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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0336/MAO		ITEM 2
Proposal:	Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping and all associated infrastructure		
Address:	Land Off Burley Road Oakham Rutland		
Applicant:	Pigeon Capital Management 3 Ltd and the Burley Estate Farm Partnership	Parish	Oakham
Agent:	Carter Jonas LLP	Ward	Oakham North East
Reason for presenting to Committee:		Policy and Objections	
Date of Committee:		25 October 2022	
Determination Date:		14 June 2022	
Agreed Extension of Time Date:		28 October 2022	

EXECUTIVE SUMMARY

This site was allocated for development in the withdrawn Replacement Local Plan.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

RECOMMENDATION

APPROVAL, subject to the completion of a s106 agreement to provide affordable housing and the provision and maintenance of open space, and the following conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 24 months 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 one year 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 213 dwellings.
Reason – To ensure that sufficient space is available for open space, sustainable drainage and ecological interests and to ensure compliance with Policies SP5 and SP15.

5. The Reserved Matters shall have regard to:
- The Design & Access Statement,
 - The Post Submission DAS Addendum (11 July 2022)
 - Parameters Plan J0027570_CJ_MP_003
 - Illustrative Masterplan J0027570_012_V1
 - Illustrative Affordable Housing Plan J0027570_013_V1
 - Illustrative Parking Plan J0027570_014_V1
 - The Biodiversity Metric assessed by Dr G Hopkins
- 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 JNY11194-RPS-0100-001 Rev I, excluding the proposed shared use footway cycleway which shall be carried out in accordance with details to be submitted pursuant to condition 15.
- 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 the Residential Framework Travel Plan JNY11194-02b, v02b, RPS, 24 February 2022
- Reason – To ensure that sustainable travel is built into the development.
8. No development of a phase shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill for that phase 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 implemented in accordance with the agreed scheme before any individual dwelling is first occupied.
- Reason – To ensure that the relationship of the proposed dwellings to each other and to the wider landscape is acceptable, in the interests of residential amenity.
9. No development of a phase shall take place until precise details of the provision, siting, design and materials of screen walls and fences for that phase 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. The scheme shall provide for bat and/or bird boxes on all dwellings together with holes in fencing and boundaries for hedgehogs and other small mammals in accordance with the Ecological Assessment (Hopkins, March 2022).
- 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 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.
13. Prior to any development above damp course level of any dwelling, a landscape and ecology management plan shall be submitted to the local planning authority for approval. The development and subsequent management of the open spaces on site shall be carried out in accordance with that approved plan.
Reason: To ensure that the landscaping and biodiversity provision on site is properly maintained for an appropriate period in the interests of biodiversity and the appearance of the development.
14. 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.
 - g) An assessment of the risks to controlled waters.

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.

15. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

In the event that any contamination is found under (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of section (i), and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of section (ii), which shall be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing by the Local Planning Authority in accordance with section (iii).

(v) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in writing with the Local Planning Authority, and the provision of reports on the same shall be prepared, both of which shall be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Prior to the commencement of development, with the exception of below ground works, a detailed design of off-site highway works including the proposed priority T junction with right turn lane, the proposed 3m wide shared use footway cycleway (or such other width footway cycleway as may be agreed in writing with the Local Planning Authority) between Burley Park Way and the Co-Operative store on Burley Road, pedestrian crossing points including the toucan crossing on Burley Park Way, the removal of any redundant pedestrian crossing points, replacement of existing street lighting columns and highway drainage gullies together with a fully iterated Stage 2 Road Safety Audit of the Burley Road scheme shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in full prior to first occupation.
Reason: In the interest of highway safety.
17. Prior to the commencement of development, with the exception of below ground works, details of the emergency access off Ashwell Road shall be submitted to and approved in writing by the Local Planning Authority. The approved emergency access will be implemented prior to occupation of the 100th dwelling.
Reason: In the interest of highway safety.
18. Prior to the first use of any external public lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare. The development shall be carried out in accordance with the approved details.
Reason: To ensure that users of the highway are not subjected to glare and

dazzle from lighting within the development in the interest of highway safety.

19. Any new trees located within 5m of the existing or proposed public highway shall be planted with root-protection, details of which shall have been first approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
20. Prior to commencement on site details of special measures to protect any existing trees within 30m of the works area shall be submitted to and approved in writing by the Local Planning Authority. The special measures shall be in place for the duration of the works.
Reason: In the interests of highway safety and protection of existing trees.
21. All private shared driveways, vehicular and pedestrian accesses shall 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.
22. 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 footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the access road 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 access roads and driveways shall thereafter be completed in accordance with the approved timetable and phasing plan.
Reason: In the interests of highway safety.
23. The developer shall contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out an inspection of the condition of the public highway before site traffic commences. The results of the inspection will be submitted 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.
Reason: In the interests of highway safety.
24. No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-
 - a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
 - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
 - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
 - d) Haul routes to the site and hours of delivery
 - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway.

- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

- 25. The development shall be carried out in accordance with recommendations in the Ecological Assessment report (Hopkins Ecology, March 2022).
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.
- 26. Prior to the commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason – in the interests of proper phased planning of the development.
- 27. 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.
- 28. 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.

INFORMATIVES

- Outline CIL Informative (including confirmation that planning permission is a phased planning permission for the purposes of the Community Infrastructure Levy Regulations 2010)

Street Naming & Numbering - Section 17 - 18 Public Health Act 1925

- The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>
- Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

- Prior to the commencement of any work on the site, an inspection of the existing public highway, extent to be agreed, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

- The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk.

Off-site Highway Works - Section 278 Highways Act 1980

- The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email highways@rutland.gov.uk for further details.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

- It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway - Section 149 Highways Act 1980

- If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Traffic Regulation Order

- The proposal may include a post development reduction in the speed limit from 40mph to 30mph, which will require a Traffic Regulation Order. For details of the process and to make an application please contact Highways at highways@rutland.gov.uk. It should be noted that a speed survey will be required post development to support any proposal to reduce the speed limit and must be agreed with RCC's Road Safety Officer, the local constabulary and the Highways Team.

