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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2022/0296/RES	ITEM 5	
Proposal:	Reserved matters application in relation to 2019/0525/OUT (Housing development (up to 20 no. dwellings) with access) for appearance, landscaping (including open space areas), layout and scale.		
Address:	Land South of Leicester Road Uppingham		
Applicant:	Avant Homes	Parish	Uppingham
Agent:		Ward	Uppingham
Reason for presenting to Committee:	Authority required to sign off a S106 Deed of Variation		
Date of Committee:	18 April 2023		
Determination Date:	07 June 2022		

## EXECUTIVE SUMMARY

The site is subject to an outline planning permission and the Chairman had agreed to deal with this Reserved Matters approval under delegated powers. Because there is nothing in the Constitution to allow for this scenario to be signed off by Legal/Director, it needs a resolution of this Committee to approve it.

## RECOMMENDATION

**APPROVAL**, subject to the final signing of the Deed of Variation to the S106 Agreement attached to the outline permission and the following condition:

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
  - UPPI-SL-001 Site Location
  - UPPI-SL-001, UPPI-SK-003 Rev F - Layout
  - 9937-FPCR-XX-XX-DR-L-0002 P04 - Landscaping
  - The Housetype Brochure Feb 2022
  - Site/SG/006A – Garages

Reason - For the avoidance of doubt and in the interests of proper planning.

## Proposal

- Reserved matters for 20 dwellings in accordance with outline planning permission 2029/0525/OUT. See layout at Appendix 1.

## Relevant Planning History

Outline permission granted as set out above. This was an allocation in the Uppingham Neighbourhood Plan

## Relevant Planning Policies

### National Planning Policy Framework (NPPF)

Chapter 12 - Achieving well-designed places

### Site Allocations and Policies DPD

SP15 - Design and Amenity

## **Core Strategy DPD**

CS19 - Promoting Good Design

## **Officer Evaluation**

2. This application only comes to Committee due to the Councils Constitution not providing for a Deed of Variation to a S106 to be signed off by a Director.
3. The DOV was requested by the applicant to alter finer details of the Affordable Housing scheme on site. This has been agreed with the Housing Strategy Officer and continues to provide the 30% required by the original S106.

### Background

4. Outline planning permission was granted under reference 2020/0525. This is an application for approval of the details (the reserved matters). This shows 20 dwellings as approved at outline stage. Minor alterations to the approved access were approved under 2022/0653/NMA.

### Neighbourhood Plan

5. Uppingham NP allocated this site.

### Principle of the use

6. Established by the outline pp.

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

7. The design has been subject to several changes to get it to the point of being acceptable in terms of urban design principles. The detail is now considered to be acceptable.
8. The delay has been caused by the requirements for design changes and a Deed of Variation to the S106 agreement that accompanied the outline permission.

### Impact on Heritage Assets

9. None

### Impact on the neighbouring properties

10. None direct. Some neighbours have made comments on density, traffic etc but these issues have been established by the outline permission.
11. Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### Highway issues

12. The access was approved at outline stage and amended slightly by an NMA in 2022.
13. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of

the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### Ecology

14. Whilst the Ecology consultant has pointed out that the surveys are more than 2 years old, there was no condition on the outline requiring ecology details to be submitted. This was prior to BNG being envisaged.

### Affordable Housing

15. A Deed of Variation has been signed to deal with a minor change to the AH provision.

### Crime and Disorder

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

### Human Rights Implications

17. 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.
18. It is considered that no relevant Article of that act will be breached.

## **Neighbour Responses**

19. Mr A Smith 2 concerns;

- 1) Road safety - we have already had a serious RTA close to this development - 2 cars written off, 1 on its roof, 2 motocyclists thrown clear.
- 2) Drainage - the ditch down the edge of the elms (bordering the proposed development) and the site itself frequently come close to flooding.

20. Richard Coates

The housing density of the site is appears high. This in turn creates significant traffic and a busy junction directly opposite neighbouring driveways, at the point of speed limit change and close to existing traffic islands. This is not desirable for pedestrian or traffic safety. There appears to be little space given for visiting or additional vehicles on the site, making it likely greater numbers of vehicles will park directly on Leicester Road, again increasing hazards.

