

PLANNING & LICENSING COMMITTEE

19TH SEPTEMBER 2023

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
136/2023	1	2023/0271/RES	MULBERRY HOMES	WHISSENDINE

Further Consultee comments:

Forestry Officer

The tree groups should be included on the shading plan in the Arboricultural Impact Assessment.

Conditions requested regarding a tree protection plan (already placed on the outline permission and not required to be duplicated), underground services and an Arboricultural method statement.

Local Highways Authority

The LHA have no objections subject to confirming drawing revision numbers.

Conditions

Off-site highway works (road widening and footpath extension).

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

Reason - In the interests of highway safety.

Lead Local Flood Authority

The discharge rate has been limited to 5 l/s for the whole site. This is below the current Qbar rate.

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

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

Condition.

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

Reason:

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

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

The Construction Method Statement shall include;

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

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

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

Additional Comments:

Further public comments have been received making the following points:

The Officer has made no mention of objections from Highways and states there is no objection from the Public Rights of Way Officer, which is incorrect.

Officer Comments:

The objection from the Local Highways Authority relates to the initial plans submitted and has been superseded by revisions to the proposal. The latest position is what is included in the main report and is confirmed by their further response above.

Similarly the Public Rights of Way Officer has subsequently to their original comment confirmed they have no objection to the scheme and the position set out in the main report is the most up-to-date position.

Amended Recommendation.

Add to the recommendation within the report – “Subject to the provision by the applicant of a tracking plan satisfactory to the Local Highways Authority demonstrating that the layout of the site is capable of accommodating a refuse collection vehicle without resulting in the overrunning of pedestrian footpaths, and the final agreement of conditions with the Chairman of the Planning Committee.

Additional Conditions

<p>The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers..... .</p> <p>Reason - For the avoidance of doubt and in the interests of proper planning.</p>
<p>No dwelling shall be occupied until the off-site highway works have been completed to a minimum of base course level for the carriageway, and footpath extension completed to surface course. If the dwellings will be occupied prior to the carriageway serving that property being fully surfaced, then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.</p> <p>Reason - In the interests of highway safety.</p>
<p>No building or use hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.</p> <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.</p>
<p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate drainage of the site during the construction stage of the proposed development.</p> <p>The Construction Method Statement shall include;</p> <ul style="list-style-type: none">• strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage

systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

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

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

Notwithstanding the approved details, prior to any excavation taking place on the site a plan detailing the proposed routing of underground services shall be provided to and approved by the Local Planning Authority. This plan shall detail all proposed underground services and the location of the existing retained trees within the site.

Reason – To ensure that the provision of services to the proposed dwellings does not result in harm to the trees proposed to be retained on the site as part of the development.

Notwithstanding the approved details, prior to undertaking any construction works on the site, an Arboricultural Method Statement shall be submitted for the approval of the Local Planning Authority. This statement shall detail the method of protection proposed (to be in accordance with BS5837:2012) for the retained trees on the site along with the timing of installation and removal of any protection measures. It shall specify that once installed, tree protection measures shall not be moved or removed until such time as they are no longer required to protect the trees from construction works.

Reason – to ensure that the trees retained on the site are adequately protected prior to construction work commencing and throughout the duration of the development until such time as they are no longer required.

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ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
136/2023	2	2023/0332/FUL	HEREWARD HOMES LTD	BISBROOKE

Consultee comments:

Forestry Officer

Temporary ground protection does not cover the entirety of the RPA, (root protection areas [BS5837]). This needs to cover all retained trees and to the fullness of their RPA. The protection needs to be permanent rather than temporary. This can be achieved via the use of cellular confinement system.

Tree protection plan, landscaping plan, and arboricultural method statement is required.

Ecology Officer (summary)

The bat survey undertaken and the proposed mitigation strategy are not of an acceptable standard. Swift and bat boxes are proposed to be incorporated within the scheme, which is acceptable. Conditions requested.

