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Ordnance Survey [100018056]



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP



Application:	<b>2021/0794/MAF</b>	<b>ITEM 3</b>	
Proposal:	<b>Erection of 84 dwellings, including public open space, landscaping, a pump station and associated infrastructure</b>		
Address:	<b>Land Off Uppingham Road, Oakham</b>		
Applicant:	<b>Davidsons Development Ltd</b>	Parish	<b>Oakham</b>
Agent:	<b>Pegasus Group</b>	Ward	<b>Oakham South</b>
Reason for presenting to Committee:	<b>Major application with policy considerations</b>		
Date of Committee:	<b>15 February 2022</b>		
Determination Date:	<b>17 Sept 2021</b>		
Agreed Extension of Time Date:	<b>28 February 2022</b>		

## EXECUTIVE SUMMARY

**This site was allocated for development in the withdrawn Replacement Local Plan.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

## RECOMMENDATION

**APPROVAL**, subject to the completion of a S106 Agreement to deliver affordable housing and the provision and maintenance of open space, and the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers n1251 001 B, n1251 008 I, n1251 009 B, n1251 400 B, n1251 600 B, n1251 700 C, GL1112 14B, GL1112 15B, GL1112 16B, ADC1841-DR-001 P4, ADC1841/DR/050 P4, The Travel Plan ADC Ref ADC1841-RP-F, House Packs 1-3, Garage Pack.(All subject to confirmation)  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in accordance with Policy SP15.
4. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to

be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.  
Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

5. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system, based on Plan ADC1841/DR/050 P4 and the drainage details submitted with this application. The submitted details shall:
- include a timetable for its implementation; and
  - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

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

7. The development shall be carried out in accordance with the Extended Phase 1 Habitat Survey (CBE Consulting) (v3, 8 June 2021) and before the occupation of the final dwelling on site, a total of 15 integrated bat bricks shall be incorporated into the development in accordance with details that shall have been submitted for the approval of the local planning authority.

Reason: To ensure that any protected species near to the site are dealt with appropriately.

8. The development shall be carried out using glazing in accordance with the recommendations contained in the noise assessment Document reference: Uppingham Road, Oakham-1010435-05-AM-20180601-Environmental Noise-Rev 4). No dwelling shall be occupied until the noise insulation has been validated and agreed in writing by the local planning authority.

Reason: In the interests of the amenities of future residents.

9. No development shall commence on any foundations until gas monitoring in accordance with Para's 6.3 and 7.3 of the Phase 1 Desk Study by RLE, May 2018, has been carried out and the results submitted for approval by the local planning authority.

Reason: To ensure that dwellings are built to a safe standard in the event that any landfill gas is discovered.

Informatives:

- Need for European Protected Species Licence
- CIL note

## Site & Surroundings

1. The site is located on the west side of Uppingham Road, immediately south of the Spinney Hill development. It is bounded to the road frontage and the southern boundary by a field hedge. The boundary with Spinney Hill is a hedge with occasional trees, beyond which is an area of open space that is now 're-wilding' and has no public access.
2. To the west is the railway line, having a similar at level relationship with this site as it does with Spinney Hill. The site is relatively flat and fall gently to the south east.
3. The boundary to Oakham Conservation Area runs along Uppingham Road to the north east corner of this site then turns across the fields to the east of the road. The site is outside the Conservation Area.
4. A water main runs along the eastern and northern edges of the site making a natural green corridor around the periphery.



Photo of the site from the south east on Uppingham Road

## Proposal

5. The proposal is a full detailed application for the erection of 84 dwellings, including 30% affordable units, open space and new access.
6. The scheme would provide the following dwelling types:

<b>Beds</b>	<b>Number</b>	<b>Affordables</b>
1	8	8
2	16	8
3	38	9
4	18	0
5	4	0
<b>Total</b>	<b>84</b>	<b>25</b>

