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| Application: | 2021/0012/FUL | ITEM 4 | |
| Proposal: | Erection of 6 no. affordable apartments/maisonettes with associated access, car parking and landscaping. | | |
| Address: | Land adjacent to Sewage , Seaton Road Uppingham Works | | |
| Applicant: | Uppingham Home Community Trust | Parish | Uppingham |
| Agent: | Smith Jenkins Ltd | Ward | Uppingham |
| Reason for presenting to Committee: | Request by Cllr Razzell | | |
| Date of Committee: | 29 June 2021 | | |

EXECUTIVE SUMMARY

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RECOMMENDATION

REFUSAL, for the following reasons:

1. The principle of development in this location is contrary to National, and the Council's adopted Local Plan Policy. The site is in an unsustainable location with poor access, in particular by walking to access the services and facilities in Uppingham and would lead to a reliance on motor vehicles for transport. The proposal doesn't meet the requirements for an exception site as set out in Policy CS11 or the requirements set out in either of paragraphs 71 and 79 of the NPPF and Policy SP9, Affordable housing, in particular proviso c) whereby the affordable housing should be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type. Therefore it is considered that the proposed development would be contrary to NPPF chapters Chapter 2 - Achieving sustainable development, Chapter 5 - Delivering a sufficient supply of homes, Chapter 11 - Making effective use of land, Policies CS02 - The Spatial Strategy, CS03 - The Settlement Hierarchy, CS04 - The Location of Development, CS11 - Affordable Housing
CS18 - Sustainable Transport & Accessibility of the adopted Core Strategy DPD, Policies SP1 - Presumption in Favour of Sustainable Development, SP9 - Affordable Housing, SP23 - Landscape Character in the Countryside of the Site Allocations DPD and Policy 8 - Design and Access of the Uppingham Neighbourhood Plan
2. The consultation responses have identified the potential for significant impact on the residential amenities of the future occupiers of the proposed development and the existing and future operation of a sewage treatment works on adjoin land. Due to the lack of any further information/ surveys from the applicant's agent to address the issues identified, there appears to be no practicable mitigation available at this time that can be applied to the sources of odour and noise. The proximity of the proposed receptors would expose any future resident to several different sources of odour, noise and other disturbance. Each of these sources having varying operating scenarios that pose the exposure risk. Consequently, the information submitted by the applicant does not address these adequately and there is no mitigating solution or combination of actions that would provide confidence of reducing the risk to the amenity of the proposed development. Therefore the proposed development would be contrary to NPPF, Chapter 8 - Promoting healthy and safe communities, Chapter 12 - Achieving well-designed places policy CS19 - Promoting Good Design of the adopted Core Strategy DPD and policy SP15 - Design and Amenity of the Site Allocations DPD.

3. It is considered that the proposed development, located in the open countryside would not contribute positively to local distinctiveness and sense of place in terms of the scale, height, density, layout and appearance. The development would therefore be contrary to NPPF Chapter 12 - Achieving well-designed places policy CS19 - Promoting Good Design of the adopted Core Strategy DPD and policy SP15 – Design and Amenity, SP23 - Landscape Character in the Countryside and Amenity of the Site Allocations DPD.
4. No additional ecology surveys have been submitted during the determination period of the current application. The proposed application site surrounded, by habitats suitable of occupation by protected species and could be destroyed and/or disturbed by the proposed works. Notwithstanding that it might be possible to mitigate the impact on any protected species should they be found, without the requisite surveys, the development would not comply with advice stated in Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System), NPPF 15 and planning policies CS21 of the adopted Core Strategy (2011), and SP19 of the Site Allocations and Development Plan Document (2014).

Site & Surroundings

1. The site is located to the northern side of Seaton Road, approximately 770m south-east of the town of Uppingham and approximately 200m from housing development at Hornbeam Land. The land subject to the current application is located outside the planned limits of development for Uppingham within an area defined as 'open countryside in the Adopted Local Plan.
2. The site extends to approximately 0.08 hectares and is broadly rectangular in shape. It currently comprises a largely open grassed and treed area.
3. The application site is orientated broadly in a north-east/ south-west orientation. The site rises from the southern boundary (c99.00m AOD) to the northern boundary (c103.5m AOD) with an average level difference of approximately 4.50m. The perimeter of the site is populated by mature Hawthorn, Ash, Pear and Apple trees
4. Previously the site has been used as a garden apple orchard by the previous owner prior to being gifted to Uppingham Homes CLT.
5. An Anglian Water sewage treatment plant is situated to the east of the site and shielded partly from the site by hedging and trees. A solar farm bounds the northern boundary of the site and extends north and north-west over former agricultural land. A sewer and associated easement runs across the front the site.

Proposal

6. The current application proposes the construction of 6 no. affordable apartments/maisonettes with associated access, car parking and landscaping. It is also proposed to provide a new pavement 1500 wide with 100mm verge linking the site and the existing footpath adjacent to Hornbeam Lane. In addition it is also proposed to provide a new bus stop and layby to the west of the proposed site access

7. The proposed access would be from Seaton Road which will allow vehicular access to the shared parking area. Each of the proposed apartments would be allocated one parking space and two visitor parking spaces would also be provided. A total of eight parking spaces would therefore be provided (six allocated and two visitor).
8. It is also stated that the majority of the trees along the southern boundary are to be retained and 'no dig' construction methods will be used where necessary.
9. Cycle and refuse storage areas are also proposed, along with a small communal garden areas between the two proposed buildings.
10. The applicant's agent has stated that 'the proposed buildings would both be two storeys in height, utilising traditional materials within a contemporary design with pitched roofs and gable end features. The buildings would be predominantly local sandstone with use of metal cladding. The design concept and arrangement of the buildings is discussed in greater detail within the Design and Access Statement provided by GSS Architects.
11. All of the dwellings proposed would be provided as affordable homes. It is proposed to provide a mix of affordable rented properties and shared ownership properties. The breakdown of the proposed dwellings is as follows:

| Dwelling type | Floorspace | Tenure |
|---|------------|------------------|
| Building A Unit 1 - 2 bedroom 3 person maisonette | 60sqm | Shared ownership |
| Building A Unit 2 - 2 bedroom 3 person maisonette | 71sqm | Shared ownership |
| Building B Unit 1 - 1 bedroom 2 person apartment | 50sqm | Affordable rent |
| Building B Unit 2 - 1 bedroom 2 person apartment | 50sqm | Affordable rent |
| Building B Unit 3 - 1 bedroom 2 person apartment | 50sqm | Affordable rent |

12. This results in a total of 4 No. one bedroom affordable rent apartments and 2 No. two bedroom shared ownership maisonettes. The Applicant, Uppingham Homes Community Land Trust, has stated that they have applied to the Homes and Communities Agency (HCA) for designation as a Registered Provider and it is intended that the proposed units would be retained and managed by the Trust.
13. It has also been stated that the:

'4 No. rented units would be available to those in housing need and it is proposed to charge a rent at 70% of market value (10% less than the standard affordable rent level). Furthermore, the Trust are proposing to retain only 50% of the market rent with the remaining 20% being held by the Trust in a deposit fund that would be returned to tenants upon the end of their tenancy. This Deposit Builder Trust Fund will enable those in housing need to be able to securely build up a level of savings during their tenancy that they can then subsequently use to assist with future rents or home ownership.'
14. In support of the application an ecological appraisal, energy statement, external lighting assessment, flood risk assessment, noise and odour assessment, topographical survey and drainage strategy have been submitted.

