



Uppingham



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Ordnance Survey [100018066]

Scale - 1:5000
Time of plot: 11:32
Date of plot: 15/08/2017



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2017/0422/MAJ	ITEM 5	
Proposal:	Erection of 28 dwellings with associated landscaping, open space and infrastructure (Phase 2).		
Address:	Land South Of, Leicester Road, Uppingham, Rutland		
Applicant:	Bloor Homes Ltd, Midlands Division	Parish	UPPINGHAM
Agent:	Mr Maxwell Whitehead, Bloor Homes Ltd Midlands Division	Ward	Uppingham
Reason for presenting to Committee:	Major Development		
Date of Committee:	29 August 2017		

EXECUTIVE SUMMARY

The second phase of the Bloors development was originally expected to come as a future allocation for development. The delivery of this land now is sustainable and has no harmful impact on the strategy for delivery of housing.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement to secure the affordable housing and the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
REASON – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers MI107-SL-002H, MI107-EN-100H, MI107-MAT-MOE-001L, MI107-LE-MAN-001D, MI107-LS-001K, MI107-LS-002J, MI107-LS-003J, MI107-LS-006E, MI107-PD-100B, MI107-PD-101B, MI107-PD-102B, MI107-PD-103B, MI107-PD-502C, MI107-PD-503C, MI107-PD-105A, MI107-PD-106B, MI107-PD-107B, MI107-PD-108A, MI107-PD-109A, MI107-PD-110B, MI107-PD-111C, MI107-PD-112A, MI107-PD-113B, MI107-PD-500C, MI107-PD-114C, MI107-PD-750, MI107-PD-751, 2B4P-2B4PSP-PD-001, 2B4P-2B4PSP-PD-002, C313-PD-01, 3B6P25-PD-01, 3B6P25-PD-02, the Landscape and SUDS Management Plan dated 11 August 2017 and the Ecology Construction and Environmental Management Plan Phase 1 and 2, ref 552.5, dated August 2017.
REASON - For the avoidance of doubt and in the interests of proper planning.
3. 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.
REASON - To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to make sure it is properly maintained.

4. The open space footpaths and cycleways and associated landscaping shown on the approved plans shall be provided and laid out on site in accordance with the approved details prior to the occupation of the 15th house hereby approved.
REASON - To ensure that the open space and cycleways/footpaths are provided at an appropriate time in the interests of the amenities of future residents and the overall appearance of the development.
5. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved landscaping plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
REASON - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
6. No dwelling shall be occupied until the sustainable surface water scheme shown on the approved plans is implemented and in operation in association with the scheme approved for Phase 1. The system shall thereafter be retained on site and maintained in accordance with the submitted and approved scheme
REASON - To prevent flooding
7. No dwelling hereby permitted shall be occupied until such time as the final archaeological report for the wider site including Phase 1 has been archived in accordance with the Written Scheme of Investigation.
REASON - To ensure that the archive is deposited within a reasonable time period.

Note to Applicant:

It is your responsibility to ensure that protected species are not disturbed or harmed in any way. The Council's Ecology advisors recommend that an updated Badger survey is carried out before development starts.

Site & Surroundings

1. The site extends to 1.08 hectares of open land on the south western side of Leicester Road, adjoining Phase 1 of the development which was approved by this Committee in May 2017. Land to the west is agricultural, beyond which is the access road to Uppingham Cricket Club.
2. The site has no frontage to Leicester Road as Phase 1 wrapped around the north side of this site.
3. The site forms part of Site C which is allocated for development in the Uppingham Neighbourhood Plan. A remaining part of Site C is to the south-east, between Phase 1 and the School Sports Centre Car Park and is in different ownership and was not included in the submission for Phase 1.

Proposal

4. The proposal is for Phase 2 of the Bloors development following the approval of Phase 1 in May 2017. This scheme has been recently reduced from 29 to 28 dwellings comprising the following:
5. 20 market dwellings, 2 x 3 beds and 18 x 4 bed units, together with 8 affordable rented (2 x 1 bed and 2 x 3 beds) and 2 x 2 bed and 2 x 3 bed shared ownership affordable homes.
6. The layout is as shown on the previous phase 1 application but is reproduced in the Appendix.

