

| | | | |
|-------------------------------------|---|---------------|---------------------|
| Application: | 2020/1473/MAO | ITEM 1 | |
| Proposal: | Outline planning application for the construction of up to 62 no. dwellings (Use Class C3) with associated landscaping, open space and access, drainage and services infrastructure; to include details of access off Braunston Road, with all other matters reserved. | | |
| Address: | Land South of Braunston Road, Oakham Rutland | | |
| Applicant: | Mr Gareth Ball, Ms Amy Ball and Rosconn Strategic Land | Parish | Oakham |
| Agent: | Pegasus Planning Group | Ward | Oakham South |
| Reason for presenting to Committee: | Major development | | |
| Date of Committee: | 29 June 2021 | | |

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development but is allocated for development in the forthcoming Local Plan. There have been many objections to the planning application but there are other material considerations in this instance that would justify outweighing the current adopted development plan. All technical issues have been resolved or are resolvable. Outline planning permission can therefore be granted.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement to deliver affordable housing and managed open space on site and the following conditions:

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including design and layout of open spaces), layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

The Reserved Matters shall be based upon the following plans and documents:

- Illustrative Master Plan Ref. 3646-SK05;
 - Design & Access Statement, December 2020;
 - 3646-02A_Parameters Plan;
 - Drainage Strategy Plan SK04A;
 - Proposed Access Junction Layout plan ADC2393-DR-001-P5;
 - The recommendations for biodiversity enhancements in section 4.4 of the Extended Phase 1 Habitat Survey; and
 - The detailed development principles set out in the Submission Local Plan
- REASON – To ensure that the final development accords with the parameters set out in the outline application, the provision of an alternative form of layout would be likely to have a detrimental impact on residential amenity, on the amount of open space available and the space available for a sustainable drainage scheme, in the interests of proper planning.

The Reserved Matters shall provide for a maximum of 62 dwellings.

REASON – The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development and in accordance with Policies SP5 and SP15.

No development above damp course level shall take place until details of the facing and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON – To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application, in accordance with Policies SP5 and SP15.

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

REASON – To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in accordance with Policy SP15.

The plans and particulars submitted in accordance with condition 2 above shall include: -

- (i) a plan to a scale of 1/500 or 1/200 showing the location of and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (ii) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below

- apply;
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

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

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

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.

No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system, based on Plan SK04A and the drainage details submitted with this outline application. The submitted details shall:

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

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

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

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

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

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

Site & Surroundings

1. The site is located on the south western edge of Oakham, on the south east side of Braunston Road, approximately 500 metres from the mini island at the junction of Balmoral Road and 940 metres, via West Road, from its junction with Cold Overton Road. A permissive path runs across the north east edge of the site from Braunston Road to the Woodland Trust land which is accessed off Brooke Road, adjacent to the school. Beyond the path are bungalows on Noel Avenue and the side gardens to the last 2 properties on Braunston Road.
2. The site is generally defined by hedgerows with some mature hedgerow trees. The land is in arable use so there are no trees within the main part of the site. There is an existing agricultural access off Braunston Road, approximately 66 metres from the north east corner of the site.
3. The site slopes gently up to the south west with approximately 5m drop overall. It extends to 3.38 hectares and is roughly square in shape (approx 180m x 180m).
4. A line of high voltage 132KV overhead power cables cross the centre of the site in a north west to south east alignment, running behind existing properties in Hanbury Close and Glebe way on the opposite side of Braunston Road and across the Woodland Trust site off Brooke Road.

5. The site is allocated for housing in the Submitted Rutland Local Plan (2018-2036), referenced as 'Policy Ref H1.4 (Site ref OAK/16), 3.4 Hectares for approx 61 dwellings'. This will replace the Core Strategy and Site Allocations and Policies Development Plan Document which form part of the current development plan for Rutland.

Proposal

6. The proposal is an outline application for residential development of up to 62 dwellings, including the provision of 19 affordable dwellings which accords with the 30% onsite affordable homes provision, with all matters except access reserved for later approval. The submission includes an illustrative Masterplan, Biodiversity survey and report, Design & Access Statement, Flood Risk Assessment, Heritage Statement, Planning Statement, Transport Assessment, Tree Survey and Landscape Visual Impact Assessment.
7. The application indicates that the market mix delivers a mix consisting of 2 bed = 25%; 3 bed = 45% and 4 bed = 25%. The affordable mix equates to a provision consisting of 1 bed = 21%; 2 bed = 42%; 3 bed = 32%; and 4 bed = 5%. The proposed indicative mix proposed is closely aligned and reflective of the housing needs of Rutland identified within the 2019 Strategic Housing Market Assessment (SHMA).
8. The Master Plan indicates that the land below the power lines would be used as a SUDS surface water attenuation/open space area.
9. A revised drainage plan indicates that the Sustainable Urban Drainage (SUDS) scheme would drain surface water via an outlet to a ditch on Braunston Road and would intercept surface water that has previously caused flooding problems on Noel Avenue, discharging to a ditch on Braunston Road at less than greenfield run-off rates. This would result in improvements to the drainage system and mitigate the existing problems.
10. See the Illustrative Masterplan in the **Appendix**.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

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

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

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

Chapter 15 – Conserving the Natural Environment

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages
SP6 - Housing in the Countryside
SP9 - Affordable Housing
SP15 - Design and Amenity
SP19 – Biodiversity and geodiversity conservation
SP22 – Provision of New Open Space
SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS04 - The Location of Development
CS03 - The Settlement Hierarchy
CS08 - Developer Contributions
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS19 - Promoting Good Design
CS21 – The Natural Environment
CS22 - The Historic and Cultural Environment
CS23 – Green Infrastructure, open space and recreation

Other Policies

The Replacement Rutland Local Plan

Following approval by Full Council in February 2020 and the subsequent public consultation under Regulation 19 of the Local Plans regulations, the Local Plan has been submitted for Examination. An Inspector has been appointed to undertake its public examination but this is currently in abeyance pending the Council considering its position regarding the implications for the Local Plan Examination process following the Full Council decision not to accept the award of Housing Investment funding towards infrastructure provision at St. George's Barracks.