Additional Comments:

A number of further comments have been received from members of the public, with those responses noting the following objections/questions:

- Highways comments state an expectation that the Construction Management Plan will show an access route to the site that is in the opposite direction to that shown on the plan.
- Could the existing farmhouse be shown on the site section plan.
- Vehicles using the central access track will overlook all four proposed plots.
- Why is the new central access track required? The central access track now abuts plots B & C, whilst the previous permission required that it did not abut any adjacent property. Isn't the new access dangerous in relation to plots B & C, and Bisbrooke House?
- Has a survey been carried out to show the frequency of different types of farm vehicles accessing the field?

- Can the bat survey be published? Given the comments of the ecologist should a further survey be required to be carried out by an alternative specialist, and should the Ecological Appraisal also be reviewed.
- Further time should be provided for consultation on the revised plans
- The proposed site plan doesn't have any bat boxes shown on it.
- The proposed red brick walls are not in keeping with ironstone walls in the surrounding area.
- There are no further details of plot B showing its revised layout.
- Please identify differences between the initial drawings and the latest revisions to plot D.
- There is no fall-back position in respect of the site.
- Why has tree 9 been removed?
- The revised plans bring plot B 2 metres nearer to the boundary of Bisbrooke House, and this plot results in a significant intrusion to the privacy of its residents.
- Bisbrooke is a small village with no services and is considered an unsustainable location.
- The development is not sensitive to its landscape setting – the site is located near the top of the ridge on which the village lies and plot A in particular, with a ridge height of 8 metres and a length of 30 metres will be conspicuous and out of keeping with its surroundings.

One letter has been received stating its support for the proposals and noting the following points.

- Consider the scheme will improve the village overall. The existing farm is poorly maintained and unsightly and this will only worsen if left undeveloped.

Officer Comments:

- With regard to construction routing, the Highways Authority comments indicate that the routing plan accompanying the application is not satisfactory but an alternative route is available and acceptable. This is proposed to be resolved by means of a condition as per the main report unless the matter is addressed prior to issue of any decision on the application.
- There is no need for inclusion of the existing farmhouse on the plans, which already detail the existing dutch barn on the site and include a topographical survey of the site levels.
- The central access track was included by the applicant in response to concerns raised regarding the potential for overlooking of rear gardens through use of the southern access track. It is considered that this would be minimal, however the applicant indicates on the site plan a restriction to use of this track by vehicles over 3m high, and the central access track was therefore reinstated from the existing permission to provide an alternative should there be a need for vehicles over 3m high to access the field. It is considered that this would be unlikely to occur often due to the nature of the use of the field, however as the central access track replicates the previous permitted relationship between it and the proposed

properties there is no justification for objecting to it (as completion of that permission would result in the same impact). That previously approved access did not abut the adjacent Bisbrooke House as it stopped short of the boundary, however the limitation applied to property adjacent to the application site boundary, not plots approved as part of the development itself.

- Bat and Swift boxes are noted on the site plan and details on the plot elevations.
- Members may come to their own conclusions in respect of the materials proposed however red brick is not a material inappropriate to Bisbrooke.
- Plot B plans and elevations have been provided and have been available on the website since the 2nd August.
- The latest revisions to plot D were to the details of the bat and swift boxes (location and orientation).
- The fall-back position in respect of the site relates to the implemented planning permission noted in the main report, and comprises the construction of four dwellings on the land, with a field access to the land to the east.
- T9 lies under the proposed access track – plot C is a single-storey development and therefore the removal of T9 does not result in an unacceptable privacy impact on neighbouring properties as there is a 2-metre high closeboard fence proposed between it and the neighbouring dwellings that will protect neighbouring privacy.
- The revisions to the orientation of plot B have been considered, and the east elevation windows in this single-storey property remain 24 metres away from the rear elevation of Bisbrooke House and 10m from the shared boundary. There is no justification for concluding that this relationship would result in unacceptable intrusion to privacy sufficient to refuse the application.
- Whilst it is acknowledged that Bisbrooke has limited community facilities, there is an implemented permission for the construction of four dwellings on the land. Consequently an application for the construction of four dwellings albeit of a different design must have due regard and give material weight to the implications of that implemented permission. Specifically, it would be unreasonable to conclude that the construction of four dwellings on the land would be unacceptable in terms of the facilities available within the village when an existing consent for that quantum of development could be lawfully constructed.
- Notwithstanding the comments received, as set out in the main report Plot A is a part two-storey property with a specified ridge height of 6.4m (not 8m) and although it measures approximately 30 metres from east-west the two-storey element is 15m wide (also as noted in the main report the permitted scheme in this location proposed a property 7.5 metres high to its ridge with a two-storey width of 20.1 metres) and the scheme therefore would represent a lesser impact on the

