

Application:	2021/1124/MAO	ITEM 1	
Proposal:	Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access.		
Address:	Land North of Braunston Road Oakham Rutland		
Applicant:	Jeakins Weir	Parish	Oakham
Agent:	Marrons Planning	Ward	Oakham
Reason for presenting to Committee:	Policy and Objections		
Date of Committee:	19 April 2022		
Determination Date:	14 December 2021		
Agreed Extension of Time Date:	22 April 2022		

EXECUTIVE SUMMARY

This site adjoins the Planned Limit to Development for the County's most sustainable settlements. A Landscape Visual Impact Assessment has been independently verified and demonstrates that the impact of the development would not have a harmful impact on this west side of the town. The access is on a long straight stretch of road and the layout of dwellings would be such that they would assimilate into the landscape and not cause an unacceptable impact on the amenities of neighbours.

The scheme is there for sustainable development and should be approved in accordance with Para 11(d) of the NPPF.

RECOMMENDATION

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason – The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The Reserved Matters shall provide for a maximum of 100 dwellings.
Reason – The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development and in accordance with Policies SP5 and SP15.

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

Arboricultural Assessment – FPCR September 2021
Ecological Appraisal – FPCR September 2021

HLEF80928 Rev A – Conceptual Drainage Strategy
Flood Risk Assessment and Drainage Strategy- RPS 27 August 2021

and shall have regard to:

- The revised Illustrative Master Plan Ref. P21-1316-Rev D, received 11 March 2022.
- The Design & Access Statement, Armstrong Burton, September 2021, Ref P21-1316_200C) (as amended by the revised Illustrative masterplan and the supplemental comments contained in The Building for A Healthy Life Assessment – 23 December 2021).

Reason – To ensure that the final development accords with the parameters set out in the outline application has an acceptable relationship with the adjoining properties, provides adequate open space and a sustainable drainage scheme and in the interests of proper planning.

6. The development shall be carried out in accordance with the access plan number JNY11036-01B.

Reason – To ensure that the site is accessed safely in accordance with the approved plan.

7. The development shall be carried out in accordance with Chapter 9 (Action Plan) of the Residential Framework Travel Plan RPS, 25 August 2021

Reason – To ensure that sustainable travel is built into the development.

8. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The layout of the 2 or more storey houses shall take account of the levels change across the site and demonstrate that they will have a satisfactory relationship with the landform, wider visual amenity and adjacent residents. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.

Reason – To ensure that the relationship of the proposed dwellings to each other and to adjacent dwellings is acceptable, in the interests of residential amenity.

9. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason – To ensure that appropriate boundaries are installed in the interests of visual and residential amenity.

10. The landscaping scheme to be submitted as part of the reserved matters shall be designed in accordance with the indicated Biodiversity Net Gain by FPCR dated xxx.

Reason – To ensure that the development provides the requisite increase in biodiversity for the site.

11. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the

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

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

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

Reason – To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

13. 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.

14. The development hereby permitted will be restricted to a maximum discharge rate of 4.3l/s for the whole site in accordance with Para 10.4 of the Flood Risk Assessment and Drainage Strategy - RPS, 27 August 2021.

Reason – To ensure that there is no flood risk off the site resulting from the proposed development.

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

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

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

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

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

17. Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason – In order to ensure that sufficient car parking and turning remains available on site.

18. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

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

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

20. The carriageway of the proposed principal junction with the existing public highway shall be constructed up to and including at least road base level or be constructed as a temporary access and be available for use prior to the commencement of any development including the delivery of materials.

Reason – To ensure that the junction is available for use at the outset in the interests of highway safety.

21. No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level.

In the event any of the dwellings will be occupied prior to the carriageway serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason – In the interests of highway safety.

22. Prior to first occupation of any dwelling, vehicle to vehicle visibility splays of 2.4m x 25m at internal junctions, vehicle to pedestrian visibility splays of 2m x 2m at all vehicle accesses and forward visibility splays of 25m shall be provided in accordance with the details shown on plan the approved plan.

Reason – In the interest of highway safety.

23. The developer shall carry out a joint pre-condition highway survey for the full extent of highway including verges with the Local Highway Authority 500m either side of the proposed access on Cold Overton Road before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to assess any damage and remediation required.

Reason – In the interests of highway safety.

