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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2023/0271/RES</b>	<b>ITEM 2</b>	
Proposal:	<b>Application for reserved matters consent for the erection of 66 no. dwellings for layout, scale, landscaping and access (other than as already approved as part of outline planning permission) pursuant to outline planning permission 2021/1263/OUT.</b>		
Address:	<b>Land to the South of Stapleford Road, Whissendine, Rutland</b>		
Applicant	<b>Mulberry Homes</b>	Parish	<b>Whissendine</b>
Agent:	<b>Nineteen47</b>	Ward	<b>Whissendine</b>
Reason for presenting to Committee:	<b>Deferred from 19<sup>th</sup> September 2023</b> <ul style="list-style-type: none"> <li>• The density of the housing proposed within the location.</li> <li>• Issues around the biodiversity net gain.</li> </ul>		
Date of Committee:	<b>12<sup>th</sup> December 2023</b>		
Determination Date:	<b>13<sup>th</sup> June 2023</b>		
Agreed Extension of Time Date:	<b>22<sup>nd</sup> September 2023</b>		

## **EXECUTIVE SUMMARY**

**The proposal follows outline consent granted for the development of up to 66 dwellings on the land in December 2022. That outline planning permission fixed the detail of the proposed vehicular access to the site including provision of a footway link around the bend in Stapleford Road to the east.**

**The proposal was deferred from the September meeting of the Planning Committee following a failed motion to approve in accordance with the Officer recommendation. Members indicated that the application was deferred in order to seek changes to the scheme in respect of the density of the housing proposed within the location and issues around the biodiversity net gain proposed.**

**Amendments have been made to the layout following its deferral by the Committee to open up the southern section of the site and incorporating changes to the house types to increase the proportion of smaller properties in line with the comments received on the original layout. The amendments also result in changes to the biodiversity impact of the scheme, although there remains a deficit required to be offset elsewhere (which is permissible under the forthcoming Environment Act).**

**The scheme differs from the indicative masterplan provided with the outline application. This is to ensure development of the site follows the landscape led approach advocated by the Local Planning Authority and has the added benefit of allowing for a lower density form of development across the site more appropriate to its immediate rural setting instead of locating the entirety of the development into a smaller proportion of the land which resulted in a higher density scheme indicated in the outline masterplan.**

The application demonstrates that the quantum of development envisaged by the outline planning permission is capable of being accommodated within the application site, whilst still providing an acceptable level of open space within the site boundary and incorporating the ancillary infrastructure provision required on-site.

The design of the properties is appropriately evidenced within the application to demonstrate that it is reflective of local character, and the scale of the development proposed is in keeping with the village and the form and appearance of the properties within it. Materials are also appropriate to the setting of the development subject to approval of samples.

The landscaping proposed to facilitate the development ensures retention of the key central woodland area, and supplements this with suitable planting in its vicinity and throughout the development, with a further area of undeveloped land to the southern end of the site. New hedgerows are proposed to flank the proposed green pathways around the site edges where appropriate, which will assist in providing an appropriate transition from the countryside to the development, whilst also providing segregation between those pathways and the private areas adjacent to them.

The surface water discharge rate has been limited to 5 l/s for the whole site. This is below the current  $Q_{bar}$  rate.

The drainage scheme comprises of a series of pipes leading to an attenuation basin which will then outfall at a restricted rate into the Anglian Water system.

The LLFA therefore have no objection if built in accordance with Drawing 230311-RGL-zz-XX-DR-D-120-0001-S2-PO1.

Overall the reserved matters proposals are considered to be acceptable and will provide a development that is appropriate to its setting.