15. Further to consultation responses from Planning Policy, LLFA, RCC Highways, Anglian Water and Forestry Officer the applicant agent has stated in emails exchanged with the case officer that:

'I can advise that I have requested details of our Anglian Water contact from the Applicant and will advise accordingly. I can also advise that we are seeking to address the points raised by the LLFA and Highways.

As we discussed, in relation to the comments from your Policy colleagues, if these refer back to pre-application discussions, then they appear to have missed the fundamental difference between the previous scheme and that now under consideration, that being that the development is now a rural exception site. As you know, the overriding principle of rural exception sites is to allow affordable homes in rural areas where market homes would not normally be supported. The proposed units seek to address a shortfall in affordable homes, particularly young people who are struggling to get onto the housing market, and with the creation of a footpath link to adjoin with the defined built-up area of Uppingham, future residents at the site would be no less served by existing amenities and facilities than other residents within parts of Uppingham itself.'

'I note the Forestry Officer's comments (request for a tree survey) below, however, as they have confirmed that none of the trees on the site are worthy of protection through a Tree Preservation Order and they are not otherwise protected, these could presumably be removed at any point. It would therefore appear that any tree protection information could be reasonably and appropriately controlled by condition if necessary?

I can also advise that discussions remain ongoing with Anglian Water and I will provide a further update as soon as possible'

16. At the time of writing the report no further response had been received.

Relevant Planning History

The site's planning history related to an application in 2010 ref. OUT/2010/0429 which sought permission for a single detached dwelling and double garage. The application was in outline with all matters reserved.

The application was refused in January 2010 for two reasons, one relating to the site being outside of the planned limits of development and the other on highways grounds and the lack of suitable visibility splays.

The refused application was appealed, with the appeal being dismissed on the grounds of the site being outside of the limits to development and in an area of attractive countryside. The Inspector did however consider that the standard of visibility sought by the Council was justified.

Prior to the submission of the current application a prelim request was submitted and a meeting held with the Development Control manager. In the reply the Development Control Manager stated that:

'I refer to our meeting on the 16th December 2019, where you kindly outlined your proposals to develop affordable housing on the above site.

I've considered this as a proposal for an exception site for affordable housing given it is outside the planned limits of development for Uppingham. Development in the open countryside may be acceptable if it is to meet affordable housing needs, providing the proposal is in accordance with the National Planning Policy Framework (NPPF) and the Council's Core Strategy affordable housing Policy CS11.

Rural exception sites are defined in the NPPF as: "Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection."

Paragraph 77 of the NPPF on Rural housing – states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

The NPPF goes on to state:

"78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

Core Strategy Policy CS11 reinforces national policy and considers that small sites may be permitted within or adjoining villages outside the Planned Limits of Development (PLD) where the Council is satisfied in the light of evidence that there is a need for affordable housing which would otherwise not be met.

It is considered for this site (even if the need for affordable housing is justified) that it must be suitable and needs to meet all of the criteria set out in Policy CS11. Having visited the site and as discussed during our meeting, it is my informal opinion that the proposed development cannot be considered to be within or adjoin the PLD for Uppingham and as such, the development would therefore be contrary to the requirements of Policy CS11.

I think we all agreed during the meeting that had this site not been gifted to the Trust it would not be the first choice for a housing site. However I accept that you have pursued the site due to the circumstances. Nonetheless, the site located outside of the PLD for Uppingham and would not have reasonable access to at least a basic range of services, with the nearest shops being approximately 1km from the site. The lack of accessibility is acknowledged by the fact that you would need to construct a new 300m footpath link back to Uppingham. The Highway Engineers have also advised that a 1.2m wide footpath would be insufficient and that it would need to have a minimum width of 1.5m. In light of the above, this site does not meet the criteria to justify an exception to normal policies of restraint.

Notwithstanding this, any development of this site will also need to be in accordance with policies of the Council's adopted Local Plan in relation to amenity, design and highways:

- Core Strategy CS19 – Promoting good design
- Site Allocations & Policies SP9 – Affordable housing, in particular proviso c) whereby the affordable housing should be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type...
- SAP Policy SP15 – Design and amenity
- SAP Policy SP23 – Landscape Character in the countryside

The Uppingham Neighbourhood Plan (2016) is part of the development plan and the main policy consideration is Policy 8 – Design and Access. This policy requires developers to demonstrate in a design and access statement how their proposed development reinforces Uppingham's character and heritage. It must also address a number of criteria which includes the context and character of the site, the connection with the countryside, development density and build quality, car parking, landscaping and access to open and green space.

Overall, it is considered the site does not meet the requirements for an exception site because it doesn't adjoin the PLD, as such, the proposal would introduce residential development where there is currently none in the open countryside. There are other concerns regarding the site which the Council consider make it unsuitable for housing due to its off-site constraints from the proximity of the solar farm, the sewage works and the distance from town, as well as the on-site constraints of the site from the topography and amenity, to the shape and size of the site. These may impact on deliverability and viability of a proposal.

In addition, Policy 8 of the Uppingham Neighbourhood Plan states: 'Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Uppingham's character and heritage' and lists a number of criteria. It is our view that the site – with any design - could not achieve this.

In terms of the indicative plans which you provided I have concerns about the following:

1. The proposed built form occupies most of the site and does not leave any meaningful space for residential gardens or usable shared space.
2. The 4m high green wall would be an overbearing and dominant feature which would appear out of character with the rural location.
3. Due to the topography of the site which rise significantly from the road the outlook from the properties would be adversely impacted by the adjacent solar farm.
4. The potential for noise and odours from the adjacent treatment works. I note that you have sought to mitigate this but as noted above the proposed green wall is unlikely to be considered acceptable due to its visual impact.
5. Parking provision has been made for the properties but this does not include any additional parking for visitors.

As stated above, I appreciate that you have pursued this site due to the fact that it has been gifted to the Trust. It is unfortunate and with regret that I have to advise you that officers could not support a formal planning application on the site.

We are however keen to work with the Trust to find alternative ways to meet Uppingham's affordable housing needs. I would therefore suggest that the best way forward for securing affordable housing for Uppingham, would be through the review of the Neighbourhood Plan and to carry out a 'call for sites'. That way any potential sites put forward would be assessed against a set of site appraisal criteria to ensure the most suitable site could be chosen to ensure it would meet local housing need, taking account of national planning policy, adopting local strategic policies as well as the emerging Local Plan strategic policies.

