

REPORT NO: 247/2014

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

11TH NOVEMBER 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 – 11th November 2014

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Ordnance Survey [100018056]

Scale - 1:2500
Time of plot: 15:44
Date of plot: 29/10/2014



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0733/FUL	ITEM 1	
Proposal:	Proposed residential development of 13 No. private dwellings, 7 No. affordable homes, construction of access and provision of parking area for existing cemetery.		
Address:	Land North of Rogues Lane, COTTESMORE		
Applicant:	Mr D Hollis	Parish	COTTESMORE
Agent:	Wardle Evans	Ward	Cottesmore
Reason for presenting to Committee:	Major application - Applicant is a member of Council		
Date of Committee:	11 November 2014		

BACKGROUND

Members will recall that this application was deferred at the October meeting to enable members to read the Addendum Report. The contents of that report and other information received since the preparation of the original report to the October meeting have been incorporated into this new report. This report should therefore be read again in its entirety.

EXECUTIVE SUMMARY

This is a full application for 20 dwellings on land adjacent to The Rookery off Rogues Lane. The site is outside the Planned Limit to Development and in open countryside, adjacent to an area designated as Important Open Space in the Site Allocations and Policies DPD. The site is within the wider Cottesmore Conservation Area.

The site was submitted as a potential housing site in the Site Allocations and Policies DPD process but was not allocated as a development site in the Submission document. The Local Planning Authority can demonstrate an up to date 5 year land supply, including the 20% margin required by the National Planning Policy Framework. The application is contrary to policy and there are no material considerations that would suggest that the development should be approved. The relationship between some plots and existing dwellings is also not acceptable.

RECOMMENDATION

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 linear 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. A previous Inspector in dismissing an appeal on a wider site, including this land, noted that the land, by reason of its character as attractive, mature parkland, makes a major contribution to the character of the village and considered that its character and appearance should be preserved. The assessment of the impact on the Conservation Area which has been submitted with the application fails to adequately assess the contribution that the site has to the significance of the Conservation Area. It is not considered to demonstrate that there is a need for the development which 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). The proposal therefore also fails to meet the duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.
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 Policies SP15 and SP18 of the adopted Site Allocations and Policies DPD (2014). Plots 18, 19 and 20 would also be sited to the north/north east of the canopies of preserved trees which would have the potential for overshadowing gardens and property which would lead to increased pressure for works to remove or significantly prune those trees which would alter their important character.
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).
5. Whilst the applicant has indicated that he is willing to enter into a S106 agreement in relation to developer contributions and provision of affordable housing, no such agreement has been signed. On that basis the proposal is contrary to Policy CS8 of the Rutland Core Strategy (2011) and the adopted Supplementary Planning Documents on Developer Contributions (2010) and Affordable Housing (2012).

Site & Surroundings

1. The site is located on the west side of Rogues Lane and is situated to the east of the recent development on Jubilee Gardens.
2. The actual development site is bounded by The Rookery, an area of woodland to the north and an area of Important Open Space (IOS) to the south. Beyond the Rookery is Cresswell Drive. Opposite the site on Rogues Lane is Long Meadow Way which runs parallel with Rogues Lane.
3. The development site itself is located outside the Planned Limit to Development (PLD) for Cottesmore, but is within the Conservation Area. The boundary to the Conservation Area is drawn wider than the PLD, as in other villages, to include open

land important to the character and setting of the village. The IOS to the south is within the PLD. The development site and the IOS, together with The Rookery, are all subject to an Area Tree Preservation Order (TPO), made in 1980 by Leicestershire County Council. This covers all trees within the defined Area.

