

DEVELOPMENT CONTROL & LICENSING COMMITTEE

14TH OCTOBER 2014

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REPORT NO: 226/2014

Planning applications to be determined by the Development Control & Licensing Committee

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DEVELOPMENT CONTROL & LICENSING COMMITTEE

14TH OCTOBER 2014

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

ADDENDUM REPORT

Report no: 226/2014

Planning application to be determined by the Development Control & Licensing Committee

Item no:

1. 2014/0258/FUL – HAWKSMEAD LTD

Letter/Further information from agent

Correspondence was received on 10th October on behalf of the applicant that outlines their position on the employment land issue. This includes additional information regarding marketing to B1/B2/B8 uses, and that they consider that the parcel of land next to Lands End Way (south of the application site) would be more desirable for business use. They defend the £864,000/ha price of the land and re-iterate points made in their previous submissions.

Further consultation response

The Council's employment consultants, in relation to the final comments from the applicant, do not consider that they can add anything further to what has been said already. In particular they stand by their view that the land is being marketed for a high and uncompetitive price that B1/B2/B8 occupiers are unlikely to pay. The additional evidence of marketing to B1/B2/B8 uses is noted; however the marketing emphasis remains on retail/leisure/food uses.

Further Neighbour Response

Twenty two further comments have been received directly from the public offering support for the proposal.

Aldi have undertaken a mail-drop to local residents following the release of the main officer report, urging them to lobby Members prior to the meeting. It is understood that Members have received various correspondences from the public as a result, and Planning Officers have indirectly received 118 of these responses.

An online petition has been started by local residents in support of the store. This has over 1,093 electronic signatures.

Policy Update

The Site Allocations and Policies Plan was adopted by Council on 13 October 2014. The relevant policies are now set out below.

Development Plan

Rutland Core Strategy (2011)

CS1 Sustainable development principles

- CS2 The spatial strategy
- CS4 The location of development
- CS8 Developer contributions
- CS13 Employment and economic development
- CS14 New provision for industrial and office development and related uses
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Promoting Good Design
- CS21 The natural environment

Site Allocations and Policies Development Plan Document (2014):

- SP3 Sites for retail development
- SP15 Design and Amenity
- SP17 Outdoor lighting
- SP19 Biodiversity and geodiversity conservation

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

- Section 2 Ensuring the vitality of Town Centres
- Section 4 Sustainable Transport
- Section 7 Design

Rutland Planning Policy Documents

- Rutland Retail Capacity Assessment (2010)
- Rutland Retail Capacity Assessment Update (2013)
- Employment Land Assessment Report (ELAR) (2013)
- Supplementary Planning Documents on Developer Contributions (2010)

Planning Officers' Comments

With regard to the number of jobs created by the proposal, Aldi's submission states that 32 jobs would be created, however their latest mail drop states 'up to 40'. It is understood that final job numbers are not available as yet but that it would be between 32-40.

The final comments on behalf of the applicant and the further comments from the Council's employment consultants are noted. The majority of the issues raised have been identified and assessed in the officer report. The applicant's assertions that the parcel of land to the south of the application site is more desirable for business is noted. Notwithstanding that this land is part of the wider employment allocation anyway, this area is not in as prominent a position in relation to the bypass as the application site.

The additional public support for the proposal is noted. The points raised by the public mirror those previously submitted and assessed in the main officer report. While the number of comments received is substantial, it is the planning merits of public comments that are material rather than the number of such comments.

As set out in the main officer report, developer contributions towards delivery for public realm improvement to the town centre have been agreed with the applicant. Without prejudice to the officer recommendation, the Council's legal team are in the process of putting together a Section 106 agreement for these agreed contributions. Notwithstanding this, given that the agreement is not yet complete, the lack of a completed agreement remains a reason for refusal.

Updated recommendation

As the Site Allocations and Policies Development Plan Document was agreed at Full Council last night, the first reason for refusal (loss of employment land) has been updated to remove references to the Local Plan. The second reason for refusal is unchanged.

1. The application site is part of a larger area of land allocated and safeguarded for employment-related development (Use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)) in Policy CS13(d) of the Adopted Core Strategy (July 2011). It is also in a prime location by the Oakham Bypass (A606: Burley Park Way), adjacent to the main highway access into the allocated area. The proposed use for retail development (Use Class A1) would detrimentally reduce both the quantity and quality of employment land supply within Rutland. The loss of part of this strategic site, especially in such a prime location, would inhibit the development of the wider employment site for future economic development and job creation within the area allocated for such development within Policy CS13(d). Given this, the current application is contrary to Policies CS2(h) and CS13(d) of the Adopted Core Strategy (July 2011).