7. The layout has recently been revised following discussions with representatives of the Spinney Hill residents and in response to consultations. The amendments that have taken place are as follows:
  - The footpath has been moved away from the root protection area of the tree along the northern boundary. Furthermore, it is confirmed that a “no dig” construction process will be used in the construction of the footpath.
  - Knee rail fencing has been included along the swales along the eastern and western boundary;
  - More detail is provided for the timber bridges over the swales.
  - Trees have been included in the verge on the primary street on both sides;
  - The highway has been softened around The Green with the use of block paving
  - Dwellings with chimneys have been focused around the arrival green space, Uppingham Road frontage and ‘The Green’.
  - Hedgerow boundary treatment has been applied to the secondary street (please see boundary treatments plan).
  - The Gardens associated with plots 46 and 47 have been improved
  - The materials plans and house types pack have been amended to include stone finishes and rendered plots across the site.
  - Detailed landscaping is provided which gives more detail of the specific landscaping as well as the proposed SUD’s basin to the south of the site.
  - The Site location plan has been slightly amended to allow for the surface water drainage connection to the south of the site.
  - A flood risk Addendum is submitted in response to the consultation comments made by the LLFA.
  - An updated Noise Survey is submitted to take account of any potential change in train movements on the adjacent railway line since the original report was produced.
8. The site is laid out such that the open space is located at the south east side, i.e. the immediate edge to the entry to the town.
9. The site was allocated for development in the now withdrawn replacement Local Plan.
10. The latest layout plan is in the Appendix.

## Relevant Planning History

None

## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2021**

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 11 – Making efficient use of land  
Chapter 12 – Achieving well designed places

### **Site Allocations and Policies DPD (2014)**

SP5 - Built Development in the Towns and Villages  
SP6 - Housing in the Countryside  
SP9 - Affordable Housing  
SP15 - Design and Amenity  
SP20 - The Historic Environment  
SP23 - Landscape Character in the Countryside

### **Core Strategy DPD (2011)**

CS04 - The Location of Development  
CS03 - The Settlement Hierarchy  
CS08 - Developer Contributions  
CS10 - Housing Density & Mix  
CS11 - Affordable Housing  
CS19 - Promoting Good Design  
CS22 - The Historic and Cultural Environment

### **Neighbourhood Plan**

The Oakham and Barleythorpe Neighbourhood Plan had its area designated in April 2016. Formal Examination of the Plan began in May 2021 but no final Examiners report has been received due to the withdrawal of the replacement Rutland Local Plan and the publication of a revised NPPF in July 2021. A consultation on recommended modifications ran until 7 January 2022.

### **Officer Evaluation**

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

#### Principle of the use

12. The site is outside the PLD for Oakham in the current Development plan. Members will be aware that it was allocated for development in the now withdrawn Local Plan Review (LPR). The site has thereby been assessed as being suitable for development and is deliverable.
13. In view of the withdrawal of the LPR, the Council can no longer demonstrate a 5 year Housing Land Supply as required by the NPPF. On this basis Para 11(d) of the NPPF is activated and the housing locational policies of the current development plan are to be considered out of date. This means that the Para 11(d) carries significant weight in the determination of this application.

14. There is therefore a presumption in favour of sustainable development. Oakham is the most sustainable settlement in the County so is a main focus for new development. The scheme also meets the 3 test of sustainability, i.e., economic, social and environmental as set out in NPPF para 8.
15. The adjacent Spinney Hill development was allowed on appeal in 2011 as the Council could not demonstrate a 5YHLS at that time, even though it was argued at the appeal that we did, as it showed around 5+ years. The Council and existing residents at that time both produced advocacy from Counsel but the Inspector accepted the appellants argument that not all sites were deliverable and the appeal was allowed. A similar situation exists on this site now due to the withdrawal of the Local Plan.
16. This site was the subject of a full assessment as to its suitability for housing for the now withdrawn Local Plan. It was considered suitable and was approved for submission to examination. It is in a sustainable location on the edge of the County's most sustainable town. It is therefore suitable for development to help make up the 5HYLS that is currently under provided.

#### Design/Layout

17. The layout follows the advice in the Rutland Design Guide in that it provides clusters of outward facing dwellings such that no rear boundaries face onto a road. The road hierarchy is appropriate with smaller lanes and shared surfaces bearing off the main access road.
18. The revised layout include street trees as required by the NPPF.
19. It identifies landmark plots and ensures that all corner dwellings have appropriate features on both front and side elevation, i.e. they 'turn the corner'.
20. The house types are standard to the developer but with the use of appropriate materials they are not unacceptable per-se.
21. The scheme provides a generous amount of open space which, as stated elsewhere, provides a softening edge to the town that Spinney Hill does not achieve with its dwellings so close to the boundary.
22. With the design this layout proposes, the impact of housing on the west side will be softened from the current situation where housing on Spinney Hill turns its back on the countryside and is relatively close to the boundary, which, on the basis of current thinking on urban design would not have been appropriate today.
23. The submission includes a very detailed landscaping scheme for full approval.
24. The location of the play area was considered in accordance with the comments of the Town Council but with the open space being necessary on the southern edge, its relocation would have pushed housing further south on the site. The area is well overlooked by dwellings facing onto the open space.

