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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2023/0332/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>4 no. four bedroom dwellings plus farm access way to retained farm land.</b>		
Address:	<b>Pt OS No117 Village Farm Main Street Bisbrooke Rutland</b>		
Applicant	<b>Mr Jon Gibbison</b>	Parish	<b>Bisbrooke</b>
Agent:	<b>N/A</b>	Ward	<b>Lyddington</b>
Reason for presenting to Committee:	<b>Level of objection received to the proposal</b>		
Date of Committee:	<b>19<sup>th</sup> September 2023</b>		
Determination Date:	<b>25<sup>th</sup> May 2023</b>		
Agreed Extension of Time Date:			

## EXECUTIVE SUMMARY

The application is for the construction of four new dwellings on the land, two of which incorporate two-storey elements and the remaining two being single-storey dwellings. Garages are to be provided with each of the properties, and a farm access track serving the land to the east is to be provided along the southern boundary of the site.

There is an existing, implemented permission on the land for the construction of four dwellings of an alternative design to that now proposed. This carries significant weight in relation to the current application and establishes both the principle of the use, the two-storey nature of two of the properties and the proposed access serving four dwellings.

The proposed dwellings are larger in footprint and floorspace than those previously approved. One of the two-storey dwellings is indicated as being higher than that previously permitted whilst the other has a lower ridge height.

The properties retain adequate separation to ensure an acceptable level of privacy and amenity for the neighbouring dwellings, and they are of an appearance appropriate to their location.

## RECOMMENDATION

### APPROVAL

#### General 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 plans, numbers.....  
Reason - For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement conditions

3. No development shall commence until details of existing and proposed levels of the site, finished floor levels and ridge heights, and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. Each dwelling shall be completed in accordance with the agreed scheme before the it is first occupied.

Reason – To ensure that the dwellings hereby permitted have an acceptable relationship with the street scene and to ensure that the area is not unacceptably dominated by the properties, in accordance with the requirements of policies CS19 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies Development Plan Document (2014).

4. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording

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 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. Details of the proposed protection, timing of its installation and removal shall be detailed in an Arboricultural Method Statement that shall form part of the submission to 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 development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-
- a) A scheme for monitoring, reporting and control of demolition and construction noise and vibration including hours of working and scope for remedial action.
  - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
  - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
  - d) Haul routes to the site and hours of delivery
  - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway.
  - f) Details of a holding area to be provided on Glaston Road near to the A47 and how the incoming vehicles will be managed to ensure no two large vehicles associated with this development will be on Glaston Road between the site and the holding area at any time.
  - g) Details of site compounds, storage area and contractor/visitor parking/turning.
  - h) Details of the site enclosure or part thereof and gated site security.
  - i) Confirmation of any tree protection measures.
  - j) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
  - k) Details of site notice with contact details and a scheme for dealing with complaints.
  - l) Details of any temporary lighting which must not directly light the public highway.
  - m) Phasing plans where necessary.
  - n) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
  - o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.  
The development shall thereafter be carried out in accordance with the approved Demolition and Construction Management Plan.
- Reason: In the interests of residential amenity and highway safety. in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
7. The developer must carry out an inspection of the condition of the public highway between the A47 and 20m to the southwest side of Peters Way and 20m in to Peters Way before site traffic commences. The results of the inspection will be provided by way of a photographic or video survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to identify any damage and determine any remedial work required.  
Reason - In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design

Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

8. Prior to commencement of the development, excluding the demolition of the existing front wall, the access at its centre line shall be provided with visibility splays with dimensions of 2.4 metres by 43 metres to the southwest and 2 metres by 43 metres to the northeast, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided free from any obstruction above 600mm above ground level and thereafter maintained in perpetuity.  
Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Prior to above ground works

9. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
Reason - To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
10. No development above ground 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.