The submitted Plan allocates this site for development. The Plan in this instance carries some weight in that it has been submitted for Examination and that there were limited objections to the allocation in the Local Plan statutory consultation process. The relevant policy is H1, site reference H1.4 and policy H1.4 which establishes detailed development principles for the site.

The Oakham and Barleythorpe Neighbourhood Plan (OBNP)

Statutory consultation under Regulation 16 of the Neighbourhood Plan Regulations finished on 23 April 2021, following a six week consultation period. An Inspector has been appointed to undertake its Examination and this started on 10th May 2021. He has issued a clarification note and is yet to produce his final report. The plan is yet to be the subject of a referendum and therefore has only some weight that can be attributed to its policies. The plan does not allocate land for development but recognises that allocations for Oakham and Barleythorpe will be made through the Rutland Local Plan. ,

For relevant policies of the OBNP regarding this application are:

Policy 1: Residential Management - identifies that proposals for residential development of more than 10 dwellings will not be supported outside sites allocated as part of the Rutland Local Plan current or future reviews.

The policy identifies that housing developments of 11 or more dwellings will be expected to achieve residential densities in line with local context and character as defined in the Oakham Neighbourhood Profile.

The policy would also require housing development of 10 or more dwellings to provide a range of housing types, size and tenures, having regard to the identified needs of older people and young families. In particular, with new such development a) at least 35% of dwellings should be three bed dwellings, and at least 45% should be two-bedroom dwellings; b) an adequate share should be designed to accommodate the needs of older people and persons with disabilities; and c) needs of young families and newly forming households.

Policy 2: Delivering Good Design - would require all new development should demonstrate good quality design and respect the character and appearance of the surrounding area. The policy would also require development to demonstrate design solutions that:

- a) apply principles of good design to ensure that both neighbouring users and occupiers of the proposed development will benefit from reasonable standards of amenity, unimpacted by unacceptable overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance;
- b) promote safe and secure neighbourhoods, with natural surveillance and protection, following Secure by Design principles;
- c) minimise the waste of resources (e.g. electricity, gas and water) and promote renewable energy generation and energy efficiency;
- d) minimise risk of flooding and include where necessary and possible Sustainable Urban Drainage Solutions and permeable surfacing;
- e) ensure off-street vehicle and cycle parking is adequate for the needs of the proposed development (ensuring that where garages are proposed, they are able to accommodate a vehicle leaving sufficient space for the driver to step in and out of the vehicle);
- f) where possible, provide for the introduction of electric car charging points in off-street parking spots;
- g) promote safe access by vehicles, pedestrians, wheelchair users and cyclists, and promote connectivity across and around the development for pedestrians, pushchairs, wheelchair users, cyclists and mobility vehicles;
- h) will meet "good" and "very good" ratings against Building for Life where possible.

The policy also requires new development to consider infrastructure provision and the impact on community facilities.

Policy 3: Housing Affordability and Local Connection - would require new development comprising of 10 or more dwellings to make provision for a minimum 30% affordable housing provision split as 60% affordable home ownership and 40% rented affordable housing. The policy also states that an adequate share of affordable housing should be 1- or 2-bedroom bungalows.

Policy 7: Community Facilities - states that proposals that will protect, retain and/or enhance the provision, quality or accessibility of existing community, education, leisure

and cultural facilities will be supported. The policy also encourages developer to engage with the Oakham Town Council prior to the preparation of any planning application to confirm what the local priorities are.

Policy 8: Important Views - identifies that development will only be acceptable where it does not have an adverse impact on an Important View listed in the Important Views Assessment. The development is not shown to be an or near an important view.

Policy 9: Green Infrastructure - identifies that the existing green infrastructure network as presented in the Policy Map (9.1, 9.2, 9.3, 9.4) will be safeguarded, improved and enhanced by further provision to ensure accessible multi-functional green spaces by linking existing areas of open space. The proposed development site is not identified as part of the existing green infrastructure network.

Policy 10: Biodiversity - states that development proposals will normally be acceptable where the primary objective is to conserve or enhance biodiversity or geodiversity of the Environment.

Other Considerations

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

Consultations

Oakham Town Council

11. Members' principle concerns in respect of the application suggest before this is considered further investigation into flooding/drainage and the surrounding highway network should be undertaken.
12. Councillor Adam Lowe (Oakham North West Ward)
13. Having been approached by a number of residents who border this proposed development. The concern with regard to flooding is, in my opinion, not realistic. The RCC have already assisted residents with sandbagging directly adjacent to the fields that head up hill. The risk of excess surface water has not been fully appreciated, it is also based on historic. We have a national or indeed global warming situation and extreme weather. Based on this the development is not well placed. Equally I feel that this a development that is reducing the green belt and would be out of place given the current fence lines. The homes would also be in an overlooking position of the bungalows lower down this slope.

14. Extracts below highlight to me how I interpret the flood risk is not being considered carefully enough.
15. If no historic flood events, then why are RCC sandbagging gardens and Braunstone Rd. Equally the ditches cannot cope now, surface water will overwhelm the ditches. The likely event that we then have a 'flood' or 'high tide' style water fall cascading down toward the built areas. This will impact the immediate area and could overwhelm the sewers in West Rd.
16. 3.6.1 The RCC SFRA has been reviewed with regards to historic flooding. Figure 3.4 of the report, enclosed in Appendix F, shows that there are no known historical flood events located within the vicinity of the site.
17. 4.2.4.1 There is an existing ditch located along the site's northern boundary, adjacent to Braunston Road. Therefore, surface water from the proposed development will drain to this location, in the north-east corner of the site.
18. 4.2.5.1 Draining the site to an existing watercourse is a viable option therefore the use of surface water sewers will not be considered further.