2. 2014/0386/RES – LARKFLEET HOMES

Legal advice

Legal advice has been taken regarding the status of the Design Code. It is advised that as the approved building heights plan shows 2 to 3 storeys at certain locations across the Hawksmead site, it will not be possible to insist on 2 storey on this site.

In terms of parking, whilst the Design Code states that an average of 1.5 spaces across the site will be achieved, including on-street parking in some instances, it also states that on-street parking will not be appropriate on the spine road or on bus routes. Whilst this site does not take access from the Spine road, the road to the north is identified as a bus route in the approved access parameter plan.

Legal advice is that the 1.5 should apply across the development as an average rather than being applied separately to each phase.

Policy Update

The Site Allocations and Policies Plan was adopted by Council on 13 October 2014. The relevant policies are now set out below.

National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

The Rutland Core Strategy

CS19 – Good Design

Site Allocations and Policies DPD (2014)

Policy SP15 – Design & Amenity – Adequate vehicle parking must be provided to serve the needs of the development, with provision for vehicles and cycle parking. Provision should meet the standards in Appendix 2. In exceptional circumstances in town centres the standards may be varied to reflect the accessibility of the site by non car methods.

Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

3. 2014/0527/FUL – LARKFLEET HOMES

Policy Update

The Site Allocations and Policies Plan was adopted by Council on 13 October 2014. The relevant policies are now set out below.

National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

Development Plan

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

Site Allocations and Policies Development Plan Document (2014)

SP5 – Built Development in towns and villages
SP15 – Design & Amenity
SP22 – Provision of Open Space

4. 2014/0581/RES – LARKFLEET HOMES

Legal advice

Legal advice has been taken regarding the status of the Design Code. It is advised that as the approved building heights plan shows 2 to 3 storeys at certain locations across the Hawksmead site, it will not be possible to insist on 2 storey on this site.

Policy Update

The Site Allocations and Policies Plan was adopted by Council on 13 October 2014. The relevant policies are now set out below.

National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

Development Plan

The Rutland Core Strategy

CS19 – Good Design

Site Allocations and Policies DPD (2014)

Policy SP15 – Design & Amenity – Adequate vehicle parking must be provided to serve the needs of the development, with provision for vehicles and cycle parking. Provision should meet the standards in Appendix 2. In exceptional circumstances in town centres the standards may be varied to reflect the accessibility of the site by non car methods.

Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

5. 2014/0679/FUL – MR CHRIS HAMILTON

Policy Update

Given that the Site Allocations and Policies DPD was adopted by Full Council on 13 October 2014, the relevant policies and guidance for this application are as per “Option 1” in the main report. For clarity, these are repeated below.

Development Plan

Rutland Core Strategy (2011)

CS4 Location of Development

CS16 Rural Economy

CS17 Town Centres and Retailing

Site Allocations and Policies Development Plan Document:

SP6 Non-residential Development in the Countryside

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

Section 2 Ensuring the vitality of Town Centres

Section 3 Supporting a Prosperous Rural Economy

6. 2014/0733/FUL – MR DAVID HOLLIS

Letter/Further information from applicant

A letter has been received from Planning Solicitors acting for the applicant making the following points, together with the Officer response:

Comment	Officer Response
The Parish Council response is not included in the main report and the writer understands the Parish supports the proposal.	The Parish response had not been received at the time the report was written. It is reproduced below and members will see that there is no ‘support’ for the scheme, other than the revised access.

