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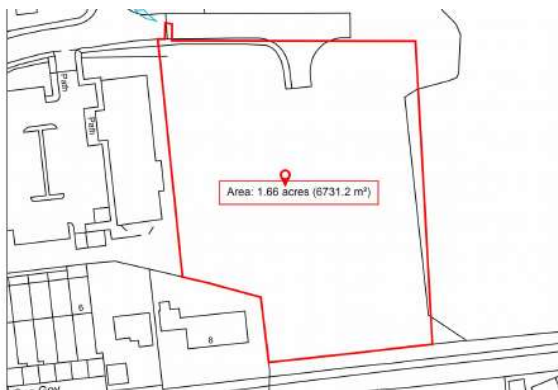
2nd December 2024

Dear Sir / Madam

McCARTHY STONE RESPONSE TO THE RUTLAND LOCAL PLAN REGULATION 19 CONSULTATION - POLICY E1 – STRATEGIC EMPLOYMENT LAND ALLOCATIONS AND INSET MAP 41 UPPINGHAM

We are responding on behalf of my client McCarty & Stone retirement lifestyles Limited who is a leading provider of specialist housing for older people in the UK. Please find below our comments on Policy E1.2 and Inset Map 41 Uppingham.

We object to the inclusion of site E1.2 Uppingham Gate as an employment allocation within the Rutland Local Plan Regulation 19 consultation document (the Plan). The site's inclusion is not consistent with national policy or justified and will not be effective at delivering employment. In particular, we object to the smaller area of land (see map below) to the north of Twitchbed Lane / south of A47 / east of Ayston Road, Uppingham (Uppingham Gate) being incorporated into this allocation when historically it has not been included. To note the area of land is also sat within the development boundary for Uppingham where the principle of development is acceptable. The area of land in question is shown in the map extract below:



Initially, the council should note that para 126 of the NPPF states that:

126. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans,

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and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) *it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) *in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area*

The general employment area of Uppingham Gate was first allocated in the 2001 Rutland Local Plan policy EM2. This was a much smaller area than that proposed today. Prior to this allocation and post the allocation, the site has had a raft of planning application history dating back some 40 years and largely for employment uses, this is likely to be where the concept of the employment allocation came from initially. The historical planning applications include the following:

- 2020/0249/FUL - An application for 9 houses on part of the site in 2020 (2020/0249/FUL). This was refused for the following reason *'The development (specifically plots 1, 2 and 3) would be partly sited on land allocated and safeguarded for employment use (B1, B2, B8) in Policy CS13 (d) of the Council's Adopted Core Strategy (2011). The loss of part of this site for housing will not only have an impact on the loss of employment land supply but overall qualitative supply too. Uppingham Gate is considered important as the main employment land option for Uppingham. The proposal is thereby contrary to Policy CS13'*.
- 2007/459 - Creation of a 40 space car park.
- 2003/167 - Construction of car park and extension of access road
- 2003/168 - Construction of two-storey extension with additional car parking and extended access road
- 1999/845 - Construction of two-storey extension to eastern elevation of office building (Class B1), formation of an additional 93 car parking spaces, extended access road and various external alterations to existing building.
- 1994/86 - Use of land for an extension to Regional Headquarters for the National Farmers Union comprising a second phase of 10,000sq ft. of offices on two floors, car parking, access road and infrastructure.
- 1992/68 - Use of land for business park incorporating employment uses falling within Class B1 of the Town and Country Planning (Use Class) Order 1987
- 1987/328 – Use of land for erection of buildings for business use and construction of new vehicular access – refused as premature to 'Uppingham Local Plan' as the site was identified in the ULP and in conformity with the structure plan of the time the ULP had yet to be 'deposited'. There was some local objection.

Despite these planning applications for the site, employment has never come forward during this 40 year period.

We note that the Plan is supported by the Rutland Employment Land Review, August 2023, Icen Projects. However, this has little justification for the sites continued allocation for employment and only states:

6.6 A 6.8 ha vacant greenfield site located north of Uppingham. The site is bordered by the A47 to the north, residential to the south and some business units to the west occupied by a dentist surgery and shops.

6.7 Accessibility is high due to proximity to A47 and access could be provided through the existing business park on Ayston Road. The site is served by bus route R1, providing a service between Oakham and Corby.

6.8 In the western part of the site, a planning application for 9 dwellings, access and associated landscaping (2020/0249/FUL) was refused in April 2020 due to the sites allocation as Rutland Employment Land Review August 2023 employment land, low density of development, the artificial boundaries of the site used to reduce affordable housing provision and poor quality nature of the scheme.

