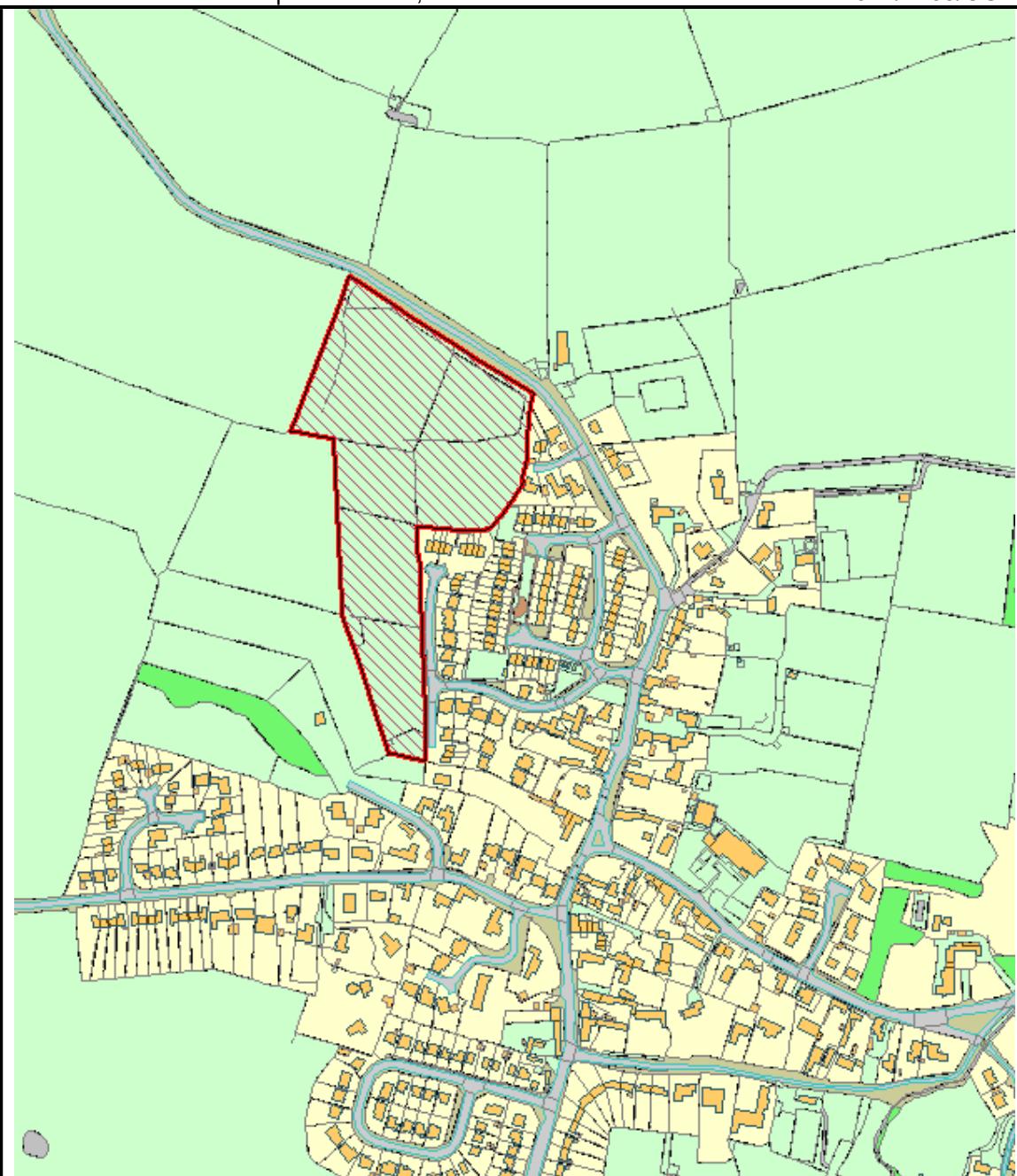


Land to the South of Stapleford Road, Whissendine

2021/1263/OUT



1:5000

Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/1263/OUT	ITEM 2			
Proposal:	Outline Planning Application for the development of up to 66 dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access (Resubmission of 2020/0172/OUT)				
Address:	Land to the South of Stapleford Road Whissendine				
Applicant:	Muller Property Group	Parish	Whissendine		
Agent:	Harris Lamb	Ward	Whissendine		
Reason for presenting to Committee:	Policy & objections				
Date of Committee:	24 May 2022				
Determination Date:	21 January 2022				
Agreed Extension of Time Date:	31 May 2022				

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development but a small section was allocated for development in the Replacement Local Plan before its ultimate withdrawal. There have been objections to the development. Issues of policy, archaeology, highway safety, flooding and residential amenity have been considered but the policy issue is overriding in this instance.
The scheme is therefore sustainable development and should be approved in accordance with Para 11(d) of the NPPF.

RECOMMENDATION

APPROVAL, subject to the submission of an additional bio diversity assessment to establish the existing base level across the site and the completion of a S106 Agreement to deliver Affordable Housing and Open Space and its associated maintenance on site and 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 66 dwellings.
Reason – It remains to be demonstrated that 66 dwellings can be accommodated on the site whilst maintaining space available for open space, sustainable drainage and ecological interests and thus resulting in a cramped form of development and in accordance with Policies SP5 and SP15.