4. The site had been promoted as a site for development through the Site Allocations and Policies DPD (SAPDPD) process but was not allocated for such use in the Submission or adopted versions. The Inspector recommended that no further sites be allocated. Members have therefore already resisted the principle of development on this site in adopting the new Plan. An extract from the Cottesmore Inset map from the SAPDPD is attached at **APPENDIX 1**

Proposal

5. The application is a full detailed submission for the erection of 20 dwellings, 13 market and 7 affordables. It proposes a T junction access off Rogues Lane opposite the junction with Westland Road. Access to the site would be from this junction and a spur off the new estate road would give access to a new car park for the adjacent cemetery which is also included in the application. The new access into the site would involve loss of some preserved trees.
6. The dwellings would be laid out along a single road, facing onto the adjacent IOS. The 7 affordable units would be located at the end of the cul de sac, backing and siding onto dwellings off Cresswell Drive, at 19m and 13m respectively.
7. The market dwellings would back onto The Rookery and a buffer protection zone, 7-8m wide, is indicated between the rear boundaries of those properties and the woodland itself. The previous application showed a new footpath link through The Rookery to Cresswell Drive. Following concerns from local residents, Ecology advisors and Officers, that was deleted from the scheme and does not appear in this one. Similarly footpaths across the open space and a site for a nursery do not appear in this scheme.
8. Foul drainage would be to the public sewer and surface water would be subject to further ground tests to assess the most sustainable way of draining surface water. If ground soakaway is not possible, an attenuation pond would be located within the IOS area releasing water to the nearby surface water sewer in accordance with Anglian Water's maximum discharge rates.
9. The net developable area of the site is 0.76Ha, which provides a proposed density of 26 dwellings per hectare.
10. The proposed layout is shown in **APPENDIX 2**.

Relevant Planning History

Application	Description	Decision
243/72	Residential development	Approved June 72 (Cresswell Drive development)
77/0404	Residential Development (This site)	Refused Dec 77

78/0358	Residential Development (This site)	Refused Dec 78
90/0119	Residential Development (This site)	Refused Aug 90 Appeal Dismissed Jan 91.
2013/0910	Residential Development	Withdrawn

Planning Guidance and Policy

National Planning Policy Framework

The Framework promotes sustainable development but confirms that development that is not in accordance with an up to date development plan should be refused unless material considerations indicate otherwise. Local Authorities should maintain an up to date 5 year supply of deliverable sites for housing. Para 55 sets out the policy for development in the countryside and states that this should only be permitted where there is a justifiable need for someone to live there.

Members will be aware that the Site Allocations and Policies DPD (SAPDPD) was adopted at Full Council on 13 October 2014. Its policies 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.

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:

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

Cottesmore Neighbourhood Plan

Members may be aware that the Cottesmore Neighbourhood Plan has recently been published as a first consultative draft. This suggests that the application site should be included within the PLD.

This Plan carries at best minimal weight at this stage. It has not been subject to any consultation within the village and will have to go through that process, possibly twice, before being examined and then subject to a referendum in the village before it could be adopted to carry any weight. Furthermore, the proposals to include various pieces of land around the village within the PLD have not been justified in the Draft Plan at this stage. It is therefore subject to change and should not be afforded weight in the determination of this application.

Members will be aware that land within the PLD is not automatically considered suitable for development and is still subject to (particularly) policy SP5 of the SAPDPD.

Consultations

See **APPENDIX 3**.

Neighbour Representations

There have been 6 letters of objection on the following grounds:

- Purely speculative development – not proven to be required
- Adverse impact on Conservation Area and Important Open Space
- Outside the Planned Limit to Development, need to respect the village boundary
- New junction will not help current heavy traffic and excessive speeds on Rogues Lane
- Westland Road has poor visibility onto Rogues Lane - the loss of the island will not help this.
- 4 way junction will be dangerous
- Long history of flooding on the site
- Cemetery car park needs screening
- Affordable Housing is poorly sited – results in ‘us and them’
- Impact on outlook from existing dwellings
- Loss of privacy to properties on Cresswell Drive

Five letters of support have been received, including one from the Commanding Officer at Kendrew:

- Village needs new blood
- Good mix of dwellings proposed
- Helps maintain services
- Residents would have excellent views over woodland and farmland
- With a population of over 2200 at Kendrew, including 400 families, this will result in options for families to purchase rather than rent.

Planning Assessment

11. The main issues are Planning Policy, visual impact on the Conservation Area and Open Space, residential amenity, highway safety and Developer Contributions.

Planning Policy

Notwithstanding comments made at the meeting on 14 October, the policies of the new Site Allocations and Policies Plan are not merely 'guidance'. The policies themselves within the blue highlighted boxes are policies and cannot be called guidance. All decisions must, by statute, be made in accordance with those policies unless material considerations indicate otherwise.

