

**REPORT NO: 209/2014**

**DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**16<sup>TH</sup> SEPTEMBER 2014**

**PLANNING APPLICATIONS TO BE DETERMINED BY THE  
DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

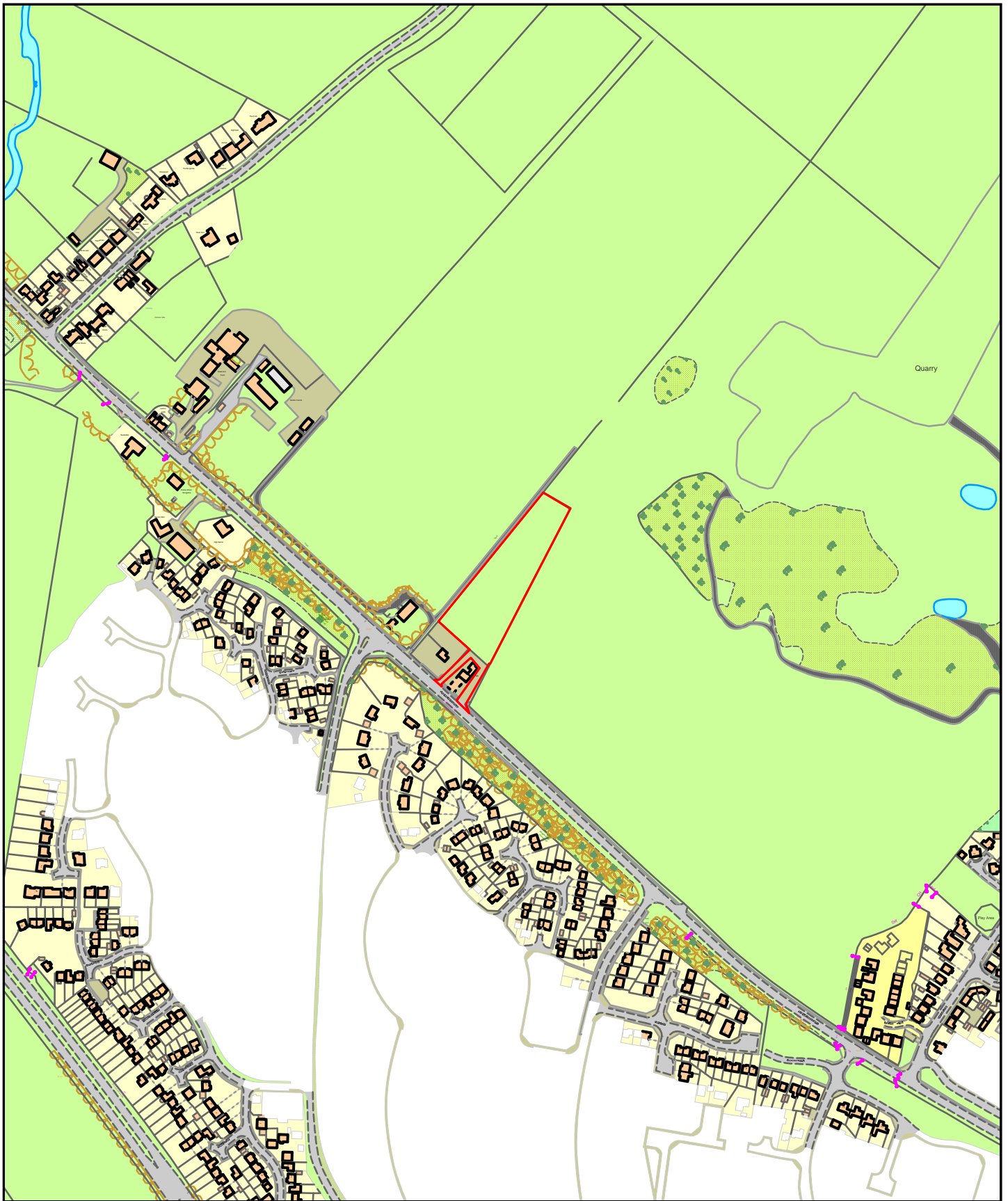
**REPORT OF THE DIRECTOR FOR PLACES  
(ENVIRONMENT, PLANNING AND TRANSPORT)**

## Rutland County Council

### Development Control & Licensing Committee – 16<sup>th</sup> September 2014

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Ordnance Survey [100018056]

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Date of plot: 03/09/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>APP/2013/0221</b>	<b>ITEM 1</b>	
Proposal:	<b>Erection of 15 no. employment Units (Use classes B1, B2 and B8).</b>		
Address:	<b>Rear of the former Rose Of England Hotel, Old Great North Road, Little Casterton, Rutland</b>		
Applicant:	<b>Mr J Stevenson, Impresaco Ltd.</b>	Parish	<b>Little Casterton</b>
Agent:	<b>Mr M Sibthorp, Mike Sibthorp Planning</b>	Ward	<b>Ryhall and Casterton</b>
Reason for presenting to Committee:	<b>Recommendation for approval, contrary to Development Plan Policies</b>		
Date of Committee:	<b>16 September 2014</b>		