Internal Layout

- The LHA reserves the right to review the internal layout in detail under a future reserved matters application to assess its suitability including road hierarchy, surface water drainage, access road geometry, pedestrian connectivity, parking provision, turning provision, refuse collection facilities, access for emergency services, etc.

Site & Surroundings

1. The Site measures 17.13ha, is irregular in shape and currently comprises agricultural land. The Site boundaries follow existing boundaries, the majority of which are formed by mature vegetation, as follows:
2. The Site's northern boundary is marked by an existing field boundary comprising hedgerows and mature trees with a small stream (a minor tributary of the River (North) Gwash) running along it.
3. To the east there is a Co-operative supermarket which the Site borders to its north, west and south. Further to the east is a petrol filling station linked to the supermarket, as well as a car garage and showroom.
4. The Site boundary then follows Burley Road and Burley Park Way to form the Site's southern boundary. To the west the Site borders playing fields (Oakham School Wilson Fields). The Site boundary then follows the northern boundary of the playing fields with a strip of land connecting the main site with Ashwell Road. The Site's boundary then runs to the east of a number of existing commercial uses including Oakham Veterinary Hospital, which front Ashwell Road.
5. The Site's boundary also extends to the south of Burley Road to incorporate an area that is required for a surface water drainage outfall. No above ground built development is proposed in this location.

Proposal

6. The scheme has been subject to 2 separate informal presentations to members as it has progressed. A member site visit has also been undertaken.
7. The application is in outline form with a new access onto Burley Road, including a right turn lane, and a pedestrian/cycle/emergency access onto Ashwell Road included for full approval. A new section of footpath would join the Ashwell Road access to the existing footpath on the bypass. A new cycle/pedestrian (Toucan) crossing would be provided over the bypass at the southern end of the site to link to existing improvements along Burley Road into town.
8. The application gives the following breakdown of uses:

Area	Area (ha)	Area (acre)
Red line boundary	17.13	42.33
New homes area	9.28	22.93
Open/Green space/ Area for children's play	6.56	16.21
Drainage basin area	0.74	1.83
Zone for below ground surface water outfall (including section of Burley Road within the Site Boundary)	0.55	1.36

The scheme is intended to provide:

- A high quality landscape and design led sustainable scheme which will contribute towards the creation of a strong, vibrant and healthy community.
- Extensive areas of amenity space and green infrastructure (circa 6.56 ha)
- Allotments and areas for outdoor play (including a Local Equipped Area of Play and Local Area of Play).
- Ecological enhancements and an overall Biodiversity Net Gain (+22.9% for habitat units).
- SuDs features within areas of open space, including swales and bioretention features, incorporating species rich planting.
- Up to 213 new homes to meet a range of needs, including first time buyers, families and the elderly.
- Dedicated pedestrian and cycle links through the scheme and improvements to existing infrastructure at Burley Park Way and Ashwell Road to easily connect to facilities and amenities in Oakham.
- 30% affordable housing (up to 64 affordable new homes), including wheelchair accessible bungalows.
- Self/custom-build plots to meet the needs of people wishing to build or design their own home.

Relevant Planning History

9. Negative EIA Screening Opinion in relation to up to 220 new homes with accompanying green infrastructure and access dated 09 February 2022 (ref. 2021/1440/SCR). The negative Screening Opinion remains valid as a result of the more detailed application material and consultee responses that have been received in respect of the outline planning application.
10. There is no other planning history relevant to this application.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenges of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of sustainable development

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP9 - Affordable Housing

SP15 - Design and Amenity

SP17 - Outdoor lighting

SP19 – Biodiversity and geodiversity conservation

SP20 - The historic environment

SP22 - Provision of new open space

SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS1 – Sustainable development principles
CS2 - The spatial strategy
CS3 - The Settlement Hierarchy
CS4 - The location of development
CS5- Spatial strategy for Oakham
CS7 – Delivering socially inclusive communities
CS8 - Developer contributions
CS9 – Provision and distribution of new housing
CS10 - Housing density and mix
CS11 - Affordable housing
CS18– Sustainable transport and accessibility
CS19 – Promoting good design
CS20 - Energy efficiency and low carbon energy generation
CS21 - The natural environment
CS22 - The historic and cultural environment
CS23- Green infrastructure, open space, sport and recreation

Neighbourhood Plan

The Oakham and Barleythorpe NP was made in June 2022.

Policy 1: Residential Development Management

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. (but Para 11(d) still relevant)

Policy 2: Delivering Good Design

Policy 3: Housing affordability and Local Connection

Policy 6: Historic Heritage and Character

Policy 9: Green Infrastructure and Recreational Facilities

Policy 10: Protection of the Natural Environment

Other

Consultation draft Interim Position Statement on Housing Development (May 2022)

This statement, which was approved by Cabinet for consultation on 14 June 2022, aims to provide interim guidance which will apply until the Council has adopted a new Local Plan for Rutland, although it may need to be updated as the preparation of the plan progresses. Additionally, if prior to that point the Council has established a 5-year supply and has also maintained a satisfactory position with respect to the Housing Delivery Test, then the need for this Interim Position Statement will be reviewed. Sites should be deliverable and in sustainable locations. The statement suggests reducing the time limits for submitting details of reserved matters in outline application and reducing the time for commencement of work to maximise the delivery of new housing.

Officer Evaluation

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine the application in accordance with the Council's development plan unless material considerations indicate otherwise. The NPPF is a material consideration which is relevant to the determination of this application.

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

Principle of the use

13. The site had been approved by members as suitable for inclusion as a proposed housing site with an indicative capacity of 200 homes in the Replacement Rutland Local Plan. It has been assessed as suitable and deliverable. Had the Plan not been withdrawn from Examination the chances are it would now be part of the Development Plan (if the plan had been found sound and adopted by the Council).
14. The Development Principles for the site set out in the withdrawn Local Plan were as follows:

Indicative capacity 200

60 affordable homes / 140 market homes

A single comprehensive proposal will be expected for the whole site.