Pre-Occupation Conditions

11. A scheme of off-site highway works along the site frontage of Main Street to remove the redundant vehicular access including installation of a full height kerb along the channel line of Main Street and installation of a grassed verge and footpath tie-in to the existing footway and widening and improvement of the existing vehicular access to be submitted to and approved in writing by the LPA. The approved highway works will be completed prior to first occupation of the dwellings.  
Reason - In the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
12. The access and private footpath connection hereby approved shall be provided in accordance with the details shown on the approved layout plan prior to first occupation of the dwellings. They shall thereafter be retained in accordance with the approved plans.

Reason - In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

13. Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason - In order to ensure that sufficient car parking and turning remains available on site in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

14. No dwelling shall be occupied until the access road and footpath linking that dwelling to the public highway has been completed to surface course level.  
Reason - In the interests of residential amenity and highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

#### Removal of Permitted Development Rights Conditions

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – To ensure that any additions to the properties hereby approved do not result in unacceptable impacts on the character of the area given the position of the site in relation to the village and the likelihood of such additions impacting on the site's contribution to the village character, in line with the requirements of policies CS19 of the Core Strategy and SP15 of the Site Allocations and Policies Development Plan Document.

16. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no habitable rooms shall be created within the roofspace of any of the dwellings hereby approved.

Reason – To ensure that the appearance of the properties and their impact on the character of the area and the privacy and amenity of neighbouring and nearby dwellings is not adversely impacted through the addition of such rooms without them first being assessed by the Local Planning Authority, in line with the requirements of policies CS19 of the Core Strategy and SP15 of the Site Allocations and Policies Development Plan Document.

#### Other Conditions

17. 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 landscaping is carried out at the appropriate time and is properly maintained.

18. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

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.

19. Prior to first use of any temporary or permanent external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

20. The vehicular and pedestrian accesses shall be designed to prevent the discharge of surface water from the development onto the public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

## Site & Surroundings

1. The application site is located within the settlement of Bisbrooke, at its geographical heart and to the north of Peters Way. The farmyard has an existing access off Main Street with open land to the north, vehicular access to the agricultural land to the east, and is host to a range of existing farm buildings.
2. There is a large residential dwelling set within its own grounds to the east of the site, beyond which lies the church. Peters Way to the south serves a number of residential properties, with further residential dwellings to the west of the site.

3. The application site lies at the high point of the village, with the land sloping away to both the north and south before rising again on both sides to further high points on Seaton Road to the south and the A47 to the north. Consequently the site is currently visible from vantage points more remote than its immediate setting, particularly from the north on the approach to the village where the dutch barn is a notable feature in existing views.
4. The site lies entirely within the Planned Limits of Development of the village, which does not have a conservation area. The nearest listed buildings are the church to the north east of the site, and a barn to the north west, both of which are in the range of 80-120 metres from the site with the church being the nearer of the two. Both buildings are Grade II listed.

## **Proposal**

5. The proposal is for the demolition of the existing buildings on the site and their replacement with four new dwellings along with garages, access driveway and a separate farm access to the land to the east.
6. Two of the proposed properties are two-storey, with the two proposed dwellings to the east of the site being bungalows and set on lower ground.
7. The properties have, in line with the requirement of the Planning Case Officer, been confirmed by the applicant as being proposed to be constructed of ironstone with natural slate roofing, timber cladding to garages and with red brick boundary walls following initial proposals for the dwellings to be built from limestone.
8. Sections provided accompanying the application indicate that all the proposed dwellings will be below the maximum ridge height of the existing site, although due to design and orientation of buildings there will be differences in impact of the proposal from the overall mass of the buildings on the site. Plans detailing this will be available at the meeting of the Planning Committee.
9. The application site extends to 0.92 Hectares and is therefore a very low-density proposal. As will be detailed later however this is due to a combination of the number of units granted by the existing permission and constraints in respect of the number of dwellings suitable to be accessed in this location.