24. 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

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.

25. The development shall be carried out in accordance with the recommendations in Chapter 4 the Ecological Appraisal by FPCR, dated 7 September 2021 and the submission of reserved matters shall indicate how this will be achieved.

Reason – To ensure that the ecological interests of the site are protected during and after the development.

Informatives:

- CIL note
- Highway informatives

Site & Surroundings

1. The site is located on the north side of Braunston Road, opposite the recently approved housing site on the south side, where a reserved matters application is now under consideration.
2. The site rises to the north from Braunston Road but also to the west from the rear of the existing houses.
3. The site is adjacent to the Planned Limit to Development for Oakham in both the Development Plan and the Draft Oakham and Barleythorpe Neighbourhood Plan. To the east of the site boundary are rear gardens to Hanbury Close, Warn Crescent and Hudson Close.

4. There is a fairly sparse hedge fronting Braunston Road, including the odd tree. There are 2 mature trees in the centre of the site which have recently been made the subject of a Provisional Tree Preservation Order. These can be seen retained on the illustrative plan in the Appendix.
5. The northern boundary is a more solid tree lined hedgerow.
6. Overhead power lines run across the site parallel with and just to the rear of the adjoining houses (these are the same lines that run across the outline site to the south of the road).
7. There is a large area of open space between Braunston Road and the southern edge of Hanbury Close.

Proposal

8. This is an outline application for up to 100 dwellings, including 30% affordable units as described above. Only access is included for full approval at this stage. An illustrative Masterplan has been as submitted and is attached as an Appendix.
9. This shows housing limited to lower areas of the land to avoid landscape impact, i.e. below the 135m contour. There is also an offset to avoid the overhead lines which has the benefit of keeping a separation distance from existing houses to the east.
10. There would be 2 separate drainage ponds at the north and south end of the site. There would be significant new planting on site including reinstatement of an ancient line of a hedgerow, adjacent to the now preserved trees.
11. The scheme would provide 4.22ha of accessible public open space and an additional 0.29 ha being proposed for attenuation basins; and a Locally Equipped Area for Play.
12. The application is accompanied by the following documents:
 - Site Location Plan
 - Site Layout
 - Illustrative Masterplan (Revised)
 - Flood Risk Assessment and Drainage Strategy (RPS)
 - Transport Statement (RPS)
 - Landscape and Visual Appraisal (FPCR)
 - Ecological Appraisal (FPCR)
 - Heritage Impact Assessment (Cotswold Archaeology)
 - Arboricultural Impact Assessment (FPCR)
 - Affordable Housing Need and Delivery Statement (Marrons)
 - Phase 1 Site Investigation Appraisal (GRM)
 - Consultation Statement (Marrons)

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development (inc Para 11(d) – (See text in Appendix)

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

Oakham and Barleythorpe NP has now received the Examiners Report. It has yet to go to a Referendum, so carries significant but not full weight.

Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside:

- a. will be strictly limited to that which has an essential need to be located in the countryside to support the rural economy;
- b. involving the conversion and re-use of appropriately located and suitably constructed rural buildings, will be supported provided that it can be demonstrated that it is unviable to continue the previous rural activity (with evidence that the site has been marketed for its previous rural-economy use for a period of 12 months at a suitable price, with no serious interest being received);

must be of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and rural distinctiveness of the surrounding countryside.

Policy 2: Delivering Good Design
Policy 3: Housing affordability and Local Connection
Policy 10: Protection of the Natural Environment

Officer Evaluation

Neighbourhood Plan

13. The NP is still awaiting a date for a Referendum so does not carry full weight.
14. Policy 1 Residential Development Management justification text sets out the policy has to be in line with the adopted Rutland Local Plan and recognises the NP area will provide for sustainable and limit development within the PLD.

15. The policy now states proposals for residential development of 10 or more dwellings will not be supported outside sites allocated in the Rutland Local Plan (current, or future reviews). It also refers to residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside.
16. Given that the NP doesn't allocate any sites then development outside the PLD for Oakham and Barleythorpe will need be determined in accordance with the Local Plan and national planning policies as set out in the policy. This means that Para 11(d) of the NPPF is engaged at the present time.

