

Application:	2020/0942/OUT	ITEM 3	
Proposal:	Outline application with all matters reserved except for means of access, for residential development of up to 75 no dwellings with associated public open space, landscaping and infrastructure.		
Address:	Land Off Park Road, Ketton, Rutland		
Applicant:	C/o Agent	Parish	Ketton
Agent:	Pegasus Group	Ward	Ketton
Reason for presenting to Committee:	Major Application		
Date of Committee:	29th June 2021		

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development for Ketton. There have been many objections to the development. Issues of policy, archaeology, highway safety, flooding and residential amenity have been considered but the policy issue is overriding in this instance. There is no justification for the development of this wider site and there are no material considerations in this instance that would justify outweighing the development plan.

RECOMMENDATION

That the application be Refused for the following reason:

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

Site & Surroundings

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

Proposal

6. The proposed development seeks outline permission with all matters reserved for

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

Relevant Planning History

No relevant planning history

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 - Achieving Sustainable Development (Para 11 – Presumption in favour of sustainable development)
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places
Chapter 14 – Meeting the challenge of climate change, flooding etc.
Chapter 15 – Conserving the Natural Environment

Core Strategy DPD (2011)

CS01 – Sustainable development principles
CS02 – The spatial strategy
CS03 - The Settlement Hierarchy
CS04 - The Location of Development
CS08 - Developer Contributions
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS18 – Sustainable transport and accessibility
CS19 - Promoting Good Design
CS21 – The Natural Environment
CS22 - The Historic and Cultural Environment
CS23 – Green Infrastructure, open space and recreation

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of sustainable development
SP2 – Sites for residential development
SP5 - Built Development in the Towns and Villages
SP6 - Housing in the Countryside
SP9 - Affordable Housing
SP15 - Design and Amenity
SP19 – Biodiversity and geodiversity conservation
SP20 – The historic environment
SP22 – Provision of New Open Space
SP23 - Landscape Character in the Countryside

Other Policies

Planning Obligations SPD - 2016

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

Neighbourhood Plan

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

Consultations

Anglian Water

8. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.
9. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
10. The foul drainage from this development is in the catchment of Ketton Water Recycling Centre that will have available capacity for these flows
11. This response has been based on the following submitted documents: FOUL SEWAGE & UTILITIES ASSESSMENT. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606

6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

12. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
13. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Severn Trent

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

Forestry Officer

15. No comments

Public Protection

16. No objection to this development

Parish Consultation

17. Objections from Ketton Parish Council Planning Committee 23.9.2020

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

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

2. There are already 3 designated sites for residential development in the village - KET/06 Adjacent to Chater House (15 to 20 dwellings), KET/07 The Crescent (35 dwellings) and KET/08 Home Farm (10 dwellings) - giving a total of giving a total of 60 to 65 dwellings - the second largest allocation for any village in Rutland (largest is Edith Weston Officers Mess for 70 dwellings).
3. The St George's Barracks development (approx 5Km to the NW of the development site) is due to deliver 1000 dwellings over the next 16 years.
4. The existing facilities and amenities in Ketton are inadequate for a further 75 homes on top of the 60/65 homes already allocated. The village school is at capacity, there is only 1 shop (currently not open on Sundays), no village car parks, no filling station and no doctors' surgery (see Local Plan priority theme strategic aim 1.5). The sewerage system in Rutland is at capacity (see 'Local Plan Sustainability Appraisal - Environmental Issues') It is difficult to see how these facilities could be improved using section 106/CIL.
5. 75 new homes at the land off Park Road, together with the 60/65 new homes already designated and the 1000 homes at the St George's site could produce a huge increase in traffic within and through the village. The greatest effect will be on traffic volumes down Empingham Road and at the junction of the Empingham Road with the High Street, with vehicles exiting from the proposed development via Bartles Hollow, and from the St George's development (especially if there are problems on the A606). Most traffic will travel along the High Street, passing the school, library and shop, and be joined by further traffic from the 3 designated sites towards Stamford.
The roads in the centre of the village, and near the shop and Bull Lane are already congested with parked cars for at least several hours a day.
The Transport Assessment states that the development will result in an additional 46 peak time traffic movements and that these extra movements will 'not be material'. This underestimates the increase in vehicles due to the proposed development as it is based on 2011 data from edge of town and suburban sites - both of which may have lower car use due to closer/better access to a town and bus services etc and are not relevant to a village on an A road, 5km from the nearest town and with poor public transport (see point 7). Leicestershire and Rutland Police have said that 2018 traffic data cannot be used to assess risk for conducting a 'Speed Watch' as it is 'out of date'.

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

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

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

7. Public transport

The Transport Assessment states that 'the existing public transport infrastructure has capacity to accommodate the proposed demands of the development'.

Although there is a regular bus service to Stamford and Uppingham it does not run on Sundays, the times do not link with train times in Stamford, the first bus to Stamford leaves Ketton at 8.15am, and the last bus to leave Stamford for Ketton is at 17.40 (therefore unsuitable for commuting by train, or even reaching secondary schools in Stamford on time).

There is no direct public transport to Oakham to access the county offices at Catmose.

Stamford train station is 750m from the bus station and the 60 parking places are inadequate for the current usage - a problem that will only increase with the proposed new developments in Stamford. Parking in Stamford as a whole is already a problem.

