



© Crown copyright and database rights [2013]  
Ordnance Survey [100018056]

Scale - 1:1250  
Time of plot: 12:54  
Date of plot: 17/08/2016



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2016/0375/OUT	ITEM 2	
Proposal:	Outline application for dwellings.		
Address:	Land Adjacent To 68 Leicester Road, Uppingham, Rutland		
Applicant:	C Bratley, S Dolby, C Wilks & Dr D May	Parish	Uppingham
Agent:	Mr Gordon Smith, Matrix Planning Ltd	Ward	Uppingham
Reason for presenting to Committee:	Strategic Allocation		
Date of Committee:	30 August 2016		

## EXECUTIVE SUMMARY

This outline application for residential development is submitted following the making of the Uppingham Neighbourhood Plan which allocates this and adjoining land for development. The application includes only access for full approval at this stage. Whilst a co-ordinated approach with the adjacent landowner would have been a better way forward for this land, the scheme is acceptable in principle subject to the provision of affordable housing on site.

## RECOMMENDATION

**APPROVAL**, subject to the completion of a S106 agreement relating to the provision of Affordable Housing and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above condition 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.
3. No unbound material shall be used in the surface treatment of any vehicular access within 5 metres of the boundary of any highway to be adopted, but the construction details used shall be porous.
4. Prior to commencement/occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.8 metres, shall be retained at that width for 5 metres within the site and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge
5. The proposed junction with the existing highway shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials
6. 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. The scheme shall include an assessment of significance and research questions; and:
  - The programme and methodology of site investigation and recording (including the

initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)

- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall thereafter only be executed in accordance with the approved scheme.

7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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.
8. No development shall take place until the existing hedges and 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.
9. Provision shall be made in the submission of Reserved Matters for the site to be developed by a minimum of 11 dwellings.

#### Reasons

1. 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 as amended by the Planning and Compulsory Purchase Act 2004
2. The application as submitted does not provide sufficient particulars for consideration of these details.
3. To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.
4. To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
5. To ensure that the junction is available for use at the outset in the interests of highway safety
6. To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance
7. To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
8. The trees and hedges 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.
9. To ensure that the development accords with the policies of the Development Plan, including the provision of Affordable Housing, the Policies of the Uppingham Neighbourhood Plan and

makes the most efficient use of land.

### **Notes to Applicant:**

#### Parking Provision

Parking on site will be required to comply with the standards set out in the Appendix to the Site Allocations and Policies DPD (2014).

#### Site Workers

Steps should be taken to ensure sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

#### New access

You will need to obtain a Highways Licence from Rutland County Council Highways department before any work can commence on the new access. This will require that the access is built to a standard specification and that contractors are sufficiently insured against public liability whilst operating in the highway.

#### Road Cleaning

Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

#### Ecology

It is likely that species may be present at the site which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England.

## **Site & Surroundings**

1. The site is located on the north east side of Leicester Road some 1200m west of Uppingham Town Centre. It sits to the south east of a 2 storey dwelling at 68 Leicester Road. The site is bounded on 2 sides, south and west, by a hedgerow, varying between 2 and 3m high. The other 2 sides are not defined on site, appearing to be slightly smaller than the width of allocated Site A on the Uppingham Neighbourhood Plan (UNP) proposals map, the northern boundary of Site A having no physical boundary on site anyway. See UNP Map and site location plan in the Appendix.
2. The land is relatively flat but rises slightly from Leicester Road in a northerly direction before flattening off again in the northern most part of the wider allocation. No levels details are supplied at this stage. The site is crossed by electricity lines and contains 3 telegraph poles with a fourth just outside the site but within the Site A boundary hedge.
3. There is a mature Ash tree in the front boundary hedge at the corner of the site. This appears to be the only tree on this site.
4. There are power lines and a sewer crossing the site, roughly parallel with the road.

## **Proposal**

5. This is an outline application for residential development with only the access included for approval at this stage.
6. The access would be direct onto Leicester Road.
7. The site amounts to approximately 0.42Ha which at a density of 30 dwellings per hectare (dph) would equate to 13 dwellings. The UNP states that the site is 0.46Ha with 14 dwellings.
8. Whilst an illustrative plan showing only 6 units on the site had been submitted, it has since been withdrawn. The applicant was made aware that a scheme of that density would not be acceptable in policy terms and was seen as a way of avoiding Affordable Housing contributions.