<p>The Peterborough Sub Regional Strategic Housing Market Assessment (SHMA) has been published (July 2014) making the Council's Development Plans out of date. More land will be required for housing.</p>	<p>The Explanatory Note on the SHMA web site makes it very clear that:</p> <p><i>It is important to note that the SHMA is not a policy document. It does not set new targets for housing delivery or override any other housing policy in our respective Local Plans.</i></p> <p><i>.. it is very much a calculation based primarily on forecasts; it does not take into account what a local council might actually want to do via its own local policy and its own local ambitions.</i></p> <p><i>..it is evidence for when a LPA commences a review of its Local Plan (which RCC will commence in due course).</i></p> <p>The projected housing need figures are only marginally higher than Rutland historic requirements. The review of the Development Plan will deal with all these issues through the proper channels, not through ad-hoc planning decisions. This reference should therefore carry no weight in the determination of this application.</p>
<p>5 Year housing land supply is inadequate</p>	<p>The Council can currently demonstrate a 5 year supply of housing land, This has recently been acknowledged by both the Site Allocations and Policies Inspector in his report into the Examination of the Plan (August 2014) and in another appeal decision in South Luffenham (Sept 14).</p>
<p>Reference to need at Kendrew Barracks being provided for on this site.</p>	<p>As part of the SHMA above, the Defence Infrastructure Organisation has submitted its comments, available on the SKDC web site, and states that whilst there will be a shortfall of housing on the base up to 2016, as a result of partnership working with RCC, it is intending to provide for its own needs by provision of a capital programme on its own land, which will be developed in consultation with the LPA. The suggestion that the Rogues Lane site is therefore required for the army carries very little weight in the determination of this application. If provision were deemed to be required in the village, this would not be the site which Officers would recommend due to the constraints set out in the main report.</p>
<p>Conservation Officer states land has been 'meadow land' but has been arable. Incorrect fact means Conservation Officer comments carry little weight.</p>	<p>A rather pedantic point, the fact is that the land is open 'greenfield' rather than brownfield land. The letter fails to acknowledge that English Heritage also objects to the proposal on the grounds of the impact on the Conservation Area.</p>
<p>The adjacent land has been successfully developed</p>	<p>That land was within the Planned Limit to Development where completely different policies apply.</p>
<p>Conservation value of the site</p>	<p>The Land is within the conservation area but outside</p>

<p>has been lost due to demolition of Cottesmore Hall. RCC supported development of the site in developing the Rutland Local Plan.</p>	<p>the PLD. Its status is not diminished as a result of the demolition of the Hall. It has been acknowledged that the site and its surroundings constitute an important part of the character of the village. The Inspector examining the Rutland Local Plan (2001) thought the land was unsuitable for development as did an Inspector in an appeal against a refusal of permission in 1990. The Inspector for the Site Allocations Plan has found that Plan sound and does not consider that any further sites need to be allocated at this stage. Such deliberations should be through the normal Local Plan review process. There is a <u>statutory requirement</u> to ensure that the character of the conservation area is preserved or enhanced. Development of this site would do neither.</p>
<p>Loss of Preserved Trees is minimal – applicant has not had any feedback.</p>	<p>The comments of the Councils Arboricultural advisor were sent to the agents and a revised Tree Survey was submitted. However, the Consultant still considers that there is no large scale plan of the access that enables a proper consideration of the impact on preserved trees. There is a shading and overbearing impact from trees on proposed dwellings at plots 18-20 which will result in requests for felling or thinning etc.</p>
<p>Reason for refusal No.4 is unclear. Limited impact on existing dwellings.</p>	<p>Reason for Refusal 4 should refer to plots 15 and 16, not 16 and 17 as printed. A revised plan has been received showing plot 15 in particular now 21m from the rear of 22 Cresswell Drive. This would indicate that both plots 15 and 16 are now the requisite minimum distance from 22 and 22A Cresswell Drive. However, those 2 existing bungalows have very short rear gardens, 8m and 5m respectively, which means that the proposed new 2 storey dwellings would appear very close to the rear boundaries, leading to loss of privacy and overdominance.</p>

Further Consultation Response

Cottesmore Parish Council

It would appear that a number of changes have had to be made to the previous planning application in accordance with requests made by the Planning Department, but the Cottesmore Parish Council does not consider these to be an improvement.

The Parish Council comments made previously on the buildings being outside the existing planned limits of development for Cottesmore are still applicable and the previous comments re the flooding still apply. However, clarification is now required on the 'footpath links' and 'retained footpath access' as outlined in the Design & Access Statement, as the position is not at all clear. The 'Cresswell Drive' footpath in particular should be re-instated as this is a desirable requirement for access to Mill Lane and the school.

There is concern over 'retained farmland'. The Parish Council would prefer 'open space' (similar to Jubilee Gardens). The proposed new houses will have no 'open space' amenity. The Parish Council question the need for the 'Buffer Zone'. This could be a

security risk for the new houses and there is the question of unnecessary additional cost for future upkeep.

Finally there is concern over access to the cemetery - will there be suitable access for hearses, garden machinery, delivery of headstones etc?