5. The Reserved Matters shall have regard to:
- The Design & Access Statement, TPM Landscape - Revision 5, February 2022.
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 SCP/190499/SK02 Rev B.
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 Section 8 of the Travel Plan – SCP, October 2021, ref LB/190499/TP/2.
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 relations hip 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 accompanied by a Biodiversity Net Gain matrix to demonstrate that the scheme can achieve at least neutral impact.
Reason – To ensure that the development provides the current minimum requirement for biodiversity on 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 5l/s for the whole site in accordance with Para 5.5.8 of the Flood Risk Assessment and Drainage Management Strategy – Betts Hydro October 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 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 Stapleford 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 recommendations from revised ecological surveys that shall have been submitted to the LPA for approval.
- Reason – To ensure that the ecological interests of the site are protected during and after the development and because by the time reserved matters are submitted the existing surveys will be out of date.

Background

Planning permission for a similar development was refused on this site on 14 July 2021, ref 2021/0172/MAO. The reasons for refusal were as follows:

1. *The site is outside the Planned Limits to Development for Whissendine where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for setting aside the development plan and there is no overriding need for this level of affordable housing in Whissendine. The proposal is thereby contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.*
2. *It has not been demonstrated that up to 66 dwellings can be accommodated on the site having regard to appropriate densities, urban design principles, ecology and highway safety. The development would thereby potentially result in a cramped form of development which would be detrimental to the character of this edge of the village, lack adequate open space, be harmful to biodiversity and potentially result in parking and access difficulties. This would be contrary to Policies CS19 and CS21 of the Core Strategy (2011), Policy SP5, SP15 and SP19 of the Site Allocations and Policies DPD (2014), Para 175 of the NPPF.*
3. *Its has not been demonstrated that surface water from the site can be drained satisfactorily to prevent additional flooding issues in the village. The proposal is thereby contrary to Policy CS19(d) of the Core Strategy (2011) and the advice in Chapter 14 of the National Planning Policy Framework, particularly paragraphs 160, 163 and 165.*
4. *The scheme would result in a net loss of biodiversity, contrary to Policies CS21 and SP19 of the development plan and Chapter 15 of the NPPF.*

That decision is currently at appeal and a date for a Hearing is awaited.

This revised scheme has been submitted to take into account the decision to withdraw the Replacement Rutland Local Plan, leaving the Authority with no 5 Year Housing Land Supply (5YHLS) as required by the National Planning Policy Framework 2021 (the Framework).

Site & Surroundings

1. The site is located on the west side of Stapleford Road, Harborough Close and Willow Close at the north west end of Whissendine. The land is used for grazing and is surrounded by

hedges. The land also contains historic ridge and furrow features.

2. A small part of the overall site, 1.03 hectares off Willow Close, had been put forward for allocation as a housing site in the replacement Rutland Local Plan, for 25 dwellings. This site extends to 3.46Ha.
3. The site is bounded to the west by open farmland and to the east mostly by existing modern housing. To the north is Stapleford Road, a rural lane leading out of the County into Leicestershire.
4. There is no Conservation Area in Whissendine. There are 3 listed buildings on Stapleford Road, close to the junction with Harborough Close. The GII* listed Windmill in the village to the south of Melton Road is approximately 250 metres from the nearest proposed house and 200m from the site boundary.
5. The site is outside the Planned Limit to Development (PLD) for Whissendine but does adjoin it along its southern and eastern boundary.

Proposal

6. The proposal is an outline application for residential development of up to 66 dwellings. Only the proposed access to the north of the site off Stapleford Road is included for full approval. See Appendix 1.
7. It provides extensive areas of open space across the site but mainly at the southern end of the site together with a developable area of 2.3Ha, and a density of 28.6dph.

Relevant Planning History

2020/0172/OUT – Outline Planning Application for the development of up to 66 no. dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access.

Refused July 2021 – Appeal Pending

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving the historic environment

Site Allocations and Policies DPD (2014)

- 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)

- CS03 - The Settlement Hierarchy
- CS04 - The Location of Development

- CS10 - Housing Density & Mix
- CS11 - Affordable Housing
- CS19 - Promoting Good Design
- CS22 - The Historic and Cultural Environment

Other Policies

Rutland Landscape Character Assessment 2003

Whissendine is located in 'High Rutland Area A(ii) – Ridges and Valleys', an area whose description includes:

'...the sub-area does exhibit a number of historic features, with ridge and furrow and old lanes linking medieval villages still characteristic of this part of High Rutland'.

The recommended landscape objectives for this area are:

To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stone built conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges.

Planning Obligations SPD - 2016

This document superseded Policy CS11 of the Core Strategy in terms of affordable housing contributions.

Other considerations

Whissendine Neighbourhood Plan

The Plan area was designated in July 2020. No draft plan has yet been published.

Officer Evaluation

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

Principle of the use

9. The site is outside the Planned Limit to Development for Whissendine as set out in the Site Allocations and Policies DPD. It is thereby in open countryside where new development will normally only be permitted where there are special circumstances, i.e. for a rural worker or for an exception site for affordable housing.
10. However, members are aware that the withdrawal of the Replacement Local Plan has left the Council in a position where it is unable demonstrate a 5YHLS as required by the Framework.
11. On that basis Para 11(d) of the Framework is engaged and the locational policies of the Development Plan have to be considered out of date. This policy must be given significant weight in decision making as a material consideration.
12. Para 11(d) states that where the polices are out of date, permission should be granted unless the application of policies elsewhere in the Framework that protect areas or assets

provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the polices of the Framework as a whole.

13. On this basis the first previous reason for refusal is no longer relevant and the principle of development here is acceptable, subject to the technical/design/access issues to be considered in tandem and provided that the local planning authority is satisfied that there are no adverse impacts that would outweigh the benefits of providing housing.