#### Impact of the use on the character of the area

25. The advice from a landscape consultant employed by the Council for the Spinney Hill appeal was that refusal on the grounds of landscape impact would not be successful. In allowing the appeal the Inspector agreed with that view.



26. This site, at a local level forms part of the low-lying Vale of Catmose landscape character type that sweeps from the County boundary to the north-west across Oakham to the western shoreline of Rutland Water. More specifically the site forms part of the Egleton Plain sub-area that is defined by an area of low-lying intensively managed predominantly arable farmland that is crossed by the service infrastructure including a railway, the eastern bypass to Oakham (Burley Park Way) and overhead powerlines. The site is not subject to any specific landscape designations.
27. A landscape study for the Council carried out in 2021 assessed that the site had medium landscape sensitivity and medium capacity to accommodate development.
28. A comprehensive Landscape Visual Impact Assessment has been provided with the application, prepared in accordance with the guidelines from the Landscape Institute. This concludes that the landscape and visual effects arising from this proposal are not considered to be unexpected, or uncommon for the scale and nature of this proposal. The main impacts are localised and the scheme adopts effective mitigation measures capable of successfully assimilating the scheme within its local context of settlement and surrounding farmland. They also secured a high level (38% of site area) of green/blue infrastructure that has demonstrated is capable of securing an overall net gain in biodiversity.
29. The location of open space to the south of the site means that the impact of the development on the edge of the town would be softer than the current edge on Spinney Hill where dwellings are closer to the field boundary. There are no grounds for refusal on landscape impact grounds.

#### Impact on the neighbouring properties

30. The neighbouring properties are located on the southern edge of Spinney Hill development. They are set back from the northern boundary of this site by varying distances. There is also a landscape strip between those gardens and the northern boundary.
31. The new development would be set well in from the northern boundary such that typical front to rear distances with Spinney Hill properties would be from 27m to 44m. The newly adopted Design Guide states a minimum of 21m is required. No.2 Spinney Hill is sideways on to the site and the nearest front elevation on site (Plot 28), is 21m from the side of No.2, the Design Guide requires 14m.
32. The occupier of No.2 is concerned about loss of privacy from the proposed footpath. This would be 4m from the site boundary and 9m from the southern (side) boundary to No.2.
33. There is also an area of open space and an established hedgerow around the northern boundary of the site which, together with the distances set out, means that the amenities of the Spinney Hill dwellings are protected in accordance with the policy, SP15 and the Design Guide.
34. Members are aware that no-one has a right to a view and whilst the development of the site would be disappointing for those on the southern edge of Spinney Hill, this is not a reason for refusal.
35. There may be some short term disturbance from construction phase but members are also aware this is not a reason for refusal.

#### Heritage

36. The site is close to the Oakham Conservation Area boundary which lies primarily on the east side of Uppingham, Road, mainly opposite the Spinney Hill development. In allowing the Spinney Hill appeal, the Inspector (nor the Council in the reasons for refusal it put

forward) made any reference to that development having an impact on the character and appearance of the Conservation Area. The character of the land on this west side of Uppingham Road is different from that within the Conservation Area on the east side. On this west side the character is more of a plain agricultural flavour, which is reflected on the east side opposite this site. Within the Conservation Area the land takes on a more parkland character, enhanced by dense tree cover.

37. It could be argued therefore that the Spinney Hill development had a similar or even more of an impact on the character of the conservation area, but nevertheless was not an issue identified by the Inspector.
38. The development would not therefore detract from the character and appearance of the conservation area. The public benefit of the development in providing much needed housing would outweigh any perceived less than substantial harm in any event.

#### Highway issues

39. The site would have a new vehicular access from Uppingham Road. This is in accordance with the geometry required by the highway authority. The internal layout is also acceptable and the scheme provides adequate off street parking for the scheme to comply with policy.
40. Some technical highway issues do remain to be clarified and an update will be made in the Addendum.

#### Ecology

41. The field is regularly cultivated and cropped and is highly fertile and productive. It contains little diversity as a result. The boundary hedgerows are not of high species diversity but are of some local value providing screening and linear routes for wildlife, particularly along the western and southern boundaries of the site. The proposed development provides a significant landscape area along the southern boundary of the site which will provide stand-off from the ponds and allow space for suitable habitat to be created to enhance this boundary area.
42. There is no physical evidence or field signs of protected species within the area where residential development is being proposed there is potential for protected species to be present along the boundary areas which will require mitigation, including the need for a European Protected Species Licence being obtained from Natural England.
43. The boundary hedges and trees are to be retained a detailed landscaping scheme using native species will mean that there will be an increase in bio-diversity over current conditions. The requirements of the Environment Act for a 10% gain has not yet been activate by secondary legislation.