12. The Inspector at the previous Rutland Local Plan Inquiry in 2001 rejected the inclusion of this land for housing in the Local Plan due to a number of concerns, including that development would do demonstrable harm to the character of this part of the village and its environmental quality, it would intrude into and diminish the semi-rural appearance of the parkland and that the trees would be placed at risk.

The Inspector who Examined the Rutland Local Plan in 1999 made the following comments in relation to the open space in this locality:

'There are only two areas of open space designated under Policy EN5 (adopted as EN4) in Cottesmore.

The larger open area fronting Rogues Lane is very attractive, having a parkland character backed by woodland. It makes a major contribution to the character of this part of the village and its development, in my opinion, would cause demonstrable harm to that character.

I therefore support both of these designations and draw attention to my recommendation at paragraph 2.31.9 of this report. If this recommendation is accepted development on land subject to Policy EN5 would be precluded.

I consider objections relating to housing provision in Chapter 4 of this report but would point out that the Plan does make an allowance for rural 'windfall' sites in arriving at that provision. However, I do not consider that either of the two areas designated under Policy EN5 in Cottesmore should be developed for the reasons set out above'.

The Inspector in the 1990 appeal against a refusal of permission for residential development stated that the development of the (wider) site would 'greatly detract from its parkland character'. Circumstances have not changed since then and there is no reason to suggest that there should be a different outcome now.

13. The adopted Core Strategy (Policy CS4) sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.
14. In the SAPDPD the site lies outside the planned limits of development for Cottesmore and is therefore subject to policies relating to housing in the countryside (Policy SP6). Policy SP6 does not permit new housing development in the countryside except where it is essential for certain operational needs, consistent with Para 55 of the

NPPF, it is for affordable housing, to meet an identified local need or it would not adversely affect certain matters.

15. The adjacent area of open space to the south is shown as an Important Open Space in the SAPDPD. Policy SP21 states that development will only be acceptable where it does not have an adverse effect on the area having regards to a range of issues, as set out in the policy;
16. The site was put forward by the applicant for inclusion as a housing allocation in the SAPDPD but it was not accepted by the Council following a site appraisal process that identified significant physical constraints including landscape and visual impact and impact on important open space. The Inspector considered all the alternative allocations put forward but concluded in his report that the Councils allocations are sound and that there is no need to release additional land.
17. The Council has an up to date five year land supply with a 20% buffer, using the Sedgfield method, which incorporates figures correct at the 1st April 2014 as required by the NPPF para 47. The development of greenfield land in open countryside cannot therefore be justified and is not in line with the policies outlined above.
18. The Councils Housing Strategy and Enabling Officer has commented that the affordable provision is acceptable in terms of mix, provided that detailed arrangements are clarified and confirmed as part of a s106 agreement. However, whilst the affordable dwellings are of the same general style as the other dwellings from the elevations (provided the materials are similar), they are the only dwellings on the proposed development which do not have chimneys.
19. Chimneys will be utilised on key plots to reflect the character of the existing settlement, according to the Design and Access Statement. This does not necessarily mean that every property on the development has to have a chimney. However, the fact that the affordable dwellings do not have chimneys, along with their location together at the end of the cul-de-sac and their particularly awkward parking arrangements, means that they are not well integrated with the open market housing through layout, siting, design and style as required by Policy SP9 in the SAPDPD.
20. The footpath to Cresswell Drive was withdrawn from the original application due to significant objections from residents on Cresswell Drive and ecology consultees.
21. 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.
22. 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.

23. In conclusion, the application is contrary to the Councils adopted planning policies for the reasons outlined above. Officers strongly advise that there are no material considerations in this case that carry significant contrary weight and the policies of the plan must therefore prevail. Members will have recently received an up to date briefing note from the Director for Places on this issue. If there is a desire to see this site developed then the appropriate course is for it to be considered in the review of the local plan in 2016/17.