## **RECOMMENDATION**

**APPROVAL** subject to the following conditions (to be read in conjunction with the conditions imposed on the outline planning permission):

1. No development above damp course level shall be carried out until samples of the proposed external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because only electronic details have been submitted with the application. Physical samples are necessary to ensure appropriate visual appearance of the materials.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans as listed below:

- Public Rights of Way plan - MPD050-PROW-01 Rev C
- Planning Layout – n1879 008 Rev H
- Presentation Layout – n1879 009 Rev C
- Materials Plan – n1879 600 Rev D
- Boundary Treatments Plan – n1879 700 Rev C
- Affordable Housing Plan – n1879 800 Rev C
- Parking Strategy Plan – n1879 900 Rev C
- Housetypes
  - Avebury Half Rendered Elevations 100-01
  - Avebury Floor Plans 100-02
  - Bourne Elevations 100-01
  - Bourne Floor Plans 100-02
  - Chartwell Elevations (no chimney) 100-01
  - Chartwell Elevations (with chimney) 100-01
  - Chartwell Floor Plans 100-02
  - Dalton Elevations (with chimney) 100-01
  - Dalton Elevations (no chimney) 100-01
  - Dalton Floor Plans 100-02
  - Grantham Elevations (with chimney) 100-01
  - Grantham Floor Plans 100-02
  - Kedleston (no chimney) 100-01 A
  - Kedleston Floor Plans 100-02
  - Lavenham Elevations Rendered (no chimney) 100-01 A
  - Lavenham Elevations with stone (no chimney) 100-01
  - Lavenham Elevations (no chimney) 100-01
  - Lavenham Floor Plans 100-02
  - Petworth Elevations (with chimney) 100-01
  - Petworth Elevations Rendered (with chimney) 100-01
  - Petworth Elevation (no chimney) 100-01
  - Petworth Floor Plans 100-02
  - Sherringham Elevations part rendered (with chimney) 100-01A
  - Sherringham Elevations (with chimney) 100-01A
  - Sherringham Floor Plans 100-02
  - Woodchester Elevations part rendered (with chimney) 100-01
  - Woodchester Elevations (with chimney) 100-01
  - Woodchester Elevations (no chimney) 100-01
  - Woodchester Floor Plans 100-02
  - Aster & Arlington Elevations 100-01A
  - Aster & Arlington Floor Plans 100-02A
  - Sheldon Elevations 100-01B
  - Sheldon Floor Plans 100-02A
  - Bembridge Elevations 100-01
  - Bembridge Floor Plans 100-02
  - Arlington Elevations 100-01
  - Arlington Floor Plans 100-02
  - Hinton & Bembridge Elevations 100-01A

- Hinton & Bembridge Floorplans 100-02A
- Dalton & Arlington Elevations 100-01A
- Dalton & Arlington Floor Plans 100-02A
- Single Garage 100/SG1-01
- Single Garage 100/SG1-02
- Double Garage 100/DG1-01
- Double Garage 100/DG1-02

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place (including ground works or vegetation clearance) until a Biodiversity Offsetting Management Plan (BOMP) has been submitted to and approved in writing by the LPA. The BOMP is to be based on the Biodiversity Net Gain Assessment undertaken by Brindle & Green (Revision 3, October 2023) and is to provide a minimum of 10% net gain on the reported loss. The plan shall include the following details:

- A) Description and location plan of the area to be used for off-setting
- B) description and evaluation of the features to be managed/created
- C) aims and objectives of management
- D) appropriate management options for achieving aims and objectives
- E) prescriptions for management actions
- F) work schedule
- G) seed mixes/species to be sown/planted
- H) ongoing monitoring and remedial measures
- I) details on the mechanism by which this plan is to be legally secured for a period of 30 years

The plan will be supported by a BNG metric calculation using the latest DEFRA version of the metric. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure that the development results in a 10% biodiversity net gain in accordance with the requirements of The Environment Act (2021).

4. No development shall take place until an onsite biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of integrated bird and bat boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

REASON: To ensure that the onsite biodiversity enhancements proposed are implemented as part of the approved development on the site.

5. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction

- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

REASON: To ensure that appropriate steps are taken to protect biodiversity and ecological interests on the site throughout the construction phase of the development hereby approved.

6. No development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections (a) to (d) 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.

a. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person as defined by annex 2 of the National Planning Framework. The assessment shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) develop the conceptual site model to assess and evaluate the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

b. Submission of Remediation Scheme

No development shall take place until 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 has been

submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must 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.