open space to the north from the overall mass of the proposed development than implementation of the existing permission.

Amended Recommendation.

Add to the recommendation within the report – “Subject to the agreement of the proposed conditions between the Local Planning Authority and the applicant in conjunction with the Chairman of the Planning Committee.”

Additional Conditions

No development of the stone barn (labelled building B9 in the CBE Consulting reports) shall take place until a Precautionary Method of Working Strategy for bats has been submitted to and approved in writing by the Local Planning Authority. This strategy shall detail reasonable avoidance measures to prevent harm to bats, including but not limited to: the timing of works, specific works requiring ecological supervision, location of temporary bat box(es) for any bats found, and name of the licenced bat consultant that will be undertaking the ecological supervision. All works shall proceed strictly in accordance with the approved strategy.

Reason: To ensure that the demolition of the barn is undertaken in such a way as to minimise the potential for harm to any bats that may be present on the site, in accordance with the requirements of policy CS21 of the Core Strategy (2011) and policy SP19 of the Site Allocations and Policies Development Plan Document (2014).

Prior to the commencement of any above ground works, a ‘statement of good practice’ letter confirming that works were undertaken in accordance with the Precautionary Method of Working Strategy agreed under condition X, and signed by the licenced bat consultant who undertook the supervision of the demolition of the stone barn, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the demolition of the barn is undertaken in such a way as to minimise the potential for harm to any bats that may be present on the site, in accordance with the requirements of policy CS21 of the Core Strategy (2011) and policy SP19 of the Site Allocations and Policies Development Plan Document (2014).

Prior to the first occupation of the development hereby approved, photographs of the integrated bat and swift boxes shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the boxes shall be retained in situ in perpetuity.

Reason: To ensure that the proposed mitigation measures for bats and swift are in place in accordance with the approved plans prior to the occupation of the dwellings and are retained for the lifetime of the development, in accordance with the requirements of policy CS21 of the Core Strategy (2011) and policy SP19 of the Site Allocations and Policies Development Plan Document (2014).

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19.09.23

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
136/2023	3	2023/0613/FUL	GILES GILBEY	SEATON

Consultee comments:

Seaton Parish Council have submitted background information regarding their request for enforcement action to be taken in relation to the loss of trees in the conservation area.

Additional Comments:

A letter has been received from Howes Percival on behalf of Seaton Parish Council questioning the Council's regard to a material planning consideration i.e. the removal of trees from the site.

Officer Comments:

The issues above will be addressed at the planning committee.

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ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
136/2023	4	2023/0593/FUL	DR SARAH FURNESS	OAKHAM

Consultee comments:

Forestry Officer confirmed no objections.

Additional Comments:

A total of 7 comments have been received from residents following the drafting of the report.

2 in support on the grounds of the statue being paid for by private donations, it would be a beautiful statue honouring the Queen.

5 objecting on the grounds of an extravagant use of public money, there are better ways to honour the Queen, the peacock is fragile and unlikely to survive any move, waste of money, tax-payers paying for repair/relocation of the peacock, no details of future maintenance/costs, excessive height and potential driving hazard.

Officer Comments:

The comments received from residents are noted and the issues raised have already been addressed in the report. The revised plans annotate that the peacock would be relocated in view of the Children's Centre and will point towards the town centre.