Impact of the use on the character of the area

14. In terms of landscape impact, the 2017 Local Plan Landscape study concluded that this land is of medium sensitivity to new development, of low to moderate landscape value and of medium to high capacity for development. The impact of the development on the landscape is not therefore a valid reason for refusal in principle.
15. The submitted Landscape Visual Impact Assessment concludes that the edge of settlement location, well vegetated character, and undulating nature of the valley landscape restricts the visual envelope. Views are generally filtered by built form, hedgerows, hedgerow trees, woodland or topography. Elevated land is located to the south and south-west however distant and mid range views from the south and south-west are restricted by intervening built form, ridge line, hedgerows and trees. Distant views are more likely to the north.
16. The proposal site is mainly bound within a field system that is almost entirely surrounded by mature hedgerows, hedgerow trees and woodland. At mid distance the only potential views are from the north-east/east and from the west where views of the proposed may be possible along the skyline. The effects are assessed as negligible as a reflection of limited scale of change likely (roof tops) and the distance of the viewer.
17. The applicant points out that there is nothing to distinguish the part of the Site which was proposed to be allocated in the submitted version of the replacement Local Plan (now withdrawn) from the land immediately to the west, which is included within the application Site.
18. There is no major physical feature separating the areas, which are, in effect a single field with boundary hedges to the north, west and south. The only feature separating them is a wire fence, which seems temporary and has little or no presence.
19. As concluded previously landscape visual impact is not a reason for refusal.
20. Concerns remain about the capacity of the site to provide 66 dwellings whilst providing adequate open space, SUDS, ecology interests and street trees (required by the Framework) as well as a good overall layout of houses based on good urban design principles. The applicant argues, as they do in the appeal documents, that this illustrative masterplan is only indicative and that the full design will need to demonstrate at reserved matters stage that it adequately provides all those interests set out above. If approved Condition 4 above makes it clear that only a suitable scheme will be acceptable, which may need to be less than 66 units. Going by the original illustrative plan that was submitted this is likely to be the case.

Impact on the neighbouring properties

21. This would be very limited as all new dwellings would be located well away from existing dwellings. There would be limited impact from other activities associated with the normal occupation of dwellings. The Reserved Matters would deal with detailed layout. Any

disturbance from construction would be limited and is not a reason for refusing permission. This can be limited by conditions.

Heritage

22. The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
23. Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
24. The Conservation Officer has raised no concerns about the proposed development and has confirmed that the development will not have any significant impact on local listed buildings.
25. Visitors of Whissendine Windmill will experience partially screened views by intervening trees and built form. The access onto the balcony is a small part of the experience of the mill and available only on request of the owner. The visual effect is negligible.
26. Significant concern has again been raised about the impact on Ridge and Furrow on this site. This was carefully considered in the previous application and the refusal did not refer to this issue. The advice of the Archaeology consultant is set out above in the same terms as before. This is not therefore a reason for refusal.
27. Your Archaeological advisors have requested that a condition is imposed on a planning permission to require more investigative work to be done. In relation to the ridge and furrow on site, the advice is that it is not of sufficient rarity or connected with other heritage assets such that it could be used as a reason for refusal in its own right. Historic England did not take exception to this view and it was not cited as a reason for refusal last time so cannot do so now.

Highway issues

28. The highway authority has no objections in principle to the site being accessed as proposed in the application. It is noted that residents have expressed concern about traffic and parking in the locality, but the scheme would have a satisfactory access from Stapleford Road and would need to demonstrate that it can provide satisfactory parking and access to each property as part of a reserved matters scheme, bearing in mind the potential limitations of the layout as set out under urban design above. There is no reason therefore to refuse planning permission on highway safety grounds under Policy SP15.

Drainage

29. Surface water drainage was a previous reason for refusal. The applicant has worked on this issue and the submitted Flood Risk Assessment and Drainage Strategy is now satisfactory. The Lead Local Flood Authority has no objection subject to imposing conditions.
30. The previous Reason No.3 for refusal is thereby no longer relevant.

Ecology

31. Concerns remain from your Ecology advisors that the scheme may result in a net loss of bio-diversity. The applicant (including in their appeal submission) is claiming that the reserved matters will deal with the issue and that it should not form a basis for refusal now. This is tied in with the urban design issues that also remain to be resolved at appeal. However, the applicant states that the proposal is for 'up to' 66 dwellings and the local planning authority has the option to refuse a reserved matters scheme if it does not demonstrate that all issues are dealt with in a satisfactory manner.
32. Para 180 (a) of the Framework states (*inter alia*):

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

On this outline application limited information has been submitted to ascertain the current bio diversity score for the site. Whilst it is considered that any potential loss could be suitably mitigated at the reserved matters stage it is important to fully understand the current baseline position, in order to undertake an informed assessment of the application. The application is therefore recommended for approval but this is subject to the applicants providing a baseline study of the site prior to any decision being issued. This will ensure that a suitably worded condition can be imposed on any consent to ensure that there is no bio diversity net loss and that suitable mitigation on site or off-site compensation is secured in accordance with the guidance and advice contained within Para 180 (a) of the NPPF. The imposition of such a condition would ensure that the reserved matters applications provide the necessary bio diversity mitigation measures.

Affordable Housing

33. If approved the development would provide 30% affordable housing as required by the policies. The applicant is preparing a draft S106 for the appeal which could be adapted for this proposal if approved.

Levels

34. The site is relatively flat and its development would not result in any detrimental appearance due to levels. These can be required by condition in any event.

Infrastructure

35. In terms of providing for infrastructure, members will be aware that since 2016 this is provided by the Community Infrastructure Levy. Whilst it is impossible to give a precise figure on an outline application due to no floorspace being available, going by previous schemes this proposal could raise an estimated £1,007,000.00, less any claimed relief.
36. CIL collected on the development will be allocated as shown below
 - 5% will be allocated to CIL administration

- 15% will be allocated to the Parish Council (25% if a neighbourhood plan has been adopted)
- 70% or 80% will be allocated to RCC CIL funds

Crime and Disorder

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

Human Rights Implications

38. 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.
39. It is considered that no relevant Article of that act will be breached.