## **Relevant Planning History**

10. There is a significant and material planning history in relation to the application site, with permission having been granted in March 2009 for the demolition of the existing buildings and the construction of four new dwellings on the land. This application commenced construction prior to the expiry of the permission and a certificate of lawfulness was granted to this effect in May 2023. The works undertaken to secure the permission related to the construction of the new access to the site.



## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2021**

Chapter 2 – Achieving Sustainable Development  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 15 – Conserving the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

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

SP1 - Presumption in Favour of Sustainable Development  
SP5 - Built Development in the Towns and Villages  
SP15 - Design and Amenity  
SP19 - Biodiversity and Geodiversity Conservation  
SP20 - The Historic Environment

### **Core Strategy DPD**

CS01 - Sustainable Development Principles  
CS02 - The Spatial Strategy  
CS03 - The Settlement Hierarchy  
CS04 - The Location of Development (*Officer note – it is noted that the policy in respect of restraint villages is considered to be out of date – please see the Five-Year Land Supply & Developable Housing Land Supply Report May 2023 paragraph 5.68 confirming this position*)  
CS19 - Promoting Good Design  
CS20 - Energy Efficiency and Low Carbon Energy Generation  
CS21 - The Natural Environment  
CS22 - The Historic and Cultural Environment

## **Officer Evaluation**

### Principle of the use

11. The application site has the benefit of an implemented consent for the demolition of the existing buildings and the construction of four new dwellings on the land, with an access drive serving the properties and retaining access to the agricultural land to the east.
  
12. In that respect therefore the principle of the proposal is established as an implemented planning permission, including the loss of the existing buildings on the site and these matters therefore do not form part of the considerations required under the terms of this application. Consideration of the application must be on the basis of the impacts of the dwellings proposed to be located on

the site by the current application and the specific relationships between those dwellings and their surroundings.

#### Impact of the proposal on the character of the area

13. The application site currently has the appearance of a disused farmyard and is located centrally to the village. A number of views have been expressed regarding the impact of the farmyard on the character of the area, however in its current state it does not make a positive contribution to the visual character.
14. The farmyard use would have provided a positive link to the rural nature of the village however that use is no longer active and with no likelihood of it being restored given the implemented residential consent it is not possible to give material weight to that contribution.
15. The remainder of the village is almost entirely residential in nature albeit with further examples of agricultural use on the outskirts adjoining the countryside. In this regard, the development proposed for the site would not have an adverse impact on the character of the settlement, and as noted above, consent has already been implemented to construct a residential scheme on the land which would result in a similar impact.
16. The last matter to consider in respect of the impact of the development on the character of the area therefore is the scale of the proposal and whether or not this is in keeping with the village or causes unacceptable harm to the character of the settlement.
17. The existing farmyard comprises a range of buildings including traditional brick built structures, modern portal framed barns with extensive footprints, and a dutch/pole barn. A number of these structures are in a poor state of repair. These buildings are generally single-storey in scale, albeit that single storey for a farm building is generally higher than that of a residential property. The exception to this is the dutch barn, which is a considerably taller structure than the rest with a curving roof. It is orientated almost directly north/south, and is located in the centre of the application site.
18. The proposed scheme includes two properties with two-storey elements, which are the two properties nearest Main Street to the west of the site. Plot D which is the southernmost of these dwellings is shown as being 7.8 metres tall to its ridge, which runs west-east into the site and is 24 metres long. Plot A located north of the central access road is shown with a ridge height of 6.4 metres to its central two-storey section. This ridge is also orientated west-east and is 15 metres long. As noted earlier, the existing height of the dutch barn on the site is shown in the submitted sections as being taller than the ridge of plot D, however the proposed two-storey elements of the buildings proposed are considerably longer than that existing structure. The orientations of the structures are also different, presenting their gables to Main Street to the west

but showing their full mass to the views from the north and south. Amenity impacts are to be considered in the next section.