Anglian Water

Wastewater Treatment

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

Used Water Network

20. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

21. 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.
22. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency

should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Housing Strategy

23. The type of affordable housing proposed in the Planning Statement, Design & Access Statement and in the indicative layout is acceptable and meets needs in the SHMA i.e. 4 no. 1 bedroom maisonette, 8 no. 2 bedroom house, 6 no. 3 bedroom house, 1 no. 4 bedroom house.
24. In terms of tenure, at least two-thirds of the affordable housing should be affordable housing for rent and the remainder affordable home ownership (not including starter homes).
25. However, consideration should be given to providing the 4 no. 1 bedroom properties as houses as opposed to maisonettes, given that there is enough space for individual gardens and there is likely to be sufficient frontage. This would aid the integration of market and affordable homes and assist with housing management and quiet enjoyment of the properties.
26. The applicant should discuss affordable housing provision in more detail and a detailed section 106 agreement will be required. The affordable housing is in one group and is not in my view sufficiently well integrated to meet the requirements of Policy SP9. Similarly, information will need to be supplied on how well the affordable housing is integrated in terms of style and design.

RCC Highways

27. No Objections if the access is built in accordance with drawing no. ADC2393-DR0991 Rev P5

Transport Strategy

28. As identified within the Council's Infrastructure Delivery Plan Update (February 2020), it is requested that should the site be approved, a joint cycleway and footway provision be created by the developer along the front of the site, to connect with the existing provision.

Lead Local Flood Authority

29. No Objections if built in accordance with Drawing SK04 Revision A and subject to the following condition:
30. No building or use hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

General Comments on Scheme:

31. As this site is a greenfield site some of the surface water will infiltrate into the ground. The water which does not infiltrate either flows north towards the Braunston Road ditch or east towards the rear gardens of the properties on Noel Avenue; shown by the red arrows on drawing SK04 Rev A. The proposed drainage scheme will collect all of the surface water from the roads and surrounding green space and direct it towards the two attenuation basins on the site. The attenuation basins will hold the surface water until it outfalls into the existing ditch on Braunston Road. The proposed outfall is 3.7l/s. This is rate is below greenfield run off and will ensure that no additional flows are added into the Braunston Road ditch than what is existing. The new route of the surface water is shown by the blue arrows on drawing SK04 Rev A.
32. Any surface water running down the hill in the field to the west of the site will be collected by the existing ditch between the two sites and flow along the existing ditch line. The proposed drainage scheme will thereby be better than what is existing on the site

Environment Agency

33. The Environment Agency no longer comments on the details of surface water management proposals as responsibility has passed to the lead local flood authority. I can see from email correspondence on your website that your colleague Robyn Green is working on this. In general we of course support the use of SuDS to reduce runoff rates and volumes. Based on the comments from local residents there is clearly a problem in the area; new development should not increase flood risk and where possible should reduce it overall.

National Grid

34. I have rechecked the application and you have not heard from us as none of our assets are affected. We will only comment on applications deemed to affect Cadent/National Grid assets.

Leicestershire Police Architectural Liaison Officer

35. 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.
36. I have now visited, and have reviewed the proposed development. There is a proposed vehicle access at Braunston Road at the north end of the proposed development. The entry road splits into six areas to provide access to all proposed dwellings. Centrally there is a green/blue naturalistic corridor which runs the length of the development. There are no circulatory routes with turning points or hammerhead turning points in each area of the site. As a result I cannot see any permeability issues as a result of this layout.
37. There is open space centrally and near to the boundary of the plot and parking is proposed to be in curtilage to resident's dwellings. This does allow reasonable access for Emergency Services attending the location.

38. Lighting throughout the site including the key vehicle entry point should be to BS5489. A Section 38 Agreement is requested to install an electrical spur to the nearest lampposts would allow immediate installation. All pedestrian or cycle walkways should be illuminated likewise as well as open space.
39. Consideration of the use of CCTV coverage of the key vehicle entry point 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. Due to the size and scale of this site I recommend CCTV should be considered after residential occupancy has established if there is a CCTV requirement.
40. 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.
41. Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.
42. Consideration of gable end windows to dwellings should also be considered is appropriate in support of natural observation of outside parking. Natural observation should be as available as possible to deter criminal activity and provide safe areas for users.

General Recommendations

43. 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.
44. 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.
 - Street lighting columns to BS 5489 are recommended.
 - 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.
 - 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.
 - 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.

- 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.
- Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
- Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
- Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
- Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
- An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.

Ecology

45. The Extended Phase 1 Habitat Survey (Cotswold Wildlife Survey, June 2020) is satisfactory.
46. Hedgerows and trees on site should be retained. There should be a minimum 5 metre buffer between the hedgerows on site to the south and west, and garden boundaries. The illustrative masterplan (marked preliminary) shows these buffers have been considered and the hedgerows will not form garden boundaries.
47. The NPPF (2019) confirms that development should help to improve, minimise impacts on, and provide net gains for biodiversity. Having reviewed the plans this is likely to be achieved on site providing the attenuation features are planned and managed in the interests of biodiversity, and the recommendations for biodiversity enhancements in section 4.4 of the Extended Phase 1 Habitat Survey are followed.
48. The above details will need to be provided on a Landscape and Ecological Management Plan.

Archaeology

49. Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements.
50. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies within a larger area of archaeological interest. The archaeological potential of this site is currently unknown and further work is required to inform of the impacts of the development on any archaeology.
51. The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

52. This will require provision by the applicant for:
- A geophysical survey
 - A field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.
53. This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.
54. Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 189 & 190).
55. Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.
56. The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

Further comments June 2021

57. Normally we ask for the trenching to confirm the geophysics prior to determination however in this case it is acceptable for a condition to be attached for further archaeological investigation and mitigation.