The review of the Neighbourhood Plan for Uppingham will need to meet a number of basic conditions of neighbourhood planning, one of which is that it must comply with the strategic policies of the Local Plan. If the Neighbourhood Plan allocates sites which undermine the strategic policies for Rutland, there would be difficulties in achieving general conformity. In particular, the Neighbourhood Plan review should not conflict with the spatial strategy, otherwise it will not meet its basic conditions. On submission of a draft plan, the Council is required to check documents for compliance with legislation and regulations before determining whether the Neighbourhood Plan can lawfully proceed to examination. The assessment of whether a Neighbourhood Plan meets Basic Conditions, including being in general conformity with strategic local policies, will then lie with an independent Inspector who is required to assess the proposed Neighbourhood Plan and the supporting evidence. '

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 - Achieving 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 effective use of land

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Uppingham Neighbourhood Plan

Policy 8 - Design and Access

Site Allocations and Policies DPD (2014)

SP1 - Presumption in Favour of Sustainable Development

SP9 - Affordable Housing

SP15 - Design and Amenity

SP23 - Landscape Character in the Countryside

SP17 - Outdoor Lighting

SP19 - Biodiversity and Geodiversity Conservation

Core Strategy DPD (2011)

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS11 - Affordable Housing

CS18 - Sustainable Transport & Accessibility

CS19 - Promoting Good Design

CS21 - The Natural Environment

Consultations

Parish Council

17. The Town Council discussed this application at its meeting on 4 February. In principle, the Council is very keen for there to be more affordable homes in Uppingham. However, a number of concerns were raised about this application; it may be that these can be satisfactorily addressed (and we have received assurances from the promoters of the project that indeed they are), but we ask RCC to satisfy itself on each of these points:
 1. The location of the dwellings very close to a sewage works raises a number of environmental and health concerns.
 2. Seaton Rd, at this point, has no footway or street lights - these need to be provided if the scheme goes ahead.
 3. These dwellings will be an appreciable distance from the town centre, at a location where there is no bus service.
 4. The current Neighbourhood Plan for Uppingham does not recognise this as an acceptable site for housing - though there may be a case to view it as a rural Exception Site.
18. In view of the above concerns, the Council voted to be neither for nor against the proposal.

Housing Strategy & Enabling Officer

19. I also have some concerns about the market for the two shared ownership flats, as shared ownership flats can be difficult to sell in an area like Rutland and the location may not be attractive to everyone. It would not be possible to prevent the residents of the shared ownership properties from 'staircasing up' to 100% ownership, nor would it be possible (at least beyond the first 21 years, and possibly at any time) to arrange for the housing association to buy the properties back for resale as shared ownership. This is because Uppingham is not a designated rural area.
20. There will always be a demand for one bed roomed flats for general needs in our towns, but it may be better met in Uppingham by addressing the need through part of a large allocated site rather than a very difficult windfall site. The applicant proposes to charge "affordable rents" at 70% of market value. These would need to be "social rent" in order to meet Homes England grant rules for Rutland, but in practice would probably cost about the same per week in rent as the applicant implies. It would not be possible to stop these rented properties from eventually being purchased under the right to acquire or the right to purchase under a shared ownership lease, because Uppingham is not a designated rural area

Planning Policy

Response to Prelim request.

21. I've considered this as a proposal for an exception site for affordable housing given it is outside the planned limits of development for Uppingham. Development in the open countryside may be acceptable if it is to meet affordable housing needs,

providing the proposal is in accordance with the NPPF and the Council's Core Strategy affordable housing Policy CS11.

22. NPPF Paragraph 77 on rural housing – Rural exception sites are defined in the NPPF as: '*Small sites used for affordable housing in perpetuity where sites would not normally be used for housing*' Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. The Framework also states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
23. Core Strategy Policy CS11 reinforces national policy and considers small sites may be permitted within or adjoining villages outside the PLD where the Council is satisfied in the light of evidence there is a need for affordable housing which would otherwise not be met.
24. It is considered for this site, even if the need for affordable housing is justified, this site needs to be suitable and needs to meet all of the criteria set out in Policy CS11. The proposal will not have reasonable access to at least a basic range of services and more so it is not adjoining the planned limits of development for Uppingham, which is clearly a requirement in the policy.
25. In light of the above, this site does not meet the criteria to justify an exception to normal policies of restraint.
26. Notwithstanding this, the Council will need to be satisfied any development of this site will need to be in accordance with policies of the Local Plan in relation to amenity, design and highways:
 - Core Strategy CS19 – Promoting good design
 - Site Allocations & Policies SP9 – Affordable housing, in particular proviso c) whereby the affordable housing should be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type...
 - SAP Policy SP15 – Design and amenity
 - SAP Policy SP23 – Landscape Character in the countryside
27. The Uppingham Neighbourhood Plan (2016) is part of the development plan and the main policy consideration is Policy 8 – Design and Access. This policy requires developers to demonstrate in a design and access statement how their proposed development reinforces Uppingham's character and heritage. It must also address a number of criteria which includes the context and character of the site, the connection with the countryside, development density and build quality, car parking, landscaping and access to open and green space.
28. Overall, it is considered the site does not meet the requirements for an exception site because it doesn't adjoin the PLD, as such, the proposal would introduce

residential development where there is currently none in the open countryside. There are other concerns regarding the site which the Council consider is unsuitable for housing due to its off-site constraints from the proximity of the solar farm, the sewage works and the distance from town as well as the on-site constraints of the site from the topography and amenity, to the shape and size of the site. These may impact on deliverability and viability of a proposal.

29. In addition, Policy 8 of the Uppingham Neighbourhood Plan states: 'Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Uppingham's character and heritage' and lists a number of criteria. It is our view that the site – with any design - could not achieve this.
30. The best way forward for securing affordable housing for Uppingham, would be through the review of the Neighbourhood Plan and to carry out a 'call for sites'. That way any potential sites put forward would be assessed against a set of site appraisal criteria to ensure the most suitable site could be chosen to ensure it would meet local housing need.
31. The Neighbourhood Plan for Uppingham will need to meet a number of basic conditions of neighbourhood planning, one of which is that it must comply with the strategic policies of the Local Plan. If the Neighbourhood plan allocates sites which undermines the strategic policies for Rutland there would be difficulties in achieving general conformity, the plan should not conflict with the spatial strategy. The assessment of whether a Neighbourhood Plan meets Basic Conditions, including being in general conformity with strategic local policies, lies with an Independent Inspector who is required to assess the proposed Neighbourhood Plan and the supporting evidence.

Consultation response to current application

32. I've had an opportunity to go through the Planning Statement and I consider my email (17th December 2019) to Justin Johnson, below in response to the prelim is still relevant and valid for the current planning application. Furthermore, I have the following additional comments to make:

James Faircliffe, the Housing Strategy & Enabling Officer has commented that he can't dispute the need for the rented housing, but considers that the 2 shared ownerships could be difficult to sell due to cramped nature of accommodation and location. There is also concern that the shared ownership dwellings may end up staircased to 100%, it is not possible to prevent this and remain in private ownership. He states the site is very unsuitable and contrary to Local Plan Policy CS11. Whilst acknowledging there is a need for affordable housing in Uppingham, it is considered that this can come forward and be met as part of the Uppingham Neighbourhood Plan review alongside current commitments and applications. This would ensure that the sites allocated and providing affordable housing will be well related and adjoining the planned limits of development for Uppingham. As such, these are considered to be more suitable sustainable locations. The Housing Strategy and Enabling Officer supports the provision of affordable housing in a sustainable way promoting sustainable communities – and that this site does not do it as it may leave the residents feeling marginalised and isolated.