## **Relevant Planning History**

9. None

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Supportive of housing in sustainable locations.

### **The Rutland Core Strategy (2011)**

CS3 Settlement Hierarchy – Uppingham – Small Town

CS4 – Location of Development – Uppingham will be the focus for moderate growth – capacity for 16 dwellings per annum up to 2026.

CS9 – Provision and Distribution of new Housing – c250 dwellings in Uppingham up to 2016.

CS10 – Housing density and Mix – 40 dph in Oakham and Uppingham, 30 dph in the villages.

Higher densities encouraged in the towns where it will not impact on local character.

CS11 – Affordable Housing – 35% affordable housing to be provided on site.

The Government's policy in this area has recently changed and a report was considered by Cabinet on 21 June to consider the Councils position. As now approved, schemes of over 10 units in Oakham and Uppingham are liable for affordable housing.

CS19 – Good Design

### **Site Allocations and Policies DPD (2014)**

SP5 – Built Development in the Towns & Villages – Criteria to be met

SP9 – Affordable Housing –

Affordable housing must:

- a) be of a combination of sizes and affordable tenure which meets the proven local housing need and good practice, including the number of bedrooms, property type and floor space;
- b) where affordable home ownership is included, be at an affordability level or range of affordability levels appropriate for people in need of this tenure at the location, to ensure the properties meet a range of relevant local demand;
- c) be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type, unless it conforms to the Homes and Communities Agency's design standards;

d) where part of a development which includes open market housing, be well integrated with the open market housing through layout, siting, design and style. In order to promote sustainable communities, the size and location of groups of affordable homes should be discussed and agreed with the Council.

The Council may refuse development proposals which, in its opinion, seek to under-develop or split sites in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision.

SP15 – Design & Amenity

SP22 – Provision of new open space – to be provided on site where possible or through CIL.

## **Uppingham Neighbourhood Plan**

Policy 5 allocates this and adjacent land for residential development. The site forms the majority of land identified as Site A in the UNP.

### Policy 3 - Housing - Numbers

The Uppingham Neighbourhood Plan supports sites A,B & C for housing in the west of the town and the construction of at least 170 homes (excluding windfalls but including the custom built single dwellings in Policy 4) during the period up to 2026.

Site B - During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.

Site C - During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.

The supporting text following the Policy states that Site A would lend itself to a joint access with other sites onto Leicester Road, perhaps via a roundabout. At its size of 0.46Ha and at a density of 30 dwellings per hectare, the site could accommodate up to 14 dwellings.

### Policy 4 - Housing - Single Dwelling Developments

The Uppingham Neighbourhood Plan supports the construction of up to six custom built, self-build, single dwellings in the period up to 2026.

### Policy 8 - Design and Access

Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Uppingham's character and heritage. The statement must set out how the proposals follow the policies and guidance in relevant national and local documents as well as this Plan. The Design and Access Statement must address the following:

- Context and character
- Historic character
- Connection with the countryside
- Quality for pedestrians, cyclists and the physically disadvantaged
- Development density and build quality
- Car Parking
- Landscaping and access to open and green space
- Occupier controlled access to fibre, copper and other home office services
- Environmental footprint
- Play provision

The Town Council reserves the right to require an individual design review on any development of 25 houses or more or any single building of more than 3000sqm. Such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines established by RIBA or CABE. The Plan acknowledges existing policy guidance in the National Planning Policy Framework (NPPF) and the current and emerging policies of Rutland County Council.

### Community Infrastructure Levy (CIL)

CIL was adopted in Rutland in March 2016. This site will be liable to pay the CIL levy once development commences but as it is based on liable floorspace, it will be calculated in parallel with the planning process at the detailed design stage. Affordable Housing provision is required to be provided and that will require a S106 agreement at this outline stage. The size of the site means that the Affordable Housing threshold would be close but an agreement is required in the event that the threshold is reached. It is anticipated that this site may be developed as part of the wider land in any event.