The original scheme detailed for outline planning (2019/0525/OUT) included specific information relating to drainage and a watercourse on the site. This seems to be missing, and is of concern - the existing drainage system is often seen at capacity after heavy rain, without the additional hard standing and decreased runoff time this development will bring.

As the Uppingham Town Council previously noted, the development is not in keeping with the Neighbourhood Plan

21. Mr David Evans

I write as a resident of Leicester Road directly opposite the proposed development. I was not on the notified neighbour list so apologize that my objections come past the timetabled deadline for public consultation. As a result, I would like my comments below to be included and also considered before any determination is given.

My main objection to the development is that the new proposals following the Outline Planning proposal continue to fall short against the principles of quality and good design in the planning policies. These were also in part called out by the Town Council in their objection during the outlining planning application consultation, stating that the proposals "do not reflect the Neighbourhood Plan or the recommendations from the design consultancy meetings in respect of:

- i) Larger homes on frontage to blend in with other properties on the Leicester Road.
- ii) Houses to be built around 'village green' spaces.

These issues remain unresolved in the current proposals, with the selected house designs and site layout of key concern;

1. The frontage to Leicester Road now consists of 7 smaller dwellings vs the previously proposed 4 larger formats. I note that Avant homes do offer larger formats than those proposed (e.g. Tetbury, Kirham, Welham and Oakham etc), and as seen at other East Midlands developments. Why are these larger and varied units not being used here, at least to the frontage? The current plans have proposed only 2 house types here, all seemingly of the same materials, although there have been no details provided for materials to brickwork or roofing etc.

2. Second issue concerns the site layout and specifically available parking which currently appears limited. I note other resident objections also citing this issue. There is a real and obvious risk to residential parking spilling onto Leicester Road or dotted around the roadway on the development without adequate provision made on the development itself. Considering 4 and 5 bedroom houses are planned, 2 spaces is far from sufficient for these properties.

As a further concern, I raise the issue of drainage for the site and considering the issues experienced with the adjacent Bloor Homes development. Before any planning can be seriously considered a thorough and extensive plan should be provided for how the drainage will work and will mitigate further impact to the highway and neighbouring properties.

In summary the appearance of the development, individual house designs and overall landscaping are limited in detail and can therefore be deemed incompatible with the surroundings in the interests of visual amenity, and are hence contrary to the local setting and the relevant planning policies. The proposals in current form demonstrate yet another 'same old new builds' development and are totally out of keeping. A lack of car parking provision and adequate plans for drainage raise further concerns for the viability of the development in the current proposals.

I thank you in advance for your consideration and review of my objections.

## **Consultation Responses**

### **22. Design Officer – Policy**

Same comments before about the green street entrance sketched out in the outline application;

- No street trees in the public realm
- Wall of number 9 is very/too prominent and dominates the street and views down the street
- Wall of plot 3 dominates the street too much and prevents plot 3 from being a strong corner / dual aspect property on the important site entrance corner
- Plots 3,20,16 and 9 are all important corner plots but nothing to indicate that they will create active and attractive corners with ground floor windows etc.
- No information / strategy / vision about the function and character of the green space / drainage basin at the front - or the steepness of the slopes of the basin.

- No Suds integrated in to the layout (could the driveways and street be permeable paving for example?)
- No clear front boundary treatment proposals
- Much of the above in the RCC Design SPD and BfHL

### **23. Ecology Unit**

The ecology reports submitted at outline (2019/0525/OUT) are dated 2017. Before I make any further comments please can you confirm whether any revised ecology information has been provided?

### **24. Ecology Unit (22 June 2022)**

The surveys carried out for the outline planning application are now more than 2 years old and therefore no longer valid. Revised ecology surveys are required.