Woodland Trust

58. As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,250 sites across the UK, covering around 23,000 hectares (57,000 acres) and we have 500,000 members and supporters.
59. The proposed development will be sited adjacent to two Woodland Trust-owned

sites, Brooke Hill (grid ref: SK851078) and Gorse Field woods (grid ref: SK849076). The Woodland Trust is particularly concerned about the following:

- Disturbance by noise, light, trampling and other human activity; this applies to both the construction and operational phases of the development
- Fragmentation as a result of the destruction of adjacent semi-natural habitats;
- Development providing a source of non-native plants and aiding their colonisation;
- Where the wood edge overhangs gardens or communal green spaces, branches and even whole trees can be indiscriminately lopped/felled, causing reduction of the woodland canopy;
- There will inevitably be safety issues in respect of trees adjoining public areas and buildings, which will be threatening to the longer-term retention of such trees;
- Where gardens abut woodland or the site is readily accessible to nearby housing, there is an unfortunate tendency for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland.
- There can be changes to the hydrology altering ground water and surface water quantities.

60. Also the introduction of water run offs from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc. The close proximity of a large residential development to our site could have numerous adverse impacts on the woodland. Currently the proposed site acts as a protective buffer and area of undeveloped and natural habitat adjacent to Brooke Hill and Gorse Field. By replacing this natural area with a residential development there will be a dramatic change in the intensity of the land use. This will expose Brooke Hill and Gorse Field to a variety of outside influences, also known as edge effects, which may impact negatively on the site.

61. In order to protect the site's fauna and flora from exposure to edge effects it is necessary to implement a buffer zone. A buffer is a landscape feature used to protect sensitive areas from the impacts of development (or other harmful neighbouring land use). The buffer could be planted with trees or shrubs or it could be an area of land which the development is not allowed to encroach upon (e.g. a grassy strip).

62. Where developments adjacent to our sites are not adequately buffered, the long-term retention of trees at the edge of our site is likely to be affected. Issues such as shading, leaf fall, overhanging branches and general health and safety concerns can all lead to neighbouring landowners wanting to either lop or fell our trees. The implementation of suitable buffers allows such issues to be avoided.

63. Buffers should be designed on a case by case basis, and depend on a variety of factors, such as number of houses, alternative areas of green space available, layout of the development, etc. The Trust recommends that a buffer of 30m is implemented between the proposed development and Brooke Hill/Gorse Field. This buffer should consist of 50% planting of semi-natural vegetation.

64. The implementation of a buffer consisting of hawthorn would help to prevent edge effects and garden-related problems by preventing encroachment on to our site.

Alternatively a grassy strip would also serve an important purpose as it will help to separate the woodland from development and encourage a phased habitat to the woodland edge.

65. Whilst we appreciate that the plans indicate this is not the case, it is pertinent to emphasise that gardens of adjacent housing must not be included within buffer zones as there is limited control over how they may be used, or developed in the future; for example, they might be paved or decked without the need for planning permission or they may include inappropriate species which could integrate themselves into our site.
66. Further to this the Trust recommends that gardens of houses are not backed on to our site as they result in the increase of garden related problems for adjacent wooded areas, i.e. waste tipping, littering, spreading of invasive and non-native plants species, disturbance, pet intrusion, etc.
67. Additionally, developers should capitalise on any opportunities to improve local amenity value in order to facilitate the long-term wellbeing of residents. Brooke Hill and Gorse Field are accessed by a permissive footpath on the eastern boundary of the site extending from Braunston Road; this is likely to experience much higher footfall as a result of additional households in the area. We consider the maintenance and improvement of this path to be of great importance in minimising barriers to access for new and existing visitors to our site. The current level of usage of this path results in boggy conditions during the winter, which is highly likely to be exacerbated with additional footfall.
68. We would expect the developers to take steps to offset the degradation of this important access point, as induced by the increase in local recreational pressure from the residents of the 62 proposed dwellings. Such commitments would ideally include surfacing (non-tarmac), widening and screening from the development with native shrubs and trees.
69. The Trust objects to the current proposed development until our concerns are fully addressed. This includes an adequate buffer zone and an agreement on site access to ensure that any potential damage to our site will be alleviated entirely.

Braunston Parish Council

70. Braunston Parish Council would like to make the following observations and comments regarding the above outline planning application. For the avoidance of any doubt, the Parish Council objects strongly to the proposal.
 - (i) The proposed development is on a greenfield site, currently used for agricultural purposes. The Local Plan specifies the use of previously developed, or brownfield land, for development wherever possible. Therefore, the proposal does not seek to meet the requirements outlined in Strategic Objective 1 for establishing a cohesive spatial strategy. Strategic Objective 1: Sustainable locations for development¹

'To identify locations and sites suitable to accommodate development in a sustainable way. Providing an opportunity to access services and facilities

¹ References are from the Replacement Local Plan

locally; facilitate the provision of minerals, contribute towards waste management capacity needs, minimising the need to travel; reduce carbon emissions; promote the efficient use of land, making as much use as possible of previously-developed or brownfield" land; and protecting the natural environment, heritage, landscape, the unique character and identity of the towns, villages and countryside.'

