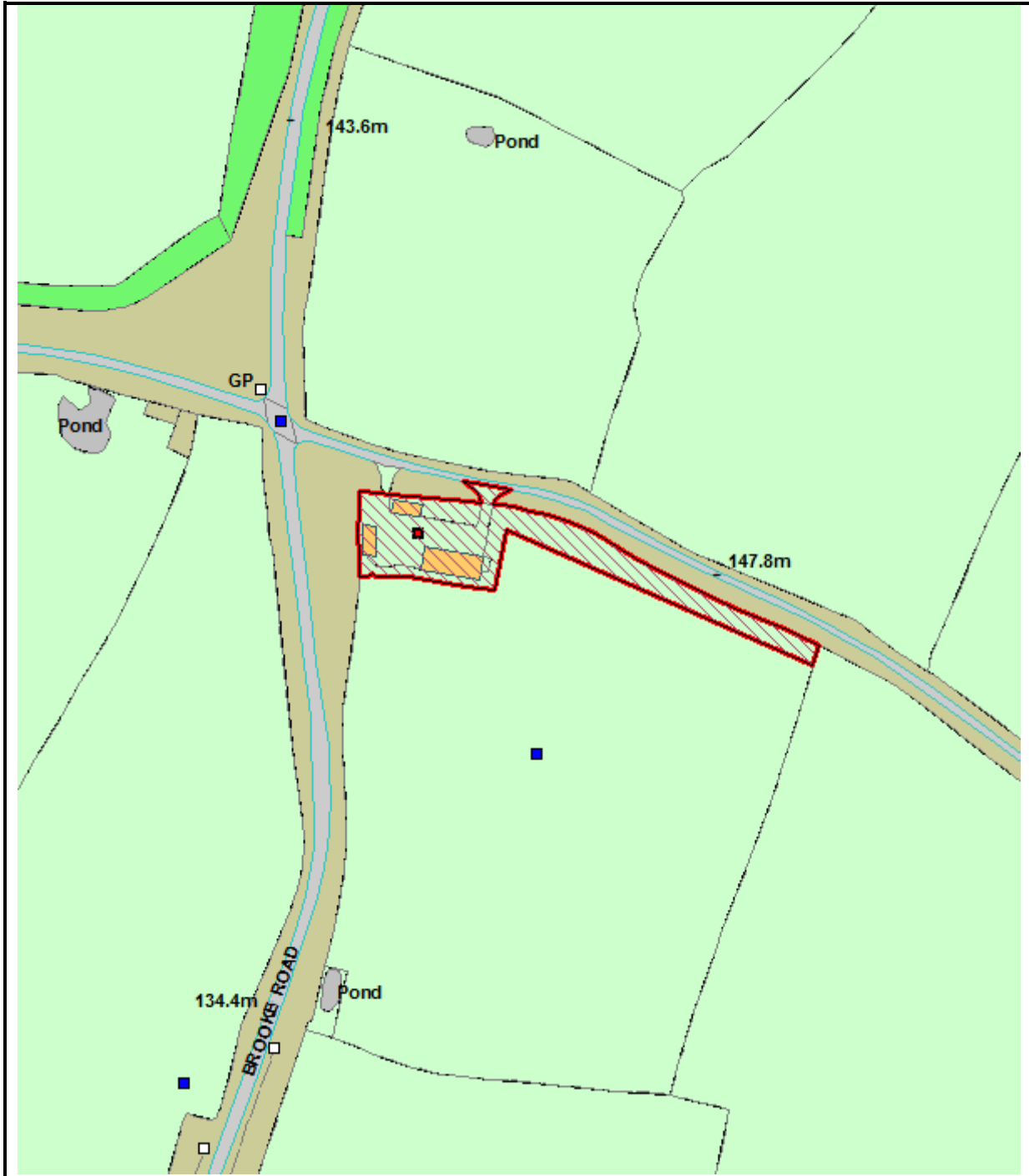


Fig 41: Axonometric sketch of the schema looking north towards the Co-op from the roundabout at Burley Road / Burley Park Way



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2022/0576/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0576/FUL	ITEM 3	
Proposal:	40 No. 16kw roof mounted solar panels on roof of industrial unit. 148 No. 40 kw ground mounted solar panels, mounted in a single row. 20 No. 7 kw panels on top half of south facing vertical elevation.		
Address:	Workshop Off America Lodge Lane, Brooke, Rutland		
Applicant:	Mrs A MacCartney	Parish	Brooke
Agent:		Ward	Braunston & Martinthorpe
Reason for presenting to Committee:	Applicant is an elected member		
Date of Committee:	25 October 2022		
Determination Date:	30 September 2022		
Agreed Extension of Time Date:	28 October 2022		

EXECUTIVE SUMMARY

The proposal is for the installation of three solar panel arrays. One to the roof and one to the south facing wall of an existing commercial building, and the third as a ground mounted array within the field adjoining that building.

