



Application:	<b>2014/0527/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Replan to plots 6, 7, 8, 10 &amp; 11 on previously approved development. Construction of 9 new dwellings on previously approved allotment land, including garages and associated infrastructure.</b>		
Address:	<b>Land between Barleythorpe &amp; Burley Park Way, Barleythorpe</b>		
Applicant:	<b>Larkfleet Homes</b>	Parish	<b>BARLEYTHORPE</b>
Agent:	<b>N/A</b>	Ward	<b>Oakham North West</b>
Reason for presenting to Committee:	<b>Local Objections</b>		
Committee Date	<b>14 October 2014</b>		

This application was deferred at the meeting on 16 September to enable arrangements to be made for a Deputation and a Reply by the Developer.

The report below has been updated to include items contained in the previous Addendum.

## 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 and developer contributions have been agreed.**

## RECOMMENDATION

**APPROVAL**, subject to the satisfactory completion of a S106 agreement and 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.

5. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays and 0800 to 1300 on Saturdays; and at no time on Sundays and Bank Holidays.

REASON: To protect the amenity of the occupants of nearby dwellings.

## 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 5 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

Members will be aware that the Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014) is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

### **Option 1: DPD is adopted**

#### **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:**

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

### **Option 2: DPD is not adopted**

#### **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

### **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) (If this document is adopted by the date of this meeting it will replace the Rutland Local Plan Policies set out above).

SP5 – Built Development in towns and villages  
SP15 – Design & Amenity  
SP22 – 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  
Thank you for referring the Drainage Strategy Plan for the above application, which was received on 05 September 2014.

We withdraw our objection to the application. We have reviewed the Drainage Strategy Plan (Wormald Burrows Partnership Limited, reference E2155/50) and are satisfied with the proposed surface water drainage scheme.

### **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 or SP14.

#### Flooding

27. The Environment Agency was concerned that the site may not have capacity to deal with surface water run-off due to the extra hard surface. A revised Flood Risk Assessment has been submitted and the EA has withdrawn its objection.

#### Other Issues

##### Developer Contributions

28. The Developer has agreed to make the relevant contributions which have been requested.

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.