19. The previously approved dwellings on the land were proposed to be a maximum of 7.5 metres to their ridge, which is lower than plot D of the current proposal by 0.3 metres, but 1.1 metres higher than the currently proposed Plot A. The two-storey elements of the existing permission were 19.5 metres long (in the approximate position of plot D) and 20.1 metres (in the approximate position of plot A)
20. Specific heights could be controlled through the imposition of a condition requiring a detailed levels survey of the land within the site and proposed finished floor levels to be provided should the application be permitted.
21. Given their single-storey nature and their location to the eastern end of the site, plots C and D are not considered to have a material impact on the character of the village in their own right, and will contribute in only a limited way to those impacts on longer distance views of the site.
22. Overall therefore the impact of the development on the character of the village is considered to be acceptable, on the grounds that the proposed residential use is appropriate to the area, the materials of construction specified reinforce local distinctiveness, and the overall scale of the buildings is not significantly different from the existing extant planning permission on the land.

#### Impact on the neighbouring properties

23. The impact of the proposed properties on the amenities of the neighbouring and nearby dwellings must also be considered in respect of the relevant policies of the Development Plan.
24. At its nearest point, plot D is more than 20 metres from the boundary of the site with the dwelling to the south, and 16 metres to the southwest, with building-to-building separations in the region of 25-30 metres.
25. Objections relating to the impact on the privacy and outlook of the neighbouring properties to the south are noted, however these separation distances are sufficient to ensure that concerns regarding privacy and overlooking would be justify the refusal of planning permission, with building to building separation distances in the region of 20 metres generally being considered sufficient in this regard.
26. The proposed agricultural access track to the land to the east is shown as running along the southern boundary of the land, between the proposed dwellings and the existing neighbouring properties. There is some scope for tall vehicles such as tractors passing along this track to result in views into adjacent land however the nature of such views is transitory and would not justify refusal of the application.

27. The residential dwelling to the east is separated from the site by an existing hedgerow and the dwellings proposed to the eastern end of the site are single-storey. It is not considered that these are likely therefore to result in unacceptable impacts on the privacy or amenities of the residents of that dwelling.
28. Finally, there are views across the site from the properties on the western side of Main Street, and the occupiers of Village Farmhouse which lies immediately adjacent to the application site on its western boundary. For similar reasons of separation and scale, it is not considered that the proposed dwellings will have an unacceptable privacy or amenity impact upon those properties, and whilst they currently have views across the application site, private views are not a matter that carries weight in the consideration of a planning application.

### Heritage

29. As noted above, there is no conservation area within Bisbrooke, and the nearest listed building is the church to the north east of the site.
30. The impact to the significance of the listed building in this regard would be solely from views of the proposal in conjunction with that building and the impact on its setting as a result. In this regard, the views of the proposal in conjunction with the listed building would be from the north at a significant distance from the site. The view would incorporate not only the listed building and the application proposals but also include a considerable proportion of the village of Bisbrooke. In this respect, the application proposals would not dominate the views of the church, nor would they impact unduly on the appreciation of the church itself and therefore there is considered to be no harm to the listed building from the proposal. The public benefit arising from the construction of additional dwellings and the potential for the improvement of street scene and character arising from the proposal is sufficient to ensure any less than substantial harm is outweighed in this regard.

### Highway issues

31. As with the principle of the development of the site for residential purposes, the implemented permission includes access to the land for the properties, as well as providing access to the agricultural land beyond the site.
32. There is significant public concern regarding the safety of the proposed access to the site, and the Highways Authority has assessed the proposals in this regard. Their conclusions are that the proposed access is acceptable in terms of its geometry and visibility, and the scheme itself provides adequate space for parking and turning of vehicles including fire appliances to ensure they can enter the site and leave in a forward direction.
33. The LHA confirms that there will need to be a number of conditions attached to any permission granted to ensure construction progresses in an acceptable manner, these include provision for off-site highway works, a management plan

including provision for delivery vehicles to be held outside Bisbrooke until they are called to site to avoid conflict between such vehicles, and a pre-commencement condition survey to ensure any damage due to construction activities is remediated.