Visual Impact

24. The Landscape Character Assessment which informed the Countryside Design Guidance Supplementary Planning Guidance identifies the site as being within the Cottesmore Plateau. The following is an extract from that assessment:

“Landscape Character

25. The Cottesmore Plateau extends from the northern edge of the Rutland Water Basin, northwards to the County boundary. It is a relatively high, open, level plateau of predominantly level relief but rarely flat having long shallow undulations. It is dissected by significant river valleys of the North Brook and its tributary. Parts of the Cottesmore Plateau are characterised by large and impressive estate parklands and associated planned woodlands such as those at Burley-on-the-Hill and Exton. Barnsdale Avenue and the landscaped vistas to and from Burley-on-the-Hill are nationally important designed landscapes. The parkland ambience in the central part of this sub-area is emphasised by the rich heritage of the estate buildings. In these areas the landscape is a combination of tree cover and farmland, a planned but mature landscape where longer vistas are interrupted by the mix of tree belts and woods rather than by the topography. This sub area is generally dominated by arable farmland with a broad, geometric network of large, regular fields, enclosed by thorn hedges and occasional plantations;

Settlement Character

26. There are many buildings associated with the two estates and parklands and a number of large farmsteads outside the settlements in the countryside. The industrial estate at Market Overton impacts on some views in its vicinity and the military buildings of the former RAF Cottesmore (Kendrew Barracks) on a large part of the area. The settlements on the Cottesmore Plateau are Barrow, Burley, Cottesmore, Empingham, Exton, Greetham, Market Overton, and Thistleton. Apart from Burley, Barrow and Market Overton which are conspicuously located on the western scarp of the plateau and are visible from the Vale of Catmose to the east, the other villages in this sub area are not dominant in the landscape or visible in wider views.
27. The traditional materials of the sub-area are predominantly limestone. Roofs are of stone slate or thatch. The village of Exton has a large number of thatched roofs, as do Empingham and Cottesmore.....
28. Aim: To safeguard the distinctive landscape character of the Cottesmore Plateau sub-area.
29. Objectives
- To safeguard extensive views across the plateau from conspicuous development.
 - To safeguard the setting of the villages.
 - To ensure that development conserves and enhances the parks, avenues and other designed landscapes and their settings.”

The Landscape Sensitivity and Capacity Study which informed the Site Allocations and Policies DPD indicates that the land on the site and to the north has moderate sensitivity and moderate capacity to accommodate new development.

30. The site is well screened from the north by The Rookery woodland and to some extent from Rogues Lane by the tree line along the road frontage, although the woodland to the north of the proposal is visible in glimpses all along Rogues Lane, even in summer. The overall site including the IOS has previously been identified as important to the character of the locality by both the 1999 Local Plan Inspector and the Inspector dealing with the appeal in 1991. There is no reason to suggest that the situation has changed in that respect.
31. The development would still be prominent from Rogues Lane, especially in winter months and would appear as an isolated limb from surrounding development, projecting in ribbon form into the open part of the Conservation Area and comprising a built urban form between the open space and the woodland beyond, thus detracting from the open sylvan character of the area. It is concluded therefore that the scheme would have a detrimental impact on the wider setting of the Conservation Area and the Important Open Space.
32. There would be some loss of preserved trees at the point of the new access. Any unsubstantiated loss of preserved trees is not justified. It is not clear from the submission what impact the development would have on any other specific preserved tree as the submitted tree survey is considered to lack adequate information according to the Council's Consultant Arboriculturalist.
33. One tree (T14 in the survey) is close to Plot 20, but this could be alleviated by pruning (which the tree needs anyway). There is continued concern about the access into the site, and the Council's Consultant does not concur with the original tree report that as the entrance is already compacted due to farm vehicles that the proposal wouldn't impact the trees. He suggests that the agent needs to provide a section of this part of the site, showing accurate Root Protection Areas and crown spreads in relation to the access road/new footpath. The visibility splays onto Rogues lane would possibly require trimming back of the trees due to the gentle curve of the road towards the village. A revised Tree Report has just been received and further comments from the Consultant are awaited.

Residential Amenity

34. The main impact in terms of residential amenity is the relationship between 2 of the affordable plots and 2 properties on Cresswell Drive. These are situated 13m away side to rear and 19m back to back. These figures have been improved upon from the previous submission but the latter in particular is still regarded as too close. If permission was to be forthcoming for this scheme there is sufficient land to improve this relationship.
35. The proposed dwellings, on plots 18-20 would have preserved trees on their south-east/southern boundaries. This may lead to pressure to trim or cut trees due to loss of sunlight to rear elevations/gardens.
36. It is unlikely that there would be any other residential amenity issues in relation to other dwellings around the site as a direct result of the proposed dwellings.