#### Drainage

44. The site would be connected to the existing foul sewer in Uppingham Road by a pumping station adjacent to the surface balancing pond.
45. Surface water would be to a balancing area via a system of pipes and swales and thereafter at a controlled rate into a surface water sewer. The surface water details are required by Conditions.

#### Noise

46. Noise from construction can be a short term problem but the recommended Construction Management condition can deal with this.

47. Noise from the railway is dealt with by condition on the recommendation of Public Protection.

#### Overhead Lines

48. There is an overhead line crossing the site feeding into Spinney Hill. This will be diverted underground along the western boundary of the site in an existing agreement with Western Power.

#### Other Issues

#### Infrastructure

49. As members will be aware, the Community Infrastructure Levy (CIL) that is paid for each market dwelling on site goes towards local infrastructure (schools, doctors etc.) so there is no need to seek additional payment for such provision in an individual planning application.

#### Brownfield Land

50. Many residents stated there is adequate brownfield land in Rutland to cater for its housing needs. Many refer to St Georges Barracks or Woolfox, which members have rejected for development.
51. Thus, the current Brownfield Land Register contains just 5 sites, 2 of which already have planning permission for development (The Crescent in Ketton and Holme Close in Tinwell – total 49 dwellings). The other 3 are:

Land east of Seaton Rd Glaston  
Part of the White Horse Inn Morcott, and  
Pinfold Close North Luffenham.

52. These 3 sites are estimated to have the potential for between 17 and 25 dwellings. This is clearly insufficient to cater for the County's housing needs in the medium term. None of the 3 sites are in public ownership so there is no compulsion for them to come forward for development in any event.
53. There are no other brownfield sites available to cater for the County's 5YHLS.

#### Soil Quality

54. Suggestions have been made by objectors that the soil on the site is classified as Grade 1 Agricultural land and thereby contrary to Government advice on the development of such land. This was shown on a more strategic map but on-site investigations have shown that the majority is in fact Grade 3a land with a small pocket of Grade 2.
55. The regional classification is used as the starting point for our strategic assessments, although in some cases there will be evidence of more detailed and site specific assessments of soil quality.
56. The regional agricultural land classification website contains a statement to the effect that: "This map forms part of a series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading".
57. In this particular case, the Council has been presented with additional substantive evidence on the soil analysis for this individual site. This evidence is specific to this

location and more detailed than the evidence available from the regional agricultural land classification.

58. This evidence is therefore more robust to use in the assessment of this site than had been possible in preparing the Local Plan.

#### Section 106 Heads of Terms

- Delivery of 30% Affordable Housing on site as agreed with the applicant
- Delivery and maintenance of public open space and play equipment on site

#### Crime and Disorder

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

#### Human Rights Implications

60. 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.

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

## **Consultations**

### **62. Public Protection**

On Original submission

With respect to noise the following recommendations should be applied. In accordance with the results of the noise survey and the requirements of BS8233 it is recommended that all bedrooms should be fitted with windows with a minimum manufacturer's rating of Rw 33dB. The sound reductions should be achieved by the window unit as a whole including frames and furniture.

All habitable rooms overlooking the railway lines to the west and Uppingham Road to the east should be provided with alternative means of ventilation in accordance with Building Regulations requirements. All such vents should, when open, have an acoustic rating equivalent to that of the window system.

It is recommended that the garden boundary to plots which overlook either the railway or road be provided with solid barrier fencing of minimum height 2m above railway/road level. Based upon the layout in Appendix 1, this would apply to plots 1, 45 and 50. Any such fence should be continuous to ground level without any significant gaps and should have a minimum mass of 10kg/m<sup>2</sup>. In practice, these requirements can be achieved with close-boarded panels and gravel boards.

The results indicated that measured vibrations over the monitoring period were sufficiently low in order that no vibration mitigation measures are deemed necessary for this development.

We accept the phased land assessment and ask the recommendations for further targeted gas monitoring and sampling be taken in full.

On revised plans and Noise Assessment:

The recommendations contained in the noise assessment Document reference: Uppingham Road, Oakham-1010435-05-AM-20180601-Environmental Noise-Rev 4.docx) must be fully implemented as stated and validated once completed.