## EXECUTIVE SUMMARY

**This proposal is contrary to the Development Plan, given that it is a commercial development in the open countryside and subject to restraint policies in the Development Plan.**

**However, in this instance other material considerations justify a departure from the Development Plan. The application site is within a sustainable location and is part of a larger commercial area. It is also categorised as previously developed (brownfield) land due to its former uses as a chalet park and commercial storage / workshops. The southern part of the site was previously granted outline permission for new employment uses in 2003, with reserved matters approval in 2008.**

**Subject to the receipt of requested amended plans, the layout and design are acceptable. There are no objections from the Highway Authority regarding access arrangements.**

**All other matters have been satisfactorily resolved and the scheme is recommended for conditional approval.**

## RECOMMENDATION

That delegated authority be granted to the Director for Places (Environment, Planning and Transportation) to **APPROVE** this application subject to:

- receipt of amended plans indicating improved landscaping and internal layout
- completion of a three-week re-advertisement, as a departure from policy
- the following conditions and advisory notes:

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..... *To be completed on receipt of amended plans.*

Reason - For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until precise details of the manufacturer and

types and colours of the 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 – In the interests of the character of this rural location.

4. No development 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 new planting on the south-eastern and north-eastern boundaries of the site, and any proposed changes in ground levels. It shall 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 - In the interests of visual amenity and to assimilate the development into this rural location

5. The development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including the parking spaces for disabled persons, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided

6. No use or occupation of the building shall begin until provision has been made within the application site for the parking of cycles, under cover and secure, in accordance with details indicated on the approved plans. The provision for cycles shall thereafter not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

7. No development shall be undertaken except in accordance with the recommendations included within pages 28 to 32 of the Site Investigations Report (Ref: C9376), as submitted with the planning application.

Reason – To ensure the remediation of any ground contamination associated with the previous use of the site.

8. No development shall be undertaken except in accordance with the recommendations included within paragraphs 6.1 to 6.3 (inclusive) of the Ecology and Protected Species Survey (Scarborough Nixon Associates: February 2013, Amended May 2013), as submitted with the planning application

Reason – To ensure that the development does not have a detrimental impact on protected species within the site and its vicinity.

#### Advisory Notes:

1. The developer should note the attached advice from the Environment Agency and from Natural England.

## Site & Surroundings

1. The former Rose of England Hotel is within the open countryside, on the Old Great North Road (B1081), to the north-west of Stamford. It is close to the Stamford Garden Centre and the junction with Toll Bar. The former hotel building is now converted to offices, with the ground floor used by a car sales business. The forecourt is used for the display of cars. Immediately to the east, sharing the same access from the B1081, is a petrol station and convenience store.
2. The residential area of "Rutland Heights" (part of Stamford) is on the opposite side of the Old Great North Road. Its access (Sidney Farm Lane) is some 70 metres to the west of the application site.
3. The application site (0.8 Ha) extends to the rear of the former hotel and petrol station. It is a rectangular area of land, tapering at the north, surrounded by open fields with a large woodland further to the north-east. Various parts of the site were previously used as a chalet park and for commercial storage. There is evidence of various old buildings, but the site is now open and partly hard surfaced, with a number of spoil heaps and limited ad hoc storage. Given all this, the site can be described as "previously developed (brownfield) land". It is also part of a wider commercial area, as discussed above.

## Proposal

4. The current application proposes the construction of a new business park of 15 commercial units. The total floorspace is 2,435 sq. metres, with the new units ranging in size from 122 sq metres to 197 sq metres, clustered around three separate courtyards. The new units are proposed for class B1, B2 and B8 uses.
5. Vehicular access is via a one-way system, using the existing access between the former Rose of England Hotel and the petrol station, but then leaving via the petrol station exit further east. Pedestrian and cyclist access is via a new shared surface adjacent to the former Hotel. Access to the individual commercial units is via a proposed two-way road near the eastern boundary of the site. Car parking is then provided within the separate courtyards. Each new unit has its own facility for delivery lorries.
6. A new landscape belt is provided along the east of the site.
7. The application is supported by:
  - Design and Access Statement
  - Ground Conditions: Site Assessment
  - Environmental Assessment (Ground Conditions and Drainage)
  - Technical detail on soakaway design and supporting letter from the Environment Agency
  - Ecological Assessment
8. Amended plans have been requested to deal with outstanding site layout issues; members will be updated via the Addendum Report.