Planning policy supports the provision of renewable energy generation equipment where specific impacts are or can be made acceptable through the imposition of appropriate planning conditions.

The site is located in an isolated position, away from any domestic premises, and the specific proposals have limited visibility within the wider countryside landscape. A condition is proposed to ensure removal of the infrastructure if it becomes no longer required for the purposes of energy generation.

There are no impacts associated with the development that justify the refusal of planning permission, and the application has attracted no objections through the consultation process.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 22/1627 Sheet 1/5, 22/1627 Sheet 2/5, 22/1627 Sheet 4/5, 22/1627 Sheet 5/5.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. Any structure or apparatus shall be removed from the site and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing by the Local Planning Authority, within two months of it no longer being required for electricity generation purposes.
Reason - To comply with paragraph 15 (ii) of Circular 2/98 "Prevention of Dereliction through the planning system."

Site & Surroundings

1. The application site is an existing building and adjacent field, located in the countryside to the south of the hamlet of Brooke, southwest of the main Market Town of Oakham. The Livelab building on which some of the proposed panels are to be located is sited in the northwest corner of the site, adjacent to a dilapidated agricultural building, which is accessed via a separate vehicular access off America Lodge Lane.
2. The agricultural field is surrounded by a typical hedgerow, which is approximately 2m in height and contains few gaps along the northern boundary of the site. The western boundary consists of a much larger hedgerow and a mature tree belt that prevents any views of the site or the Livelab building from this direction.
3. The field within which the panels are to be sited is a sloping site, with the land dropping away to the south before rising again to a further ridge approximately 700m to the south. The Livelab building is visible from the highway running north as it passes over this ridge.

Proposal

4. The proposal is for the installation of three sets of solar photovoltaic panels. The first of these is located on the south facing roof slope of the Livelab building. The second is located on the south facing wall of the same building, with the third group ground mounted and located in a row running parallel with the northern hedge boundary of the site.
5. The proposed ground-mounted panels are shown as being mounted on a framework, which is attached to the ground, and which limits the maximum height of the panels to 1.751m, which is below the height of the field hedge to the north.

Relevant Planning History

The agricultural building on the land was originally given planning permission by the Local Planning Authority in 2014 as a replacement to the adjacent dilapidated structure. Permission was subsequently granted for the change of use of the building to the current use in 2021, although no additional land was included within the change of use application at that time.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP18 – Wind Turbines and Low Carbon Energy Developments

Core Strategy DPD (2011)

CS04 - The Location of Development

CS20 – Energy Efficiency and Low Carbon Energy Generation

Neighbourhood Plan

None

Officer Evaluation

Neighbourhood Plan

6. There is no neighbourhood plan in place that covers the application site.

Principle of the use

7. The proposal is for the siting of solar panels to provide power to the commercial premises located on the land.
8. Local Plan policy is to support such developments where their specific impacts are, or can be made, acceptable. There are no policy presumptions against development of this type and therefore the principle of the development is considered to be acceptable, subject to assessment of the detailed impacts.

Impact on the use of the land

9. The first two grouping of panels are located on the existing building and therefore do not have an impact on the land associated with the application. The third grouping of panels will take up a modest amount of existing agricultural land. The installation of solar panels of this nature is by the attachment of a framework to the ground, with the solar panels themselves then fixed onto that framework. Generally, the framework is attached to the ground by means of a piled foundation, minimising the amount of ground intrusion that occurs as a result of the development. Consequently, the impact of the proposal on the land itself is minimal, with the land able to be returned to active and productive agricultural use at the end of the lifespan of the development, if required. It is reasonable to secure the removal of panels and any associated infrastructure at the end of the lifespan of the development by means of a suitably worded planning condition.
10. On that basis, it is considered that the proposal would not result in the permanent loss of agricultural land, with the area of land given over to the panels themselves minimal in terms of its impact on the productivity of the existing field. The scheme would therefore have an acceptable impact on the use of the land.

Impact of the proposal on the character of the area

11. As noted above, the proposed ground mounted panels are located along the northern boundary of the site, behind the existing field hedgerow and below the height of the hedge. The existing landscaping to the west of the site prevents views of the building on which the other panels are to be located. Some views of the site are possible from the south, however the main impact on the character of the area from this point is the existing building on which the panels are to be located. Whilst there will be some views possible of the panels, these will not have a significant impact on the character of the area due to the distance from which they will be viewed and the short time for which they will be visible for the majority of viewers.