The proposed development should be designed to incorporate all of the following key principles within the layout:

- a) strengthen existing boundary features and provide significant structural landscaping and planting as well as open space to the northern boundary and north western part of the site to reduce the impact of this part of the site on the landscape;*
- b) design and orientate new buildings on the site in a way which retains and responds positively to key views out of the town and up towards Burley;*
- c) make appropriate provision for surface water management systems, including SUDs which will ensure that greenfield run-off rates are maintained once the site is developed;*
- d) provide safe, direct and convenient footway and cycleway connections through the site, and to the town centre;*
- e) ensure safe and direct pedestrian and cycle routes which follow desire lines, between existing residential areas to the west, the town centre, to existing cycle routes and crossings along Burley Park Way and Burley Road and other key destinations;*
- f) improve the pedestrian and cycle environment around the Co-op site, ensuring direct and safe routes to this retail site;*
- g) align development with prominent views, including views to the church and key navigational features within the site;*
- h) provide safe and convenient access to the site utilising Burley Road. Ashwell Road should not be used for vehicular access other than for emergency vehicles;*
- i) provides an appropriate mix of housing choices which reflect the mix set out in most up to date SHMA including 30% of the site capacity as affordable homes (a target of 60 homes);*
- j) provides appropriate green infrastructure and landscaping incorporating different types of open space, play and recreation facilities;*
- k) Provision of an onsite LEAP and allotments; and*
- l) demonstrate how the development will contribute towards delivering net biodiversity gain.*

15. The site is in a sustainable location on the edge of Oakham which is the main focus for new development in the Core Strategy. It has immediate access to the supermarket, easy walking distance of Oakham C of E school, which has capacity, and also of the town centre.
16. Whilst the site is outside the Planned Limit to Development (PLD) for Oakham, the absence of a 5 year land supply means that the provisions of Para 11(d) of the Framework are engaged and the locational policies of the development plan are out of date. As a

consequence, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with Para 11. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (the tilted balance). It is officers' view that there are no policies in the NPPF which would provide a clear reason for refusing the application.

17. Policy 1 Residential Development Management, of the Oakham and Barleythorpe Neighbourhood Plan supports the proposal on the basis of proviso 4 which states:
18. "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."
19. In this case the application of the tilted balance in the NPPF as a material consideration in decision making must be taken into account. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed scheme on this site, so the principle of this development is acceptable.

Design/Layout

20. This is subject to the reserved matters submission but changes have been made to the illustrative layout in consultation with the Urban Design Officer and a Design Review. This has added street trees and retained vistas though the site including to the Parish Church in town. The plan includes a substantial amount of green infrastructure. The latest Masterplan is attached as an Appendix. The proposed conditions would require any reserved matters application to have regard to the Parameter Plan and the illustrative masterplan, parking plan and affordable housing plan. On this basis officers are content that an acceptable design and layout for the proposed development can be achieved and policies CS10, SP15 and NP Policy 2 complied with.

Impact of the use on the character of the area

21. The application is accompanied by a Landscape and Visual Impact Assessment. This concludes that the landscape for the site is undesignated and was assessed to be of Low Value in the Council's Landscape Sensitivity and Capacity Study, and whilst the Capacity Ratings [capacity to accommodate change] in the 2010 report overall were Medium-High and Medium for the two sub parcels, this still compared favourably with all land north of the town which had less capacity to accommodate change, in addition to other areas around the town which fell within the locally designated 'Area of Particularly Attractive Countryside' (no longer a designation in the current development plan)
22. The assessment concludes that:

Overall, the proposals for the site are considered to have a 'Moderate Adverse Effect' on the landscape resource and local landscape character, as the proposals will see agricultural fields changed to one with residential use at the edge of the settlement. However, the proposals include the following measures to ensure the development fits with the character of the area:

 - Retention and enhancement of existing hedgerow vegetation and mature trees along existing field boundaries and edges.
 - Incorporating new trees, small tree groups and planting as part of a series of features to help integrate the proposed scheme, including the provision of a few tree lines to reflect the smaller scale linear field patterns in the vicinity of the Site

and to strengthen the connectivity lines between woodlands and green infrastructure features.

- Provision of footpath and cycle routes through the Site to increase public access, including greater connectivity between the Co-op site (adjacent) and Burley Park Way, into the town, as well as great connectivity through a shared cycle/ footpath access onto Ashwell Road. (These connections have the flexibility and potential to connect to wider rights of way enhancements elsewhere in future).
- Creating a series of deliberate views out towards the rolling landscape of the wider Vale of Catmose landscape and Burley Hill, by orientation of the layout and vistas with tree lines, extending back to a private track that runs around the sports fields.
- Increasing the amount of green infrastructure provision to reinforce character through open space with trees, orchard species and species rich meadow grass and allotments, as well as play space in the form of a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP).
- Providing an attractive hierarchy of tree lined streets, including some with swale features and hedge lines.
- Views of the Parish Church will be retained on the approach to the town, whilst the scheme will be set back to allow for new native planting including trees to reinforce the view along Burley Road.
- Reinforcing the northern edge of the Site with new native tree planting along the River Gwash tributary, which will help the transition between the settlement edge and the rural landscape, and also help ensure that the larger existing structures such as the Co-op building and Veterinary Hospital are less visible in existing views.
- Providing a substantial offset beyond the western edge of the scheme, to allow for allotments and structural native woodland planting, incorporating new trees and native species hedge planting in order to reinforce the north west part of the Site with a strong, defensible and robust undeveloped boundary to the wider landscape.
- Provision of self-build plots to the western part of the scheme reflecting appropriate ridge heights and a lower density overall, providing a better transition between the Site and rural landscape to the north west with an increased number of trees.
- Provision of attractive SUDs features within areas of open space throughout the scheme, including swales and bioretention features, and incorporating species rich planting, native tree clusters and incorporate longer grass/ species with heathland characteristics, to enhance the biodiversity and landscape characteristics of the area.

23. As a result, the proposed scheme will have a longer-term Slight Adverse Effect on the landscape resource and local character, without the loss of key landscape features. Indeed, there are a number of new features being introduced as part of the landscape masterplan, which will fit with the character of this location at the edge of the settlement.