## Relevant Planning History

9. The southernmost half of the site has a varied history with many applications for mobile homes / caravans and small scale commercial development. This table summarises the most significant proposals. The former hotel building and the adjacent filling station / convenience store, are outside the current application site.
10. Of particular relevance are the 2003 outline permission for commercial development, and

its 2008 approval of reserved matters.

<b>Application</b>	<b>Description</b>	<b>Decision</b>
96/1959	Construction of chalets, siting of caravans and use as a camping site	Approved 22 July 1959
214/1959	Eleven Chalets	Approved 21 December 1959
0001/1970	Five chalets	Approved
79/0098	Railway track for standing railway coaches	Approved 30 April 1979
91/0180/9	Established Use Certificate for camping and caravan park	Applicant informed that not entitled to make this application
OUT/2003/0066	OUTLINE: Light industrial units (Class B1), and ancillary car parking	Approved 20 May 2003
RES/2004/1089	RESERVED MATTERS: Light industrial units (Class B1), and ancillary car parking	Approved 14 Aug 2008

Adjacent site:

APP/2013/0597	Extension to convenience store	Approved 05 Sept 2013
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11. Planning permission was also granted in 1982, via an enforcement appeal decision, for the construction of eight further chalets within the site granted the initial planning permission (96/1959) for chalets/camping/caravans.
12. The Council's response to the 1991 application for an Established Use Certificate (above) specified that the application site has permission for chalets/camping/caravans (96/1959) with subsequent approvals for additional chalets and for a workshop/stores on that part of the site previously approved as the camping site. A reference number for the workshop/stores permission was not specified. The response concluded that as these latter approvals were implemented, the chalets and workshop became the established land use for this part of the 96/1959 site and there is no scope available for an Established Use Certificate for camping and caravanning use.
13. Aerial photographs and site plans were submitted by the applicant to indicate that the northern half of the current application site was previously used as a camping and caravanning site, albeit no planning permission can be found in the Council's records. It appears, however, that this area may also have included some additional commercial storage. This area is outside the site boundary of the outline planning permission for business units (OUT/2003/0066).

14. As with many sites with complex uses changing over time, it is very difficult to say what the lawful use of the site is. The complexity may mean that parts or all of the site have no lawful use. Our records do not provide enough evidence to reach any conclusion on the lawful use of the land today.

## **Planning Guidance and Policy**

### **The Rutland Core Strategy**

CS1 – Sustainable Development Principles  
CS2 – Spatial Strategy  
CS4 – Location of Development  
CS13 – Employment and Economic Development  
CS14 – New Office and Industrial Development  
CS16 – Rural Economy  
CS18 – Transport and Accessibility  
CS19 – Design  
CS21 – Natural Environment

### **Rutland Local Plan**

EN17 – Landscaping  
EN19 – Ecology  
EN26 – Development in the countryside  
EN33 – Contaminated Land  
HT3 – Transport  
HT4 – Increased Traffic  
HT4 – Road Access & Design  
HT6 – Parking & Servicing

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles  
Section 3 – Rural Economy  
Section 9 - Transport

### **Site Allocations and Policies DPD: Submission Document with modifications recommended by Inspector**

SP6 – Non-residential development in the Countryside  
SP14 – Design & Amenity  
SP22 – Landscape Character in the Countryside

## **Consultations**

15. The proposal has been subject to two rounds of consultation. Firstly on receipt of the application (when it incorporated 16 new units) and latterly on receipt of an amended site layout and elevational details. The amended layout was also accompanied by a Transport Statement.
16. Great Casterton Parish Council  
**First Consultation**  
Object to
- Employment development likely to benefit Stamford should be located within the town, not close to existing dwellings and potential future new dwellings
  - Unsatisfactory access and resultant traffic congestion, particularly due to conflict



with vehicles queuing to enter the petrol filling station, and with traffic using the nearby junction with Sidney Farm Lane

- Potential for future use as a commercial lorry park, which would be unsatisfactory
- The additional traffic and congestion is contrary to the “Safer Routes to School” initiative, through which the road and pavements leading to the schools in Great Casterton have been improved
- Additional traffic within Great Casterton
- Greater impact on rural views than the previous land use as a caravan/chalet park
- Such development is more appropriate within the built up area of Stamford.

To support its objection, the Parish Council appended the results of traffic surveys undertaken in March every year from 2009 to 2013. The Parish Council also appended its comments on the previous Reserved Matters Submission 2004.

**Second Consultation**

No response

17. Little Casterton Parish Council

**First Consultation**

Employment development likely to benefit Stamford should be located within the town, not in the countryside. The proposal will also add to traffic congestion and highway safety concerns.