Impact on the neighbouring properties

12. There are no neighbouring properties that will be affected by the proposal.

Heritage

13. There are no heritage assets in the vicinity of the application site that may be affected by the proposal.

Highway issues

14. The proposals will not result in an operational change to the number of vehicles accessing the site. Construction traffic will need to access the site however the scale of this is not sufficient to justify the need for a construction traffic management strategy.
15. There are therefore no highway issues that affect the acceptability of the proposal.

Noise

16. Solar panels do not generate a significant amount of noise during operation. The only building in the vicinity of the site is the Livelab premises itself and therefore there is no unacceptable noise impact arising as a result of the proposal.

Crime and Disorder

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

Human Rights Implications

18. 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.
19. It is considered that no relevant Article of that act will be breached.

Consultations

20. No responses received

Neighbour Representations

21. No responses received

Conclusion

22. The proposal accords with the relevant policies of the development plan, and there are no material considerations arising as a result of the scheme that justify the refusal of the application.

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PLANNING AND LICENSING COMMITTEE

25th October 2022

APPEALS

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Rosemary Powell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/D/3304857 – Dr Hayley Travers – 2022/0089/FUL**
 19 Main Road, Barleythorpe, Rutland, LE15 7EE
 Increase roof height to provide second floor accommodation, front and rear dormers, single storey front and rear extensions.
Delegated Decision

Reason - The plot that the house sits on is tight, with the house spanning almost the full width of the plot, and the neighbouring properties are of a similar height to the existing dwelling. By virtue of the design, scale of the increase in the roof height of the original dwelling the proposed development would result in an incongruous addition and result in overdevelopment of the original dwelling, and have an adverse impact on the streetscene and the amenities of neighbouring properties contrary to NPPF (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP5 and SP15 of the Site Allocations and Policies Development Plan Document (2014) as well as the guidance within the Council's Supplementary Planning Documents (SPD) on Extensions (2015), Design Guidelines for Rutland & South Kesteven (2021) and Policy 2 (delivering Good design) of the Oakham & Barleythorpe Neighbourhood Plan.

No bat survey has been submitted with the application. It is considered that the proposed conversion and alteration of the existing property including some demolition works is likely to affect the existing roof space/roofline of the property. The application site is located in an area with good bat foraging habitat. There is therefore a strong possibility that bats are roosting in the roof space of the existing property and could be disturbed by the proposed works. Notwithstanding that it might be possible to mitigate the impact on any protected species should they be found, without the requisite surveys, the scheme would conflict with planning policies CS21 of the adopted Core Strategy (2011), and SP19 of the Site Allocations and Development Plan Document (2014), Policy 10 (protection of the natural environment) of the Oakham & Barleythorpe Neighbourhood Plan, NPPF Chapter 15 (2021) and Guidance on the conservation of protected species given in ODPM Circular 06/2005.

2.2 APP/A2470/D/22/3305714 – Mrs Angela Lashbrook – 2022/0407/FUL

7 Cedar Street, Braunston in Rutland, Rutland, LE15 8QS

Replacement windows to front elevation and to entrance porch

Delegated Decision

Reason - The use of the proposed range of UPVC windows on the façade and porch of the building would introduce an alien material to this prominent building within the conservation area. The proposed units, would by reason of materials and detailing, have a detrimental impact upon the appearance of the Conservation Area and the Article 4(2) Direction. The proposal would be contrary to Sections 12 and 16 of the National Planning Policy Framework (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies DPD 2014 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.3 APP/A2470/W/22/3301737 – Jeakins Weir Ltd – 2021/1124/MAO

Land North of Braunston Road, Oakham

Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access.

Committee Decision

Reasons - The site is outside the Planned Limit to Development on rising land to the west of the established town boundary. The development would, by reason of its location, form and character, constitute an unacceptable intrusion into this rural landscape contrary to policies CS4 and CS19 of the Core Strategy (2011), Policies

SP6, SP15 and SP23 of the Site Allocations and Policies DPD (2014) and the advice in NPPF Para 130(c).

Notwithstanding the Community Infrastructure Levy requirements, the development would also add to the existing severe pressure on local services that already fail to meet residents expectations and would have a detrimental impact on the wellbeing and quality of life of the proposed residents. It is therefore considered that acceptance of the proposal would not comply with the overarching policies within the NPPF relating to the creation of healthy and safe communities.

3. DECISIONS

3.1 None

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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