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

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

8. Much of the site is on a slope (1:20 - 1:16), with an 18.3 metre difference in height across the site. The Design and Access Statement states that 'the site is visible from a number of locations' and therefore will be visible from much of Ketton and will overlook the existing properties in Timbergate Road. The Timbergate Road and Park Road properties adjoining the site will suffer a loss of privacy due to the proximity of proposed new dwellings.
9. The site, and Bartles Hollow, already suffers some localised surface water flooding which may be intensified by the run off from the proposed new estate. The lowest point of the development is behind number 7 and 9 Bartles Hollow, the proposed access road and the 2 proposed new dwellings on the plot corner;

the drainage pond is at a greater height, and when it overflows 'goes to ground' (rather than to a sewer) so could result in localised flooding at the lowest point.

10. Community response

The Design and Access Statement states that the development will provide 'new homes to meet the identified need for Ketton' - no source for the data to support this statement is provided; the number and range of new homes required are to be provided by the 3 designated sites in the Local Plan.

The Community response (86 responses - a response rate of 19%) was thought to be low; but is good considering number of people who live very close to the site. Some properties in Bartles Hollow did not receive leaflets. It would have been preferable to have leafleted the whole village since all of the village will be impacted, via traffic and pressure on facilities, by a single development at this location and of this size.

The developer gave a presentation, followed by a question and answer session to Ketton Parish Council, and to the Ketton and Tinwell Joint Neighbourhood Plan Steering Group.

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

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

Archaeology

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

Highways

19. No Objections.
20. Since October the applicant has carried out an assessment of Empingham Road, including the cross roads. They have looked at peak highway times and peak school times. The survey dates were agreed with RCC and were carried out once all schools were open after the last lockdown.
21. Highways previously recommended refusal on this application on 13/10/2020 as insufficient information was provided.
22. The survey showed that there is sufficient capacity on Empingham Road and at the cross roads to cater for the development, therefore one access onto Bartles Hollow is acceptable

Ecology Unit

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

Further comments 3 Nov 2020

27. I have reviewed the additional information you forwarded (Biodiversity Impact Assessment) regarding the above planning application. I am generally happy with the proposals and have made more detailed comments below:
 - To achieve optimum biodiversity on the site the proposed swale/soakaway should be landscaped and managed to provide habitat for wildlife.
 - Planting in the open 'parkland' should be planted with native species to promote diversity, this includes creation of species rich grassland
 - The illustrative masterplan shows a green 'wedge' where the boundary of the development meets Cats Hill Spinney - this should be planted to create/improve scrub/woodland habitat in this area; this will improve the woodland edge
 - Planting in gardens should be of species attractive to pollinating insects. Garden lawns should be planted with a flowering lawn mixture such as Emorsgate EL1.
 - Boundary hedgerows on the site should be retained and improved. Boundary trees should be retained.
 - Trees proposed for planting on the residential streets should be appropriate species for 'street trees'.
 - If close boarded fencing is to be used on site hedgehog holes should be created to allow movement between gardens and out into the wider natural environment.
 - Bat bricks/boxes and bird (inc. Swift) bricks/boxes should be included in the development; these should be incorporated into the buildings on site; integrated bricks are preferable.
28. If the above are incorporated into the development then sufficient net gain in biodiversity should be achieved.

Neighbour Representations

29. 46 letters of objection have been received and are summarised below, there was one letter of support:
 - Outside of planned limits for development

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

Evaluation

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

Principle of the use

31. In terms of planning policy the current situation regarding the status of the site and the Councils ability to demonstrate a 5 year HLS is set out in the consultations above.
32. On this basis there is no justification for this scale of development in this location. Ketton is a Local Service Centre in the adopted Local Plan where new development can be accommodated mainly through small scale allocated sites, affordable housing sites, infill developments and conversions. This scheme does not comply with that criteria. The application site is located outside of the planned limits for development for Ketton There are no material considerations or other public benefits such as a local demand for Affordable Housing on this scale that would warrant setting aside development plan policies it is therefore considered that the proposal should be refused, contrary to Policies CS4 and SP6.

Impact of the use on the character of the area

33. This is an outline application with all matters reserved for subsequent approval with the exception of the access. Notwithstanding this it is considered that although the site has sloping topography it has the potential to accommodate some residential development and that this could be assessed in full at the reserved matters stage of the development. The illustrative masterplan also shows open space at the top of the slope which would reduce the overall visual impact of the development when viewed from distance.

Impact on the neighbouring properties

34. Although this is an outline application the submitted illustrative masterplan demonstrates that there is sufficient space to accommodate the proposed development without having any significant impact on the residential amenities of the occupiers of existing properties bordering the site in terms of overlooking or loss of light.
35. Concerns have been raised about the loss of views from existing properties but this is not a material planning consideration.

Highway issues

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

Noise

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

Section 106 Heads of Terms

40. If the development were to be approved a Section 106 legal agreement would be required in order to secure the provision of and on-going maintenance of the open space and to secure the 30% affordable housing requirements.

Crime and Disorder

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

Human Rights Implications

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

Conclusion

44. Taking all of the above into consideration it is concluded that the site is located outside of the Planned Limits to Development for Ketton where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for setting aside the development plan. The proposal is therefore recommended for refusal as acceptance would be contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.