## Consultations

10. RCC Highways  
No objection subject to conditions
11. Uppingham Town Council  
Recommended for approval subject to Rutland County Council ensuring this is compliant with the Uppingham Neighbourhood Plan
12. Environment Agency  
No objection
13. Leics CC Ecology  
Habitat survey recommended

## Neighbour Representations

14. Neighbours at 68 Leicester Road have commented:
  - We live at number 68 Leicester Road and as the proposed building site will impact us most
  - I would like to ask where will the power come from? We are currently fed from a low voltage line which passes over our garden
  - will the sewers, water and telephone be upgraded to cope?
  - our boundary is in the middle of the hedge on the boundary of our property and the proposed site, thus if this is removed we want to ensure we do not lose any land.
  - are we going to be overlooked by the proposed properties? We currently overlook the fields
  - Please can you confirm the number and type of houses are correct. I bought our house, number 68 Leicester Road, in September 2014 knowing that building work would happen on the field next to us but was shown details that they would be housing for over 55's and single storey.
  - There will be a massive invasion of privacy to my house and garden from 2 storey - why has this changed.

## Planning Assessment

15. The main issues are policy, highway safety, provision of affordable housing and ecology.

16. In terms of Policy, the site has been allocated for development in the UNP. The principle of development is therefore acceptable. The important issues here are that due to this being a stand alone application for part of the allocation, it has not been possible to tie the development in with the adjacent land in a co-ordinated and efficient manner. On that basis there is no co-ordination for provision of access, open space, cycleway and footpaths, or Sustainable Urban Drainage (SUDS). This has led to a situation where a separate access is being proposed onto Leicester Road when the UNP has an aspiration (although not a policy) that the sites on the northern side might share a single point of access.
17. The UNP does not require an overall Masterplan to indicate how the various allocated sites will be developed in a cohesive and efficient manner, including the requirement for this site to have a joint access. This is only an aspiration of the plan, not a policy.
18. However, development of the site is acceptable in principle and all other details apart from the access will be considered at the later Reserved Matter stage.

#### Highway Safety

19. The highway authority has considered the access in relation to the position of the proposed access to the land on the southern side of Leicester Road and considers that there is adequate separation. On that basis although less desirable in terms of a co-ordinated overall development, the proposed access is deemed to be acceptable.

#### Affordable Housing

20. There is a proven need for more affordable housing in Uppingham, in line with the Uppingham Neighbourhood Plan, Policy CS11 of the Core Strategy DPD and Policy SP9 of the Site Allocations and Policies DPD.
21. In August 2015, there were 37 households living in Uppingham waiting for 1, 2 or 3 bed properties for rent. Under the Council's SPD on Planning Obligations (January 2016), and in line with the above statutory development plan requirements, a site of this size is required to provide 30% affordable housing on site. The application of the density requirements in the statutory development plan would ensure good use of the land and this would also mean that the site exceeds the threshold for affordable housing provision, which is now 11 dwellings, or more than 1,000m<sup>2</sup> floorspace, following the Cabinet decision in June. A S106 agreement will be required in connection with this development which will ensure the delivery of the affordable housing. Policy SP9 states: "The Council may refuse development proposals which, in its opinion, seek to under-develop or split sites in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision." Policy SP9 also requires a mix of affordable housing to be provided and for this to be well integrated.
22. The applicant has agreed in principle to entering into a legal agreement to provide affordable housing on this site if the threshold is reached. The recommendation above is therefore subject to the completion of that agreement.
23. In order to ensure that the scheme meets the requirements of the Development Plan, including for the provision of Affordable Housing, the Uppingham Neighbourhood Plan and the makes the most efficient use of land, it is recommended that the permission should require a minimum of 11 dwellings to be provided on the land.
24. This gives the applicant some flexibility in the density on developable land due to the potential constraints of the sewer. The overhead lines will in all probability need to be moved to take account of the development, including in the wider land on Site B.



25. The issues relating to supply of utilities and overhead lines etc. raised by the neighbour are not planning matters. The question of overlooking does not arise at this stage but the principle of development is acceptable as the site has been allocated in the UNP.

Ecology

26. Whilst the Ecology consultant recommended a habitat survey, the site is open grassland that had been cut for a hay crop at the time of inspection. There are 2 hedges bordering the site. It is unlikely that protected species will be occupying the site and a note to the applicant is therefore recommended in this case.