33. NPPF Paragraph 71 states Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
 - b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework³⁴, and comply with any local design policies and standards

34. Notwithstanding 'need' to meet the NPPF entry level affordable housing would need to be adjacent to the existing settlement. Therefore this proposal is contrary to NPPF paragraph 71, proviso b)

35. Para 79 deals with isolated dwellings in the countryside. It doesn't however specify that rural exception should be within or on the edge of the settlement. Recent court of appeal case might be helpful:

<https://www.hewitsons.com/latest/news/court-of-appeal-clarifies-meaning-of-isolated-homes-in-the-countryside>

..and then there is this one:

<http://planninglawblog.blogspot.com/2018/04/isolated-houses-in-countryside.html>

36. In Lindblom LJ's view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

37. However, our judgement is that the proposal is contrary to Paragraph 79 of the NPPF as it would form the development of isolated homes in the countryside.

38. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling;
or
- e) the design is of exceptional quality

None of these circumstances apply in this case.

39. The judgements referred to in this link <http://www.njlconsulting.co.uk/news-blogs/news-blogs/paragraph-79-of-the-nppf-and-the-%E2%80%99isolated-home%E2%80%99-debate/> provides support for the Council's position, in that the proposal is not sustainable development due to the proposal being contrary to the Council's countryside policy and is considered isolated development based on certain principles extracted from the judgements in the link which should be considered when seeking to understand if a dwelling can be treated as an "isolated house" and therefore, whether paragraph 79 can be applied to a case:
1. whether or not it is located within the settlement boundary;
 2. proximity to other dwellings;
 3. proximity to local services and facilities;
 4. access to public transport services;
 5. physical and visual separation from the settlement.
40. Our judgement that the development would constitute isolated homes in the countryside is based on consideration of all above five factors.

Overall

41. The principle of development in this location is contrary to National, Local Plan Policy. The site is in an unsustainable location with poor access, in particular by walking to access the services and facilities in Uppingham and would lead to a reliance on motor vehicles for transport. The proposal doesn't meet the requirements for an exception site as set out in Policy CS11 or the requirements set out in either of paragraphs 71 and 79 of the NPPF. Whilst the Council accepts there is a 'need' for affordable housing generally in Uppingham, this particular site is not suitable and it likely other affordable housing will come forward as part of housing allocations in the revised Uppingham Neighbourhood Plan.

Ecology

42. The PEA (Preliminary Ecological Appraisal) (Sustainable Land Trust, February 2020) is satisfactory. Further surveys are required:
- ' Badger - section 3.4.3 of the PEA states 'a full badger survey was not undertaken' therefore a full badger survey is required.
43. The site provides features and habitat suitable for reptiles, therefore a reptile survey is required
44. Phase 1 Habitat Survey ' this was carried out in December which is a suboptimal time of year for ecology surveys and 'the results of the surveys should not be considered complete' (as confirmed in section 3.5 of the PEA). Therefore, a Phase 1 Habitat Survey should be carried out at an appropriate time of the year.
45. Some of the trees on the site may be suitable for roosting bats, if any of the trees on the site are to be affected by the proposals, bat surveys should be carried out by

an appropriately qualified bat worker. There is also mention of a 'ramshackle building' on the site ' this needs some clarification?

46. Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation ' Statutory Obligations and their Impact within the Planning System).
47. If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species.
48. It is disappointing that the site has been cleared and the orchard lost. Unfortunately, the orchard was cleared prior to the ecology survey so it is difficult to establish the levels of biodiversity and habitat loss.
49. Hedgerows and trees on the site should be retained and maintained with biodiversity and wildlife in mind. Hedgerows should be laid and gapped-up with native hedgerow species. There are opportunities for biodiversity enhancements on the site and these are listed in section 5 of the PEA (Recommendations). Biodiversity enhancements should be demonstrated on a LEMP (Landscape and Ecology Management Plan. If the above biodiversity enhancements are incorporated into the development, it could potentially meet the NPPF (2019) requirement for biodiversity net gain.
50. I would be happy to discuss the required ecology surveys with the ecologist if that is necessary.
51. Further comments received the Ecologist has stated:

'I made comments to the full planning application on 4th February 2021 and as far as I am aware the further surveys I requested, which were recommended by the ecologist, have not been submitted. Until these have been submitted and I have had the opportunity to review them, I am unable to make any further comments'.
52. As usual when protected species could be impacted (apologies for reiterating this again), please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System). If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

Forestry Officer

53. Requires tree survey and report, tree retention plans and tree protection plans.
54. Further comments received the forestry officer has stated

55. Thank you for the email from Smith Jenkins in response to our request for a tree report. They have stated that a tree report is not necessary as we have decided not to serve a TPO (tree preservation order). Their argument is that they could remove the trees at any point and it would therefore appear that any tree protection information could be reasonably and appropriately be controlled by condition if necessary.
56. Further to their email is the Preliminary Ecological Appraisal report from the Sustainable Land Trust, which encourages a more conserving effort from RCC in terms of the apple trees. The Sustainable Land Trust have stated the following:
57. "Towards the rear of the site (northern area) there were some small apple trees that were potential remnants from the original orchard, however these were small (2-3m in height) and rather leggy. Whilst the variety could not be confirmed, they were characteristic of the Pitmason Pine Apple variety – a small English 18th century apple that has a distinctive pineapple-type flavour (Orange Pippin Fruit Trees, 2020). There are examples of these trees in the adjoining shelterbelt, and in Hedgerow 2 (north west boundary). These individual trees have been left intact, however if further site clearance occurs and these examples are lost, the impact would be locally highly significant."
58. If we accept that this development is too important to allow any of the trees to be retained or preserved (TPO) then there is merit in the argument that a report is pointless, however, we cannot fully understand what is on site and thus what is at risk of being lost without a comprehensive report. I agree, from my visit, that no trees of high enough visual amenity were discovered to warrant a TPO. Therefore the question is, how important are these houses from a planning perspective? Are they in line with a long term planning policy for new homes? And would the retention of any trees interfere with the facilitation of development?
59. If Planning conclude that the development of all the homes is essential, they are in line with our forward planning policy (not sure its exact title), and all trees need to felled to facilitate the development then a report is not required. However, if there is any doubt to the validation of the development then a tree report should be included. This does not need to be excessive at this stage. I would recommend a record be made of the trees onsite in terms of their species, size, and (BS 5837:2012) value.
60. In terms of the importance of the apple trees, this needs more supporting evidence than has currently be given. The Land Sustainable Trust has argued that the apple trees are important but have stated points that indicate that the trees are of low importance. Such as:
 - Only 2-3m tall,
 - "leggy", and
 - Unconfirmed variety identification.
61. They indicate that the apple trees may be Pitmason Pine Apple variety, which can be purchased from online tree nurseries. This species of trees is not rare.
62. In my professional opinion, for an orchard to be evaluated in terms of importance it needs the following things to be considered:

- Public use of orchard
- Is it a community orchard? No
- Has been used by the public for a long time? No evidence
- Heritage value
- Is this orchard famous? No evidence
- Can you find historical accounts indicating its historic importance? No evidence
- Current condition
- Is the orchard vast? No
- Are there many apples for consumption? No
- Is the quality of apples hard to replace? No
- Negative public impact
- If the apples were removed would it significantly impact the public economically, or socially? No evidence

63. So far, the information provided shows a “remnant” of an old orchard that is unused and has low valued trees of easily obtainable species. Therefore I would conclude that the orchard is not “highly significant”.