Consultations

40. Whissendine Parish Council

Whissendine Parish Council held an Extraordinary Meeting last night, 15 November to consider this application and would like to offer the following comments (minute 13482):

POSITION

This field falls outside the development envelope of the village and is in open countryside on the approach to the village.

HERITAGE ASSET

The Parish Council have serious concerns about use of this site for development as it's been listed in the 'Historic Environment Register' (ref: HER MLE 24620) as historically important; as an example ancient fossilized ridge and furrow, unique in Rutland. The NPPF 2021 accepts that "...[the protection of]....assets of particular importance provides a clear reason for refusing a proposed development". While the village enjoys its situation among pasture-land where a lot of fields retain their ridge and furrow; this site is particularly important as it is fossilized ridge and furrow. This asset is currently being included as a site worthy of protection within the draft Neighbourhood Plan.

ROAD SAFETY

From road safety view-point it is considered that the increase in traffic flow arising from a development on Stapleford Road could reduce road-safety. This development accesses a country-road with no street-lighting and no footway. Stapleford Road enters the main housing area via a sharp bend on a narrow stretch with a junction with other lanes/driveways, and with severely restricted visibility going north. This narrow point is where the footway ends and is also immediately adjacent to a stables so that horse & riders, pedestrians and vehicles are liable to be put at greater risk of collision if traffic movements increase to accommodate residents of this sizable development (>10% increase in size of village). This is also a stretch affected by the parking congestion at school start/finish times and can already act as a short-cut to Melton Mowbray for through traffic.

BIODIVERSITY

In their appraisal of the site Woolley Ecology Ltd had noted the presence of Great Crested Newts and that the site as a whole created an overall habitat mosaic with potential to support a number of species. The Parish Council is of the view that

development on this site will cause a net loss of biodiversity. Para 174 of the NPPF says "planning decisions should contribute to the natural local environment by protecting...sites of biodiversity....minimising impacts on and providing net gains for biodiversity". This application would create a loss of habitat that would negatively impact biodiversity.

FLOODING

This site acts as a holding site for rain water, with increased surface area due to ridge and furrow. The water can remain in the furrows for several days after rain and this site acts as a significant water-holding area at times of heavy/sustained rainfall that attenuates the rate of discharge to the flood plain. A report was prepared on this site in January 2020 (Betts Hydro Consulting Engineers). The report notes (4.3) the ordinary water course to the west of the site 'is culverted under Stapleford Road and shown to eventually outfall into the River Eye 2.5km north of the site'. The report authors do not seem to have noted the water-holding capacity of the ridge and furrow on this site(5.1.1): "The total site is 3.64 ha and is considered to be 100% permeable".

The report authors restricted their investigations to: "an internet search of flooding events (4.7.1) and did not recall any historical flooding...to the wider Whissendine area" This conclusion is in error. Rutland County Council's Local Flood Risk Management Strategy (20/2/2018) 5.1 (page 20 of 36) says: "Whissendine Brook is an ordinary water course that drains the area south of Whissendine.... It has confluence with an unnamed ordinary watercourse immediately south of Main Street before passing under the road and flowing north. The brook has a history of exceeding its bank capacity and flooding Main Street which becomes impassable. The adjacent public house has property-level protection...." The Whissendine Neighbourhood Plan has involved researching the flood events and causes. The report notes" There are steep gradients resulting in fast flowing water entering the village [during rainfall]...The stream flows north out of the village at a much slower rate...the low lying area...becomes a large floodplain as it is joined by several other streams.... from the north -east and north west, skirting [the village]... but entering the same floodplain." The village is vulnerable to flooding in the centre from the Whissendine Brook as the flood plain becomes inundated and the Parish Council would wish to see as much water-holding land as possible retained to increase the time it takes the water to reach the flood plain and lessen the risk of the brook backing up. Any drainage schemes that rely on use of local water courses will exacerbate the flood problem; where the road becomes impassable many times each year. The Betts report recommends "5.6.2 ...there is an unnamed ordinary water course located 500m to the west [of the site]... the proposals are therefore to discharge water run-off from the site into the ordinary watercourse network...where it is culverted under Stapleford Road."

5.7.1: " should infiltration and connection to an ordinary watercourse not be ... feasible...the alternative method would be a connection to the neighbouring public sewer network" These recommendations are at odds with RCC's Local Flood Risk Management Strategy , para. 5.2.2 says: "The presence of relatively steep slopes...present a potential risk of surface water runoff.... In times of heavy rainfall the volume of water will be increased and the risk of water courses overtopping and flooding adjacent land is greater [than normal]. These types of events have occurred in the headwaters of the Trent catchment previously in...Whissendine..."

The Parish Council believes water discharge to the flood plain will exacerbate the regular flooding that occurs in the centre of the village. Discharge to the sewer system will result in a similar problem as the surface water sewer from the west side of the village discharges to the stream by the village green, at the lowest point in the village and the foul/combined sewer from the west of the village descends to the pumping station immediately adjacent to the surface sewer outfall. Should this development be permitted to proceed it will worsen the significant flood events experienced in the centre of the village. Para 167 of NPPF 2021 says: "When determining any planning applications...should ensure that flood risk is not increased elsewhere." The Parish Council believe in this instance the increased risk posed by development of this site

cannot be safely managed.

INFRASTRUCTURE AND SERVICES

The infrastructure and services that exist within the village are not believed to have capacity to cope with a large development in this location."

41. Highways

It is noted that "access" is included in this outline application.