24. Overall, the proposals result in a limited range of visual effects, but these are largely localised in extent, although it is accepted that the changes in views close to the Site along the Burley Road and Ashwell Road and Burley Park Way, will experience the most recognisable changes in visual amenity of Moderate to Slight Adverse Effect when the development is completed. Following establishment these receptors will have residual effects of Slight Adverse, including for the private track around Oakham School's sports fields.
25. Accordingly, the proposals incorporate the Landscape Character Objectives (strategy for the LCA) and it is considered that they will provide a high quality positive addition to the town of Oakham.
26. Officers consider that this is a reasonable conclusion to reach on this site and the proposal will not therefore have an unacceptable impact on the character of the area or the wider landscape and is in general conformity with policies SP23 and CS21.

Impact on the neighbouring properties

27. There are no immediately adjoining residential properties on this side of the bypass. The development relates well to the adjacent established retail/services facilities on the adjacent land.
28. There is concern from Oakham School with regard to the impact on the Wilson Playing Fields but a suitable buffer would be maintained and there would be no physical impact on that site.
29. Existing traffic on the bypass would not increase significantly due to the development.
30. Members are aware that there is no right to a view over third party land and the scheme is considered to comply with policy SP15.

Heritage Impacts

31. Under section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting. Case law has held that in enacting section 66(1) Parliament's intention was that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be *given "considerable importance and weight"* when the decision-maker carries out the balancing exercise. The NPPF (paragraphs 199 to 202) sets out the relevant considerations where a decision maker is considering potential harm to a designated heritage asset.
32. The applicant's submission concludes that development within the study site will result in change to a very limited part of the wider setting of the Grade I listed Burley on the Hill and the Grade II registered Burley on the Hill Park. However, change does not necessarily equate to harm and, whilst there is some limited intervisibility with the Grade II registered Burley on the Hill Park and parts of the Grade I listed Burley on the Hill, any views between these designated heritage assets and the study site are not considered to make an appreciable contribution to their setting and significance.
33. Therefore, it is considered that development within the study site will present no harm to the significance of either the Grade I listed Burley on the Hill or the Grade II registered Burley on the Hill Park. Therefore Section 66 (1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 S72 are not engaged.

34. This conclusion is concurred with by Officers. As such, it is not necessary to engage with the NPPF paragraphs 199 to 202 as officers consider no harm in heritage terms would arise from the proposal. In any event, any harm that may be considered to arise from the proposal is clearly less than substantial and is outweighed by the public benefits of providing housing, including affordable housing. The scheme is considered to comply with policies CS22, SP20 and Neighbourhood Plan Policy 1, Residential Development Management, and Policy 6, Built and Cultural Heritage and Character.

Drainage

35. Foul drainage would be into the existing sewer system which has capacity to cater for the development. There are connections on Burley Road and Ashwell Road.
36. The site is in Flood Zone 1, the least risk for development. Surface water would be controlled by a sustainable drainage scheme, attenuated in ponds and discharged into the stream that runs alongside the site at no more than greenfield run-off rates. This principle is acceptable and achievable. Details would be included in the RM. In this regard the scheme is in conformity with policy CS19.

Highway issues

37. The scheme involves a new access from Burley Road mid way between the Co-Op and the bypass. This will include a new right turn into the site for vehicles approaching from Burley and an emergency/pedestrian access onto Ashwell Road. The access is acceptable from a highway safety point of view and Burley Road has capacity to cater for the additional traffic likely to be generated. The scheme is in conformity with policy CS18.
38. The site is sustainably located in terms of walking/cycling and public transport and there is scope for adequate car parking to be provided in the RM. As such, the scheme is in conformity with policy CS1, CS4, CS18, and SP15.

Levels

39. The site is relatively flat with gentle slopes conducive to assisting the surface water disposal scheme. The reserved matters will include final floor levels of the dwellings but there is little in the way of constraint to an acceptable scheme.

Noise

40. The development will not produce an unacceptable amount of noise, and nor will it be affected from any local external noise source, such that it would be unacceptable. A construction management plan will be required. In this regard, the scheme is in conformity with policies SP15 and CS19.

Ecology

41. Prior surveys and the evolution of the illustrative layout indicate that there is no fundamental objection to the scheme and that it complies with policies CS21, SP19 and Neighbourhood Plan Policy 10. The main area of the site is arable and of low ecological value.
42. Permission should be granted in accordance with the Ecology comments below and the reserved matters will need to demonstrate a neutral biodiversity position but there is much scope for net gain (the statutory requirement for which has still not been enacted).

43. A Shadow Habitats Regulations Assessment has been prepared as part of the application to consider the potential for likely significant effects from the proposed scheme in relation to Rutland Water Ramsar site and Special Protection Area. In light of the Shadow HRA, Natural England's consultation response and the supporting information included with the application, officers conclude that the proposed development (together with the mitigation measures that are to be secured by condition) will not have an adverse impact on the site integrity of Rutland Water Ramsar site and SPA.

Archaeology

44. Initial work has been carried out such that there is no objection in principle subject to a condition requiring further on site trial trenching to be carried out.

Section 106 Heads of Terms

45. A draft agreement has been prepared that secures the provision of Affordable Housing and the provision and maintenance of open space in accordance with policy. A completed, signed s106 prior to a decision is not possible as there is no resolution to sign and seal it. However a S106 will need to be completed before a planning permission is confirmed.

Crime and Disorder

46. The proposal would not result in any significant crime and disorder implications in conformity with policies CS19 and SP15.

Human Rights Implications

47. 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.
48. No relevant Article of that act will be breached.

Housing Mix

49. The illustrative masterplan demonstrates that the site is capable of delivering a policy compliant housing mix, in accordance with policy CS9. The affordable housing mix is as per the Housing Strategy officers request and includes provision for wheelchair accessible bungalows.

Sustainability

50. The application is accompanied by a Sustainability Statement (included as part of the Planning, Design and Access Statement) that sets out how the scheme will provide for energy efficient homes, with opportunities for additional carbon savings through air source heat pumps or solar photovoltaic cells, EV charging and water efficiency measures. In this regard the scheme complies with policies CS1 and CS20.

Consultations

51. Highways

It is noted that all matters on this outline application are reserved except for 'access'.