37. There would be some impact on dwellings opposite the site in terms of vehicles using Rogues Lane but the increase would be minimal and not sufficient to warrant refusal on those grounds.

Highway Safety

38. Concern has been expressed by local residents regarding the speed of traffic on Rogues Lane. In the absence of an objection from the highway authority on this specific issue this concern is acknowledged but would not form a reason for refusal. The concerns of the highway authority as set out in the consultation response relates mainly to technical issues rather than a fundamental safety objection. A revised plan has been received the Highway Authority considers that it is satisfactory.

Developer Contributions

39. As no S106 Agreement has yet been signed, it will be necessary to make this a reason for refusal at this stage to ensure that any appeal is able to pick it up as an issue. There is therefore an additional reason for refusal based on this issue.
40. The scheme offers 7 units as Affordable and the applicant has agreed the requested developer contributions in principle. If Members were to look favourably upon the scheme this issue would need to be addressed in any motion.

Other Matters

41. The concerns of the Environment Agency have been addressed by the response from Anglian Water.
42. Members received a copy of a letter from Solicitors acting for the applicant. The main issues raised and the Officer comments thereon are contained in **APPENDIX 4**.

Cottesmore Inset Map - Site Allocations and Policies DPD 2014



Conservation Officer

Residential development I refer to the amended proposal for the site. I remain of the opinion that the development would cause harm to the character and appearance of Cottesmore Conservation Area. My previous comments therefore remain. The application relates to open pasture land that is included within Cottesmore Conservation Area and contributes to the setting of the village. Its open green appearance makes a positive contribution to the overall character and appearance of the conservation area and contrasts with the traditional limestone buildings along Main Street that form the historic core of the village. The location of the site within the conservation area, or its significance to the overall character and appearance, has not been assessed in the submitted proposals. In this respect, I support the English Heritage assessment that the proposal is contrary to paragraph 128 of the National Planning Policy Framework. However, on the basis of the submitted information, and recognising that only part of the overall open space is proposed for development, I consider that the proposal would detract from the overall appearance of the area and views of it from Rogues Lane and from outside the site. On this basis, I consider that the proposal would fail to preserve or enhance the character or appearance of Cottesmore Conservation Area and would thereby be contrary to policy SP of the Site Allocations and Policies DPD and to policy CS22 of the Core Strategy. It would also have a harmful impact on the conservation area which, although likely to be less than substantial, would not be outweighed by wider public benefit, as required by paragraph 134 of the NPPF.

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.

English Heritage

Thank you for consulting English Heritage on the above planning application for the proposed residential development comprising 13 private dwelling-houses and 7 affordable homes with access and car parking. English Heritage was previously consulted on planning application 2013/0910/FUL - our letters dated 21 May 2014 and 13 November 2013 refer. In respect of this application, which we understand was withdrawn, we did not believe your authority was in a position to determine the application without a full assessment of the impact of the proposal on the significance of the conservation area. In particular, whilst the submitted information through cartographic evidence indicated that the application site may have formed part of the grounds to the demolished Cottesmore Hall (of which the rockery has been identified as a treescape feature), no assessment was provided as to the contribution of the site to the significance of the conservation area.

We have read the amended archaeological desk-based assessment and note the assessment provided on pages 20-22. In our view, this assessment is limited, though we recognise that with the demolition of Cottesmore Hall in the 1970s, part of the significance of the associated historic landscape has been diminished. Nevertheless, from our understanding of the conservation area, we believe the site contributes positively to the significance of this designated heritage asset through its survival as part of a historic designed landscape adjacent to the wider agricultural fields - both of which contribute to our understanding of the historical, architectural and archaeological development and significance of Cottesmore. The site also provides positive, aesthetic contribution to the significance of the conservation area, which has a direct communal value and would be compromised by further housing encroaching into the wider landscape. Whilst accepting that the woodland area is to be retained, we believe the proposed residential development on this site will fundamentally change and alter the character and appearance of this part of the conservation area, which is considered harmful to significance.