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

c. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority. The validation report must clearly demonstrate through the provision of unambiguous evidence that the approved remediation scheme has been completed as stated.

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

d. 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 must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 6a, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 6b.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 6c.

**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.

7. No building or use hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate drainage of the site during the construction stage of the proposed development.

The Construction Method Statement shall include;

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The Construction Method Statement shall be strictly adhered to throughout the construction period.

REASON: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

9. Off-site highway works (road widening and footpath extension). No dwelling shall be occupied until the off-site highway works have been completed to a minimum of base course level for the carriageway, and footpath extension completed to surface course. If the dwellings will be occupied prior to the carriageway serving that property being fully surfaced, then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

REASON: In the interests of highway safety.

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

- the parking of vehicles of site operatives and visitors
- construction traffic routes to and from the site, including deliveries



- restrictions on timings of deliveries to and from the site to avoid conflict with the nearby school at morning drop-off and afternoon pickup times
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- Hours of working on site

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

### **Informative notes**

- Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. It is understood that the District Level Licencing route has been selected, thus the licence needs to be in place prior to works commencing for the development to be lawful.
- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- Grass snakes are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to: Deliberately kill, injure or take grass snake. As grass snake are present on site, careful working practices will need to be followed to ensure none are injured or killed.
- 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-nameand-numbering/> Should you require assistance please email [snn@rutland.gov.uk](mailto: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.

- 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](mailto: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](mailto:highways@rutland.gov.uk) for further details.

- Section 184 Highways Act 1980 – temp access

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at [highways@rutland.co.uk](mailto:highways@rutland.co.uk).

- 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.

## Site & Surroundings

1. The site is located on the west side of Stapleford Road, Harborough Close and Willow Close at the northwest end of Whissendine. The land is used for grazing and is surrounded by hedges. The land also contains historic ridge and furrow features. The site extends to 3.46Ha.
2. The site is bounded to the west by open farmland and to the east mostly by existing modern housing. To the north is Stapleford Road, a rural lane leading out of the County into Leicestershire.
3. There is no Conservation Area in Whissendine. There are 3 listed buildings on Stapleford Road, close to the junction with Harborough Close. The GII\* listed Windmill in the village to the south of Melton Road is approximately 250 metres from the nearest proposed house and 200m from the site boundary.
4. The site is outside the Planned Limit to Development (PLD) for Whissendine but does adjoin it along its southern and eastern boundary.

## Proposal

5. The proposal is a reserved matters application comprising the layout, scale, appearance, and landscaping relating to the construction of 66 dwellings on the land previously granted outline planning permission in 2022. That permission included the approval of the details of the proposed access to the site.

## Relevant Planning History

6. The site was granted outline planning permission for up to 66 dwellings on the 5<sup>th</sup> of December 2022 and is included within the Five-Year Land Supply & Developable Housing Land Supply Report of May 2023 where it is identified as making its full contribution of 66 dwellings to the 5-year housing land supply. Its inclusion was supported by the recent Planning Inspector's decision under appeal reference APP/A2470/W/22/3312763 and therefore the 66 dwellings on this site makes a contribution to the overall housing land supply of 0.51 years to the 5.59 year supply the Inspector concluded was demonstrable on the basis of the evidence available at that time (7.4 years supply detailed in the Annual 5-year land supply report published by RCC in May 2023).

## **Planning Guidance and Policy**

### **Core Strategy DPD**

CS01 - Sustainable Development Principles  
CS02 - The Spatial Strategy  
CS03 - The Settlement Hierarchy  
CS04 - The Location of Development  
CS10 - Housing Density & Mix  
CS11 - Affordable Housing  
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

### **Site Allocations and Policies DPD**

SP1 - Presumption in Favour of Sustainable Development  
SP6 - Housing in the Countryside  
SP9 - Affordable Housing  
SP15 - Design and Amenity  
SP19 - Biodiversity and Geodiversity Conservation  
SP20 - The Historic Environment  
SP22 - Provision of New Open Space  
SP23 - Landscape Character in the Countryside

### **Whissendine Neighbourhood Plan (draft submission version)**

The Neighbourhood Plan acknowledges the granting of outline planning permission for up to 66 homes on the site in 2022.