Anglian Water

Introduction

64. The comments in this response form the basis of our objection to planning application 2021/0012/FUL. This note provides the technical rational behind our objection to the above development in relation to both the potential risk to future occupiers and constraints it may impose on future operations at Uppingham Water Recycling Centre (WRC).
65. The submitted Odour Statement is not based on evidence and lacks the level of detail required to ensure the proposal will protect future occupiers against odour, noise and light arising from the normal operation of the WRC. It is not felt appropriate to deal with these concerns via planning conditions as due to the size of the development and location no mitigation is possible.

Uppingham WRC

66. Our WRCs are essential infrastructure, operated in accordance of regulatory requirements, established water industry standards and Anglian Water asset standards.
67. Uppingham WRC is required to operate continuously. It relies on automated mechanical plant and its operation will involve movement and processing of biologically degrading organic matter. It will produce odour, noise and occasional sources of artificial light, all of which will be detectable in land surrounding the operational area. The WRC operation will also employ mobile plant such as tankers, on a continual and variable basis.

Development Proposal

68. The proposed dwellings are extremely close to the WRC boundary, where exposure to sources of odour, noise and lighting from the normal operation of the WRC would be expected on a regular basis. From technical guidance and knowledge of

operating this WRC we would expect the level of exposure on the development site to be sufficient to impair the amenity of residential property.

69. The size of the development means the site is too small to enable exposure risk to be mitigated by the design of the layout.
70. The site is located in close proximity to the WRC inlet and this would be expected to be the principle source of odour complaint. The odour potential at the inlet can vary widely due to the seasonal, environmental and other uncontrollable factors on the sewerage network. This fluctuating characteristic is known to exacerbate annoyance. The dwellings will also be exposed to relatively constant odour from the main elements of the WRC process.
71. In conclusion odours from the inlet, main process and mobile plant movements will be detectable across the entire development site at levels considered unsuitable for residential amenity.

Future WRC Investment

72. The WRC process will change over the long term to meet future demand. New development increases hydraulic and biological loading and changes in the receiving water quality and broader environmental impacts will require new operating permit limits, which in turn will change the WRC process. It is imperative we maintain the ability to utilise all of our operational land in order to adapt the process to meet future demands. While we will endeavour to do this without increasing the existing odour potential, modifications to the WRC process are likely to increase the use of mechanical plant and may involve new process plant. Inevitably this will raise the potential for noise, in frequency if not intensity and may introduce a greater visual impact that cannot be screened, such as a sand filter or general appearance.
73. The change of use proposed by this development, increasing the required amenity of land immediately surrounding the WRC, would severely restrict the technical options for meeting new permit standards. It would increase operational costs and may ultimately render the future operation of the WRC unsustainable.

Initial Detailed Assessment

74. Due to concerns over this proposal, we have undertaken a further assessment of the risk posed by odour sources on the WRC, based on simulated dispersion analysis. A summary of this analysis is appended to this note.
75. The analysis, using Aermol dispersion modelling software, has taken typical emission rates for this type of WRC process and evaluated these against representative meteorological data for the years 2014, 2015 and 2016.
76. To establish odour potential reference is made to the odour concentration, quantified as odour units per meter cubic (OUE/m³), with the acceptability criteria based on a 98th percentile of the hourly average concentration over an annual period.
77. In accordance with guidance published by the Institute of Air Quality Managers (IAQM) and established water industry practice, we refer to an odour concentration

of 3 OUE/m³ as the benchmark level at which nuisance and potential loss of amenity would be anticipated at residential property.

78. The initial analysis for Uppingham WRC indicates that the proposed development site will be entirely exposed to odour concentrations, from the WRC emissions, of up to 20 OUE/m³. Widely researched receptor sensitivity has concluded that complaints are highly likely and odour exposure at this level represents an actionable nuisance.

Conclusion

79. Our analysis and evidence conclude that there is a risk to the amenity of future occupiers of this development. Due to the location and size of the proposed development there is no solution that can be sought on the site itself.
80. There is no practicable mitigation that can be applied to the sources of odour and noise. The proximity of the proposed receptors would expose them to several different sources of odour, noise and other disturbance. Each of these sources having varying operating scenarios that pose the exposure risk. Consequently, there is no mitigating solution or combination of actions that would provide confidence of reducing the risk to the amenity of the proposed development.
81. Were this development to come forward, we would anticipate that an actionable level of nuisance would be experienced by its occupants. This situation would inevitably compel Anglian Water to invest resources and financially, potentially to the extent of relocating the WRC. We consider it unreasonable for the costs of protecting the future amenity of this development to be borne by our customers.
82. We therefore strongly object to the application.

Public Protection

83. We object to the proposed development on primarily the grounds of malodour from the adjacent sewage treatment plant is likely to substantially interfere with the use and enjoyment of the residential development.
84. The reasons for this are laid out in the Anglian Water Response objection PLN-0113843 to this development. The applicant has failed to provide a proper odour assessment which would involve information from the site's operator. A full odour assessment and the production of odour contours for the site would normally be required; however, the modelling from Anglian Water have **demonstrated the development cause** significant adverse odour problems and would not normally be permitted. We fully agree with Anglian Water's assessment and reasoning.
85. The development is likely to be subject future residents to episodes of foul odour from the adjoining sewage works. The foul odour from sewage is made from many organic compounds. The odour intensity at the site is likely to alter for many reasons many outside the operator's control. The hedonic tone of these compounds (which measures the degree of pleasure and displeasure) is strongly negative as they are associated with faecal matter.

86. If the development was built, we would expect complaints from the residents and it would be likely a statutory nuisance would exist (given the results of the modelling conducted by Anglian Water) that would force the Council to take legal action to abate it.
87. The odour intensity and hedonic tone of effluent flows from the town will vary according to many factors. The development will be adjacent to where the raw sewage intake feeds into the treatment works and so the control of those odours is impossible to control. Residential development is normally avoided near such sites on malodour. In Oakham a cordon sanitaire around the town's sewage works was drawn to prevent residential development being too close to the sewage works. Although there have been improvements in sewage treatment technology episodes of malodour do frequently occur for a variety of reasons, which cannot be easily eliminated.
88. As the regulator for Statutory Nuisance Provisions of the Environmental Protection Act 1990, we would only be able to enforce the sewage treatment plant operates at reasonable best practical level. It may also mean the treatment works could not accept any increase in effluent from new development placing severe restrictions on the site's capacity and development of the Town. The sewage works is key infrastructure for public health and pollution control. Even at these restricted levels, we would expect there to be strongly odorous episodes. In practice it is difficult to control or regulate effluent flows and would mean a very poor standard (Dickensian) level of amenity for the residents.
89. To compound this the development is in a valley where under certain atmospheric circumstances the dispersal is extremely low and odour levels can build up.
90. In addition to our principal reason for objecting, (which we believe give overriding reasons to the planning authority to reject this planning application) the applicant has failed to provide the correct assessment in the following areas:
 - Noise: The applicant should provide a noise assessment in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The assessment should also look at any alarms and late night activities as the sewage site.
 - Phased Investigation of Land Affected by Contamination
 - A lighting assessment in accordance with the Institute of Lighting Engineers Guidance Note 1 for the reduction of obtrusive light 2020. The development should be in the E2 zone.
 - Given the close proximity of the sewage works an assessment of insect nuisance from chironomids should be undertaken. These can breed in filter beds and appear in huge swarms close to sewage works. This has the potential to cause a statutory nuisance.