**Second Consultation**

Previous comments maintained as the amended plans only make minor adjustments

18. Planning Policy Manager

**First Consultation**

Commercial development on this non-allocated site is contrary to policy and also premature in regard to the Development Plan Review

**Second Consultation**

No change from previous comments.

19. South Kesteven District Council

**First Consultation**

Objection, as the development would be detrimental to the character of the area and to the residential amenity of nearby dwellings. There is also no evidence-based justification for the scale and nature of this development in a rural location.

**Second Consultation**

The site is not allocated for development and there is no proven local need. It is an inappropriate and unsustainable proposal

20. Highway Authority

**First Consultation**

No objection subject to an amended plan indicating changes to the access arrangements for pedestrians and cyclists, and subject to conditions on any approval regarding various technical details.

**Second Consultation**

No objection, subject to conditions on any approval to address outstanding technical details. Advice to applicant regarding the narrow width of the exit road and its proximity to the rear of the filling station.

21. Environmental Health Officer

**First Consultation**

Contaminated land issues now resolved. No objections, subject to the site being developed in accordance with the recommendations in the Contaminated Land Report.

**Second Consultation**

No comments received

22. Environment Agency  
**First Consultation**  
Low risk development. No objections, but some advisory notes suggested for any grant of permission.  
**Second Consultation**  
No further comment
23. Natural England  
**First Consultation**  
No objection, but suggestions offered regarding the promotion of ecological diversity within the application site  
**Second Consultation**  
Previous advice repeated
24. Ecological Consultant  
**First Consultation**  
Updated Ecological Survey is satisfactory, subject to a condition on any planning permission requiring that the recommendations of the Ecology Report be followed.  
**Second Consultation**  
Previous advice remains; no additional comments.

## Neighbour Representations

25. **First Consultation**  
Five letters received, raising the following concerns:
- Increased traffic close to the junction of Old Great North Road and Sidney Farm Lane
  - Conflict between the additional vehicular traffic and pedestrians cyclists (especially en route to the schools in Great Casterton).
  - Commercial traffic should be routed from the A1 junction at Empingham Road (A606), not through Great Casterton
26. Casterton College also raised objection to the dangers created for pupils walking and cycling to the College from Stamford, who would need to cross over the site entrance.
27. One letter of support for the likely job creation was also received.
28. **Second Consultation**
- One letter received from the operator of the filling station, objecting to the amended egress arrangements whereby the exit road is narrower than before and is also closer to an exit door at the rear of the convenience store.

## Planning Assessment

29. The main issues are:
- **Principle of Development**
  - **Highways and Access**
  - **Ground Conditions**
  - **Layout, Design and Landscaping**
30. Other outstanding matters are then addressed en masse at the end of this report.

### Principle of Development

31. Section 38(6) of the Planning and Compulsory Purchase Act (2004) specifies that any

determination made under the Planning Acts should be in accordance with the Development Plan unless material considerations indicate otherwise.

32. The Development Plan for Rutland directs most forms of development into built up areas and imposes restraint within the open countryside. Core Strategy Policy CS1 (Sustainable Development Principles) encourages the use of previously developed land within defined settlements, before any new greenfield sites are considered. Policy CS2 (Spatial Strategy) then promotes the use of sustainable sites in towns and local service centres, as well as on existing employment and business sites. Core Strategy Policies CS4 (Location of Development) and CS16 (Rural Economy) restrict countryside development to that which will support the rural economy and maintain its environment.
33. Policy CS14 of the Core Strategy then identifies the need for new employment land within Rutland, with sufficient land allocated in the emerging Site Allocations and Policies DPD, without any need for this site to be considered.
34. The Rutland Local Plan (adopted 2001) is still part of the Development Plan. Its Policy EN26 (Development in the Countryside) limits employment related development to that which is “appropriate to the countryside”.
35. Given all this, the current proposal is contrary to the provisions of the Development Plan. However, due weight must also be given to other relevant material circumstances.
36. Firstly, the Core Planning Principles set out in paragraph 17 of the NPPF support sustainable economic development and the re-use of previously developed (brownfield) land. The current application site is such “previously developed (brownfield) land”. The current application site is also in a sustainable and accessible location, adjacent to other commercial uses. These issues weigh in favour of a permission.
37. Secondly, outline permission and reserved matters approval were granted for a similar commercial development (OUT/2003/0066 and RES/2004/1089), on the southern half of the current application site. The final approval was granted on 14 August 2008. The Committee Report which recommended approval for the outline application, specified this is a “sustainable, brownfield site, adjacent to a good road network”. The report also acknowledged that, although the site is in the open countryside, it has had a history of commercial uses. This all justified the grant of planning permission at that stage; the same material considerations still apply today and are reinforced by the subsequent publication of the NPPF. This also weighs in favour of a permission.
38. Thirdly, implementation of the earlier approvals was delayed because of necessary detailed discussions about discharge of the contaminated land condition (particularly regarding the impact on groundwater of the previous land uses), by which time the permission lapsed. This is considered in more detail in the Ground Conditions section of this report.
39. The groundwater issue was then resolved via continuing dialogue and preparation of the Ground Conditions Report submitted with the current application. Although noting that the site owner did not attempt to keep an approval alive by submitting another application before the extant permission lapsed, it is acknowledged that if it had not been for the time required to resolve this contamination issue, the site might already be redeveloped as a series of business units under that previous permission.
40. Had the developer kept the permission alive it would have carried considerable weight; by allowing it to lapse, it has less weight. It is also difficult to advise on the weight to give to the planning history. If there was a clear lawful commercial use, it would be an issue of considerable weight. However, only limited weight can be given as the lawful use, if any, is unclear.