63. **Highways**

Technical issues are being dealt with but likely no objections subject to conditions

**Lead Local Flood Authority**

No objection subject to conditions

64. **Environment Agency**

The Environment Agency does not wish to make any comments on this application.

65. **Anglian Water**

**Assets Affected**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**Wastewater Treatment**

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

**Used Water Network**

This response has been based on the following submitted documents: FRA and drainage Strategy 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. (+Informatives)

**Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

66. **Oakham Town Council**

Recommend Approval but would like to note that the children's play area is moved on the site

67. **Ecology**

My previous comments of 27th July 2021 still stand. I would like to add that the proposed landscaping is acceptable.

Previous comments:

The Extended Phase 1 Habitat Survey (June 2021) was carried out March 2020 and updates the previous survey carried out in 2017. The recommendations in the report should be followed and made a condition of any planning permission granted.

The Great Crested Newt Survey report (CBE, May 2017) identified a small population of Great crested newts in a pond on adjacent land to the south of the site. The revised

Extended Phase 1 Habitat Survey report confirms that 'a European Protected Species License is required to define the mitigation measures to protect the ponds and Great Crested Newts to the south of the field. This mitigation is likely to take the form of exclusion fencing, trapping and removal within the field area, and the creation of new habitat within any proposed development' and 'A GCN mitigation strategy and method statement will need to be prepared by the Licensed Person applying for an EPSL.

This is likely to include erecting of exclusion fencing around the ponds when the GCN are known to be in the water body breeding and ensuring that the hedge on the southern perimeter of the field boundary are also outside of the construction area and any links to the pond are maintained'.

To achieve biodiversity net gain on the site trees and hedgerows should be retained and hedgerows enhanced by 'gapping up' with locally native hedgerow plant species. The swale and SuDS features should be planted and managed with biodiversity in mind. Any new planting should be of locally native species which benefit wildlife. Boundary planting of locally native species should be provided on the western boundary of the site to enhance this wildlife corridor. The above should be provided on a landscape plan.

The adjacent countryside provides suitable bat foraging habitat, I recommend as a condition of any planning permission granted, that a total of 15 integrated bat bricks are installed across the site on the new dwellings.

#### **68. Archaeology**

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).

#### **69. Housing Strategy**

The latest revised layout is acceptable subject to a S106 to ensure delivery of affordable housing.

#### **70. Leics Police Architectural Liaison Officer**

I have now visited, and have reviewed the proposed development. There is a single proposed vehicle access point at Uppingham Road to the west side of the development. The internal road travels throughout the site providing access to all dwellings. There are also pedestrian walkways providing access to open space in the south east.

Internal roads allow access to all dwellings within the development. This Parcel is part of a much larger development so permeability is not a significant problem as long as the main entry points are covered by appropriate lighting and CCTV coverage is considered.

Access for Emergency Services is appropriate due to the size and scale of the site. There is water attenuation to the west and south of the site and around the perimeter.

Parking is in curtilage in general to each dwelling and consideration of gable end windows should be taken to allow as much natural observation by residents as possible.

Lighting throughout the site including the key vehicle entry point and other key areas should be to BS5489. A Section 38 Agreement is requested to install an electrical spur to the nearest lampposts would allow immediate installation. All pedestrian or cycle walkways should be illuminated likewise.

Consideration of the use of CCTV coverage of the key vehicle entry point is recommended to include Automatic Number Plate Recognition capability. This would add an element of general security to the development providing improved security. Due to the size and scale of dwellings proposed I recommend consideration of CCTV at the single vehicle entry point as part of construction. General Data protection Act signage would need to be displayed in the event to installation.

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

## 71. **General Recommendations**

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision.

Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.

All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems.

Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

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

## 72. **Public Rights of Way Officer**

No direct effect on the public rights of way network anticipated. Potential for increased traffic on footpath linking Oakham with Egleton, but previous attempts to upgrade / improve this path were rejected by a councilors due to an objection from Egleton PC.

Please ensure questions of ownership and maintenance liability for all proposed areas of green space and landscaping, particularly where they're adjacent to the highway, are resolved at the earliest opportunity. If the developers retain responsibility for maintenance this can be very difficult to enforce after a few years have passed.

## 73. **Network Rail**

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

### Works in Proximity to the Operational Railway Environment

#### Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

#### Condition

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

### Boundary Treatments, Landscaping and Lighting

#### Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

#### Condition

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.



## Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

### Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

### Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

### Condition

Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.

### Lighting

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

### Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

## Additional Requirements

### Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

### Reason for above conditions:

The safety, operational needs and integrity of the railway.

### Informatives:

Please see attached standard railway requirements to be included as informatives.

## Neighbour Representations

74. From Ward Member (Cllr Ian Razzell)

Having spoken with a good number of Oakham South residents over the past 18 months regarding their concerns over the development of greenfield sites as opposed to brownfield, I write in support of their concerns on application 2021/0794/MAF.

With my support to the emerging local plan on record however, opposing this application may seem at odds with the former but it is worth noting that the local plan had significantly more component parts than those relevant to Oakham South and as a County Councillor I considered my ward and the County across many of those areas.

Returning then to my opposition to this application, I must support the very real concerns of residents around infrastructure and (in particular) their worries around local healthcare. We simply must drive forward the improvements to primary care access and place based secondary care facilities that the current population needs BEFORE we consider putting yet more pressure on a health system that is already full.

In addition, I agree that we are in danger of losing the historic nature of our Market Town with the continued push of housing, right up to the boundaries of the current ring road. Retaining the green entry to Oakham is essential if we are to continue to reflect our historic Agricultural roots and the economy and community that makes Oakham South what it is.

In summary, many of the concerns I have listened too in Oakham South Ward are based on having access to affordable housing and having the facilities in place to support the growing population. In the past two years, residents have seen two greenfield sites approved for mixed and affordable housing but the burning issue now remains that of infrastructure. On that basis and with resident views that health facilities are not meeting their needs, I simply must support local opinion and oppose this application.

There have been 48 letters of objection from the adjacent Spinney Hill development and elsewhere in town.

- Spoil the view from the Rutland Round
- Impact on approach into Oakham
- Not in Oakham & Barleythorpe Neighbourhood Plan
- Preference should be given to brownfield land
- Brownfield sites in Rutland have been turned down despite significant funding and these should take precedence rather than destroying virgin land
- Contrary to the development Plan
- Contributions should be made to local infrastructure
- Rail noise has increased
- Does not preserve outlook from Spinney Hill as the withdrawn Local Plan required
- Impact on improving bio-diversity on Spinney Hill site
- Light pollution from cars to rear of Spinney Hill properties
- Designs are not in keeping with Oakham
- Loss of privacy from the new footpath along the northern boundary
- Can a roundabout be provided at junction of Uppingham Road with bypass?
- Noise and pollution from vehicles near the boundary
- Light pollution
- Consultation by developer is out of date
- Braunston Road permission now meets the 5 yr supply so no need for this
- Incongruous and intrusive finger of development into the former surrounding open countryside

- In agreeing a statement of common ground with the developer (for the local plan) the Council has prejudiced itself in making a decision on this application
- Dwellings should be to 'eco' standard as Spinney Hill was
- Local Plan only allocated 73 homes on this site
- Plots should not be occupied unless tested for sound attenuation compliance
- Noise Assessment is inaccurate
- No energy efficiency details
- Adds to global warming
- Will set a precedent for further large sites
- Will destroy an icon of the town
- Revisions are trivial
- Cycle path link to bypass required
- Green areas should be left to be enjoyed by Oakham residents

The detailed submissions from objectors can be read on the web site.

A letter of support has been received.

The main point made is there is no doubt we have shortage of properties in Oakham. All other issues and reasons of objection by others should be addressed with RCC. As regardless of all, more properties are needed.

## **Conclusion**

75. This site was allocated for development in the withdrawn Replacement Local Plan. It has been assessed as being suitable and deliverable and is in a sustainable location. Whilst there is a strong resistance to this development from local residents, as there was to the Spinney Hill scheme before it, the layout and design is acceptable, there are no adverse impacts on any interests of importance and there are no technical reasons for refusing planning permission. Due to the shortage of a 5 year housing land supply following withdrawal of the Local Plan Review, Para 11(d) of the NPPF is engaged and planning permission should be granted.

Key:  
Application Boundary

# APPENDIX 1



Project:  
Uppingham Road, Oakham

Drawing Title:  
Presentation Layout

Project Code	Drawing Nr	Rev	Drawing Scale
n1251	009	B	1:500 @ A1

Market Plots



Front Elevation



Front Elevation



Front Elevation



Front Elevation



Front Elevation

A



Side Elevation

A



Affordables Examples





Front Elevation



Front Elevation



Front Elevation



Side Elevation