Transport Assessment Ref JNY11194-01c Version 01c dated 4th March 2022

1. Para. 5.8 states that a reduction in speed limit along Burley Road from 40mph to 30mph would be appropriate as a result of this development. The LHA are not fully convinced that development of the frontage on one side of Burley Road

would lead to drivers observing a posted 30mph speed limit. From the speed data provided it is clear current speeds are around the existing posted 40mph speed limit. In order for a 30mph to be approved this would need supporting by a post development speed survey, which would need to gain the support of the local constabulary as well as RCC's Road Safety Officer and the LHA. Should a reduction in the speed limit be approved at that time the developer would be required to pay for all associated costs for the Traffic Regulation Order. As the outcome is unknown, the LHA would not agree to this at this time or recommend that this is conditioned, however, it could be written in to a S106 Agreement as a potential consideration for the developer to take up or not post development.

2. Plan JNY11194-RPS-0100-001 Rev G - Proposed Access Arrangement in Appendix 6 shows a narrowed section of footway to 2m between the new proposed access and Burley Park Way but it is not clear why this is necessary. As the site ownership/frontage abuts the public highway, there should be no reason for this narrowing other than the adjacent ditch, which could be realigned. Furthermore, not all layout plans are consistent, with some showing a 3m wide presumably footway/cycleway along the entire frontage, which is what the LHA would expect to see and be provided along the entire frontage of Burley Road. This does not prejudice the loss of the hedge fronting Burley Road.
3. Plan JNY11194-RPS-0100-001 Rev G - Proposed Access Arrangement in Appendix 6 shows various dimensions however the width of the right turn lane is not shown, this must be a minimum of 3.5m.
4. The plans do not show whether the existing pedestrian crossing point will be retained and incorporated in to the highway works or be removed. As there will provision for crossing Burley Road near Burley Park way and to the southwest of the proposed new access, the LHA will require the removal of the existing pedestrian crossing as it will become redundant.
5. It is noted that the access road width is 6.8m, which is unnecessarily excessive for a housing development and is likely to encourage speeds greater than 15-20mph, which would be appropriate. The LHA appreciates that this has potentially been guided by the swept path analysis for a refuse truck, but it is not necessary and should be reduced to 5.5m wide.
6. The plan in appendix 6 showing the emergency access will need a detailed design showing how vehicles will be prevented from entering, other than emergency. This could be conditioned though.
7. All other information within the report and the outcome is agreed and the LHA are content that the proposed development of up to 213 dwellings will not cause a highway safety or capacity issue.

All Block Plans

1. The principle of the main access and the secondary one for emergency access is acceptable to the LHA
2. It is noted that the internal layout is only indicative at this stage, so may change considerably on a future REM or FUL application. Given this the LHA do not intend to provide a full review of the whole site but had provided significant comments and feedback at a meeting held a number of months ago with the applicant and agent. The comments made at that time still stand as the latest

layouts provided are those that were reviewed at that time. That said, I have provided a little further comment below, however the list is not exhaustive and the LHA will reserve the right to comment further on any future REM or FUL application.

3. Some of the very long lengths of straight roads will encourage vehicle speeds, so the LHA would seek to reduce the length of these to a max of 50m by realignment or introducing ideally horizontal deflection.
4. More sustainable drainage features such as swales will be sort.
5. Whilst the Parking Plan is noted the parking provision can not be checked as all house types would be needed. For the future detailed internal layout design it is worth remembering that parking provision is based on habitable rooms, which includes utility rooms. In addition, if one large room contains for instance a kitchen/lounge/diner it would not be considered as one room, it would be considered as three. This point should be taken on board when designing the detailed layout for any future REM or FUL application.
6. More dedicated visitor parking will be sought on any future application.
7. A fully detailed and dimensioned plan will be necessary on any future application and the LHA will reserve the right to comment on this in detail.

In summary, the principal of development of up to 213 dwellings is acceptable to the LHA and it has been demonstrated that there will not be any adverse impact on the local road network. The proposal includes off-site highway improvement works including the new bellmouth with right turn lane facility and footways/cycleways and crossing places together with a toucan crossing on Barley Park Way. The LHA would seek clarification on the narrowed footway along one section of Burley Road and would seek a 3m shared footway/cycleway along the entire frontage of the site up to the entrance of the coop and the width of the right turn lane. Ideally revised plans showing these updates would be preferred, however if you are minded to approve the application as it stands, the LHA would recommend the following conditions and informatives:-

Off-site Highway Works

A detailed design of off-site highway works including the proposed priority T junction with right turn lane, 3m wide shared use footway cycleway along the entire frontage of the site along Burley Road, pedestrian crossing points including the toucan crossing on Burley Park Way, the removal of any redundant pedestrian crossing points, replacement of existing street lighting columns and highway drainage gullies plus details of the emergency access off Ashwell Road together a fully iterated Stage 2 Road Safety Audit of the Burley Road scheme shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in full prior to first occupation.

Reason: In the interest of highway safety.

Lighting affecting the highway

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

Tree Root Protection

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.

Works near Existing Trees within the public highway

Prior to commencement on site details of special measures to protect any existing trees within 30m of the works area must be submitted to and approved in writing by the Local Planning Authority. The special measures shall be in place for the duration of the works.

Reason: In the interests of highway safety and protection of existing trees.

Surface Water Drainage

All private shared driveways, 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.

Completion of roads

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 footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the access road 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 access roads and driveways shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety.

Pre-condition Highway Survey

The developer must contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out an inspection of the condition of the public highway before site traffic commences. The results of the inspection will be submitted 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.

Reason: In the interests of highway safety.

Construction Management Plan Condition

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction

operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.

- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

INFORMATIVES

Street Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, an inspection of the existing public highway, extent to be agreed, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk.

Off-site Highway Works - Section 278 Highways Act 1980

The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email highways@rutland.gov.uk for further details.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway - Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Traffic Regulation Order

The proposal may include a post development reduction in the speed limit from 40mph to 30mph, which will require a Traffic Regulation Order. For details of the process and to make an application please contact Highways at highways@rutland.gov.uk. It should be noted that a speed survey will be required post development to support any proposal to reduce the speed limit and must be agreed with RCC's Road Safety Officer, the local constabulary and the Highways Team.

Internal Layout

The LHA reserve the right to review the internal layout in detail under a future reserved matters application to assess its suitability including road hierarchy, surface water drainage, access road geometry, pedestrian connectivity, parking provision, turning provision, refuse collection facilities, access for emergency services, etc.