Principle of the use

17. The site is outside the PLD for Oakham in the current Development plan.
18. In view of the withdrawal of the Local Plan Review, 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 engaged 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 as a material consideration in the determination of this application. The current figure is 3.4yrs supply. This will be updated again commencing at the end of March but it is not expected to have changed significantly. An outline permission does not add to the supply until possibly year 3 or the Reserved Matters are approved.
19. There is therefore a presumption in favour of sustainable development. Oakham is the most sustainable settlement in the County and main focus for new housing. The scheme also meets the 3 tests of sustainability, i.e., economic, social and environmental as set out in NPPF para 8.
20. The National Planning Policy Framework (NPPF) (July 2021) is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking (paragraph 11) this means:
 - Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
21. Consideration should be given to footnotes 6 and 7 of the NPPF, as well as other relevant paragraphs of the NPPF.
22. Footnote 8 also sets out the circumstances whereby planning policies will be considered to be out of date. This states:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three year.

23. Planning law requires that applications for planning permission must be in accordance with the Development Plan unless material considerations indicate otherwise.
24. As of 1st September 2021, policies which are most important for determining the application contained within the Development Plan are deemed to be 'out of date'.
25. The illustrative 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.
26. The detailed reserved matters layout would need to include street trees as required by the NPPF.
27. The scheme provides a generous amount of open space and a play area.
28. The nearest bus stop is located within 230m of the site providing a bus service connecting to the town centre. Oakham Train Station is approximately 1.3km from the site. Footpath links are shown through Hanbury Way and Hudson Close.
29. The applicant confirms the site is available and achievable.
30. In terms of deliverability, the Strategic Housing and Economic Land Availability Assessment Report (SHEELA) (Dec 2019) for this site stated that it is developable. This site does have a red RAG rating for landscape but due to its location adjacent to the main town of Oakham it requires further consideration and therefore is identified as suitable at this point in time, subject to further assessment. The following is an extract from the SHEELA, Appendix A:

Consideration of Suitability following technical consultation		
Initial Highway Officer Comments	Outside of 30mph limit however good visibility and on a straight road.	
Relationship to Settlement Comments	Connected to settlement along full extent of eastern boundary and has frontage onto Braunston Road. There are potential issues relating to the impact on the character of the settlement and therefore further assessment particularly with regard to landscape is required in order to establish the suitability status. The site is therefore identified as potentially suitable subject to further assessment.	
Topography	Sloping site.	A
Green Infrastructure	No loss or impact.	G
Important Open Space	Not designated.	G
Rights of Way	None.	G
National Ecology Designations	Site within Ramsar site (Rutland Water) impact Zone – nearest point of site is located 2.7km from nearest point of the Ramsar site. The site is within a Natural England Impact Zone but is unlikely to have adverse impact on any national/international designated site meaning that Natural England consultation is not required.	G
Local Ecology Designations	Mature trees, hedgerows and watercourse on or adjacent to the site. Surveys required include Great Crested Newts (GCN) (ponds close by and GCNs within 50m); and badger. Mitigation includes retention of hedges with 5m buffer zone natural vegetation; other mitigation pending surveys.	A
Heritage	Site not within 50m of Built Heritage Asset. No significant impact likely.	G
Archaeology	Known archaeological remains on site include cropmarks of rectangular enclosure. Known Archaeological remains within vicinity include further cropmarks. Potentially a large development area. Medium risk.	A
Landscape	The site is within zone 4A of the LS&C. A slightly lower capacity has been allocated because the site presents an important landscape setting to west Oakham, emphasised by its rolling and rising relief. The existing interface between the town and the site is stark, but this is insufficient justification for an extension of that development on landscape grounds. The prominence of development from public vantage points would be high. Development across higher land to the west of Oakham would introduce an uncharacteristic element to settlement form. Overall high landscape sensitivity and moderate to high landscape value. The zone is allocated low capacity to accommodate proposed development. Consultation with Landscape Architect confirms agreement with initial assessment and red RAG rating.	R
Lead Flood Authority Flood Risk	Medium flood risk throughout the site.	A
Environmental Health & Contamination	No constraints known, contamination unlikely. No other detrimental environmental effects known.	G
Highways Authority: Access	Outside of 30mph limit however good visibility and on a straight road.	G
Highways Authority: Wider Road Network	Current highway comments identify that the development on its own is unlikely to impact on wider road network. Past comments state that on its own, impact on already significant congestion on west side of Oakham likely to require	A

	moderate mitigation. Cumulative development however on this side of Oakham will significantly increase traffic congestion and require strategic scale mitigation.	
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31. As can be seen, the landscape issue was the only red RAG rating for the site. See further below under impact on the character of the area.