Policy context

The statutory requirement is to have special regard to the desirability of preserving and enhancing the character and appearance of the conservation area - Planning (Listed Buildings and Conservation Areas) Act 1990. This must be taken into account by your authority when making its decisions. It is for your authority to determine whether sufficient information has been submitted to fully assess the impact of this proposal on the significance of the designated heritage asset in line with paragraphs 128 and 129 of the NPPF. Significance can be harmed or lost through development and any harm or loss to significance should require clear and convincing justification (paragraph 132 and 134 of the NPPF).

We strongly advise that your authority follows the guidance of the County Archaeological Advisor with respect to the potential form, potential impact on, and treatment of any undesignated archaeological remains on the proposed development site.

Recommendation

In determining this planning application, we recommend your authority is satisfied there is sufficient information to understand the impact of the proposal on the significance of Cottesmore Conservation area. (paragraphs 128, 129, 132 of the NPPF). On the basis of the submitted information which remains limited in our view, we believe the proposal we result in a degree of harm to significance, which is considered less than substantial. In line with the NPPF, we recommend the degree of harm should be weighed against the public benefit of the proposal [paragraph 134]. We recommend further advice is sought from your in-house conservation officer and archaeological advisor.

English Heritage is aware of the Solicitors letter and further states that:

The submitted documents do not in our view fully assess the contribution of the application site to the significance of the conservation area e.g. what is the heritage value of the area. Our view that the application is harmful to the significance of the conservation area, has not changed.

LCC Archaeology

A series of features were discovered in trial trenching. A brief for further work is required. If permission is granted a condition should be imposed to secure a programme of archaeological works.

LCC Ecology

We are pleased to see that our comments from the previous application (2013/0910/FUL) have been considered and that a buffer zone is now in place between the development and the woodland. I am unable to scale from the plan but understand from pre-application discussions that this is 7 meters wide. This is satisfactory, provided that it is managed appropriately (such as rough grassland) and is retained long-term. We would recommend that a management plan is required by condition and incorporates the management of this ecological area. It appears that the woodland is not part of the application site boundary, but it seems reasonable to assume that this will be included as an area of open space in the development. If it is included, the ecological management plan should also cover this area.

Protected Species We note from the ecological reports submitted with the application (Ecology Survey, Bat Survey and Great Crested Newt Survey, Scarborough Nixon Associates, April July 2013 that there was some evidence of protected species on the application site. **Badger** we note that no badger setts were found on site but a badger footprint was discovered, indicating that badgers are using the site on some occasions. We would therefore recommend that, should the works not commence within two years from the date of the survey an updated badger survey must be completed (i.e. April 2016 or after). This would ensure that adequate mitigation is in place (if required) should badgers have moved onto the site. **Bats** The bat surveys recorded 4 species of bats using the site, but no roosts were identified. However, a number of trees on site were considered to have bat roost potential. It appears from the current application that the trees on site will be retained. We welcome this. However, should any trees be proposed for removal they must first be assessed for the presence of roosting bats.

Great Crested Newts We note that no GCN were recorded in the pond on site.

Ecological Enhancements The application provides many opportunities for biodiversity enhancements on the site. We are pleased to see the applicants commitment to providing

these within the planning documentation. There are number of suggested enhancements within the ecological reports and we would request that the applicants attention is drawn to these. The proposed development will incorporated a significant amount of open space (woodland and parkland). We would recommend that this is managed for biodiversity as well as amenity use. We would therefore request that, should the application be permitted, a condition is forwarded requiring a long-term management strategy for the site.

Lighting The bat survey indicates that the application site is used by foraging bats, particularly the area by the central trees. Some species of bats are known to be sensitive to lighting levels of greater than 1lux and we would therefore recommend that a lighting plan is submitted to illustrate that the important habitats on site will not be subject to a lighting level above this value. The woodland and areas of trees in the centre of the site should be considered as important dark areas when designing the lighting scheme.

RCC Highways

Original holding objection – now satisfied that visibility and tracking is acceptable at the new access.

Anglian Water

The foul drainage from this development is in the catchment of Cottesmore STW that at present has available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable in principle. However the planning application makes no mention of connection to the main sewer, the FRA makes mentions of connection we would wish to see evidence that all alternative methods of surface water disposal had been fully explored prior to agreeing connection to the main sewer.