WH1: Housing  
WH4: Design  
WH5: Landscape and Heritage  
WH7: Surface Water  
WH8: Infrastructure

### **Supplementary Planning Document - Design Guidelines for Rutland SPD (2022)**

### **Officer Evaluation**

#### Principle of the use

7. The principle of residential development on the site has been established by the outline planning permission granted under application 2021/1263/OUT.

8. This permission granted outline consent for up to 66 dwellings on the land alongside provision of public open space and associated infrastructure, and it also included consent for the access point off Stapleford Road. These matters do not therefore form part of the consideration of the current application, which is to consider the remaining reserved matters not already approved. These reserved matters are the layout of the site, the scale of the development proposed, its appearance and the landscaping proposed.

### Layout

9. The site is designed with a central spine road, off which several subsidiary roads and private driveways are located. There is no circular route within the site however the shape of the site and its constraints make this impractical. A surface water attenuation feature is located adjoining the access on Stapleford Road, further details of which are considered under landscaping below.
10. Amendments made to the scheme in respect of its deferral by the planning committee have not changed the majority of the layout of the site but do result in the removal from the scheme of the two most southerly plots, which opens up this southern section to a lower density and allows for a larger area of landscaping within the application site boundary.
11. The site has a pedestrian 'mown path' along its frontage, which continues along the western boundary providing pedestrian access around the site and providing an alternative route for the existing public right of way that minimises the amount of walking along engineered paths. Again, details of the mown paths are considered as part of the comments on landscaping below.
12. The central part of the site forms the proposed public open space and incorporates a small area of woodland currently present on the site, with amendments having been made to the layout immediately surrounding this woodland to ensure that the Forestry Officer is satisfied that the impact on that woodland is acceptable.
13. The central spine road then extends further south to serve the remaining dwellings but is located on the western side of the site ensuring separation from Harborough Close which adjoins the site to the east. A small private drive serves the properties on this side of the site with supplementary hedgerow planting to ensure that any visual conflict between adjoining vehicular access ways is minimised. A second area of less formalised open space is now proposed to the south of the site following the deferral of the application by the committee in September.
14. On-plot parking is provided to the majority of dwellings on the site, with nearby courtyard parking to the remaining smaller plots to ensure an appropriate and efficient use of the space within the site.

15. Bin collection points are identified on the layout at the entrance to areas of private driveways and the applicant has confirmed that all the proposed properties will benefit from electric vehicle charging points.
16. Window to window distances within the layout are generally more than 20m, with the layout avoiding issues of unacceptable overlooking both internally and to the existing properties surrounding the site.
17. The amendments to the proposed layout following the deferral at the September meeting of the Planning Committee have also resulted in changes to the Biodiversity Metric undertaken in relation to the scheme. The previously considered plans showed a 41.05% loss of habitat units and a 29.33% increase in hedgerow units as a result of the scheme, whilst the revisions show a 37.82% loss in habitat units and a 45.53% gain in hedgerow units.
18. Overall therefore the changes have resulted in improvements to the biodiversity credentials of the scheme however these improvements are nominal and still result in an overall net loss on the site that will be required to be offset. The incoming Environment Act allows for offsetting to be undertaken and does not require such offsetting to be provided for in the immediate locality of the application site. The ecological advisors to the Local Planning Authority have confirmed that subject to appropriate conditions being imposed on any permission granted to secure such offsetting, there are no ecological grounds for the refusal of the scheme. These conditions are detailed above.
19. Overall, the amended layout is considered by Officers to be acceptable.

#### Scale

20. The site comprises mostly 2-storey development, with only 2 of the proposed plots being bungalows. 58% of the proposed dwellings are now 3-bedrooms or less, with 35% (down from 42%) being four-bedroomed units.
21. The amendments made to the housing mix are favourable in terms of the scheme's compliance with policy WH1 of the forthcoming Whissendine Neighbourhood Plan, which requires developments to be predominantly 1-3 bedrooms.
22. Two-storey development is appropriate to the prevailing character within Whissendine and none of the properties include additional accommodation within the roof space. In this regard, none of the properties adjoining the site are less than two-storeys in height and therefore the scale of the proposal is considered to be acceptable.