52. Lead Local Flood Authority

Sustainable Drainage Statement - March 2022

1. The plans in Fig 2 & 3 of the geo-environmental assessment are not showing the site correctly.

Flood Risk Assessment - February 2022

1. The strategies and outcomes set out in this report are acceptable, subject to detailed design and an assessment of the ordinary water courses used for discharge of surface water.
2. The assessment shows the discharge of surface water being restricted to greenfield run-off rate, which is acceptable to the LLFA.

3. A detailed design of the entire drainage system will be required and is to be conditioned together with a full management & maintenance plan.

In summary the LLFA raise no objection to the proposal subject to the following condition being appended to the decision notice if you are minded to approve this application:-

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 (+40% 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);
- c) Flood water exceedance routes, both on and off site;
- d) A full capacity and condition assessment of the existing ordinary watercourse from the discharge points, upstream and downstream for 500m;
- e) A timetable for implementation;
- f) Site investigation and test results to confirm infiltrations rates; 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.

Reasons: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

Land Drainage Consent

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.

53. **Housing Strategy**

These are affordable housing comments only and colleagues will comment on other aspects of the proposed scheme.

For 213 dwellings, the affordable dwellings on the Affordable Housing are correctly shown at 64, or 60 in this case as the 2 no. 3 bedroom 5 person wheelchair accessible bungalows (which will need to meet the M4(3) Building Regulations standard) and the 2 no. 5 bedroom 8 person houses count as double under paragraph B1.10 of the Planning Obligations SPD 2016.

There is, however, an error in the addition under the 'Count As' column of the applicant's 'Indicative schedule of affordable accommodation' (and also in the Planning, Design & Access statement). The 2 no. 2 bedroom 3 person wheelchair accessible bungalows (which will need to meet the M4(3) Building Regulations standard) are shown as counting as 4, when they should only count as 2. The total of the column, 64, is correct.

The affordable housing mix proposed does meet local need, subject to an appropriate selection of properties for affordable housing for rent and affordable home ownership. The affordable home ownership should be 21, to meet the requirement for 10% AHO provision in the NPPF. This should consist of 12 no. 2 bedroom 4 person houses and 9 no. 3 bedroom 5 person houses. These should be shared ownership homes to meet the priorities in the Strategic Housing Market Assessment Update 2019. (There is no requirement to provide First Homes in Oakham and Barleythorpe due to the status of the Neighbourhood Plan.) The remainder of the properties should be social rented or affordable rented.

It is noted that the application form shows all the affordable homes as being for ownership. This is not acceptable and does not address local housing need under Policies CS11 and SP9.

The affordable homes are not well integrated in the development. In the Affordable Housing Plan, there is an affordable cluster of 18 dwellings separated only by 2 semi-detached pairs of market housing from another affordable cluster of 8. This is contrary to Policy SP9 of the Site Allocations and Policies DPD and 5R of the Design Guide SPD. More generally, both SP9 and 5R apply to the intergarion of affordable housing through, for instance, layout style and materials, with 5R especially relevant to 1 bedroom properties.

The Affordable Housing Plan also shows some detached properties. The affordable homes need to remain affordable, whether the homes are for shared ownership or for affordable housing for rent. It is particularly important that the rents for rented properties do not exceed the Local Housing Allowance.

A suitable section 106 agreement will be need to meet local housing need.

54. **Forestry Officer**

Our trees are showing within their boundary. We have trees, as part of the highway adoption, that are situated along Burley Park Way. They have encompassed these trees in the plan and show they will remove a hedge within it. We cannot permit this.

The dwellings they propose include many too close to our trees making future demand to remove them highly likely.

Also there appears too many proposed dwellings making any contribution to mitigate against the tree loss futile. I recommend, from an arboricultural perspective, we refuse this application.

Further comments

I have just had a productive meeting with Robert Snowling of Pigeon in reference to this site. He has given assurances that:

- The development acknowledges the trees managed by the Council via the Highway Adoption layer,
- That the Council-managed trees will only incur a small loss to allow a cycle lane,
- No underground services will go through the Council-managed trees,
- The dwellings within the site will be revised to allow more space around the sites of the proposed trees,
- The trees along the entrance road will be either publicly or Council owned. This protects them from resident's wanting to fell a tree near their house.

I withdraw my objection to the proposal.

55. **Archaeology**

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements.

The Leicestershire and Rutland Historic Environment Record (HER) notes that there is potential for archaeological remains on site to be impacted by the development. A recent (2019) geophysical survey shows archaeological remains within the application area and further work to determine and mitigate the remains is needed.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

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

' 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, recording, dissemination and archiving

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.

Please will you ensure a copy of the Decision Notice is sent to us in due course, to enable us to continue to monitor and safeguard the archaeology of this site. Should you or the applicant have any further queries please do not hesitate to contact us.

56. **Ecology**

The Ecological Assessment report (Hopkins Ecology, March 2022) is satisfactory. It identifies the site as an arable field with a smaller field of improve grass sward. There is a stream that runs along the northern boundary of the site and I am glad to see from the illustrative masterplan that a buffer has been provided between plot boundaries and the watercourse. No evidence of otter or water vole were found to be present in this watercourse. The report confirms that no further surveys are required which I find acceptable, however there are trees on the site that have the potential to support roosting bats; further surveys will be required if these trees are impacted. The recommendations in the report should be followed.

Each of the dwellings should have either a bat or bird box (see section 7.10 of the report) installed on them. Details of locations and specification (integral preferable) should be provided on the plans. Locations of holes in any fencing for hedgehogs and small mammals should be provided on plans.

Lighting will not be acceptable along habitat/wildlife corridors.

The report states that "The scheme will deliver an overall Biodiversity Net Gain and quantitative calculations for Biodiversity Net Gain are presented, and the scheme achieves an overall Biodiversity Net Gain with a net gain of +22.9% for habitat units, and +3.98% for hedgerow units". I have reviewed the DEFRA Metric which is acceptable. A LEMP (Landscape and Ecology Management Plan) will of course be required.

57. **Anglian Water**

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

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

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.
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.

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.