### **25. Archaeology**

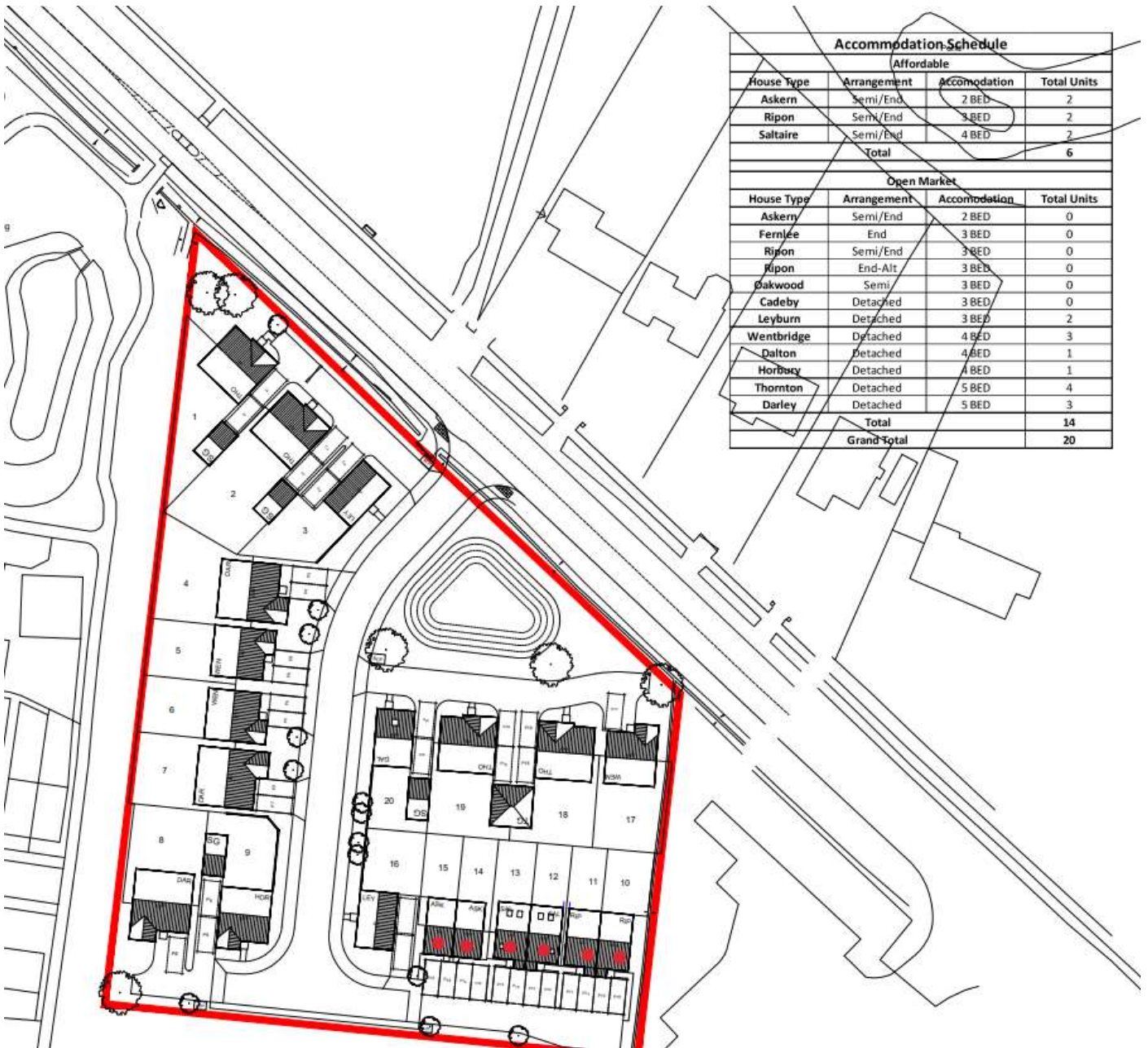
Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

### **26. Anglian Water**

The submitted plans with the application are related to elevations, floor plans, appearance, therefore we have no comments to make on the application

## **Conclusion**

27. The development is acceptable and the DOV to alter the affordable housing scheme continues to provide the requisite number of units as required by the policy.
28. The Council as Local Planning Authority has had regard to the relevant policies of the development plan and considers that subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan policies as set out above, would not materially harm the living conditions of neighbouring occupiers and would be acceptable in all other planning considerations. The Council has taken into account all other matters, none of which outweigh the considerations that have led to its decision.