#### Appearance

23. The application includes an assessment of existing details of appearance and character within Whissendine, undertaken at the behest of the Local Planning Authority to ensure that proposed house types for inclusion within the site are

appropriate to the wider characteristics of the village of Whissendine. This study ensures that the proposed house types incorporate features and styles that are currently characteristic of the village, with the study focusing on properties within the historic core of the village and not relying on examples of more recent development that may have been less appropriate to its original character.

24. This leads to a development proposed where the majority of properties are finished in red brick, with a smaller proportion of full (4) and part-rendered (9) dwellings, along with three properties that have a stone front elevation. Chimneys are incorporated within a number of the properties across the development to assist within ensuring the character of the development is appropriate to that of the settlement.
25. The application is accompanied by 3-d visuals to illustrate how the combination of proposed house types and materials will look upon completion of the development, although these have not been updated to the revised layout. A condition is proposed to ensure samples are provided to secure materials appropriate in colouration and style to the character of the settlement.
26. Overall, the application is considered to demonstrate that it has had due regard to the existing character and appearance of properties within Whissendine and the design response to that character is considered to be appropriate.

#### Landscaping

27. The landscaping details accompanying the proposals are comprehensive in nature and have responded to several concerns identified by the Local Planning Authority and its advisors in relation to the original proposals.

#### Attenuation Pond

28. This feature is designed to retain water all year round to ensure that it contributes to the visual and ecological interest of the site and is not simply an engineered feature that makes little contribution to the character of the site. The pond is to be surrounded by a timber post and rail fence to assist with security and safety, but also incorporates a decked 'viewing' platform to the northeast corner of the feature and a bench to the south to allow it to function more widely as an ecological asset of the site. These features were introduced following a request from Officers to ensure that the attenuation pond operated as more than simply a surface water run-off feature.

#### Mown Paths

29. There are a number of mown paths located within the proposed development. Details of their construction is provided to ensure that these remain usable in inclement conditions, and they constitute a cell-supported surface edged with timber to define the limit of the pathway. These are adjoined in places by proposed hedgerows to ensure the delineation between these public routes and more private areas associated with the individual dwellings. These mown paths

also provide connectivity between the entry of the public right of way to the site in the south, and a bridleway to the north of Stapleford Road.

#### Central Play Area/Woodland

30. Key to the design of the proposed development is a central area of open space, designed to be located to be accessible equally from the entire development and to maximise its benefit to the development by adjoining the existing area of woodland within the centre of the site. The area is overlooked by proposed dwellings to ensure a level of security is given to the site in that regard, and the scheme includes the provision of play equipment on this land as well as seeding of appropriate mix below the tree canopy.

#### Crime and Disorder

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

#### Human Rights Implications

32. 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.
33. It is considered that no relevant Article of that act will be breached.

### **Consultations**

34. Below is a summary of the comments. Full details can be viewed on the Council's website. ([https://publicaccess.rutland.gov.uk/online-applications/?\\_ga=2.69299920.1503643438.1693558555-1954588303.1693558555](https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555))

#### **Revised details following deferral**

#### Public Protection

35. Comments and requested conditions remain unchanged.

#### Whissendine Parish Council

36. Cannot see how biodiversity is to be improved from the plans available. The Parish Council is uncomfortable with the concept of offsetting outside the local area and would welcome an innovative approach to increasing biodiversity within the site or locally. Remain concerned regarding the proposed number of dwellings and that road and sewerage infrastructure is insufficient to cope. Wish to have the location of manhole MH5413 clarified. Pleased to note the variation in design of the buildings and the design relationship to the existing houses in the village.



### LCC Archaeology

37. Confirm that the fieldwork is now complete and await the submission of a final report in due course. No comment in respect of the revised plans.