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

Environment Agency

We have no objection to the proposed residential development. Information for your Authority. The Flood Risk Assessment states that surface water run-off will be disposed of via either an infiltration drainage system or to an Anglian Water Services Limited sewer. Your Authority therefore needs to be satisfied that:

1. Infiltration drainage at this location is feasible.
2. The location and rate of discharge to the public sewer is confirmed by Anglian Water Services Limited.

3. The proposed surface water drainage scheme can be adopted and properly maintained up to the design standard of 1% plus climate change critical storm.

We are writing to give our support to the proposed residential development off Rogues Lane, on the outskirts of Cottesmore village. A village such as Cottesmore, which has many long standing residents, needs continual new blood breathed into it for it to survive and flourish. The development has a good mix of sizes of houses, giving a wide range of ages and incomes the opportunity to live there. We are very appreciative of the services we already have in the village, such as a post office, garage, village shop, pub, church, etc. and would be very disappointed if these services could not continue, due to a dwindling community. Hopefully a new development of housing would secure their existence for all. The plan seems to have been thoughtfully drawn up. The new residents would have excellent views over existing woodland and farmland. The proposed plan is a sensitive one, taking into account the privacy of the existing residents as well as offering extra facilities such as parking for the cemetery and areas of natural woodland. All in all, we think that this development is a very good idea and will breathe fresh air into our village.

Natural England

Statutory nature conservation sites no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developers responsibility) or may be granted.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local sites. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. Impact Risk Zones for Sites of Special Scientific Interest. Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and

guidance on how to access and use the IRZs is available on the Natural England website.

Biodiversity enhancements. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity Section 40(3) of the same Act also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

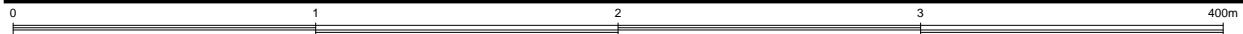
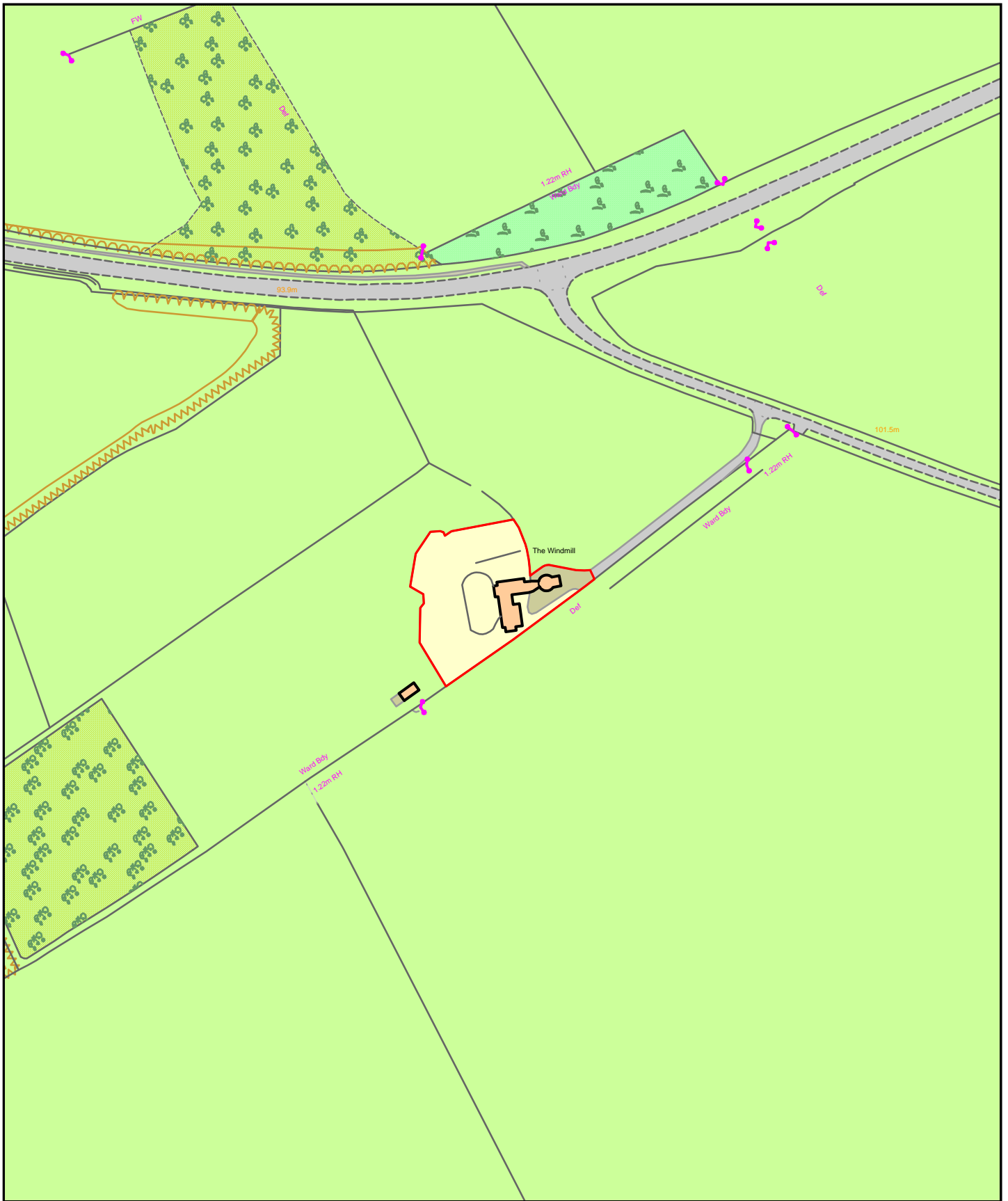
Landscape enhancements. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