Transport Statement dated October 2021

1. Para 3.10 states that swept path analysis of the access is provided in Appendix D, which is not the case. This should be submitted and include access from both directions whilst a standard car waits to exit, however it is likely that this will not be problematic given the geometry of the proposed junction.
2. Para 3.11 states parking will be in accordance with the maximum requirements of Rutlands Strategic Parking Review document. This is not acceptable. For residential developments on-plot minimum parking standards apply in accordance with Appendix 2 Rutland Local Plan Site Allocations & Policies Development Plan Document Oct 2014.
3. Masterplan 103 Rev J in Appendix B – It is noted that this is intended to be an indicative layout as only "access" is included in this outline application. Therefore, the LHA reserve the right to comment on the site layout in detail following a future Reserved Matters application. The lack of comment at this time should not be construed as the LHA not having any concerns. That said, the LHA feel it is worth pointing out that the layout would benefit from the likes of swales to reduce the need for a traditional gullied surface water drainage system and provide a more sustainable drainage system throughout the site. Furthermore, the LHA are very concerned about the large parking court to the north, and the likelihood that this will be significantly under-used by residents resulting in significant on-street parking, some parking spaces/garages appear very small, some parking provision is very remote from the dwellings, the minimum parking provision may not have been achieved and some of the shared surface areas look very narrow. These are just some initial pointers, and as mentioned above, a detailed review of the layout will be made upon a future REM application.
4. Visibility Splays plan SCP/190499/SK02 in Appendix C – Whilst the location of the existing 30mph/derestriction speed limit sign is shown as approximate, it is actually a considerable distance from its correct location. That said, the actual location has no bearing on the proposed vehicle to vehicle visibility splays shown. This version shows the eastern vehicle to vehicle visibility splay requires third party land, which is not acceptable. However, it is noted that this plan is an earlier version of a separate plan, revision B now submitted. Revision B now demonstrates that the visibility splays can be achieved fully within the public highway and does not require third party land, however there will undoubtedly be significant pruning and possibly some loss of the existing hedgerow which may be of concern to others.
5. Swept Path Analysis plan SCP/190499/ATR02 in Appendix D – This does not include swept path analysis of the access as stated in para. 3.10. Whilst this has been carried out on an "indicative layout", it is noted that at one location the body of the refuse truck overhangs the footway, which should be avoided. That said, a detailed assessment will be required on any future Reserved Matters application and will be commented on further by the LHA. Consideration will also need to be given to how refuse is collected from the shared surface areas including any private

areas, refuse collection points may need to be considered.

6. The trip generation is reasonable and the impact is considered acceptable, the proposed junction on Stapleford Road meets geometric requirements including the provision of adequate vehicle to vehicle visibility splays within the public highway, the site has good pedestrian connectivity in all directions and the 2 widening of Stapleford Road carriageway and provision of a 2m wide footway from the site connecting to the existing footway network to the east is welcomed. The off-site work will be governed under Section 278 of the Highways Act 1980 once a Reserved Matters application has been approved. However, in the meantime a fully detailed design will be required to include surface water drainage, an extension of street lighting and the street name plates, which will need to be conditioned as part of this approval, should you be minded to approve this application. The redundant field access will also need removing and we recommend that this is included at the same time as the detailed design for both condition discharge and the S278 application.

Design & Access Statement dated January 2020

1. There are a number of inconsistencies between this document and the Transport Statement, so may benefit from a review, particularly given the date of this document. For instance reference to primary roads having a footway only one side, which would not be acceptable to the LHA in any event. Travel Plan dated October 2021 1. Para 3.12 states parking will be in accordance with the maximum requirements of Rutlands Strategic Parking Review document. This is not acceptable. For residential developments on-plot minimum parking standards apply in accordance with Appendix 2 Rutland Local Plan Site Allocations & Policies Development Plan Document Oct 2014.
2. Masterplan 103 Rev K –
It is noted this is a later version than that in the Transport Statement. Only the latest version should be used in all supporting documents. The LHA makes similar comments on this revision, however reserve the right to make full comments on any future layout plan when submitted under a reserved matter application.
3. The contents of the remainder of this Travel Plan are noted and considered acceptable at this stage.

Site observations/Utilities

There is an overhead service along the site frontage along Stapleford Road, which will need to be relocated/placed underground.

Construction Management Plan

A construction management plan is not included within the submission but will be required either as part of any future reserved matters application or will need to be conditioned.

In summary, the LHA would agree that the impact from this proposal on the surrounding road network will be limited and is acceptable. The proposal includes off-site highway works in the form of widening of the carriageway of Stapleford Road and provision of a 2m wide footway to provide pedestrian connectivity to the north, which is welcomed. Full design and construction details based on up-to-date surveys (topographical, CCTV of sewers, etc) are required for further review by the LHA, but this can be conditioned as the LHA are satisfied this level of work is feasible within the public highway.

If you are minded to approve this application, please append conditions and informatics relating to the following:-

- Removal of Redundant Accesses (issue to be resolved with 3rd party owner)
- Off-site Highway Works
- Lighting affecting the highway
- Tree Root Protection
- Surface Water Drainage
- Principal Access
- Completion of roads
- Visibility Splays
- Pre-condition Highway Survey
- Construction Management Plan

Informatics

- Street Naming & Numbering
- Pre-Commencement Highway Survey
- Utility Services
- Off-site Highway Works
- Penalty for Depositing on the Highway
- Removal of Deposits on the Highway

42. Lead Local Flood Authority

I have now reviewed the application fully on behalf of the LLFA and comment as following:-

Flood Risk Assessment and Drainage Strategy HYD447-
STAPLEFORD.ROAD.&.HARBOROUGH.ROAD_FRA&DMS dated 21st October 2021

It is noted that the consultant has taken on board previous comments made by the LLFA and have restricted the discharge of surface water to 5l/s for the whole site. This is below national standards, which is 5l/s per hectare, but is necessary due to local flooding issues and may be lessened further once a detailed assessment has taken place.
It is also noted that the surface water route is shown to the west, away from the village of Whissendine, which has suffered some flooding events in the past.