Relevant Planning History

Application	Description	Decision
2015/0568	Erection of 75 dwellings	Withdrawn
2016/0336/MAJ	Erection of 75 dwellings (Phase 1)	Approved 16 May 2017.

Planning Guidance and Policy

National Planning Policy Framework

Para 14: Presumption in favour of Sustainable development. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Para 47 – LPA's should set out their own approach to housing density to reflect local circumstances

Para 59 – Design polices should avoid unnecessary prescription and concentrate on guiding overall scale, density, massing, layout and access in relation to neighbouring buildings and the local area more generally.

The Rutland Core Strategy (2011)

CS3 (The Settlement Hierarchy) of the adopted Core Strategy identifies Uppingham as a Small Town, This is the second largest town with a range of job opportunities, convenience shopping, education, community and health facilities but with more limited public transport links.

CS4 (The location of development) states that Uppingham will be a focus for more moderate growth mostly on allocated sites to the west or north west of the town. Uppingham has the capacity to accommodate about 16 dwellings per annum up to 2026.

CS10 Housing Density and Mix
Development will be expected to achieve 40 dwellings per hectare within the built-up area of Oakham and Uppingham

CS11 Affordable Housing
A minimum target of 35% affordable units is required.

CS19 Promoting Good Design

Site Allocations and Policies DPD (2014)

- Policy SP1 (Presumption in Favour of Sustainable Development) states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of development. The NPPF also highlights that housing should be located where it will enhance or maintain the vitality of rural communities.
- Policy SP5 (Built development in the towns & villages) states that sustainable development within the Planned Limits of Development of the villages will be supported provided that:
- (i) It is appropriate in scale and design to its location and to the size and character of the settlement;
 - (ii) It would not adversely affect the environment or local amenity
 - (iii) It would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings
 - (iv) It would not be detrimental to features and spaces which contribute to the important character of the settlement and the locality.
- Policy SP9 Affordable Housing – affordable housing must 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.
- Policy SP15 (Design & Amenity) states that development should reflect the characteristics of the site, complement the character of the surrounding area, protect the amenities of neighbours, be of a suitable scale, form and mass, use appropriate materials and make safe provision for access and parking.

Uppingham Neighbourhood Plan (Jan 2016)

7. Policy 3 – Housing Numbers, allocates this and adjoining land for development. For Site C this Policy states that during the plan period, only around 3 hectares within the allocated site (precise location to be 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.
8. The text to follow up that policy states that of the overall 4.5 Hectares in Site C, only the pink area is supported for development.
9. For clarity, the previously approved site includes some pink land and some red land as the red land reserved for later development washes over the boundary between the applicant's site and the adjacent owners land. The developer took advantage of the 'precise location to be a matter for the developer' clause in the Plan to develop the land within its control which is nearest the town, leaving this remaining land on the outer edge of the site for later development.
10. Policy 5 – Housing Site C also states that land at the rear of this site is allocated as recreational land which will form part of any proposal brought forward on Site C, the whole of which will be subject to a Masterplan.
11. There is a statement in the Housing Summary, later in the document, that the Plan does not support the building of one-bedroomed homes. This is an aspiration, not policy, and is not backed up by any reasoned planning evidence or justification that would outweigh a proven local need. Phase 1 included 1 bed units.

Other Material Considerations

12. Supplementary Planning Document – Developer Contributions (January 2016 – came into effect 1 March 2016)
13. This states that for schemes of 5 dwellings or more, affordable housing should be provided on site at a rate of 30% (subject to viability) and supersedes the Core Strategy requirement of 35%.
14. The Consultation Draft Rutland Local Plan (2017)
15. This Plan allocates this site together with a new site to the west for development. It also includes the red and pink land to the east and opposite for development in the new plan period and if adopted would supersede the Uppingham Neighbourhood Plan Policies.
16. This Plan has not been subject to consultation or Examination so carries little weight at this stage.