41. In conclusion, the material considerations, in combination, do justify a decision contrary to the Development Plan. If members accept this recommendation, the application will need to be advertised as a departure from the Development Plan.

### **Highways and Access**

42. Site access is from the Old Great North Road, incorporating a separate entrance and exit each side of the petrol filling station. This is an acceptable arrangement; the Highway Authority has raised no objection. Objections from both Parish Councils, Casterton College and various local residents have been considered but do not dissuade your officers from this view. Given the size of the proposed units, there is also no justification for routing associated traffic away from Great Casterton, as suggested in some consultation responses.
43. A segregated pedestrian and cycle route is proposed adjacent to the access driveway at the west of the filling station. It would be preferable for this to be provided at the east, adjacent to the exit driveway, given that the strongest desire line is likely to be to and from Stamford, but there is insufficient land available within the same ownership.
44. The objection from the petrol station operator is noted, as the proximity of rear customer doors to the exit driveway is a potential concern for safety within the site. However, this could not be a reason for refusing the current application on highway safety grounds, given that this pinchpoint is some 30 metres behind the highway boundary and unlikely to have a knock-on impact on the highway. This would be less of a concern if the approved extension to the filling station and store were implemented, due to the changes in door locations. However, in case this extant permission doesn't proceed, the issue was raised with the applicant to give him the opportunity to address the objector's concerns by amending the scheme. The extent of land ownership has constrained the solution to this issue, but amended plans now indicate a wider driveway and some limited measures to delineate the safe areas for pedestrians. Although not an ideal solution, this is a site management issue rather than a highway safety matter, so it does not justify any reason for resisting the current proposals.
45. The applicant has been requested to incorporate a revised parking layout within the forthcoming amended plans, including disabled spaces and covered cycle parking close to each individual unit. Conditions are required on any approval to ensure that these are then retained.

### **Ground Conditions**

46. Given the previous commercial use of the site, the current application is supported by technical documentation:
- Ground Conditions: Site Assessment
  - Environmental Assessment (Ground Conditions and Drainage)
  - Technical detail on soakaway design and supporting letter from the Environment Agency
47. These documents were prepared after dialogue between the applicant, Environment Agency and the Environmental Health Officer regarding the methodology for sampling and assessing the impact on groundwater of the previous land uses, potentially justifying the use of soakaways within the current application. The Environment Agency was consulted on this technical detail and then provided the letter of support submitted with the application.
48. As a result of this being resolved, the Environmental Health Officer has raised no objection, subject to the site being developed in accordance with the recommendations

in the Contaminated Land Report. The Environment Agency has also raised no objection, but has offered advice on the design of these soakaways.