Brownfield Land

32. As in previous applications elsewhere, some residents suggest brownfield land should be targeted, especially in view of the announcement in the budget speech in October 2021.
33. Many residents stated there is adequate brownfield land in Rutland to cater for its housing needs (it must be assumed they mean St Georges barracks, although that alone would not have met all needs).
34. 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.
35. 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.

Impact of the use on the character of the area

36. The application is accompanied by a Landscape Visual Impact Assessment, prepared in accordance with the good practice in the guidelines of the Landscape Institute.
37. Further up Braunston Road there is a more mature hedgerow that screens the application site from view until reaching the site boundary itself.
38. The Masterplan indicates a significant area of block planting along the entire western and south western boundary of the site. This will in time help soften the appearance of the development when travelling into town down the hill. This coupled with the potential to require the roadside hedge to grow, and be supplemented with more hedging and tree planting, will mean that the development would provide an appropriate edge to the town, more so than the rear gardens of the existing houses.
39. The site rises south to north then drops away again to the northern boundary. It also rises from east to west. Levels at the bottom south east corner are at 126m, midway along the western boundary is the highest point at 145m. Houses are limited to the east of (and thereby below) the 135m contour
40. The site was assessed for the withdrawn Local Plan under reference SHELAA/OAK/01, in December 2019. This concluded as follows:

The site adjoins the built up area of Oakham along one boundary. The site is promoted for residential use and had an indicative capacity of 148 dwellings. Of the 14 sites assessed in Oakham and Barleythorpe this site scored 28 out of a possible 84. Whilst this site scored comparatively well with other sites in the site allocation assessment RAG rating which looks at constraints and accessibility, it is considered that the landscape constraint is significant and the development of the site would have a detrimental impact on the setting of Oakham along the western edge of the

town. It is accepted that the existing built form along this edge is stark, but this does not justify extending this form of development further west into open countryside. Consultation with the Landscape Architect has confirmed this viewpoint and therefore the site is not considered suitable for allocation.

41. This was an assessment of housing across the entire site, including the higher parts, with an indicated capacity of 148 dwellings.
42. The Council has asked the same Landscape Consultant that carried out the original strategic assessment of the site for the Local Plan Review to comment on the finer detail now included in the application. This is attached as an Appendix to this report.
43. He concluded that:

In general it is considered that the proposed residential development as indicated on the Concept Masterplan represents an appropriate landscape-led scheme that considers the site's key sensitivities, constraints and opportunities. The illustrative layout on the masterplan shows that an appropriate new western edge to Oakham can be created in this location without resulting in overriding significant adverse landscape and visual effects.
44. The Landscape Visual Impact Assessment submitted with the application is accurate and means that the landscape issues identified at the strategic level in 2019 have been acknowledged and adequately addressed by limiting the layout of new housing to the lower portions of the site, and avoiding sky-lining at the top of the hill.
45. The Landscape Consultant also made recommendations about the location of 2.5 storey houses in particular. This would need to be assessed at the Reserved Matters stage but is included in Condition 7 above.
46. The RAG rating in the SHEELA is not therefore entirely relevant to this proposal which has specifically taken on board that strategic assessment and addressed it in detail to provide an acceptable scheme.

Impact on the neighbouring properties

47. The main impact on neighbouring properties on this edge of Oakham will be loss of a view. Members are aware that this is not a reason for refusing planning permission. No-one is entitled to a view over 3rd party land.
48. The illustrative masterplan indicates that a wide corridor would be left between the new and existing dwellings, mainly due to the easement of the overhead lines. The new dwellings would be further from the lines than the existing. The distance between new and existing dwellings is approximately 35-45 metres. This means that the new development will not be over-dominant to neighbouring properties either.
49. Similarly, loss of value is not a planning consideration.

Heritage

50. No impact on heritage assets subject to pre-commencement archaeological investigation. It is not considered that a pre-determination survey is required on this site.

Highway issues

51. There is no objection to the access form the highway authority. Standard conditions will be required and updated in the Addendum.