Lead Local Flood Authority Officer

91. The developer is proposing to outfall at 5l/s. The greenfield rate of 5l/s is per hectare. And in Rutland if the site is bigger than a hectare the outfall must be limited to 5l/s for the whole site.
92. This site only measures 0.08 hectares as specified on their application form and therefore the outfall rate must be significantly lower than the proposed 5l/s
93. The applicant is suggesting out falling into the existing surface water sewer as shown on the plan below. From the drawings provided it looks as though the surface water sewer outfalls into an existing ditch on Seaton Road, which then goes into the brook. The system and the ditches in this location cannot take the existing surface water during heavy rain events resulting in the highway flooding. This has happened on numerous occasions.
94. For the LLFA to remove their objection on this scheme the applicant will need to provide a culverted pipe to the existing water course further down Seaton Road. The outfall will still need to be restricted significantly lower than the proposed 5 l/s

Highways

95. The parking level is sufficient as per the parking standards. The access is suitable in terms of width. However Highways would request that the tie into carriageway is taken to the centre of the highway so that the joint is not within the wheel line
96. They have said a 1.5m footpath with a small verge. Ideally a footpath should be 2m, and should not be below 1.8m. Otherwise you won't fit 2 pushchairs/wheelchairs past one another

Transport Strategy

97. Due to the distance from town, residents are likely to rely on motorised forms of travel - impacting on traffic volumes and air pollution.
98. The site plan outlines a path to be created 1.5m wide – connecting the site to Hornbeam Lane. For accessibility purposes this should be increased to a minimum of 2m wide for a footway.

Archaeology

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

Neighbour Representations

100. In support of the application 6 responses have been received;
 1. Andrew Mankowski

I am writing in support of the planning application for the above proposed development. I have been to see the site and have studied the drawings attached to the application.

The design is an attractive proposal and uses the site in an effective manner providing each flat with a modest but practical amenity. That it is outside the immediate village envelope does not appear to be a significant issue as development has taken place on both sides of this proposed development. The site is well screened and the adjoining developments do not deflect from it.

From a planning point of view the development offers a significant amenity to Uppingham as it will be attractive to first time buyers probably young people who will otherwise be required to look outside the town of Uppingham to secure a property within their means. We have an obligation to support first time buyers within our community and to provide them with suitable accommodation that suits their means.

I hope the Planning Authority will see fit to grant approval to this modest development that has no significant downside and offers an opportunity for the people of Uppingham who fall within that financial bracket to benefit from it.

2. Colin & Maggie Gordon

We understand that an application to build affordable homes on Seaton Road for local young people will be debated this evening (Thursday 4 Feb 2021) at the Town Council and shortly after at the County Council.

As members of Uppingham Rotary Club, we have been briefed on the project, kept up to date with its progress and give it our whole hearted support.

3. Mrs Sally Allen

I support this application for houses to be built on this piece of land on Seaton Road. It seems an excellent way to absorb affordable housing in an area which currently does not serve any other purpose. I fully support creating some housing for those people who would struggle to pay either high rental or high purpose prices in Uppingham due to the desirability of this area. I believe we should make property available for our young people to maintain their links within the county, many who are born and brought up in Rutland and encourage them to be part of the community in such a development.

4. Andrew Robinson

I support this planning application. Uppingham needs more affordable homes and this is an excellent way of achieving this

5. Mr & Mrs John and Susan Handbury

This project should be supported as it offers affordable housing to local young people, helping them to get on the housing ladder and acquire their first home. It is also an essential requirement of any town or county to retain their younger generation for its own future development and prosperity.

6. Howard Thompson

I would just like to add my comments that I think this is an excellent proposal. The young people of Uppingham need affordable housing just like this. It gives them a start in life without having to move to a more affordable area. The idea of saving some of the rent for them to use as a deposit is a clever insensitive. 6 dwellings is a good start but we need more like this. I hope that as the planning authority you will back this project 100%.

101. The following 4 responses have been received raising objection to the application

1. Mrs Rebecca Roper

As a neighbour we wish to highlight points which would be unknown to the applicants. I have read the traffic survey however it does not make reference to the lorries which use the sewage works at all times of night with flashing lights and turning around which are noisy. The surveys have not experienced the odour from the site which is noticeable at times and would be worse if you were immediately adjacent.

Flooding near the site on Seaton Road is now more frequent due to high rainfall events. Although the development plans to ensure adequate drainage this will lead to increased run off from the hardstanding and this is entering the same receptor.

The application has provision of 8 spaces however with 6 households there is likely to be further car parking space required for those which more than one car and taking into account visitors. Where will the visitors park, there is little room on site and the road does not lend itself to parking on the side due to the high verge and poor visibility and being a national speed limit area.

The site is outside the town limits in open countryside and the design of the properties is not in keeping with the rural area and would be more appropriate in the town, therefore it is contrary to Policy CS19 in relation to scale, noise and light pollution as the development will have a big effect on the rural area and as it is not adjoining or within a village or close to other residential properties. Retaining the existing trees around the site will help to aid the impact in the countryside by providing screening. The location of the site also gives the feel that the affordable housing is away from the town and the residents ostracized from the community. Given the large amount of development going on in Uppingham, there should be a focus on affordable housing in these schemes so that they are within the community.

The ecological survey was completed after the majority of the original orchard trees had been felled and so the habitat downgraded before the survey was undertaken. Under the application mitigation for the loss of habitat would be beneficial, perhaps a community orchard could be planted elsewhere in Uppingham.

2. Mrs Patricia Richardson

The application is I feel deficient on various grounds.

There is no provision for a bus to turn around on site. Parking provision is tight and any parking on the Highway would be dangerous near a bend in the road.

There is no provision or consideration of the need for a footpath link to the existing footpath to the west

The site is not well connected to the Town it serves and the residents would not feel part of the community as the site is away from the town boundary and it just feels wrong location affordable housing between a solar farm and the sewerage works

The site should be surveyed for ancient orchard trees as there may be some remaining even after the site was cleared last year

There is an issue with water sitting on the road to the east and more run off from hard standing will exacerbate this problem in wet times unless the drainage is improved.

The location next to the water treatment works must surely cause future problems of complaints of smell, insects, noise, traffic movements etc which could put a vital community asset at risk

There are new developments built or to be built on Old Leicester Road and the provision of affordable housing within these schemes would I have thought met local need for affordable accommodation.