The site does not sit well on the 2018 planned limits of development map. The site forms a blister and only a limited proportion of the site could be considered to be infill

- (ii) The site is currently open countryside and is located on a scenic entrance road to Oakham, with views across the Vale of Catmose. The development would have a detrimental impact on the unique character of Braunston Road as it enters Oakham. The proposed development would urbanise the current scenic, rural environment and, potentially, take housing beyond Oakham's natural development limit. The Planning Statement indicates the site adjoins the current development limit (2014) but is not within it. If this is the case, the outline planning application is premature
- (iii) The site on Braunston Road is bounded on one side by a Woodland Trust Nature Reserve. The proposed housing would block a wild life corridor to and from the site. Nature conservation is a material planning consideration, as is archaeology and heritage. The 13.6-hectare (33.6-acre) L-shaped site comprises Gorse Field and Harris Grove and Ball's Meadow. The woodland is designated a Site of Local Nature Conservation Importance, and is adjacent to Brooke Hill Wood, another Woodland Trust site. The diverse habitats at the site help wildlife (badgers, foxes, Red Kites) and flora thrive. The site also offers stunning views over the surrounding countryside and Rutland Water. These views would be interrupted by the proposed development. Oakham Pastures runs from the Uppingham Road to Brooke Road and across to the Braunston Road and beyond. The pasture land is an ancient site for agriculture, containing medieval ridge and furrow and is of heritage, archaeological and landscape interest. The proposed development site falls within this ancient area. Strategic Objective 1 requires such assets to be protected
- (iv) The proposed development is on an unclassified road, which is already a rat run for Leicester commuters. Additional commuter traffic would have a detrimental impact on the villages between Oakham and Tilton on the Hill. Car use and carbon emissions would be increased (not in line with Strategic Objective 1).

The road to Tilton is twisty and an accident black spot, where there have been fatalities. Increased traffic in Braunston and other rural settlements would add to the current issues relating to speeding and dangerous driving through villages and on rural roads

- (v) Access to Oakham for the rural communities to the south west of Oakham would be made more difficult. A development of 62 houses would generate at least 124 cars (see parking allowances for proposed properties). The additional vehicles would need to access Oakham via West Road or Brooke Road, over the main, or Brooke Road railway crossings. The approaches to the railway crossings are already very congested and, at times, dangerous. Congestion

would be increased to an unacceptable level at pinch points in the Town ie the roads serving the railway crossings. The bypass cannot be accessed from Braunston Road without entering the Town.

- (vi) Traffic on Braunston Road would increase in volume. West Road is already very congested, with on road parking a norm. It is unclear whether there would be sufficient parking for visitors and delivery vehicles on the proposed site. There is the potential for further congestion from on road parking along Braunston Road
- (vii) The site is crossed, currently, by high voltage cables, which may be taken underground. There may be an impact on power supplies long term, as well as disruption to power supplies while any work is undertaken. There is a general dislike of living in the proximity of overhead, or underground power lines because of perceived health risks and this can impact on property prices and the viability of development sites
- (viii) Braunston has suffered from low water pressure for many years, with some improvement, recently. 62 dwellings at the bottom of the hill would increase demand for Severn Trent water and could, potentially, have an adverse impact on water pressure. The sewage system in Oakham must also be close to capacity
- (ix) 62 properties appears to be over development of the site
- (x) The proposal is classified as a large scale development. The notified neighbour list appears to be limited and should be extended by RCC to include all residents on Braunston Road and the neighbouring roads.
- (xi) Disruption during construction would be considerable, with potential road closures and long diversions for those living in Braunston and other rural settlements. Although not a material planning consideration, there would be potential for long term inconvenience and the risk of delayed access to rural settlements for the Emergency Services
- (xii) There has been no infrastructure development in Oakham to support the current growth of housing: no new schools; no new doctors' surgeries, etc. There are very limited employment opportunities in the Town, resulting in high levels of commuting by car to the larger, out of county employment centres. Local services are stretched. Oakham cannot sustain further large scale developments (defined by RCC as anything over 10 houses). Oakham has been over- developed already. The High Street has declined as a result. With Oakham's expansion, large supermarkets have been attracted to Oakham and have located away from the Town centre. High Street businesses have suffered as a result of people no longer shopping on the High Street for a variety of goods and services. There is an inverse relationship between the high level growth and development of housing and the prosperity of High Streets in over developed market towns. Additional housing developments are not sustainable in Oakham. They are at odds with Strategic Objective 1: Sustainable Locations for Development in terms of accessing services and facilities locally; minimising the need to travel; reducing carbon emissions; promoting the efficient use of land and protecting the unique character and identity of the towns, villages and

countryside.

- (xiii) Braunston Parish Council believes Rutland is on target to hit its housing targets through the development of previously identified sites and the St George's Barrack's Garden Village proposals (see attached 5YLS Report 30th July 2020). We believe this mitigates the need to grant outline planning approval for the Braunston Road site

Neighbour Representations

71. There have been 162 objections from local residents, including from further afield in Oakham and beyond. A summary of the objections is as follows:

- Site frequently waterlogged
- Nearby properties have flooded
- Illustrative layout is not acceptable
- High traffic speeds on Braunston Rd
- Greenfield site
- Loss of habitat – important birds in the area
- Road already too busy
- What provision is made for schools, doctors, social services etc?
- Surface water run-off has been underestimated
- Impact on level crossings
- Oakham doesn't need more housing
- Power lines should be underground
- Impact on Woodland Trust site
- Residents didn't know about the Local Plan allocation
- Loss of views
- Town now needs a southern by-pass to get over the crossings
- Noise and dust from construction
- Field is used to land Air Ambulance

72. One letter of support has been received stating that more housing is needed and those that grew up in Oakham want to live here which is not possible without new housing.

Planning Assessment

73. The main issues are planning policy, infrastructure provision, health and safety, affordable housing, highway safety, drainage, ecology, archaeology, landscape impact and residential amenity.