34. On that basis, there is no justification on highway grounds for the refusal of the application.

#### Levels

35. The impact of the properties on the character of the surrounding settlement is considered above, however a significant element of that impact is likely to be dependent on the site levels from which the dwellings are to be constructed. The site itself is not flat, and the land around it slopes significantly in places and therefore construction and finished floor levels have the potential to significantly affect the impact of the proposals in both the immediate and the wider context.
36. The application is accompanied by a number of plans including levels details which indicate that the proposed properties would be constructed with finished floor levels comparable to the existing land levels on the site. There is also a section drawings detailing how the proposed construction compares to the existing farm buildings on the land, however neither drawing is completely comprehensive in terms of specification of the finished ridge heights of the proposed dwellings.
37. There is sufficient information contained within the application for officers to conclude that the impact of the scheme in terms of the proposed levels of construction will be satisfactory with regard to the setting of the site and the amenity of neighbouring dwellings. It is also considered however that should consent be granted it would be necessary to impose a condition requiring not only a plan detailing the existing site levels but also the finished floor levels and the finished ridge heights of each of the dwellings proposed to be constructed.

#### Construction Phase Impacts

38. A number of comments have been received in relation to construction phase impacts. These are not generally material to the determination of a planning application in terms of weight in the planning balance. It is normal practice however to include a condition requiring submission and approval of a construction management plan covering a number of these types of issues, particularly for sites of this nature where there are matters relating to the construction phase of a project that have the potential to cause local concern.

#### Section 106 Heads of Terms

39. Not applicable

#### Crime and Disorder

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

### Human Rights Implications

41. 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.
42. It is considered that no relevant Article of that act will be breached.

### **Consultations**

43. 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))

### Public Protection

44. No objection – condition requested

### Local Highways Authority

45. No objections. Conditions requested.

### Forestry Officer

46. Tree Protection Plan, Landscaping Plan and Arboricultural Method Statement are required.

### Archaeology

47. Recommend a condition is attached requiring a programme of archaeological work should consent be granted for the development.

### Ecology

48. Further comments to be reported in the addendum report.

### Bisbrooke Parish Meeting

49. Objection. The proposed dwellings are too big and too high.  
Prominent uncohesive group of large dwellings out of character with the village.  
Materials should be ironstone  
Roof spaces could be converted to rooms.  
Potentially dangerous access.  
Requires relocation of an electricity pole.  
Traffic Management provisions.
50. Further response from Bisbrooke Parish Meeting  
Vote held with the outcome to reject both applications.  
Bisbrooke is not a sustainable location, the majority of attendees considered there was no need for any housing. Unanimous agreement that ironstone

should be used if permission granted. Unanimous concern about highway safety. Majority considered there was an adverse impact from the proposal on the Important Open Space to the north. Unanimous vote on adverse impact on residential amenity due to overlooking and noise/disturbance. Matters noted but not voted upon include the inclusion of a farm track that did not appear on the previous application (*Officer note – the farm track existed on the previous application but was a shared access with the dwellings through the centre of the site*). Site now abuts the open space to the north, site is larger than previously approved. Removal of permitted development rights would be welcomed. Bin storage area should be removed or relocated.

## Neighbour Representations

51. 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))
52. A number of responses indicating objections to the proposals have been registered during the consideration of the application, with those responses raising the following matters. These have been grouped into topic areas for convenience.
53. Principle
  - Bisbrooke is a restraint village, there is no demonstration of an essential need for the development.
  - The Core Strategy remains the statutory development plan.
  - The proposed development is not sustainable – Bisbrooke was 5<sup>th</sup> from bottom on the order of sustainability within Rutland in 2014.
  - Wildlife Impact.
  - No attempt to demonstrate that alternative commercial or business uses have been sought for the site.
54. Access
  - The proposed access is dangerous.
  - There has been an increase in traffic through the village since the previous permission was granted.
  - The proposed access requires the undergrounding of electrical supply.
  - Village speed limit is often exceeded.
  - No details of drainage of farm access track.
55. Appearance
  - Bisbrooke is an ironstone village and conditions requiring ironstone to be used have recently been imposed elsewhere in the settlement.
  - The extant planning permission on the land specified ironstone as building material.