The report does not mention the existing site is a ridge and furrow, which can hold more surface water than for instance a flatter field. Observations have been made locally that the furrows can hold water for a number of days following a storm event, which probably supports the desk top study results that infiltration is unlikely. The report states the whole site is 100% impermeable, which theoretically it is due to it being soil, but it may not be strictly 100% permeable if water is sitting for several days in the furrows.

There are no proposals to discharge any surface water to the existing public sewer system.

There is no detailed designed for the surface water drainage, due to the nature of this application, but this would be expected as part of any future reserved matters application. This would need to include a capacity assessment of the ordinary watercourse proposed for discharge to ensure it can take this volume of surface water run-off. The ordinary watercourse proposed is quite small and very overgrown/appears unmaintained, which is a concern to the LLFA. It could however be cleared and provide the capacity required for this development. If it is found that it does not have capacity, even after being cleared, then the site will be restricted to NIL run-off and will be

conditioned as such under any future Reserved Matters application.

The report acknowledges historic flooding incidents within Whissendine itself, which will not be exacerbated due to the proposal to route the heavily restricted discharge of surface water to the west. Depending on the levels of the internal access road, detailed design, proposed status of the road (private/adopted), the LHA and LLFA will insist that no surface water from this development can flow overland (along the new access road) on to Stapleford Road and thus in to Whissendine, to ensure there is NIL increase in surface water affecting the village of Whissendine.

As this application is outline with only a masterplan drawing, it is difficult to provide detailed comments on the internal layout. However, the report has assumed from desktop studies that the site provides no infiltration and jumps straight to the assumption that attenuation ponds are the main form of surface water treatment. The LLFA would disagree with this and advise that we would wish to see many potential ways of treating surface water in a more sustainable way, such as rainwater butts in each property, swales (possibly tanked), permeable/porous paving (possibly tanked), planting of trees/shrubs, rainwater gardens, rainwater harvesting, etc. The LLFA will expect to see these methods of treatment on the detailed design on any future Reserved Matter application.

In summary, the principals and discharge rate for surface water run-off is acceptable to the LLFA on the basis of a maximum of 5l/s for the entire site, which is lower than the national rate, but is subject to a future detailed assessment of the receiving ordinary watercourse to the west. The detailed internal layout to be submitted as part of any future Reserved Matters application will need to give consideration to other forms of surface water treatment as listed above.

If you are minded to approve this application, the LLFA would recommend imposing the following conditions:

Surface Water Drainage/SuDs

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a 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 design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), 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 where relevant and clearing of watercourses);
- c) Flood water exceedance routes, both on and off site (which must not head east towards the village of Whissendine);
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates;
- f) Capacity assessment of the ordinary watercourse 500m west of the application site

- (extent to be agreed); and
- g) A 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.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding both on and off-site resulting from the proposed development, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

LAND DRAINAGE CONDITION

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.

Further clarification March 2022

With regards the comments on the LLFA points, I am content that limiting the whole site to 5 l/s is adequate. They could have proposed greenfield run-off rate in line with national guidance, which for a site of this size is far higher, but they have agreed with pre-app advice and to stick with the 5l/s for the whole site. Furthermore, it is difficult on an outline with all matters reserved (except access) to recommend refusal based on insufficient information, hence the reason for the conditions. Planning legislation does not require a detailed drainage design to be done in this instance, but they have provided a detailed flood risk assessment. We could not ask for more than that at this stage.

I am satisfied that the detailed design at a future reserved matters stage can remove any risk of surface water flowing overland/highway to the east in to the village.

I also received a phone call from a local parish councillor I think, who was concerned with flood risk on the flood plain to the north to the north of Whissendine. But given the route proposed to and via the ordinary watercourses, to the main river to the north, which is some 3km or so away, I feel the risk is minimal combined with restricting the discharge rate to 5l/s and work to be done on the detailed design to get various sustainable methods of drainage designed and installed on site.

43. **Historic England**

Following concerns expressed by residents about the status and rarity of the ridge and furrow on site, Historic England was specifically consulted. The response was:

I have spoken to colleagues and we consider that if you were to consult us on this application, we would not provide detailed comments but refer you to your specialist conservation advisors, including Archaeology at Leicestershire County Council.

In other words HE was not overly concerned about the ridge and furrow such that it wanted to get involved. It is not a 'designated' area of any kind.

44. Conservation Officer

I leave the matter of the significance of the ridge and furrow to the Archaeological Advisor but I would be interested to see their comments.

I agree with the analysis of the nearby heritage assets and the conclusions reached as to the likely impact of the proposed development on those assets.

As the HIA states, there is some inter-visibility between the site and the Grade II* Listed windmill to the southwest. It is important that views to the Windmill are retained in order to maintain sense of place.

There do not appear to be any views across the site from surrounding public vantage points to heritage assets that need to be preserved due to mature trees and hedgerows on the site's perimeter.

45. Public Protection

The recommendations in chapter 9 of the Phase 1 Contaminated Land Assessment should be completed and submitted to the LPA for approval

46. Ecology

I can't see any changes from the previous application, which was refused last year with biodiversity as one of the reasons for refusal. The ecology report is the same. My final comments still stand - copied below for reference - with the added note that District-level licensing for GCN is now available (<https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-scheme>) and to stress that a biodiversity net-gain plan is needed.