Planning Policy

74. The allocation policy in the Submitted Local Plan sets out the following development principles for this site:

“Land south of Braunston Road, Oakham. OAK/16. The proposed development should be designed to incorporate the following:

a) Provide significant landscape buffer to the western boundary to soften the approach to the town, development here should front onto the boundary;

- b) *Set back development at the northern boundary which fronts onto Braunston Road to reflect the building line of existing properties, and to allow the retention of the existing hedgerow and ditch;*
- c) *On the eastern boundary development should front onto the existing unofficial footpath and be set back to create a green corridor to the nature reserve;*
- d) *Enhance existing hedgerow to the southern boundary adjacent to the nature reserve, and set development back from the nature reserve;*
- e) *Make appropriate provision for surface water management systems including SUDs and ensure that development does not increase flows to surrounding ditches which should be cleared and maintained by the development;*
- f) *Consideration should be given to moving the 30mph limit area back to be level with the western boundary to ensure speeds are safe at site access and 60mph visibility splays aren't required for the site entrance;*
- g) *Provide safe, direct and convenient footway and cycleway connections through the site and to the town centre;*
- h) *Extend the footpath along Braunston Road by providing a new paved 2m path within the site away from the road ditch;*
- i) *Overhead 132KV power cables crossing the site should be undergrounded and an appropriate easement retained;*
- j) *Provide an appropriate mix of housing choices which reflect the mix set out in the most up to date SHMA;*
- k) *Provide appropriate green infrastructure and landscaping incorporating different types of open space, play and recreation facilities including the provision on site of a LAP; and*
- l) *Enhance the existing hedgerow and add native trees to enhance biodiversity and demonstrate how the development will contribute towards delivering net biodiversity gain."*

Para 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

75. With regard to prematurity of the Local Plan, Para 49 of the NPPF states:

76. *However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

77. The current Core Strategy and Site Allocations and Policies DPD both show that this site is in open countryside where policies CS4 and SP6 in particular indicate that the application should be refused. However, members will be aware that the legislation requires decisions to be taken in accordance with Development plan unless material considerations indicate otherwise.
78. Two particularly important such considerations in this case are the Councils duty under the NPPF to maintain a 5 year Housing Land supply and the content of an emerging Local Plan.
79. Paragraph 11(d) of the NPPF states:

Where there are no relevant development –plan policies or the policies which are the most important for determining the application are out of date, grant planning permission unless there is clear conflict with other NPPF policies or any adverse impacts of granting permission would outweigh the benefits. ‘Policies being out of date’ includes situations where the LPA cannot demonstrate a five year housing land supply of deliverable sites.

5 Year Housing Land Supply

80. Paragraph 67 of the NPPF states that:

Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*

81. As of 26 May 2021, the Council can demonstrate a 5.2 year supply of housing land. The report confirming this has been sent to the Local Plan Examining Inspector and is thereby now in the public realm.
82. This supply includes some sites already with planning permission but also this site at Braunston Road together with 2 others in Oakham that are allocated in the Submission Local Plan, for which there has not yet been any application. This inclusion in the supply is on the basis that the Local Plan and its allocations has been submitted for Examination and thereby carries a degree of weight in the decision making process as a material consideration. The sites have been thoroughly assessed through the Local Plan site assessment process, and are considered to be the most appropriate for allocation in Oakham.
83. All three sites are located adjacent to the Planned Limit to Development (PLD) for Oakham – which is defined as the most sustainable settlement in the County and therefore should be the primary location for new development.

84. Whilst a small number of representations have been made about the site through the Regulation 19 consultation process, these raise issues of detail which can be addressed through the Local Plan Examination and/or planning application process.
85. To refuse permission, and thereby put the 5 year supply in jeopardy, will put the Council in a very difficult position whereby it will be vulnerable to applications on other unplanned greenfield sites all over the County, especially around the larger settlements, which will then be difficult to resist as Para 11(d) of the NPPF will be invoked, leading to unnecessary costs of appeals and possible costs against if refused without other good reasons.
86. NPPF Para 48 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
87. On this basis the Submitted Local Plan, together with housing land supply issue, as material considerations, carry sufficient weight to outweigh the current development plan policy of restraint on this site and planning permission should thereby be granted.

Infrastructure Provision

88. An issue that is raised with every new application for housing at present relates to the difficulties in getting a Doctor's appointment in particular.
89. Members will be aware that since 2016, the Council has adopted a Community Infrastructure Levy which goes to provide for various elements of infrastructure set out in the Infrastructure Funding Statement, available on the web site. The list includes 'New and expanded GP facilities'. Some of these funds therefore go towards health provision. The Clinical Commissioning Group (CCG) has recently signed a Statement of Common Ground (SOCG) with this Council that has been submitted to the Local Plan Inspector.
90. RCC have liaised with the CCG and produced an Infrastructure Delivery Plan (IDP) as part of the emerging Local Plan. Amongst other things, the IDP seeks to assess the implications of potential growth on health provision. This has involved ongoing engagement with the CCG and in turn Medical Practices within the County of Rutland.
91. The Infrastructure Delivery Plan (IDP) identifies the need for necessary primary care facilities arising from the levels of housing growth proposed in Rutland County between 2018 and 2036.
92. Improvements to primary care provision arising from development identified in the Local Plan can be delivered through extensions, expansion, relocation or reconfiguration of existing practices. Where required and feasible, the delivery of

new primary care facilities will be explored.

93. This SOCG is available in the on-line Local Plan Examination library (Doc: CD9f). Planning Policy and Development Control Officers now also have a quarterly meeting with the Head of Strategy and Planning of a newly formed delivery team at the West Leicestershire CCG to keep both parties up to date with housing growth.
94. The complete IDP list includes:
 - Highways Transport and Waste
 - Health & Social Care
 - Education Learning and Skills
 - Emergency Services
 - Economic development
 - Culture and Leisure.
95. The current CIL rate brings in £122.43 per m² of housing floorspace (affordable housing units are exempt), so significant contributions are now made by developers/landowners towards these facilities.
96. On this basis a lack of infrastructure is not a reason for refusing planning permission.