On the positive side the Parish Council agree with the repositioning of the access to the site and understand the reasoning for the deletion of the road island.

Further Neighbour Response

Two further letters of support from Cottesmore residents have been received.

Policy Update

The Site Allocations and Policies Plan was adopted by Council on 13 October 2014. The relevant policies are now set out below.

Development Plan

The Rutland Core Strategy (2011)

CS1 – Sustainable Development Principles

CS2 – The Spatial Strategy

CS3 - The Settlement hierarchy. Cottesmore is classified as a Local Service Centre where CS4 indicates that a level of growth can be accommodated mainly through small allocated sites, affordable housing sites, infill and conversions.

CS8 - Developer Contributions

CS9 – Provision and distribution of new housing

CS10 – Housing Density and Mix – 30 Dwellings per hectare in the villages

CS11 – Affordable Housing – Minimum target of 35%

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic Environment

CS23 – Green Infrastructure and Open Space

Site Allocations and Policies Development Plan Document (2014):

SP5 – Built Development in Towns and Villages

SP6 – Housing in the Countryside

SP9 – Affordable Housing

SP15 – Design & Amenity

SP16 – Biodiversity and geodiversity conservation

SP20 – Historic and Cultural environment

SP21 – Important Open Spaces

SP23 – Landscape Character in the Countryside

Other Material Considerations

Supplementary Planning Document – Developer Contributions

Supplementary Planning Document – Affordable Housing

Planning Officers' Comments

Cottesmore is already one of Rutland's larger villages in terms of population. There is no evidence that this development is required to sustain local services. If more development was required in the village, for whatever purpose, it should be properly planned and

dealt with through the normal development plan process and not approved as an ad-hoc development such as this proposal.

The footpath to Cresswell Drive was withdrawn from the original application due to significant objections from residents on Cresswell Drive and ecology consultees.

The cemetery car park alone cannot be a justification for allowing development contrary to policy. The impact on the conservation area, open countryside and preserved trees is not acceptable and has been backed up by English Heritage and previous Inspectors on appeal and in Examining the Rutland Local Plan. The Inspector for the Site Allocations plan has also found the plan sound and there are no material planning considerations that would warrant making a decision contrary to the development plan.

Updated Recommendation

(To take account of adopted policies and clarify Reason 4)

REFUSE PLANNING PERMISSION, for the following reasons:

1. The site lies outside the Planned Limit to Development for Cottesmore where policies in the Rutland Core Strategy (2011) and Site Allocations and Policies DPD (October 2014) limit development in the countryside to certain essential uses provided that these meet certain criteria. The site was put forward by the applicant for inclusion as a housing allocation in the Site Allocations and Policies DPD but it was not accepted by the Council following a site appraisal process. The Inspector has found the Plan to be sound and that no further land needs to be released for development. The development of the site would thereby have a detrimental impact on the character of the open countryside where it meets this attractive edge of the village. The Local Planning Authority can demonstrate an up to date five year land supply with a 20% buffer as required by Para 47 of the National Planning Policy Framework. On that basis there is no need to exceptionally release this land for development.

The proposal would thereby be contrary to Paragraph 55 of the NPPF, Policy CS4 of the adopted Rutland Core Strategy (2011) and Policy SP6 of the adopted Site Allocations and Policies DPD (October 2014)

2. The development of this strip of land outside the Planned Limit to Development would have a detrimental impact on the setting of the Important Open Space to the south and on the character and appearance of the wider Cottesmore Conservation Area. The assessment of the impact on the Conservation Area which has been submitted with the application is not considered to demonstrate that the need for the development overrides the impact that it would have. The proposal would thereby be contrary to Policy CS22 of the Rutland Core Strategy and Policies SP20 and SP21 of the adopted Site Allocations and Policies DPD (October 2014)
3. The proposal would involve the unwarranted loss of a number of trees which are subject to a Tree Preservation Order and have a partly unassessed impact on other preserved trees, thereby having a detrimental impact on local amenity, contrary to Policy SP15 of the adopted Site Allocations and Policies DPD (October 2014)
4. The siting of dwellings on plots 15 and 16 in close proximity to the boundary of the site would lead to an overdominant impact on the occupiers of the bungalows at 22 and 22a Cresswell Drive to the detriment of the amenities of the occupiers, contrary to Policy SP15 of the adopted Site Allocations and Policies DPD (October 2014).