3. Ms Chloe Fowler

After recently being made aware of this development, I feel very strongly against it.

Anyone who is local to Uppingham knows that this road is a flood zone as it is situated at the bottom of a very steep hill. Not only that, but the fact that the proposed development is situated next door to a sewage works with the noise and odour pollution seems a very poor location for any housing estate. I for one have witnessed the smells and noise first hand and can tell you that it isn't pleasant.

Another point that cannot be overlooked is the fact that the access is on a very dangerous bend where cars and bikes are always coming around the corner at great speeds entering Uppingham. This could prove to be fatal especially for children (taking in to account school commutes). Also a very silly place for a bus stop.

The proposed development doesn't sit nowhere near Uppingham town either meaning that the commute would be substantial by foot.

I would urge that the RCC take a professional and sensible view to reject this proposal and think strongly about the safety of the community.

The proposed development doesn't sit within Uppingham town either meaning that the commute would be substantial by foot.

Even though the land is owned by a local town councillor who has many friends within the industry, i would urge that the RCC take a professional and sensible view to reject this proposal.

4. Miss Charlene Pallett

I believe the proposed development is the wrong location for affordable housing due to the location being situated next to sewage works (often a strong odour) and being erected on a dangerous blind bend on a popular road which is also subject to regular flooding and used regularly by cyclists, motorcyclists, horse riders and farm vehicles.

The access point to the development is at a position on the road I believe to be unsafe for more vehicles and an unsafe point where there is no footpath to link the housing with the town - meaning the housing and residents would not be part of the town itself and the community.

I feel the location would isolate the residents who are forced to exercise from their home unsafely via the road with no footpath and when using a vehicle to enter/exit via a dangerous blind bend on the road which is extremely dark in the evenings as well, adding to the risk of safety.

I feel this particular location does not require a development of this scale and is not in keeping with the surroundings by being located outside the town, between a solar farm and sewage works and the chosen location is not suitable for affordable housing.

Planning Assessment

102. The main issues relate to the Local Plan Policy, Ecology, Trees, Residential Amenity, and long term impact on the viability of the sewerage Treatment Works

Planning Policy

103. This is a proposal for an exception site for affordable housing given it is outside the planned limits of development for Uppingham. Development in the open countryside may be acceptable if it is to meet affordable housing needs, providing the proposal is in accordance with the National Planning Policy Framework (NPPF) and the Council's Core Strategy affordable housing Policy CS11.
104. Rural exception sites are defined in the NPPF as: "Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection."
105. Paragraph 77 of the NPPF on Rural housing – states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this. The NPPF goes on to state:

106. "78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
107. 79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."
108. Core Strategy Policy CS11 reinforces national policy and considers that small sites may be permitted within or adjoining villages outside the Planned Limits of Development (PLD) where the Council is satisfied in the light of evidence that there is a need for affordable housing which would otherwise not be met.
109. It is considered for this site (even if the need for affordable housing is justified) that it must be suitable and needs to meet all of the criteria set out in Policy CS11. Due to the proximity of the site the proposed development cannot be considered to be within or adjoin the PLD for Uppingham and as such, the development would therefore be contrary to the requirements of Policy CS11.
110. Notwithstanding this, any development of this site will also need to be in accordance with policies of the Local Plan in relation to amenity, design and highways:
- Core Strategy CS19 – Promoting good design
 - Site Allocations & Policies SP9 – Affordable housing, in particular proviso c) whereby the affordable housing should be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type...
 - SAP Policy SP15 – Design and amenity
 - SAP Policy SP23 – Landscape Character in the countryside

111. The Uppingham Neighbourhood Plan (2016) is part of the development plan and the main policy consideration is Policy 8 – Design and Access. This policy requires developers to demonstrate in a design and access statement how their proposed development reinforces Uppingham’s character and heritage. It must also address a number of criteria which includes the context and character of the site, the connection with the countryside, development density and build quality, car parking, landscaping and access to open and green space.
112. Overall, it is considered the site does not meet the requirements for an exception site because it doesn’t adjoin the PLD, as such, the proposal would introduce residential development where there is currently none in the open countryside. Due to topography of the site although attempts have been made to tier the site and the development would be prominent and is considered to have an adverse impact of the character and appearance of the ‘open countryside.’
113. There are other concerns regarding the site which also make it unsuitable for housing due to its off-site constraints from the proximity of the solar farm, the sewage works and the distance from town, as well as the on-site constraints of the site from the topography and amenity, to the shape and size of the site, which may impact on deliverability and viability of a proposal.
114. In addition, Policy 8 of the Uppingham Neighbourhood Plan states: ‘Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Uppingham’s character and heritage’ and lists a number of criteria that need to be met which includes the context and character of the site, the connection with the countryside, development density and build quality, car parking, landscaping and access to open and green space.
115. The Response from Planning Policy is comprehensive stating that the ‘principle of development in this location is contrary to National and the Council’s adopted Local Plan Policy. The site is in an unsustainable location with poor access, in particular by walking to access the services and facilities in Uppingham and would lead to a reliance on motor vehicles for transport. The proposal doesn’t meet the requirements for an exception site as set out in Policy CS11 or the requirements set out in either of paragraphs 71 and 79 of the NPPF. Whilst the Council accepts there is a ‘need’ for affordable housing generally in Uppingham, this particular site is not suitable and it likely other affordable housing will come forward as part of housing allocations in the revised Uppingham Neighbourhood Plan

Ecology

116. When protected species could be impacted all relevant surveys are required. As stated in the original response on 4 February 2021 from the Senior Planning Ecologist further surveys were requested. None of the requested surveys have been submitted. The Office Deputy Prime Minister Regulations (ODPM) require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System). To date the additional information requested has not been provided. Notwithstanding any other material planning issues related to the proposed development the application is

contrary to this advice and it is recommend that this application is refused, on the grounds of inadequate information about protected species

Trees

117. With the documents supporting the application it is stated that a number of trees will be retained but it also shows that a number will need to be removed to accommodate the development notwithstanding whether the trees are to be retained or felled it is considered a survey is required to determine the extent of the tree roots and spread of canopies of the trees that can be kept, protected and retained during the course of any development and thereafter if the development is approved by the Local Planning Authority.
118. For example within the Preliminary Ecological Appraisal report from the Sustainable Land Trust, which encourages a more conserving effort from RCC in terms of the apple trees. The Sustainable Land Trust have stated the following:
119. "Towards the rear of the site (northern area) there were some small apple trees that were potential remnants from the original orchard, however these were small (2-3m in height) and rather leggy. Whilst the variety could not be confirmed, they were characteristic of the Pitmason Pine Apple variety – a small English 18th century apple that has a distinctive pineapple-type flavour (Orange Pippin Fruit Trees, 2020). There are examples of these trees in the adjoining shelterbelt, and in Hedgerow (North West boundary). These individual trees have been left intact, however if further site clearance occurs and these examples are lost, the impact would be locally highly significant."
120. Given the applicant wish to retain some trees along the southern, eastern and northern boundaries of the site notwithstanding the applicants agent response or the Forestry Officer comments the view is taken that a survey is required to record the trees onsite in terms of their species, size, and value to comply with BS 5837:2012 and to understand fully if any trees could be retained as stated by the applicant.