6.9 The site was also allocated as a mixed use development within the submitted Uppingham Neighbourhood Plan. These allocations would see 60 dwellings on the site as well as a combination of employment uses, a proposed food store, specialist accommodation for older persons and entertainment, leisure and recreation facilities.

6.10 Recommendation: Retain as employment allocation. The site is an existing allocation and is one of very few opportunities in the Uppingham area capable of delivering employment uses. It has access to the strategic road network and adjoins existing employment uses

The justification for extending and continuing the employment allocation, clearly appears to be that there is little other employment land in Uppingham. However this is made without a consideration of lack of delivery over 40 years and the requirements of the NPPF at para 126 to re-assess sites for different land uses if they have not come forward for the intended use.

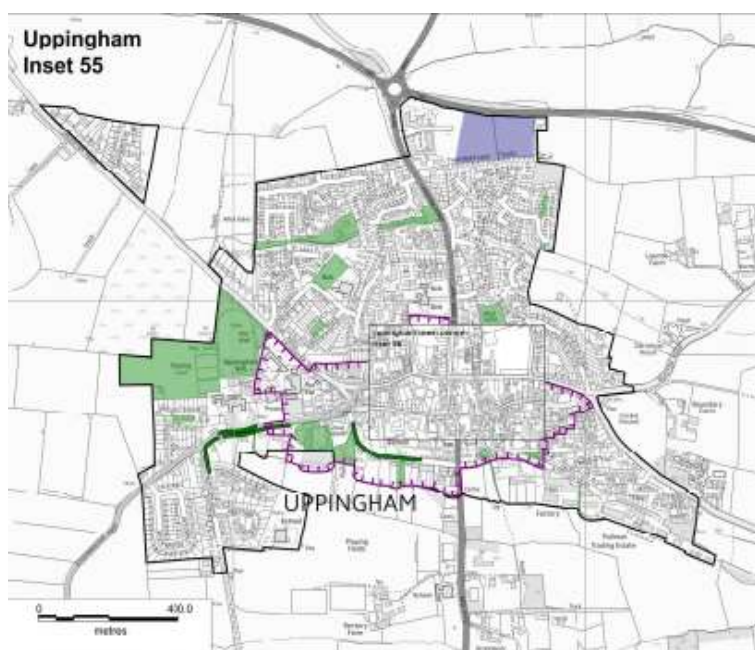
We additionally note that the site has been assessed within the Rutland 'call for sites register' (site ID191). However, this simply concludes that the '*site is considered suitable to retain as an employment allocation*' with no consideration of the sites planning application history and lack of delivery for employment purposes over a 40 year period. In addition the Sites Register says at the stage 2a analysis under '*suitability*' that '*this site has been allocated for employment land in the current adopted plan and there is no reason why it should not remain allocated for development*'. However, there is no justification as to why the site should be retained for employment development over other forms of development. This is despite the Employment Land Review having previously noted that the site has been promoted for part residential and part employment and in itself lacking evidence as to why it should be retained as an employment allocation.

It therefore appears that the employment allocation has been extended in area and retained purely on the basis that it is currently allocated for an employment use, without any assessment about its suitability for other uses in line with the NPPF given non delivery of

employment over the last 40 years. The allocation is therefore inconsistent with para 126 of the NPPF.

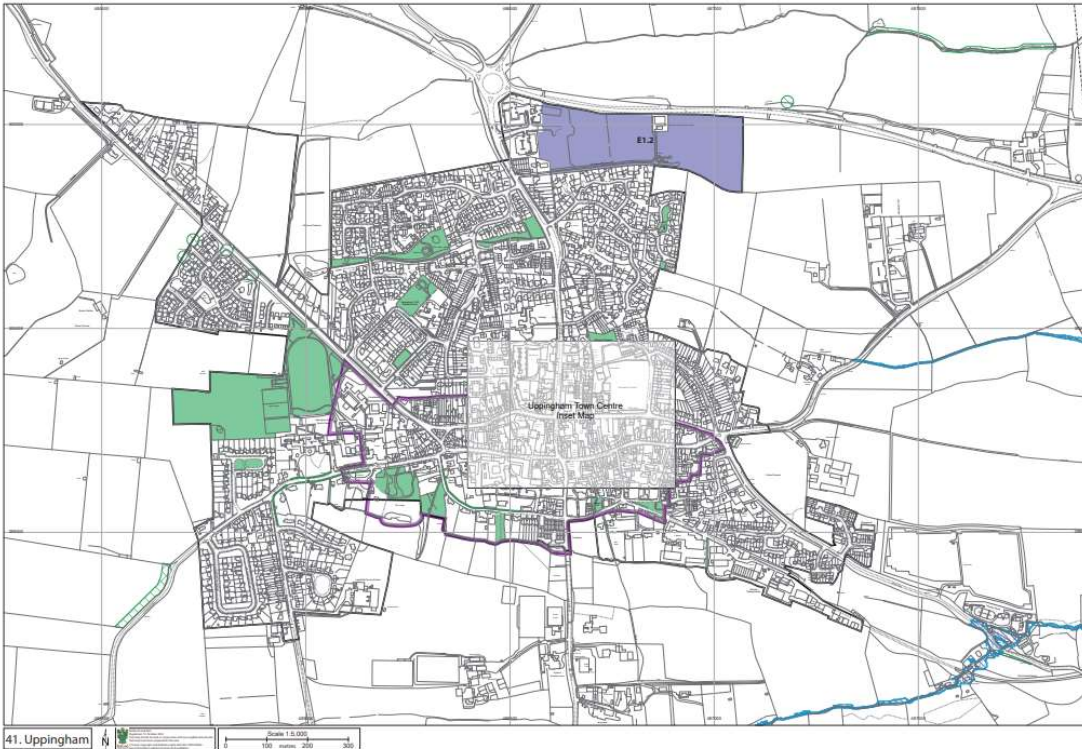
We also note that the employment allocation site has been extended to include a larger area of land in the regulation 19 consultation without justification, evidence or acknowledgement. The allocation is also inconsistent with the emerging Neighbourhood Plan that is at an advanced stage in production.