## DELEGATED REPORT

**Application Ref:** 2022/0296/RES                      Date of Report: 01-Mar-23  
**Case Officer:** Nick Hodgett  
**Determination Date:** 7 June 2022

**Proposal:** Reserved matters application in relation to 2019/0525/OUT (Housing development (up to 20 no. dwellings) with access) for appearance, landscaping (including open space areas), layout and scale.

**Address:** Land South Of, Leicester Road, Uppingham, Rutland, ,

### Neighbour Responses

Mr A Smith            2 concerns;  
 1) Road safety - we have already had a serious RTA close to this development - 2 cars written off, 1 on its roof, 2 motocyclists thrown clear.  
 2) Drainage - the ditch down the edge of the elms (bordering the proposed development) and the site itself frequently come close to flooding.

Richard Coates            The housing density of the site is appears high. This in turn creates significant traffic and a busy junction directly opposite neighbouring driveways, at the point of speed limit change and close to existing traffic islands. This is not desirable for pedestrian or traffic safety. There appears to be little space given for visiting or additional vehicles on the site, making it likely greater numbers of vehicles will park directly on Leicester Road, again increasing hazards.

The original scheme detailed for outline planning (2019/0525/OUT) included specific information relating to drainage and a watercourse on the site. This seems to be missing, and is of concern - the existing drainage system is often seen at capacity after heavy rain, without the additional hard standing and decreased runoff time this development will bring.

As the Uppingham Town Council previously noted, the development is not in keeping with the Neighbourhood Plan

Mr DAVID EVANS            I write as a resident of Leicester Road directly opposite the proposed development. I was not on the notified neighbour list so apologize that my objections come past the timetabled deadline for public consultation. As a result, I would like my comments below to be included and also considered before any determination is given.

My main objection to the development is that the new proposals following the Outline Planning proposal continue to fall short against the principles of quality and good design in the planning policies. These were also in part



called out by the Town Council in their objection during the outlining planning application consultation, stating that the proposals "do not reflect the Neighborhood Plan or the recommendations from the design consultancy meetings in respect of:

- i) Larger homes on frontage to blend in with other properties on the Leicester Road.
- ii) Houses to be built around 'village green' spaces.

These issues remain unresolved in the current proposals, with the selected house designs and site layout of key concern;

1. The frontage to Leicester Road now consists of 7 smaller dwellings vs the previously proposed 4 larger formats. I note that Avant homes do offer larger formats than those proposed (e.g. Tetbury, Kirham, Welham and Oakham etc), and as seen at other East Midlands developments. Why are these larger and varied units not being used here, at least to the frontage? The current plans have proposed only 2 house types here, all seemingly of the same materials, although there have been no details provided for materials to brickwork or roofing etc.

2. Second issue concerns the site layout and specifically available parking which currently appears limited. I note other resident objections also citing this issue. There is a real and obvious risk to residential parking spilling onto Leicester Road or dotted around the roadway on the development without adequate provision made on the development itself. Considering 4 and 5 bedroom houses are planned, 2 spaces is far from sufficient for these properties.

As a further concern, I raise the issue of drainage for the site and considering the issues experienced with the adjacent Bloor Homes development. Before any planning can be seriously considered a thorough and extensive plan should be provided for how the drainage will work and will mitigate further impact to the highway and neighbouring properties. In summary the appearance of the development, individual house designs and overall landscaping are limited in detail and can therefore be deemed incompatible with the surroundings in the interests of visual amenity, and are hence contrary to the local setting and the relevant planning policies. The proposals in current form demonstrate yet another 'same old new builds' development and are totally out of keeping. A lack of car parking provision and adequate plans for drainage raise further concerns for the viability of the development in the current proposals.

I thank you in advance for your consideration and review of my objections.