Health & Safety

97. As set out above, there are 132KV (132,000 volts) overhead lines crossing the centre of the site. Information has been provided demonstrating that construction vehicles and machinery will be outside of the maximum sag areas of the cables. In terms of living standards for occupiers, there has been research into leukaemia from electro-magnetic fields. Some documentation suggests that for 133KV lines, houses should be a minimum of 100feet (30.5m) away. However, a National Grid publication² states:
98. It has sometimes been suggested that minimum distances between properties and overhead lines should be prescribed. National Grid does not consider this appropriate since each instance must be dealt with on its merits. However, it has always sought to route new lines away from residential property on grounds of general amenity. Since the only limitation on new development has been the statutory safety clearances (Appendix III), a large amount of residential and other development has been carried out subsequently beneath and adjacent to overhead lines.
99. Where development takes place and how it is designed are principally matters for the landowner, developer and the local planning authority to determine. National Grid should be consulted at an early stage on proposals for development near lines and substations, when it is more likely that National Grid's advice and guidance on development near to electricity lines issues can be taken into account.

² Development near overhead lines - Planning and amenity aspects of high voltage electricity transmission lines (2008)

100. Electric and magnetic fields (EMFs) are associated with most electrical apparatus, including power lines, underground cables and domestic appliances. They diminish rapidly with distance from the source.
101. While there is ongoing debate over the possibility of a hazard to health from low level EMFs, the balance of the scientific evidence to date is against there being health effects.
102. The Government are considering whether any precautionary measures might be justified in addition to the exposure limits, based on a report from a stakeholder group called SAGE, but have not yet introduced any. Therefore, in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.

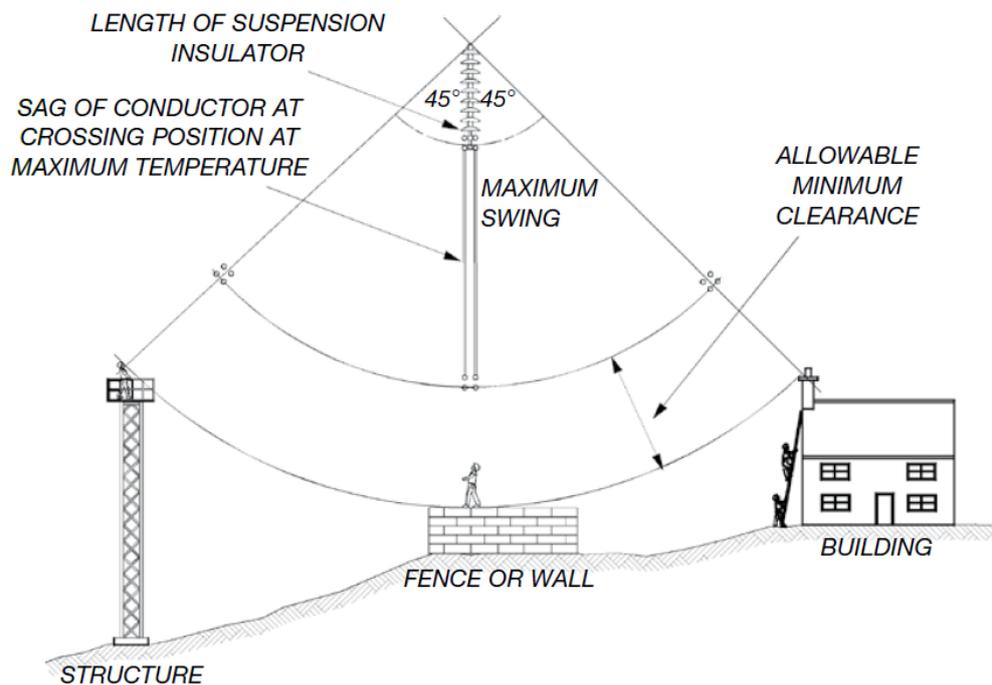


Figure 4: Clearance to objects (on which a person can stand)

Illustration from Appendix III

103. On this basis there is no current overriding reason why permission could be withheld on health grounds.

Affordable Housing

104. The scheme will provide 30% of the units on site as affordable units via a S106 Agreement. These will be in a mix of tenure to comply with the requirements of the Housing Strategy Officer as set out above. The requirements of the Planning Obligations SPD is thereby complied with.

Highway Safety

105. The access into the new development is included for full approval at this outline

stage. The new access including its geometry is shown on Plan ADC2393-DR-001-P5 and would be located just on the town side of the overhead lines.

106. The applicant has provided a detailed transport assessment which shows that traffic generated by the development would not cause capacity issues on the network. Not all traffic will use the West Road junction as it will depend what route they are taking. A few may use Brooke Road junction which they have also included in their assessment
107. The highway authority is satisfied that the development is acceptable and will not lead to a hazard to highway safety. The detailed internal road layout would be considered at Reserved Matters stage.
108. The scheme complies with Policy SP15 and there is no highway reason for withholding permission.

Drainage

109. The site is in Flood Zone 1 (least vulnerable). The applicant has provided a detailed drainage strategy for the site based on a Flood Risk Assessment as the site is over 1 hectare in area. It is particularly important in this case as various concerns about existing flooding issues have been raised. These relate to greenfield run-off, not flooding from rivers or watercourses.
110. The strategy is to intercept surface water as it falls across the site and attenuate it on site until it can be released into the ditch at less than greenfield run-off rates. Some of it will percolate through soakaway during the storage stage. This scheme will prevent existing flooding problems in Noel Avenue by intercepting the field run-off that causes the problem. This would be a benefit to adjacent residents. The strategy is shown on plan 21747 SK04A. The scheme is acceptable to the Lead Local Flood Authority (see above) and thereby accords with Chapter 14, Para 163 of the NPPF.