None of my previous comments appear to have been taken on board, and I consider this application will be in significant net-loss to biodiversity, and therefore not in accordance with NPPF policy and emerging legislation. The Environment Act, requiring 10% mandatory net-gain on development, came into force earlier this month; however, the necessary Regulations covering implementation have not yet been issued, and its not clear how applications in the pipeline or submitted before the Act received Royal Assent should be dealt with. Nonetheless, in order to comply with the NPPF, it should demonstrate no net-loss as a minimum.

I hope I have interpreted this correctly. Do please let me if you have any further information on why this has been resubmitted without change.

47. Urban Design Officer

Please find some comments below. These should obviously be taken in to account alongside wider considerations about the suitability of development on this site. The comments have largely been aimed at the new Outline application that has excluded the detailed layout (but with the assumption that this appears to be largely the same as the pre-app version that did include a detailed layout).

- It cannot be assumed that 66 dwellings can be fitted on to the site - as the existing features on the site firstly need to be appropriately responded to - as mentioned in these comments.
- Archaeology considerations to be taken account of in the response to context - the views of RCC's archaeology consultant will be important and should be responded to with the design;

- Views - out of existing streets - rear gardens terminate views out of willow close for example - and at the top of Harborough close - it looks like some built development will back on to it there.
- The National Design Guide and the Design Guidelines for Rutland and South Kesteven (SPD) should be fully taken in to account, particularly in relation to the Design Process and fully demonstrating how the site and contextual analysis has been responded to. The proposed DAS falls short of properly responding to the context. Examples given within these comments.
- Fig 1 of the LVIA shows the layout with dwellings on - which has been removed from this new application - revealing that the layout remains largely the same as at pre-app and comments haven't been comprehensively taken in to account and/or understood.
- LVIA recommends in Fig. 13 Landscape Framework Plan - to 'set back proposed built form' from the edges of the site and add additional hedgerow trees - Fig 17 of the DAS illustrates 'potential green routes' around the western and northern boundaries (amongst other locations). Also Fig 17 shows a connecting North - South footpath link. But these features are absent or watered down in later diagrams, particularly the set back of built form and hedgerow trees along the NW boundary.
- The LVIA viewpoint 7- this is taken too far away from the site - Views towards the site on the approach to Whissendine along Stapleford Road need to be looked at more closely as you approach the site - no other built development is visible within these views and the proposed scheme would be the only built form visible.
- In relation to the above - development is too close to the western boundary. The N-S green link is weak and not green for much of its length as it follows the main street for much of it's length.
- The landscape infrastructure section on p36 of the DAS is very short and we would expect a Landscape Strategy and accompanying plan to be produced - showing the key broad landscape proposals and structure - including character, key spaces, biodiversity, interconnections and also setting out how these areas are intended to be used. For example - the green spaces within the site need to be interconnected with green routes to form a strong landscape structure and movement routes (see Design SPD - 5D: A strong landscape structure and 5E: Continuous green corridors and circuits). How will the central area of retained trees become a focal space if it is backed on to by dwellings and given little space within the layout and also dislocated and hidden away (needs more successfully incorporating into the site - see quote below). The Landscape Strategy would also include a commitment to street trees and would cover green and blue infrastructure together. Other themed strategy plans would also be helpful (see below advice in the Rutland Design SPD).

National Design Guide: 43 Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;

Rutland Design SPD, p24 - Once the vision, principles and concept are established, the framework can be fleshed out with a broad structure of layout that considers in more detail the disposition of land uses, blue and green infrastructure and the movement

network, and the relationship between each of these components and the surrounding area. This framework should consider a finer level of detail than the concept plan and to think about the relationship between structural elements. It could also include a series of simple themed strategies, such as a biodiversity strategy, landscape and SuDS strategy, tree strategy, movement strategy, key spaces strategy, play strategy - focussing in on these important elements individually ensures that they are comprehensively addressed and considered strategically in order to guide the detailed design work.

- The primary street would be expected to have street trees designed in to it (para 131 of NPPF and section 5F, 5H, 5M of Rutland's Design SPD);
- The drainage proposals should be more integrated into the layout and to follow best practice (section 5G of Rutland Design SPD);
- The proposed street structure does not create a connected layout (section 5I: Rutland Design SPD);
- The BfL assessment in the DAS uses the old version and not the new Building for a Healthy Life version. The present proposals (at Outline stage) fall particularly short on the more strategic criteria such as Making the Most of What's There and Well defined streets and spaces - as outlined above due to the response to context.
- RCC Ecology comments remain a concern and the National Design Guide section on Nature needs to be taken account of in addition to relevant sections of Rutland Design SPD - e.g. 5B, 5C, 5D, 5E.

48. **Public Rights Of Way Officer**

In principle, all looks good (based on Masterplan 105 Rev A).

However, as far as I can tell details of works to the existing public footpath (E8), such as surface treatment, are not described and must be submitted to the highway authority for approval prior to work commencing (on the footpath). Please make the applicant aware that if permission is granted they must ensure that:

- (a) There is no diminution in the width of the right of way available for use by members of the public
- (b) No building materials are stored on the right of way
- (c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- (d) Vehicle movements are arranged so as not to interfere with the public's use of the way
- (e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- (f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- (g) The safety of members of the public is ensured at all times

49. **Archaeology**

The trial trenching evaluation undertaken by Trent and Peak Archaeology showed that the ridge and furrow earthworks disguised archaeological features on the geophysical survey. Archaeological features were found across the site with only a handful of blank trenches. These remains are prehistoric, although there is the potential for some Saxon remains, and consist of pits, ditches and postholes.