Consultations

17. **Environment Agency**
No objection subject to the following condition.–
 - No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
 - Reason - To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure. In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within the proposed phasing of development.
 - As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly
18. **LCC Ecology**
 - I am satisfied with the general principal of GCN mitigation contained in this document (HDA, February 2017). Compliance with the mitigation strategy will be required as a condition of the development. However, I am concerned that this document will need updating to reflect the Phase 2 location plan as at the moment it refers to the neighbouring site (I appreciate that it is intended that there will be a separate GCN licence for each phase, but assume that the mitigation will be the same).
 - No other protected species have been recorded in this Phase 2 area of the site, although it is considered that the site does have potential to support badgers. I therefore have no objections to this development (subject to the revision of the GCN mitigation red line as described above) provided that the recommendations in the Ecology Addendum (HDA, April 2017) are also followed (via a condition of the development).

- The proposed layout is acceptable, as it provides buffers to the existing hedgerows.
- Additionally, as ecology surveys are only considered to be valid for a period of 2 years, updated surveys will be required if works do not commence before May 2018.

19. **Anglian Water**

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- The foul drainage from this development is in the catchment of Uppingham Water Recycling Centre that will have available capacity for these flows.

20. **Foul Sewerage Network**

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

21. **Surface Water Disposal**

- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.
- **CONDITION** No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority. **REASON** To prevent environmental and amenity problems arising from flooding.

22. **RCC Highways**

No Objections subject to being built in accordance with Drawing Number MI107-SL-002C-COL, MI107-PD-750 and MI107-PD-751; and subject to the following conditions
Estate Carriageway
Construction Site Workers note to applicant.
Road Cleaning

23. **Lead Local Flood Authority (Surface water drainage)**

No Objections subject to being built in accordance with Rev A Phase 2 Technical Note and FRA Addendum (Rec'd 20/06/2017) Appendix 4 Drawing Number MI107-EN-100E, and subject to the submission of a maintenance schedule for the SuDs features.

24. **Uppingham Town Council**

Recommend for approval

25. **Matrix Planning**

I write on behalf of the owners of the adjacent site - the 'Robinsons land' - also allocated for housing in the Neighbourhood Plan. We see no conflict in our own emerging ideas for our site. We therefore support Bloors development for the following reasons: 1. The development of this site should logically continue the development of the approved Phase 1 (permission 2016/0336). 2. It makes sense in the interests of the proper planning of this area. 3. The housing delivery target in the Neighbourhood Plan is that at least 170 homes during the period to 2026. So the current proposal plus those on the Robinsons land do not conflict with the aims of planning policy to enable the growth of Uppingham

Neighbour Representations

26. None

Planning Assessment

27. The main issues are the principle of development, design and layout, affordable housing provision, access/highway safety and landscaping/drainage.

Principle of Development

28. The land has been allocated for development now and in the future in the Uppingham Neighbourhood Plan (UNP), which has community support. On the face of it the development could be deemed contrary to policy as it seeks permission to develop land that is not yet allocated for development in the UNP. The land on which Phase 2 is located is actually allocated for development now on the UNP map as it was part of the originally allocated land. The developer chose to use the option of identifying the precise boundaries of phase 1 to their preferred site, in line with the option in the Plan. That should in theory leave this site for 'future development', having been swapped for the future land in Phase 1, however, the UNP is silent on what happens in such circumstances.

29. The proposal constitutes sustainable development. It fulfils the 3 criteria for sustainable development set out in Para 14 of the NPPF and is located immediately adjacent to approved development. Uppingham is a town with all necessary services, amenities and facilities. It is an integrated rounding off of the first phase of development and makes logical sense to develop now rather than refuse and await an uncertain date in the future for its allocation. In terms of delivery of housing there is nothing to prevent this site from being developed now. It would not harm the strategy for housing supply in the County.

30. Whilst the new Rutland Local Plan carries little weight at this stage it is clear from the UNP and background work on the new Plan that the direction of travel for new development in Uppingham is in this locality.