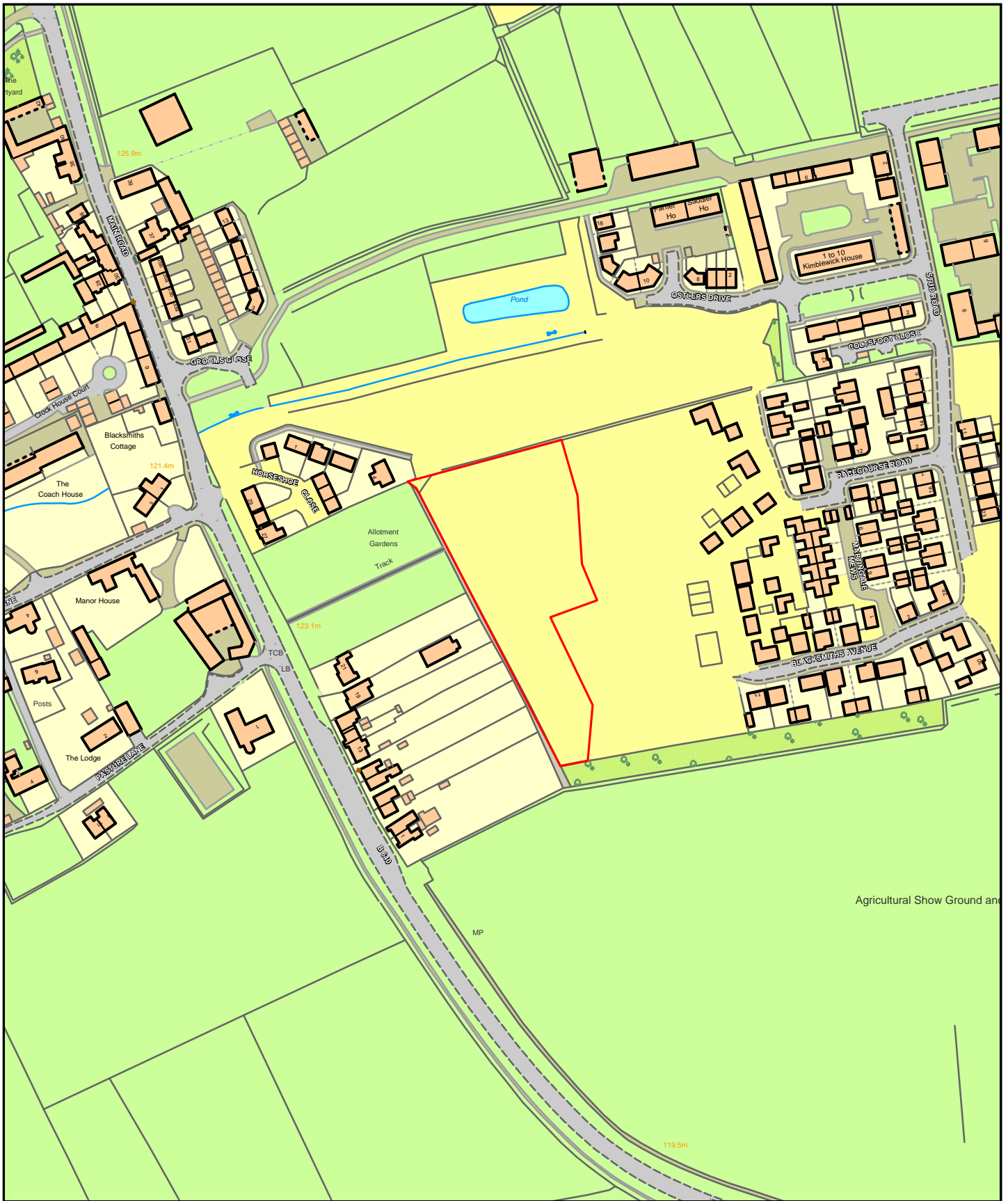
49. This section of the report should be accepted as a solution to previous concerns regarding ground conditions, on a site that is recommended for approval for the reasons set out earlier. This is not a case where approval is recommended as a means of clearing up an otherwise contaminated site.

### **Layout, Design and Landscaping**

50. The proposed layout is not acceptable, so amendments have been requested. Firstly, with regard to landscaping, the site is well screened from public views along the Old Great North Road, but is visible from Stamford across open countryside and from various informal footpaths to the north and east. Given this, and given that the existing boundary landscaping is very patchy, the applicant has been asked to amend the site layout plan to create scope for a wider tree belt of at least five metres along the eastern edge of the site. This will require changes to the layout and buildings. New arrangements for waste storage and for the parking/turning of larger commercial vehicles must also be included in this.
51. A landscaping condition is recommended to ensure that a fully detailed scheme is then provided.
52. The design of the individual units is acceptable, subject to the recommended condition regarding external finishing materials.

### **Other Issues**

53. Given the size of the proposed new units and their location away from existing residential areas (the nearest dwellings are some 100 metres away on the opposite side of the Old Great North Road) there is no impact on residential amenity that would justify a refusal of permission. For similar reasons, there is no need for a noise attenuation condition.
54. The Council's Ecological Consultant has confirmed that in 2009 great crested newts were found in ponds within 500 metres of the application site. This was assessed in the applicant's Ecological Survey Report, which also included bats and badgers. The consultant initially raised concerns about the extent of survey work for great crested newts, but revised this following receipt of additional information. The ecological impact is now acceptable, subject to a condition on any approval requiring that the development proceeds in accordance with the recommendations in the submitted ecological report.



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## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2014/0527/FUL	ITEM 2	
Proposal:	Replan to plots 6, 7, 8, 10 & 11 on previously approved development. Construction of 9 new dwellings on previously approved allotment land, including garages and associated infrastructure.		
Address:	Land Between Barleythorpe & Burley Park Way, Barleythorpe		
Applicant:	Mrs Alison Lea, Larkfleet Homes	Parish	BARLEYTHORPE
Agent:	N/A	Ward	Oakham North West
Reason for presenting to Committee:	Local Objections		
Committee Date	16 Sept 2014		

## EXECUTIVE SUMMARY

The loss of potential allotments is justified on the basis that the overall Hawksmead development had a significant over provision of amenity open space and the allotments at the eastern end of the site more than provide for the minimum number required.