Ecology

52. The Phase 1 Habitat Survey found that 7.47Ha of the site is improved grassland grazed by sheep, 0.52% tall ruderal grassland (mostly nettles) with 550m of poor quality hedgerow. There is a small area of unimproved neutral grassland on the northern boundary which not in an area for development.
53. No evidence of Badgers or GCN was found. Potential bat roosts occur in the trees on site but these are retained. Potential bird nesting sites are also to be retained/enhanced.
54. The Biodiversity 3.0 Metric headline results are provided in the reports. These indicate that with on-site habitat and hedgerow creation and enhancement opportunities, the proposals lead to an increase in habitat units of 27.4, an increase of 171.44% and an increase in Hedgerow Units of 4.01 or 221.64%, both significantly above the aspirational 10% net gain within the Environment Bill.

Levels

55. Levels vary considerably across the site but the reserved matters submission would need to demonstrate that the finished scheme respects the landform, the adjacent dwellings and the relationship between the new dwellings themselves. A standard levels condition is therefore recommended. There is no technical issue in principle with levels.

Noise

56. Noise could be a temporary issue during construction but as on other sites the use of a suitable construction management condition will help mitigate any disturbance. The adjacent dwellings are not immediately adjacent to the new build areas.

Section 106 Heads of Terms

57. Agreed terms:
 - Delivery of minimum 30% affordable housing
 - Delivery and long term maintenance of public open space and equipment

Crime and Disorder

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

Human Rights Implications

59. 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.
60. It is considered that no relevant Article of that act will be breached.

Consultations

61. Archaeology

Thank you for the report, I can confirm it is acceptable and it shows archaeological remains on the site in the form of an enclosure possibly Iron Age in nature.

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

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

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

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
2. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
3. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

62. Highways

I have reviewed the revised masterplan and response to highway comments and can confirm that the LHA will support the application, subject to the awaited response from AECOM. Subject to no issues, I will be able to provide final comments including recommendations for conditions and informatives in due course.

One item I do not agree with is, this developer is relying on the repositioning of the speed limit/gateway feature being done under 2020/1473/MAO by a different developer. Whilst the reserved matters is currently in for that site, we cannot rely on the fact that that site will come forward first. Therefore, I will be recommending the obligation for this element of off-site work is imposed on this application too, then whomever gets to that trigger point first will need to do the work. Assuming the site opposite will get constructed before, then this applicant will not need to carry out the work as others would have completed it, so the condition will be a precaution in the slim event that they do not progress as expected.

63. Anglian Water

Section 1 - 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 SERVICES

Section 2 - 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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Conceptual 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.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act

Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - 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. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

64. **Environment Agency**

We have no objection to the application but wish to make the following informative comments.

Flood risk

As recognised in the submitted flood risk assessment (FRA), the site is predominantly located within Flood Zone 1 of the Flood Map for Planning, with its northern boundary adjacent to a stream and areas along the bank of this stream within Flood Zone 3.

Using data provided from our Upper Gwash (2016) model, the FRA has demonstrated that existing site levels are above the 1% (1 in 100) plus 20% climate change flood levels; we are therefore satisfied that the proposed development would not be located in Flood Zone 3.

The Concept Masterplan shows all properties more than 8m of the main river, which we welcome. However, we note that this is an outline application with layout reserved and would expect this constraint to be carried over to the final plans.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be

forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to the local planning authority

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Provision of an adequate means of surface water disposal such that flood risk on and off-site is not increased.

65. **Ecology Unit**

The concept masterplan shows an area of 'green space' will be incorporated as part of the development site and this will go some way to ensuring the development meets the requirement of the NPPF ((180. d)) which states 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.

An ecology survey will need to be carried out. A biodiversity net gain calculation should be produced (preferably using DEFRA Metric 3.0) accompanied by an outline biodiversity enhancement plan. This is required to ensure that net gains/losses and the broad principles for addressing losses can be understood by the LPA when determining the application; this cannot be deferred to reserved matters or condition.

We recognise that plans may change between outline and reserved matters. Significant changes will require re-submission of an enhancement plan, biodiversity metric and re-calculation of the net-losses/gains for the whole site.