31. The applicant has sought advice from Counsel on this issue which concludes:

- *In my opinion the phasing element in the UNP is not something which definitively determines whether there is compliance with:*
 - (i) *Policy 3;*
 - (ii) *the UNP, or*
 - (iii) *the development plan as a whole.*
 - (iv) *Indeed, to take such an inflexible approach would be contrary to guidance which courts at all levels have been giving very clearly.*

32. The proposal constitutes sustainable development and otherwise complies with policies of the development plan.

33. It is likely that an appeal against refusal on the grounds of prematurity would be successful in this location. On that basis it is not considered that a refusal would be sustainable on policy grounds.

Design & layout

34. This follows the principle established in the Phase 1 approval. The development provides outward looking dwellings on the western rural edge, avoiding dwellings close to the site boundaries. There would be a satisfactory relationship between dwellings. The actual designs follow the previously approved scheme. The design and layout is therefore acceptable.

Affordable Housing

35. The overall provision is acceptable but some concern had been expressed about the width of parking bays and this has been addressed by the developer. A S106 agreement would be required to secure the affordable units.

Access/Highway Safety

36. Access to this site would be via the already approved access off Leicester Road for which a sum has been secured via a S106 agreement for the construction of a roundabout or highway safety improvements. Parking and access within the site is satisfactory.

Landscaping/Drainage

37. The landscaping follows the same theme as Phase 1 and the surface water scheme designed as part of Phase 1 is also used to drain this site. An updated drainage strategy has been received and sent to the Environment Agency for comments, which are awaited. Subject to those comments, these 2 issues are adequately addressed by the submitted scheme.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP / SITE SPECIFIC CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

Notes:

Accommodation Schedule			
Type	Beds	Storeys	No
304 DET	3	2	1
313	3	2	1
406	4	2	2
422	4	2	1
415	4	2	5
420	4	2	2
421	4	2	6
460	4	2.5	2
XL garage			0
HOGs			0

Rent			
Type	Beds	Storeys	No
18F01 GF	1	2	1
18F01 FF	1	2	1
38EP 25	3	2.5	2

Shared			
Type	Beds	Storeys	No
28AP	2	2	2
38EP 25	3	2.5	2

Total			28
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- g DENOTES INDICATIVE POSITION OF PERSONNEL GATE AVAILABLE AS OPTIONAL EXTRA AT CLIENTS REQUEST.
- DENOTES INDICATIVE PLANTING PROPOSALS - SUBJECT TO DETAILED DESIGN.
- 1.8m HIGH CLOSE BOARD FENCING.
- 1.8m HIGH BRICK WALL FENCING.
- 0.9m HIGH METAL RAILINGS.
- 0.45m HIGH TIMBER KNEE RAIL.
- 19+ PLOT NO.
- VEHICULAR ACCESS POINTS.
- HOUSE TYPE CODE.
- PEDESTRIAN ACCESS POINTS.

REVISED
2017/0422/MAJ
Rec'd 09/08/17

- Revision: A Plots 45-48 amended to allow for sewer easement & general layout updates. 07.03.17 EW
- B House type 38EP25 size updated. Plot 67.09 block revised. 27.03.17 DL
- C Phase 2 plots re-numbered. 31.03.17 CD
- D Affordable tenure hatching added. 04.04.17 EW
- E Affordable tenure mix amended. 25.04.17 EW
- F Affordable mix amended to council comments. 12.07.17 JM
- G 38EP 25 footprint size updated & street lighting added. 03.08.17 JM
- H Width of parking bays between plots 94 & 95 increased following planners comments. 31.07.17 JM
- I Private drive serving plots 88 to 91 amended. 03.08.17 JM

Job: Leicester Road Uppingham
Title: SITE PLAN PH2
Scale: 1:500 @ A0 Drawn: JRM
Date: MARCH 17 Checked:

BLOOR HOMES
J S BLOOR (SERVICES) LIMITED
ASHBY ROAD, MEASHAM, SWADLOWCOTE, DERBYSHIRE DE12 7JP
TELEPHONE 01530 270100 FACSIMILE 01530 272000
Drawing No: MI107-SL-002H-COL



Leicester Road, Uppingham