We provide an extract from the Rutland Local Plan Site allocations adopted policies map, Inset Map 55, Uppingham.



This clearly shows the existing employment allocation in Uppingham in purple and excludes the majority of the site discussed above. This outline is consistent with the currently Made Neighbourhood Plan.

The extract below then shows the proposed employment allocation within the Rutland Local Plan, regulation 19 consultation document.



This shows the extension of the proposed employment allocation E1.2, using a similar boundary to site U-HA3 of the emerging Neighbourhood plan (discussed below) that allocates the whole site for a mixed use development including around 60 dwellings and is at an advanced stage in production. However, no justification or evidence of why such an approach of extending and continuing an employment allocation is appropriate with respect to the Rutland Local Plan Regulation 19 consultation especially when it conflicts with the emerging Neighbourhood Plan. We also note that the Local Planning Authority has not objected to the principle of site U-HA3 of the Neighbourhood Plan.

The Rutland Local Plan regulation 19 consultation states on page 60 that *'Uppingham Town Council are reviewing this made Neighbourhood Plan and propose additional housing and employment land to be allocated to meet the needs of the town for the new Local Plan period. The Local Plan seeks to provide the strategic context to enable locally determined, appropriate additional allocations to be made through the Uppingham Neighbourhood Plan'*. Policy H1 then makes it clear that all development to be provided in Uppingham is *'to be allocated through the Uppingham Neighbourhood Plan'*.

Given that the Neighbourhood Plan has re-assessed the allocation site, given non-delivery of employment on the site for 40 year, as being more appropriate for a mixed use development and that the Local Plan identifies that allocations will be identified within the Neighbourhood plan in Uppingham, it is inconsistent for the Rutland Local Plan to be including this employment allocation E1.2. This allocation should therefore be deleted from the Rutland Local Plan and the Local Planning Authority should allow the Neighbourhood Plan to take forward allocations as detailed on page 60 of the Rutland Local Plan regulation 19 version. In addition, para 16 of the NPPF identifies how plans should be prepared. There are a number of points within this paragraph where the Rutland Local Plan is inconsistent with national policy:

NPPF para 16	Why the Rutland Local Plan is inconsistent.
b) be prepared positively, in a way that is aspirational but deliverable	The employment allocation has not been delivered for 40 years, suggesting it is not deliverable.
c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees	Given the inconsistencies between the neighbourhood Plan and Rutland local plan it would suggest that effective engagement between the Neighbourhood Plan and the LPA has not occurred.
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	It will be confusing for a decision maker to know how to react if there are 2 different allocations for land in both the Neighbourhood Plan and the Local Plan.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant	This employment allocation duplicates the allocation of land whilst being in conflict with the allocation with the Neighbourhood Plan.

Conclusion

The Rutland regulation 19 Local Plan consultation draft is clearly at odds with the submission draft Neighbourhood Plan that is at an advanced stage in production as well as being inconsistent with itself that states that allocations at Uppingham will be delivered by the Neighbourhood Plan. **Employment allocation E1.2 should therefore be deleted and Map 41 amended accordingly. As currently drafted The Rutland Local Plan regulation 19 consultation is inconsistent with the Neighbourhood Plan and national policy and in particular NPPF paragraphs 16 and 126.**

Thank you for the opportunity to comment.

Yours faithfully

N Styles

Natasha Styles
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