### LCC Ecology

38. Condition recommendations remain the same, but BNG net gain assessment report should refer to Brindle & Green, October 2023 Rev 3.

### NHS Leicester, Leicestershire & Rutland County Council

39. Contributions (CIL) will be requested towards healthcare provision requirements arising from this development.

### Original plans

#### Whissendine Parish Council

40. Wish to see access to the site via Stapleford Road and no other, and for any verge damage within 500m of the access point to be repaired/reinstated prior to the developers leaving the site. Request that these are attached as condition to any permission granted. Would also like to see consideration given to limiting working hours consistent with the Considerate Contractor Scheme.
41. The Parish Council considers the scheme to be overdevelopment of the site, representing a 13% increase in the size of the village, with inappropriate design and density for its rural setting. (*Officer note – the site density is approximately 19 dwellings per hectare, whilst policy CS10 of the Core Strategy indicates development in the villages should achieve a density of 30 dwellings per hectare*).
42. Insufficient provision of parking within the site for private vehicles. It is not near a bus stop nor is it on a bus route, and there is no railway station in Whissendine. The roadways within the development are narrow and would not permit on-street parking. (*Officer note – the proposed parking meets the standards set out in the Site Allocations and Policies Development Plan Document Appendix 2*).
43. The access point is not suitable for a large number of daily traffic movements and its use would affect other road users. The site is likely to cause congestion at the junction of Stapleford Road with Main Street. (*Officer note – the access point has been granted permission under the outline application process, which also accepted the quantum of development within the site in relation to that access*).
44. The proposal would lead to an unacceptable increase in flood risk.

45. Public Right of Way not acknowledged within the design of the site.
46. Affordable dwelling ratio needs to be significant. (*Officer note – the percentage of affordable dwellings on the site meets the policy requirement of 30% affordable units*).

Forestry Officer

47. No objections

LCC Ecology

48. Conditions will be required to secure Biodiversity Net Gain, which will need to be via off-site offsetting in this instance. Informative notes should also be attached detailing protection of the relevant species under the Wildlife and Countryside Act 1981

Public Rights of Way

49. No objection. Subject to the completion of a S38 adoption agreement ensuring that the land over which the current footpath crossing the site passes is included within the adopted highway, allowing for appropriate maintenance of the land facilitating members of the public being able to pass from the existing entry point of the public right of way into the site to the existing exit point without passing over private land.

NHS Leicester, Leicestershire & Rutland County Council

50. Contributions (CIL) will be requested towards healthcare provision requirements arising from this development.

Police Designing Out Crime and Architectural Liaison Officer

51. No objections. Recommend consideration of CCTV to include Automatic Number Plate Recognition and appropriate signage, lighting to BS5489, secure storage of wheeled bins/cycles and maintenance of foliage to ensure clear fields of vision.

Rutland Ramblers Association

52. Objection. The proposal appears to show an estate road built over the existing footpath contrary to policy.

Housing Strategy Officer

53. No objections raised. The mix meets housing need well. Further detailed comments made regarding internal details of the proposed affordable units not relevant to the consideration of this application.

Public Protection

54. No objections. Condition requested regarding contamination of land.

## Neighbour Representations

### Revised details following deferral

55. 14 further responses have been received following submission of the revised plans, identifying the following objections
- Number of houses proposed
  - Impact on wildlife & biodiversity
  - Flooding
  - Highway safety
  - Infrastructure issues – sewerage, schools and healthcare
  - Changes don't address concerns from September planning meeting
  - Parking adjoining residential dwellings adjacent to the site – should be moved to the west of the site.
  - Access is unsuitable
  - Safety of children walking to school
  - Parking provision insufficient
  - Affordable housing provision
  - Adjacent housing proposal
  - Amenity impact to adjacent properties
  - Adoption of roads within the site
  - Whissendine not identified in the draft local plan as having any suitable development sites
  - Work undertaken on the site already