Residential Amenity

121. The consultation responses received from Anglian Water Services Limited and Environmental Protection raise significant material planning issues in relation to the impact from the adjoining sewage treatment works located adjacent the eastern boundary of the application site and the likely impact this would have on the residential amenities in relation to odour, noise and light pollution for the future occupiers of the proposed properties should the Local Planning Authority approve the current proposal.
122. As stated in the response from Environmental Protection, the applicant has failed to provide a proper odour assessment which would involve information from the site's operator. A full odour assessment and the production of odour contours for the site would normally be required. However, the modelling from Anglian Water has demonstrated the development would cause significant adverse odour problems. Environmental protection fully agree with Anglian Water's assessment and reasoning.

123. As a result the development is likely to subject future residents to episodes of foul odour from the adjoining sewage works. The foul odour from sewage is made from many organic compounds. The odour intensity at the site is likely to alter for many reasons many outside the operator's control.
124. The hedonic tone of these compounds (which measures the degree of pleasure and displeasure) is strongly negative as they are associated with faecal matter.
125. If the development was built, it is expect complaints from the residents and it would be likely a statutory nuisance would exist (given the results of the modelling conducted by Anglian Water) that would force the Council to take legal action to abate it. The odour intensity and hedonic tone of effluent flows from the town will vary according to many factors. The development will be adjacent to where the raw sewage intake feeds into the treatment works and so the control of those odours is impossible to control. Residential development is normally avoided near such sites on malodour. In Oakham a cordon sanitaire around the town's sewage works was drawn to prevent residential development being too close to the sewage works. Although there have been improvements in sewage treatment technology episodes of malodour do frequently occur for a variety of reasons, which cannot be easily eliminated.
126. As the regulator for Statutory Nuisance Provisions of the Environmental Protection Act 1990, the Council as stated by Environmental Protection would only be able to enforce the sewage treatment plant operates at reasonable best practical level. It may also mean the treatment works could not accept any increase in effluent from new development placing severe restrictions on the site's capacity and development of the Town. The sewage works is key infrastructure for public health and pollution control. Even at these restricted levels, it would be expected there to be strongly odorous episodes. In practice it is difficult to control or regulate effluent flows and would mean a very poor standard (Dickensian) level of amenity for the residents. To compound this the development is in a valley where under certain atmospheric circumstances the dispersal is extremely low and odour levels can build up.
127. In addition to our principal reason for objecting to the application by Environmental Protection, it is stated that the applicant has failed to provide the correct assessment in the following areas:
128. Noise: The applicant should provide a noise assessment in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The assessment should also look at any alarms and late night activities as the sewage site.
- Phased Investigation of Land Affected by Contamination
 - A lighting assessment in accordance with the Institute of Lighting Engineers Guidance Note 1 for the reduction of obtrusive light 2020. The development should be in the E2 zone.
 - Given the close proximity of the sewage works an assessment of insect nuisance from chironomids should be undertaken. These can breed in filter beds and appear in huge swarms close to sewage works. This has the potential to cause a statutory nuisance.

129. Based on the information provided and the proximity of the sewage treatment works as identified by both Anglian Water and Environmental a decision to grant planning permission for the proposed development could have a significant impact on the operation of the existing sewage works both now and in the future.

Design and layout

130. The proposed built form occupies most of the site and does not leave any significant meaningful space for residential gardens or usable shared space and/or landscaping to mitigate the visual impact of the development on the surrounding area.
131. It is also considered that a proposed 3m high acoustic fence along the eastern boundary and 1.8m high timber fence along the western and southern boundary will be a visually dominant feature which would appear out of character with the rural location.
132. Due to the topography of the site which rise significantly from the road the outlook from the properties would be adversely impacted by the adjacent solar farm and sewage treatment works.

Footpath connection

133. The width of the proposed footpath to link the application site to the one at Hornbeam Lane is not considered acceptable for the reasons identified by RCC Highways and Transport Strategy

Crime and Disorder

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

Human Rights Implications

135. 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.
136. It is considered that no relevant Article of that act will be breached.

Conclusion

137. The principle of development in this location is contrary to National and the Council's adopted Local Plan Policy. The site is in an unsustainable location with poor access, in particular by walking to access the services and facilities in Uppingham and would lead to a reliance on motor vehicles for transport. The proposal doesn't meet the requirements for an exception site as set out in Policy CS11 or the requirements set

out in either of paragraphs 71 and 79 of the NPPF and Policy SP9, Affordable housing, in particular proviso c) whereby the affordable housing should be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type.

138. Therefore it is considered that the proposed development would be contrary to NPPF chapters Chapter 2 - Achieving sustainable development, Chapter 5 - Delivering a sufficient supply of homes, Chapter 11 - Making effective use of land, Policies CS02 - The Spatial Strategy, CS03 - The Settlement Hierarchy, CS04 - The Location of Development, CS11 - Affordable Housing CS18 - Sustainable Transport & Accessibility of the adopted Core Strategy DPD, Policies SP1 - Presumption in Favour of Sustainable Development, SP9 - Affordable Housing SP23 - Landscape Character in the Countryside of the Site Allocations DPD and Policy 8 - Design and Access of the Uppingham Neighbourhood Plan
139. The consultation reposes from Anglian Water and Environmental Protection identify the potential for significant impact on the residential amenities of the future occupiers of the proposed development. Due to the lack of any further information/surveys from the applicant's agent to address the issues identified, there appears to be no practicable mitigation available at this time that can be applied to the sources of odour and noise. The proximity of the proposed receptors would seem expose any future resident to several different sources of odour, noise and other disturbance. Each of these sources having varying operating scenarios that pose the exposure risk. Consequently, the information submitted by the applicant does not address these adequately and there is no mitigating solution or combination of actions that would provide confidence of reducing the risk to the amenity of the proposed development. Therefore the proposed development would be contrary to NPPF, Chapter 8 - Promoting healthy and safe communities, Chapter 12 - Achieving well-designed places policy CS19 - Promoting Good Design of the adopted Core Strategy DPD and policy SP15 - Design and Amenity of the Site Allocations DPD
140. In relation to design and layout it is considered that the proposed development, located in the open countryside would not contribute positively to local distinctiveness and sense of place in terms of the scale, height, density, layout and appearance. The development would therefore be contrary to NPPF Chapter 12 - Achieving well-designed places policy CS19 - Promoting Good Design of the adopted Core Strategy DPD and policy SP15 - Design and Amenity. SP23 - Landscape Character in the Countryside and Amenity of the Site Allocations DPD.
141. No additional ecology surveys have been submitted during the determination period of the current application. The proposed application site surrounded, by habitats suitable of occupation by protected species and could be destroyed and/or disturbed by the proposed works. Notwithstanding that it might be possible to mitigate the impact on any protected species should they be found, without the requisite surveys, the development would not comply with advice stated in Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System), NPPF 15 and planning policies CS21 of the adopted Core Strategy (2011), and SP19 of the Site Allocations and Development Plan Document (2014).

142. It is recommended that the application is refused for the above reasons.