## Consultation Responses

- Design Officer - Same comments before about the green street entrance sketched out in the outline application;
- Policy
- No street trees in the public realm
  - Wall of number 9 is very/too prominent and dominates the street and views down the street
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- No information / strategy / vision about the function and character of the green space / drainage basin at the front - or the steepness of the slopes of the basin.
- No Suds integrated in to the layout (could the driveways and street be permeable paving for example?)
- No clear front boundary treatment proposals
- 
- Much of the above in the RCC Design SPD and BfHL

Ecology Unit      Good afternoon,

Thank you for consulting us on this planning application.

The ecology reports submitted at outline (2019/0525/OUT) are dated 2017. Before I make any further comments please can you confirm whether any revised ecology information has been provided?

Ecology Unit      22 June 22:

The surveys carried out for the outline planning application are now more than 2 years old and therefore no longer valid. Revised ecology surveys are required.

Archaeology      Thank you for your consultation on the above planning application.

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Anglian Water      Good afternoon Nick

Thank you for your email consultation for the above reserved matters application.

The submitted plans with the application are related to elevations, floor plans, appearance, therefore we have no comments to make on the application

Please do not hesitate to consult Anglian Water for drainage related matters

Kind Regards  
Sandra Olim

## **Relevant Planning Policies**

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

#### Chapter 12 - Achieving well-designed places

## **Site Allocations and Policies DPD**

SP15 - Design and Amenity

## **Core Strategy DPD**

CS19 - Promoting Good Design

## **Planning Officer's Report**

### **Evaluation**

#### Background

Outline planning permission was granted under reference 2020/0525. This is an application for approval of the details (the reserved matters). This shows 20 dwellings as approved at outline stage. Minor alterations to the approved access were approved under 2022/0653/NMA.

#### Neighbourhood Plan

Uppingham NP allocated this site.

#### Principle of the use

Established by the outline pp.

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

The design has been subject to several changes to get it to the point of being acceptable in terms of urban design principles. The detail are now considered to be acceptable.

The delay has been caused by the requirements for design changes and a Deed of Variation to the S106 agreement that accompanied the outline permission.

#### Impact on Heritage Assets

None

#### Impact on the neighbouring properties

None direct. Some neighbours have made comments on density, traffic etc but these issues have been established by the outline permission.

Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

#### Highway issues

The access was approved at outline stage and amended slightly by an NMA in 2022.

The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### Ecology

Whilst the Ecology consultant has pointed out that the surveys are more than 2 years old, there was no condition on the outline requiring ecology details to be submitted. This was prior to BNG being envisaged.

### Affordable Housing

A Deed of Variation has been signed to deal with a minor change to the AH provision.

### Crime and Disorder

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

### Human Rights Implications

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.

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

## **Conclusion**

The Council as Local Planning Authority has had regard to the relevant policies of the development plan and considers that subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan policies as set out above, would not materially harm the living conditions of neighbouring occupiers and would be acceptable in all other planning considerations. The Council has taken into account all other matters, none of which outweigh the considerations that have led to its decision.

### **Recommendation:** Approve

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
UPPI-SL-001 Site Location  
UPPI-SL-001, UPPI-SK-003 Rev F - Layout  
9937-FPCR-XX-XX-DR-L-0002 P04 - Landscaping  
The Housetype Brochure Feb 2022  
Site/SG/006A - Garages  
Reason - For the avoidance of doubt and in the interests of proper planning.

### Notes to Applicant

1. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website [www.rutland.gov.uk](http://www.rutland.gov.uk). The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

**IMPORTANT NOTE:** The required CIL forms must be submitted to [cil@rutland.gov.uk](mailto:cil@rutland.gov.uk) and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact [cil@rutland.gov.uk](mailto:cil@rutland.gov.uk).

If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/2](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2)

<b>OFFICER</b>	<b>IS THERE A S106</b>	<b>INITIALS</b>
Case Officer	Yes*	NH
DC Manager or Deputy		JJ
Director		PS/IH

\* On the orig outline and a Deed of Variation on this one has been completed.