There would be minimal impact on residential amenity, surface water issues can be dealt with and developer contributions are anticipated to be agreed.

## RECOMMENDATION

**APPROVAL**, subject to 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 plans, numbers L74/PL01M, 2306/L00/DS, 2308/L00/DS, 2318/DS, 2323/L00/DS, 2324/L00/DS, 2401/L00/DS, 2410/L00/DS, 2502/L00/DS3, 2502/L00/DS4, L00/GAR/01, L00/GAR/02, L00/GAR/03 and the materials schedule.  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development 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 and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the boundary of 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: The site is located in a prominent location and it is important that a comprehensive landscaping scheme is carried out to ensure that the completed development assimilates well into the locality and the adjacent new development.
4. 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.

## Site & Surroundings

1. The site is located at the western end of Phase 1 of the overall Hawksmead development which is currently being developed by Larkfleet. To the west are gardens to Main Road Barleythorpe to the north is the largest of the open spaces on the development Hawksmead Park and to the south is a tree belt beyond which is Phase 10, on the old showground.
2. The original Phase 1 layout included this land as allotments. There would be 32 remaining allotments at the eastern end of the Phase, which were specifically required to separate Phase 1 from the Mecc Alte factory on Lands End Way.

## Proposal

3. The proposal is to re-plan 4 plots on the original Phase 1 approval and add 9 further plots, of mixed design, to take the total dwellings on Phase 1 to 152 dwellings.
4. The dwellings would be a mix of detached and semi-detached all 2 storeys. There would be 3 affordable homes as part of the 9 new plots. The new units would face onto an access drive on the western edge, separating them from the cycle path that runs to the rear of gardens of dwellings on Main Road. Those dwellings would be a minimum of 70m from the proposed dwellings. Details are shown at **APPENDIX 1**.

## Relevant Planning History

Application	Description	Decision
2009/1306	Outline permission for Hawksmead wider site.	Approved July 2011
2011/0621	Phase 1 Reserved Matters 143 dwellings.	Approved Nov 2011

## Planning Guidance and Policy

### National Planning Policy Framework

Delivering Sustainable Development  
Delivering a wide choice of quality homes  
Requiring Good Design

### The Rutland Core Strategy (2011)

CS4 – Location of Development  
CS5 – Strategy for Oakham  
CS8 – Developer Contributions  
CS9 - Provision and Distribution of new Housing  
CS10 – Housing Density and Mix



CS11 – Affordable Housing  
CS19 – Promoting Good Design  
CS23 – Green Infrastructure

### **Rutland Local Plan (2001)**

EN29 – Amenity  
Appendix Open Space requirements

### **Other Considerations**

Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)

SP4 – Built Development in towns and villages  
SP14 – Design & Amenity  
SP21 – Provision of Open Space

### **Consultations**

5. LCC Archaeology  
Archaeological comments: Land between Barleythorpe and Burley Park Way, Barleythorpe, Rutland (2014/0527/FUL)

The submitted redesign appears to raise no archaeological implications other than those already addressed in the completed archaeological investigations of the Phase 1 area.

With the above process in hand and no archaeological significant changes to the proposals, I have no wish to comment further on the current application.

6. RCC Highways  
Holding objection. Technical details are required for visibility splays, road widths, tracking, refuse trucks and emergency vehicles. Conditions are requested if approved.
7. Environment Agency  
There is no information within this new application to demonstrate that the previously agreed surface water drainage strategy has capacity to accommodate the increase in impermeable area created by replacing the allotments with additional plots. Accordingly, we object to the application. Please demonstrate that the previously agreed drainage strategy has the capacity to accommodate the increase in impermeable area.

### **Neighbour Representations**

8. Letters of objection have been received from 15 local residents. These mainly relate to:
  - The potential loss of allotments
  - They are 10 times more expensive than any other allotments in town and hence there is little take up.
  - Larkfleet's marketing literature points out that allotments would be provided at market rates and indicated a lifestyle which they are now trying to go back on.

- Residents on Horseshoe Close consider that the proposal would result in a lack of privacy.
- Adverse impact on residences on Main Road Barleythorpe through noise and car movements
- Green space should not be diminished on the development
- Increased risk of flooding
- Loss of habitat

## Planning Assessment

9. The main issues are the principle of development, loss of allotments, residential amenity, and flooding.

### Principle of Development

10. The site is within the Planned Limit to Development for Barleythorpe which includes the wider Hawksmead site. Policies CS1, CS2, CS4 and CS5 in particular all indicate that development will be acceptable in principle on land in this area.
11. The original outline permission for the site indicated that there would be approximately 1096 dwellings on the completed site. It is likely that this will be underprovided, so 9 extra units on this site will not exceed the overall provision envisaged by the outline permission.