Regarding the destruction of the ridge and furrow earthworks the LiDAR survey, supplemented by photographic evidence (Heritage Assessment and Geophysical Survey) and appraisal of aerial photography of the wider area, demonstrates that the site contains high quality ridge and furrow earthwork remains of the medieval and post-medieval agricultural landscape. The evidence suggests the earthworks comprise the remains of at least two separate furlongs (sub-units of the openfield system), the most intact being that adjacent to Stapleford Road. At the north east corner of the site, there appears to be a fragmentary holloway, with individual 'lands' (ridges) aligned east-west across the application site to a probable headland boundary at the western edge of the site. A seam in the ridge and furrow, coinciding with the east-west section of the later enclosure boundary, appears to mark the division between two furlongs, the southern of which extends further westward and has been truncated to the east by development of Sherrard Close.

Considering the earthwork remains, the submitted masterplan makes no allowance for preservation of the surviving features. As such the currently coherent historic earthwork landscape, which encompasses much of the western edge of Whissendine will be significantly truncated. The submitted Heritage Assessment suggests that this can be addressed in part by an earthwork survey. While this will indeed record the presence of the effected features, it will not compensate for their destruction as a tangible component of the landscape, nor offset its fragmentation. It is recommended that the loss of these significant and increasing scarce remains is given due consideration, taking into account the harm their destruction will cause to the historic environment (NPPF Section 16, para 197).'

In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2.,, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

As a consequence, it is recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve an earthwork survey and archaeological excavation of the impacted areas of archaeological remains.

The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.

If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.

The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (ClfA) '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 if any planning permission be granted they should be 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:

No demolition/development shall take place/commence until a written scheme of investigation (WSI) 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 WSI, which shall include the statement of significance and research objectives, and

' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

' 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 and recording

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

50. **Clarification from Team Manager (Heritage) LCC**

With regards to the ridge and furrow earthworks, assessment has been undertaken using the applicant's submitted LiDAR and geophysical survey, supplemented by the results of the trial trenching and appraisal of aerial photography. The evidence presented provides a good record of the physical form of an area of well-preserved ridge and furrow earthworks and shows them to be an element of a wider area of surviving earthworks, extending to the north of Stapleford Road, and to the west of the current application site. It is however apparent that progressive erosions of the earthworks in the immediate vicinity have occurred, largely as a result of the conversion of pasture to arable cultivation, but also due to the development around the western edge of Whissendine (Sherrard Close and Harborough Close). The proposals will result in further loss to these earthwork remains, leaving only a partial fragment of the current coherent system that presently exists, to the west of the village. Of particular note is the loss of a largely intact furlong (coherent group of ridge and furrow banks) to the west of Willow Close, and the loss of the eastern terminal ends of the adjacent furlong to the south (west of 5 Willow Close and 32 Sherrard Close). Additional features that will be removed include a possible holloway or headland feature northwest of Willow Close. Further appraisal of the earthwork remains, suggests that the present pattern of earthworks formerly extended north of Stapleton Road, and was subdivided before the 1766 map of Whissendine, with re-formation of the lands to the north and south of the road. The physical evidence of this change will be removed by the development proposal.

It is recommended that further archaeological and historical investigation of these remains should be undertaken in the event that the current application is to be permitted. Outstanding issues include establishing evidence for the formation and development of the open field system, investigating the impact of changes in land use and ownership in the late medieval and post-medieval periods (piecemeal enclosure and increasing importance of pasture for livestock grazing, etc.). This work should also form part of the conditioned programme of archaeological investigation outlined above and in our previous advice. It should however be restated that while the investigation and recording of the earthworks and associated buried remains will provide an adequate record of their archaeological significance and allow interpretation of their form and character, it will not compensate for their destruction as a tangible component of the historic landscape, nor offset its consequent fragmentation. It is recommended that the loss of this significant and increasing scarce resource is given due consideration, taking into account the harm their destruction will cause to the historic environment (NPPF Section 16, para 197). In all other respects, including the wording of the recommended condition, I would refer you to our previous advice.

Archaeologist Conclusion (From previous application)

I can confirm from our perspective the impact of the development upon the historic environment (buried archaeological remains and surface earthworks) does not constitute a reason to refuse the application. However, this is subject to the applicant accepting the imposition of suitable pre-commencement conditions on any approved scheme. Were they to refuse to accept such conditions, to allow for the necessary additional archaeological investigation and recording of the site, in advance of the development taking place, that would be a reason to refuse the scheme. The conditions are required in respect of all six tests (NPPF Para 55), the particular focus in this case being test 3, relevant to the development to be permitted.

Neighbour Representations

51. There have been 58 objections. The objections can be summarised as follows:

- Site is outside the PLD/Greenfield/Contrary to CS3 and SP6
- Over-development of the site
- Impact on Ridge & Furrow
- Flooding issues in the village will be made worse – site acts as a sink to rainfall
- Narrow roads in and out of the village are inadequate
- Harborough Close is blocked with school traffic already
- Village drains are overloaded
- Schools are full
- No Doctors in the village - Oakham MP is over crowded
- Too many additional cars
- Nuisance to Harborough Close residents from use of footpath
- Impact on views
- Transport surveys carried out during school holidays so not accurate
- Impact on wildlife
- Sufficient housing land is available at St Georges
- New housing should be in a new settlement with all its amenities
- 18% increase in dwelling in the village

Conclusion

52. Whist there are remaining concerns about the urban design solutions and the impact on

ecology, or particularly the post development position on biodiversity gain, it is not anticipated that these cannot be overcome. Discussions are continuing on these issues.

53. The development would provide much needed new housing including 30% affordable units in one of the County's more sustainable settlements. 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 now be approved in accordance with Para 11(d) of the NPPF.
54. The current appeal is awaiting a Hearing date but this is not anticipated to be in the next couple of months. The approval of this scheme would potentially avert a lengthy and costly appeal process although this in itself is not a reason for approving this scheme which must be treated on its merits.

Appendix 1

GENERAL NOTES

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