### Original Plans

56. Below is a summary of the comments. Full details can be viewed on the Council's website. ([https://publicaccess.rutland.gov.uk/online-applications/?\\_ga=2.69299920.1503643438.1693558555-1954588303.1693558555](https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555))
57. 114 notifications were sent in respect of the application, and 26 objections have been received. The points raised within these responses can be summarised as follows. These matters have been grouped into related topic areas.
58. Issues of principle
- Access is dangerous
  - Historic field system being lost (ridge and furrow)
  - Construction of an estate road over a public footpath
  - Expanding the village further would impact adversely on the community
  - Outside the planned limits of development of the village
  - Resulting light pollution
39. Biodiversity
- Loss of wildlife habitat
  - Proposed area of wild hawthorn planting is unacceptable

- Hedgerow fronting the site should remain
- Trees and hedgerows need to be protected.
- Who will maintain the mown paths
- Who will maintain the hawthorn area

40. Foul and Surface Water

- Flooding impact
- Developer should provide a guarantee that additional drainage or flooding issues would be paid for by them including reduction in value of properties in the village.
- What steps are being taken to ensure the development does not add to the issue of sewage discharge in Whissendine brook.

41. Detailed design issues

- Proposed play area is inadequate
- Not enough terraced housing for rent
- Not related to the plan put forward at outline stage
- Proportions of proposed developments aren't right (higher proportion of smaller properties required)
- Fewer than 66 houses should be provided on the site.
- Gardens to maisonettes not directly accessible from the property
- No detail of construction compounds/routes
- No play area detail
- Attenuation pond in the wrong location
- No boundary details

42. Infrastructure

- Age of the power infrastructure network in the village
- No sustainable transport provision in village
- School is oversubscribed
- Lack of health infrastructure.

43. Construction Stage Impacts

- Access will also be required from Harborough Close
- Construction traffic should not use Stapleford Road.
- Construction materials should all be stored within the application site.
- Harborough Close, Sherrard Close and Willow Close must not be used by contractors
- Working hours need to be limited to 8am to 5pm on weekdays and at no time during the weekend.
- Working hours should be limited to 8.30am to 6pm on weekdays and 9am to 12pm on Saturdays.

## Conclusion

44. The proposal was deferred from the September meeting of the Planning Committee following a failed motion to approve in accordance with the Officer recommendation. Members indicated that the application was deferred in order to seek changes to the scheme in respect of the density of the housing

proposed within the location and issues around the biodiversity net gain proposed.

45. The application site has been granted outline planning permission, which gave consent for the construction of up to 66 residential units on the land alongside open space provision and associated infrastructure. Whilst it is incumbent upon the applicant to demonstrate that this quantum of development can be appropriately accommodated within the application site boundary, it is reasonable to conclude from the outline consent that the Local Planning Authority did not have grounds to consider that it was unlikely that such a level of development could be accommodated within the site.
46. The application proposals show a development density average across the site of approximately 19 dwellings per hectare, with key separation distances between properties in the order of 20m. The scheme makes provision for a central area of open space with green pathways allowing for pedestrians to walk around the site with easy access to the public rights of way network in the immediate vicinity of the land.
47. The dwellings proposed are predominantly of two storeys, which is appropriate to the character of the village, and the design of the properties incorporates features and materials that are evidenced within the application as being appropriate to the local distinctiveness of the area.
48. Surface Water Drainage details are secured by means of a condition on the outline planning permission and the Lead Local Flood Authority has raised no objections subject to two additional conditions as detailed above.
49. The comments received from the general public are noted, however the outline planning permission granted on the site establishes the principle of development as being acceptable, with the matter of the amount of development addressed above. Landscaping and biodiversity improvements across the site are both secured by condition on the outline planning permission and proposed conditions to be attached to the reserved matters consent, whilst infrastructure contributions are secured through the Community Infrastructure Levy. Construction phase impacts are addressed through a requirement for the submission of a construction method statement imposed on the outline planning permission, which covers matters including construction phase parking, loading, unloading and storage of materials, wheel washing, dust and dirt control measures and hours of working.
50. On that basis, there are considered to be no material planning grounds justifying the refusal of the application, which is therefore recommended for APPROVAL, subject to the additional conditions outlined above.