### Loss of Allotments

12. This is the reason for most objections from local residents. The proposal involves the loss of allotment land in this location which has previously been proposed in the approved Masterplan, Design and Access Statement, the Design Code and the approved outline planning application, hence this is a full application rather than the normal approval of reserved matters.
13. The provision of green infrastructure (which includes allotment land) and community, sport and recreation facilities are set out as key requirements for the development of the sustainable urban extension in Core Strategy Policy CS5 (Spatial Strategy for Oakham);
14. The loss of allotment land would potentially be contrary to Core Strategy Policy CS23 (Green Infrastructure, open space, sport and recreation) which states that proposals involving the loss of green infrastructure will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided. However, the allotments are not yet in use and a large stockpile of topsoil from phase 1 has only recently been moved from this site as Phase 1 moves towards this western end of the site (for this reason the loss of habitat issue raised by a local resident is also of little relevance here). The site has also been used as a compound for the building of Phase 1.
15. The allotments at this western end of Phase 1 were not a planning requirement at the outline stage. The developer included them presumably as a way of minimising the impact of the development on the existing dwellings on Main Road. The allotments at the eastern end of Phase 1 were specifically required to buffer the new houses from industrial uses on Lands End Way.

16. It is necessary to look at the provision of amenity open space on the overall development to make a decision on the need for this site as open space (the new playing fields north of the bypass do not count towards open space on the development).
17. The Rutland Local Plan requirements for open space will be replaced by the Site Allocation and Policies DPD shortly now that the Inspectors Report has been received. This sets out the same requirements as the Rutland Local plan of 0.4 ha of parks gardens and amenity green space per 1000 population. The outline permission provided for 0.89Ha of amenity open space, in addition to other areas of open space around the development
18. Enquiries have been made of Oakham Home Gardens Allotment Society to see whether there are local waiting lists, but no specific figures have been provided, other than a quote that there is a small turnover in allotments. Its website states: '*our waiting list.. is currently nowhere near as long as those in other parts of the country*'. However, the Hawksmead development cannot be required to make up any shortfall in such provision elsewhere.
19. The Local Plan requirement for all forms of open space would have been 6.30Ha whereas a total of 8.64Ha was provided in the original Masterplan. No other areas have been lost so this proposal involves only a small reduction in a significant over provision of overall open space.
20. Most allotment strategies quote the 1969 Thorpe Report which recommends a minimum provision equivalent to 15 per 1,000 households, but this is not legally binding. However, the National Society of Allotment and Leisure Gardeners recommend that the irreducible minimum provision today should be 20 plots per 1,000 households.
21. The allotment site at the eastern end of the site provides for 36 plots. On that basis the loss of this area for such use cannot be resisted as adequate space is provided in accordance with the Development Plan and national advice on allotment provision. Neither can the pricing policy of the applicant's allotments be used as a reason for refusal.

#### Residential Amenity

22. The objectors raise loss of privacy, noise and disturbance as issues to consider in this case.
23. The nearest dwellings to the proposed 9 new ones on this site are on Main Road Barleythorpe and in Horseshoe Close, part of the wider phase 1 Larkfleet scheme.
24. The dwellings on Main Road are a minimum of 70m between buildings. There is approximately 10m from the front elevations of the new plots to the boundary of Main Road dwellings, with a public area comprising an access drive and cycleway in between.
25. The nearest plot on Horseshoe Close is considerably closer but it is the front of that property that faces the adjacent 'Hawksmead Park'. There are some first floor windows that would face each other at a minimum of around 22m on Plot 7, but that would normally be acceptable back to back and certainly to a front elevation.
26. On that basis there is no reason for refusal based on Policy EN29.

## Flooding

27. There is no reason to suspect that this site itself will flood. The EA is concerned that the site may not have capacity to deal with surface water run off due to the extra hard surface. It is within Flood Zone 1 where there is minimal risk. It is also within the original outline application where a Flood Risk Assessment and subsequent Strategy was approved. The application is accompanied by a Flood Risk compliance statement and it is anticipated that the concerns of the Environment Agency can be overcome. An update will be made in the Addendum.

## Other Issues

### Developer Contributions

28. Discussions are on-going over developer contributions as this is a new Full application it is not linked to the original S106 on the outline permission. An update will be in the Addendum.
29. Highway Objection  
The concerns of the highway authority are to do with the detailed design of the roadways in order that they can be adopted. This information will need to be provided at the relevant stage and is not a planning consideration.