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to

Anglian Water is unacceptable due to a lack of a surface water strategy containing intended connection points and flow rates. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency.

We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development.

As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.

58. **Environmental Protection**

No objection to this development as long as the following environmental mitigation is implemented .

The following works are recommended, ideally informed by a proposed scheme design: The contaminant linkages identified in Section 3 of the phase 1 report should be further assessed by means of intrusive investigation. This would likely involve the sampling of shallow soils throughout the area to confirm their suitability in a residential setting as well as groundwater and ground gas monitoring. An intrusive investigation covering a greater proportion of the site area should be completed with associated in-situ and laboratory testing also being completed as part of this work. This would allow for more specific geotechnical design information to be presented as well as providing more information for use in overall design of any scheme such as the detailed drainage strategy. For parcels the size of the land northwest of Burley Road, a grid centred around 100m (or closer) centres where soils are investigated (either by means of trial pits or boreholes) would typically suffice.

The recommendations contained within Chapter 5 Mitigation & Acoustic Design Statement of the Noise Assessment 21.138.2.R2 should be followed:

5.1 Road Traffic

5.1.1 The previous section has indicated that the majority of the Site falls into the low / medium risk category for the daytime and night-time periods. For the daytime period, the majority of the Site falls below 60dB and 57dB for the night-time. Nevertheless, good acoustic design should avoid 'unreasonable' acoustic conditions and prevent 'unacceptable' acoustic conditions. Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements.

5.1.2 Given the potential for plots to fall within the low / medium risk category, good

acoustic design is essential in these areas. Specifically, the following will need to be considered when designing the Site and plot layouts: Where possible, plots bounding/closest to the roads will need to be orientated such that any garden areas are protected by the building envelope and buildings should wrap around the sides to protect the gardens. If this is not possible acoustic barriers will be required for the garden areas. It can be seen in the Illustrative masterplan that this advice has been implemented and the majority of the dwelling fall below 55dB. Figure 1 of Appendix 6 shows the location of the proposed 1.8m barriers required for the garden areas that are side on to the roads; and Wherever possible, windows for habitable rooms should face away from the roads so that opening windows does not necessarily result in an exceedance of the internal noise criteria. However, where this is not possible, internal noise levels can be controlled by way of alternative ventilation.

5.1.3 With regards to internal noise levels within dwellings from road noise, the previous section has shown that for both the daytime and night-time average noise levels, standard thermal double glazing will be adequate in controlling external noise levels. However, with a partially open window, the internal noise levels for the habitable rooms of the closest dwellings to the roads will exceed the noise level criteria. Accordingly, it is necessary to consider an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation. Adequate background ventilation can be achieved by using a window-frame mounted acoustic trickle ventilator as follows: Greenwoods EAR42W (affords up to 42dB Dn,e,w +Ctr).

5.1.4 Further calculation indicates that any bedroom window which lies within 110m of the centre of the Burley Park Way or 85m of Burley Road, with either full or partial line of sight to the roads will require the above trickle ventilator.

5.2 Commercial Sound

5.2.1 The previous Section has shown that the rated level will exceed the background sound level by between +1.0 and +6.4dB during the daytime period for the residential areas. In order to control this exceedance, it is recommended that gardens are orientated to the rear of any proposed dwellings so that the dwellings act as a barrier.

5.2.2 In addition, it is recommended that a 2.5m barrier is located on the boundary of the yard area with 2m barriers at the garden areas in order to further reduce noise level to meet the criteria. Figure 1 of Appendix 9 shows the sound reduction with the proposed barriers in place. With the proposed recommendations a level of 38dB can be achieved which with a 5dB penalty falls below the background sound level. 5.2.3 The proposed noise barriers will need to have a minimum mass of 15kg/m² and be free from holes.

5.2.4 With regards to internal noise levels within dwellings from commercial noise, the previous section has shown that for both the daytime and night-time noise levels, standard thermal double glazing will be adequate in controlling external noise levels. However, with a partially open window, the internal noise levels for the habitable rooms of the closest dwellings located in Groups B to D will exceed the noise level criteria. Accordingly, it is necessary to consider an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation. Adequate background ventilation can be achieved by using a window-frame mounted acoustic trickle ventilator as follows: Greenwoods EAR42W (affords up to 42dB Dn,e,w +Ctr).

59. Crime Prevention 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.

In relation to the Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping and all associated infrastructure. At Land Off Burley Road, Oakham, Rutland.

I have now visited, and have reviewed the proposed development. There is a vehicle entry point at Burley Road south corner, which leads into the site before it splits into internal roads allowing access to all dwellings and associated areas within the development.

There are no through routes within the site layout and Emergency Access is appropriate for a site of this size and scale. Permeability is not an issue in my opinion due to the single vehicle entry point. There is open space and water attenuation to the north and east sides. Also, allotments to the west of the site including associated parking. There are pedestrian access points with two to the west and one to the east sides. I recommend illumination to the approaches and to these areas to BS5489.

There is open space and pedestrian walkways to the north, south and west sides and existing woodland is retained predominantly to the west and northern flanks, with water attenuation with smaller areas to the north and centrally. Lighting is recommended to be to BS5489 in these areas and their approaches. Existing perimeter enclosure is recommended to be retained, which appears to be the case.

Vehicle parking is in curtilage to dwellings which does offer good natural observation. I would recommend consideration of gable end windows were possible to increase the possible natural observation available. There is proposed communal parking near to the allotments which is recommended to be illuminated to BS5489.

Consideration of the use of CCTV coverage of the key vehicle entry point at Burley Road 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.

A Section 38 Agreement is recommended to install an electrical spur to the nearest lamppost to the junction to site the CCTV camera. The remainder of the site is recommended to have general coverage of key areas including walkways, and any other vulnerable areas. Emergency Services access at this development is appropriate without obstruction.

Lighting throughout the site including the key vehicle entry point and other key areas such as walkways and open space as well as water attenuation should be to BS5489.

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.

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. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development. Retention of existing hedgerows is recommended to deter unauthorised access.

General Recommendations

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.
12. Consideration of Safe Routes through open space and walkways should account for the use of women and girls.