66. **Housing Strategy**

Assuming the application is approved for 100 dwellings, there is normally an affordable housing requirement of 30. However, as a bungalow with three or more bedrooms suitable for full-time wheelchair users is requested, under paragraph B1.10 of the Planning Obligations SPD 2016 this counts as double and therefore 29 affordable homes are requested.

Out of the 29 dwellings, two-thirds would be affordable for rent which would be 19.

The affordable housing should consist of:

- 5 no. 1 bed 2 person house (5 affordable for rent)
- 10 no. 2 bed 4 person house (5 affordable for rent) (5 shared ownership)
- 9 no. 3 bed 5 person house (4 affordable for rent) (5 shared ownership)
- 2 no. 4 bed 7 person house (2 affordable for rent)
- 2 no. 2 bed 3 person wheelchair standard bungalow (2 affordable for rent)
- 1 no. 3 bed 5 person wheelchair standard bungalow (1 social rent)

Care will need to be taken to ensure that the bungalows are in locations where the topography is not unfavourable.

A suitable section 106 agreement will be needed.

67. Western Power & Distribution

The Northern Outline Application seeks permission for the development of up to 100 dwellings with associated infrastructure. WPD's Assets run along the eastern boundary of the land subject to the Northern Outline Application.

The design, and access statement and concept masterplan submitted to RCC alongside the Northern Outline Application outline a buffer zone around WPD's Assets in the context of the proposed development's layout.

Therefore, at this stage of the Northern Outline Application, WPD understands that the applicant intends to design the development so that it will not require the diversion of WPD's Assets on the relevant land.

On this basis, WPD wishes to confirm that it supports the Northern Outline Application. As above (in the context of the Southern RMA), in the event that it is proposed that WPD's Assets are diverted underground as part of the Northern Outline Application, then WPD will no longer support the application.

We request that RCC considers WPD's comments outlined in this letter when determining the Southern RMA and Northern Outline Application respectively.

68. Leicestershire Police Designing Out Crime Officer

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

I have now visited, and have reviewed the proposed development. There is a proposed vehicle access via Braunston Road entering at the south-central point. Secondary roads then allow access to all areas of the development on the east side. There are no through routes or circulatory routes so permeability is not an issue as a result in my opinion. This appears reasonable to allow immediate response access for Emergency Services at this development without obstruction.

As part of the overall site there is a water attenuation pool and other open space to the south east corner and in the north east. Parking is in curtilage to the dwellings; a play area is located in the north end. There is open space to the west side of the site with trees and vegetation. Vehicle parking is in curtilage throughout the site in close proximity to the dwellings and consideration of gable end windows is recommended to allow improved natural observation by residents and neighbours.

Lighting throughout the site including the key vehicle entry point and other key areas such as open space 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 will add an element of general security to the development providing improved security. In the event of it being required appropriate General Data protection Act signage would need to be displayed. Due to the size and scale of this site I recommend CCTV should be considered. Wheelie bin storage and Cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for Bins or mode of escape in respect to Cycles.

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.
11. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.

Neighbour Representations

69. There have been 3 letters of support, one specifically:

Sincerely hope that another plan for new housing in the area isn't turned down. My finance and myself are local Rutland neighbours and unfortunately we fear we may be priced out of the county now that we're buying our first house together. More new build affordable housing is needed, here.

70. There have been 246 objections from local residents (inc 8 from the same person)
- Loss of Greenfield site
 - Site was considered sensitive to development in LP
 - Unsustainable location

- Government is now promoting brownfield land
- Latest monitoring report says we have over 5 years supply
- Lack of school places
- Lack of medical facilities
- Benefits of the scheme are not as clear as stated
- Traffic congestion on Braunston Rd
- Traffic congestion at rail crossings
- Flooding issues
- Impact on wildlife
- Overhead pylons cause dangers
- Makes no attempt to address the strongest negative impact on the landscape in this area of Oakham, i.e. the power lines and pylons.
- Withdrawal of local plan has caused all this trouble
- Why build on green pasture/woodland when there's an old military site far better for the plans!
- Bring back better roads and public transport before more homes!

Non-material objections

- Loss of views
- Devaluation of property

Conclusion

71. The development would provide much needed new housing including 30% affordable units in the County's most sustainable settlement. The development has no impact on areas or assets of particular importance as expressed in the NPPF and does not result in any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. In view of the lack of a 5 year HLS the application should be approved in accordance with Para 11(d) of the NPPF.