Ecology

111. The application is accompanied by a biodiversity survey and report. It concludes that the majority of the open field part of the site is of little value and no evidence of protected species was found. The site is unsuitable for some protected species. Most useful habitat is in the surrounding hedges and trees but again no evidence of occupation was found. The recommendations are that the hedges and trees should be protected from development by a buffer, which the Master Plan indicates. The recommendations in the biodiversity report should be followed in the design of the detailed scheme, as advised by your Ecology advisors above.
112. These are set out in the submitted report as follows:
 - Enhancement of existing hedgerows through extra planting of native species
 - A variety of bird and bat boxes erected on hedgerow trees around the site boundaries;
 - Log piles for amphibians, small mammals and invertebrates in the hedge bottoms;

- Retention of vegetated routes around the site along which wildlife can access the wider area;
- New native tree and shrub planting in areas of open space associated with the new development;
- In addition, attenuation pond/s on site will be planted with a variety of native species around the edge

113. This will attract wildlife such as birds, dragonflies, foraging bats, and a wide variety of invertebrates.

114. There is no evidence that the development would have a detrimental impact on the adjacent Woodland Trust site. The footpath access from Braunston Road to that site will be maintained.

115. The scheme will assist in improving biodiversity by providing the attenuation areas in a manner more appropriate than the semi-improved grassland on site at present. The scheme thereby complies with Policy SP19 and the advice in the NPPF.

Landscape Impact

116. The site is not subject to any local or national designation in terms of landscape quality. There is no 'Greenbelt' in Rutland as cited by some objectors. The application is supported by a Landscape Visual Impact Assessment. This concludes that in terms of potential visual effects, these will be localised as a result of the developed nature of the site's setting on the eastern and partly northern boundaries, the retained boundary features, and the effect of the maturing woodland on the adjacent Woodland Trust land to the south and south east.

117. Within the locale, the enclosing nature of the local ridgeline and other woodland belts and blocks also combine to limit visibility of the site.

118. The proposed scheme seeks to correspond in scale, height and massing of the locale while also enhancing existing hedgerows and introducing new softening natural features that accord with policy and character guidance.

119. Basically this means that the site is not prominent in longer views and the visual impact of the proposal is contained within the close locality. The development is screened from longer views to the south by the landform. This conclusion is accepted, the scheme complies with SP23 and there are no visual impact reasons for withholding planning permission.

Archaeology

120. A Written Scheme of Investigation was prepared following the outcome of the Heritage Assessment which concluded that there was low potential for archaeology on this site. The applicant therefore requested that this issue be dealt with by condition rather than pre-determination trial trenching, particularly as there is a significant delay in implementing this work. Your Archaeological advisors have therefore agreed that in this instance a condition will be sufficient to deal with Archaeology.

Residential Amenity

121. The Master Plan indicates that the proposed number of new dwellings could/would be located a significant distance from existing dwellings on Noel Avenue and Braunston Road. There are open spaces, attenuation areas and a play area between dwellings and the existing across the entire north eastern edge of the site.
122. The power lines crossing the site have been taken into consideration and discussions have been held with Western Power to see if they need to go underground, for the benefit of new occupiers. All overhead power lines produce EMFs, and these tend to be highest directly under a line, and decrease to the sides at increasing distance. Even underground they produce EMF's which are highest above the buried cables.
123. In relation to this issue which has been raised in the objections, the applicant states as follows:

This application has been prepared on the basis that the overhead cables will remain in situ as this represents the reasonable "worst case scenario." However, the applicant is currently exploring the possibility of undergrounding the cables with Western Power Distribution whose consent will be required to undertake such work. A decision from Western Power Distribution is expected in early 2021. Nonetheless, the submitted Masterplan demonstrates that an acceptable form of development can be achieved even with the cables in situ and that the stand-off distances employed in terms of both horizontal and vertical clearances have been derived from extensive consultation with Western Power Distribution throughout the scheme's design. Given the overhead cables can be satisfactorily incorporated within the scheme, with or without undergrounding, the applicants have requested changes to Draft Policy H1.4 through its Regulation 19 representations to the emerging Rutland Local Plan to allow more flexibility with respect of how the overhead cables are dealt with on site.

124. Government policy on public exposure to electromagnetic fields (EMF) is set out in the 2009 WMS, two subsequent Codes of Practice and most significantly National Policy Statement EN-5 from 2011. These are all part of the infrastructure consenting regime for new overhead lines but are the most authoritative on this issue.
125. Essentially, there is no direct statutory provision in the planning system relating to protection from EMF. National Policy Statement EN-5 sets out that:

"The balance of scientific evidence over several decades of research has not proven a causal link between EMFs and cancer or any other disease."
126. The UK recognises the public exposure limits established by the 1998 guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), albeit these have not been put on a statutory footing and are observed by mutual agreement between the Government and the electricity industry. It is Government policy, set out in National Policy Statement EN-5 (at para.2.10.10) and the March 2012 Code of Practice (pages 4/5) that power lines up to and including 132kv are presumed to comply with the ICNIRP's 1998 exposure guidelines. The powerlines in this case are 132kv and so this presumption is relevant here.

127. National Grid has issued guidance in respect of proposed development near existing lines, albeit for lines of much higher voltage than this, which states that:

“While there is ongoing debate over the possibility of a hazard to health from low level EMFs, the balance of the scientific evidence to date is against there being health effects.”

128. The final layout is thereby capable of achieving standards well within normal acceptable limits. The scheme would thereby comply with SP15.

Conclusion

129. The site is outside the current planned limits to development so is contrary to the current adopted development plan. However, the legislation allows you to approve development where other material consideration indicate otherwise. In this case the Council’s critical 5 year housing land supply and the allocation of the site for development in a submitted Local Plan mean that in this instance planning permission can be granted. Indeed it is important that it is approved. There are no other outstanding reasons why permission should be withheld and it is recommended that the scheme be approved subject to the Legal Agreement and conditions set out above.

130. Consequently, having regard to the necessary test at paragraph 11 of the NPPF, there are no adverse impacts which would outweigh the benefits of development. In conclusion, it is respectfully requested that in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004) and the presumption in favour of sustainable development, the application should be granted planning permission without delay.