60. **Barleythorpe Parish Council**

The Barleythorpe Parish Council meeting on 31st March 2022 to consider the planning applications was attended by a large number of members of the public and residents who all expressed their concerns and objections to the two planning applications (Planning Applications 2022/0336/MOA Land off Burley Way and 2022/0325/MOA Land to the west of Main Road) under consideration.

Although Planning Application 2022/0336/MOA Land off Burley Way lies within Barleythorpe County Council electoral ward, Barleythorpe Parish Council wishes to make the following observations.

The Parish Council's main concerns are the lack of community infrastructure which the present development of Oakham Heights has experienced with its lack of implementation despite apparent pre-planning. The development will increase the already overstretched Primary Care services and the number of dwellings proposed will put additional pressure on local schools. It is also a matter of concern that the plan will take up agricultural land which is becoming an increasingly valuable asset.

Rutland is a commuter county and there are very few jobs available in Rutland of which most are minimum wage. Local people in Rutland need affordable housing none of

which is in the proposal. So you are only looking for commuters to live in these homes.

Most residents will have to commute either to Nottingham, Leicester, Grantham, Peterborough, Northampton or even London to find the well paid jobs required to afford these homes. The UK Government wants the UK to become carbon neutral but this development would increase the carbon footprint as most of the new residents would have to commute to work.

Rutland medical services are already under severe strain. It is almost impossible to get a face-to-face appointment with a doctor in weeks, if at all. More families and an ageing local population has been increased locally in Barleythorpe by the addition of more age related residential care homes and retirement apartments.

Schooling is also a major concern with this development. Although there are continuing concerns about the provision of primary school places within Barleythorpe there is a particular concern relating to secondary schools and whether there is enough or sufficient provision of secondary school places to cope with any increased demand.

Barleythorpe has already seen the largest development to take place in Rutland with 1000 houses constructed and the emerging community has had to put up with 10 years of disruption and significant issues with the developers. Promised local infrastructure has not been delivered and traffic has increased significantly. Any further development in Barleythorpe should be seen as over development and this proposed site will change the character of the "old village".

61. **CPRE Rutland**

CPRE Rutland objects to this planning application. Notwithstanding the fact that the site was included as a draft allocation in the, now withdrawn, emerging Local Plan, it is considered that the location is not appropriate for residential development for the following reasons:

- The site is located beyond the Oakham by-pass on agricultural land, beyond Oakham's planned limits of development. Housing development in this location, on the scale proposed, cannot be considered a natural extension of the town but a satellite estate pushing into open countryside and with no obvious connection to services other than across a busy road
- The site boundary lies close to that of the designated Rutland Water Area and only 1.25 km from the western edge of the Rutland Water SSSI, Ramsar and SPA. Moreover, the site is at a level some 15 metres above that of the Rutland Water shore such that drainage from the site is likely to enter the tributary of the river Gwash which flows adjacent to the site and ultimately into Rutland Water.
- This could have an adverse impact on the integrity of the nature reserve and its special interests through water pollution. Has the applicant carried out an Appropriate Assessment?
- Even if development in the location proposed were to be considered acceptable in principle, CPRE Rutland contends that the scale, poor relationship to the town and potential adverse impact upon the special interest of Rutland Water, site for nature conservation, are significant negative factors
- It is further noted that the adjacent Co-op Store building had been well set down to minimise visual impact. At the Coop end of the proposed site, the land proposed for housing rises significantly ensuring that the planned housing will be prominent on the skyline.

Ron Simpson BEM
Chair CPRE Rutland

62. **Natural England**

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application may:

- have an adverse effect on the integrity of Rutland Water Special Protection Area <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Rutland Water Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- SuDS must be implemented and maintained as detailed within the Sustainable Drainage Statement
- A Construction Management Plan must be implemented to remove the possibility of construction related impacts to Rutland Water.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Advice on Mitigation

Having considered the shadow Habitats Regs Assessment and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we do not yet concur with the assessment conclusions. We recommend that construction impacts should be assessed within the HRA; where necessary, a CMP may be required to mitigate any additional impacts.

Natural England would like to welcome the inclusion of a Net Gain assessment and the use of the Biodiversity Metric 3.0. We note that a gain of only 3.98% in hedgerow units has been made; would like to point out that Mandatory Net Gain will make it a requirement of all developments to show a 10% increase in all three areas (habitat, hedgerow and rivers where appropriate). At this stage, we have no objection with regards to this, but would simply like to encourage a further gain in hedgerow units. This could be achieved via further hedgerow enhancements, which are a great 'bang for buck' way to boost biodiversity; this is reflected within the Metric.

Neighbour Representations

21 Objections have been received, which can be summarised as follows:

- Should be a condition of all new development that new infrastructure is paid for up front
- Concerned regarding only one permanent access on to Burley Road, Ashwell Road emergency access should be made permanent. 213 households, most will own two cars, all trying to enter and exit at peak periods via one access?
- Bypass was supposed to be the boundary to the town
- Visual impact on approach from Burley
- Need new medical and dental facilities
- Potential flooding of surface water brook and sewage works
- Traffic conflict with new wildlife park?
- Over development of Market Town
- Traffic on bypass already a problem
- Impact on character of the town
- Disruption and impact on vet hospital
- If approved - make all houses Passive Haus standard

Conclusion

63. The site has been properly assessed as a suitable site for development on the edge of Oakham as the main focus for development in the County.
64. Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). It has been demonstrated that the application proposals accord with the development plan, when taken as a whole, and therefore planning permission should be granted.
65. In any event the proposal will result in the delivery of an extensive benefits package, including extensive areas of amenity space and green infrastructure (circa 6.56 ha), allotments and areas for outdoor play, an overall Biodiversity Net Gain, policy compliant affordable housing, and new pedestrian and cycle infrastructure, and would make a meaningful contribution to housing delivery in the area for which there is an acute need. Accordingly, even if it was found that the development plan was not complied with as a whole, the benefits that would be delivered by the scheme would support the grant of permission nonetheless.
66. In any event, in view of the lack of demonstrable evidence that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits (as detailed above) in accordance with Para 11(d) (and no policies in the NPPF providing a clear reason for the application to be refused), the application should be approved.







Fig 41: Axonometric sketch of the scheme looking north towards the Co-op from the roundabout at Burley Road / Burley Park Way