- No plans detailing the garages to plots B and C.
- The scale of the buildings is out of proportion with the rest of the village, and is notably larger than the previous permission, the site is at the highest point of the village.
- Parking area and bin collection should not be seen from Main Street.
- No landscaping plan has been submitted.

56. Amenity

- Loss of privacy to the dwellings to the east and south.
- Infringement of the Human Rights Act stating the right to peaceful enjoyment of all their possessions including the home and other land.
- No detail regarding utility supply.

57. Construction Phase

- No plan detailing where construction workers will park.
- No detail of construction access routes.
- Mud deposition from construction vehicles.
- Noise and dust impacts.

58. Application Details

- Discrepancies between application form and drawings (*Officer note – this has been corrected through submission of revised details*)
- T9 does not have Ash die-back and should not be removed.
- The proposal should not extend further into the designated green space between the site and Church Lane

59. Other matters

- Conditions on the previous permission have not been met therefore this application cannot be granted.
- Agricultural land is not classed as previously developed land.
- The application site is not a windfall site.
- Applicant should give up and rights to make a Class Q application if consent is granted.
- Reference to the Braunston Road appeal decision has little relevance to this application.
- A number of figures in the design and access statement are misleading and omit reference to an existing ironstone barn on the land.
- Concerns regarding the provision of additional parking at the entrance to the site (*Officer note – this has been removed from the proposal*)
- Archaeological work required.
- No pre-application advice sought by the applicant.
- Where will the farm buildings be relocated to.



## Conclusions

60. The principle of the use of the site for residential development is established through the extant planning permission FUL/2008/0617, which has been implemented and can therefore be completed without recourse to applying for further permission. This is a key factor in consideration of the current application and carries significant weight in the planning balance. It establishes that access for four dwellings can be accessed off Main Street, and that the quantum of four dwellings on the land is acceptable. Key elements of that permission also include the use of ironstone and natural slate as the main materials of construction, whilst also confirming that ridge heights of 7.5m are also acceptable for the properties to be constructed on the land.
61. Beyond the scope of that permission therefore is the consideration within the current application for the details that are not set as a matter of principle. The detailed design of the properties and their overall extent. The properties are designed to appear as courtyard style dwellings reminiscent of some farmyard conversions, albeit the buildings in the farmyard in this instance are of a less distinctive style and layout. Notwithstanding that, there are a number of features of the design that lend themselves towards indicating the former use of the site, which combined with the layout and the proposed materials is sufficient to satisfy officers that the proposed dwellings would not appear incongruous in their setting by means of their design. The dwellings are large properties, however the site itself is of a substantial size capable of accommodating the proposals without appearing cramped, and any additional dwellings proposed would increase the impact of the development on the access and could result in valid concerns over highway safety.
62. The scheme retains adequate separation to ensure that impacts on neighbouring privacy and amenity are not impacted to a level that would justify refusal of the application, particularly again in view of the existing consent for the construction of four dwellings on the land and the proposed boundary treatment along the eastern boundary of the site.
63. The Highways Authority has confirmed that the proposed details of access to the site are acceptable, subject to conditions.
64. Subject to the conditions outlined above therefore, there are no policy conflicts or other material considerations that would justify the refusal of the application. It is therefore recommended for approval.

Layout Plan – please note the drawing is rotated 90 degrees clockwise – this is to show the plans as large as can be accommodated within the report.