APPENDIX 4

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

Comment	Officer Response
<p>The Parish Council response is not included in the main report and the writer understands the Parish supports the proposal.</p>	<p>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>
<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, as experienced Planning Solicitors will be fully aware of.</p> <p>This reference is therefore a red herring and carries 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</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</p>

<p>fact means Conservation Officer comments carry little weight.</p>	<p>on the grounds of the impact on the Conservation Area. The Inspector in the 1990 appeal against a refusal of permission for the wider site made reference to the land as having a 'parkland' character, as it was parkland once associated with Cottesmore Hall. He also referred to it as pasture, which is where the reference originated. It may have been pasture at that time, but in any event, its importance to the character of both the Conservation Area and the wider village as an open area was paramount in his decision. The same considerations are equally applicable today.</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. The Hall Farm/Jubilee Gardens development was an <u>allocated</u> site in the recently replaced Rutland Local Plan.</p>
<p>Conservation value of the site has been lost due to demolition of Cottesmore Hall. RCC supported development of the site in developing the Rutland Local Plan.</p>	<p>The Land is within the conservation area but outside 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 (see below) 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>The Conservation Area was designated some 7 years after the Hall was demolished. It was therefore designated in view of the importance that it had then and still has now, as no other circumstances have changed.</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>



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Ordnance Survey [100018056]

Scale - 1:2500
Time of plot: 15:45
Date of plot: 29/10/2014



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0864/LBA	ITEM 2	
Proposal:	Install multi fuel stove in kitchen.		
Address:	The Windmill, Barrowden Road, MORCOTT		
Applicant:	Mrs C Emmett & Mr D Blake	Parish	MORCOTT
Agent:		Ward	Martinsthorpe
Reason for presenting to Committee:	Member application		
Date of Committee:	11 th November 2014		

EXECUTIVE SUMMARY

The proposed stove and ventilation flue will be within the extension to the windmill. The proposal will not harm the character or significance of the grade II listed building and is acceptable.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1 The work shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the submitted details, the flue shall be painted or colour-coated black at the time of installation and shall be retained as such.

Reason: To ensure a satisfactory appearance.

Site & Surroundings

- The application relates to the grade II listed former windmill on Barrowden Road, Morcott. The windmill was restored and extended when converted to residential use in the 1970s.
- The windmill is a prominent landmark, visible from the A47, with a single and two-storey domestic extension to the rear.

Proposal

- The proposal is to install a multi fuel stove in the kitchen within the modern extension. The proposal requires a flue that will project through the roof.

Relevant Planning History

Application	Description	Decision
LBA/2003/1065	Alterations, including flue pipe	Approved December 2003 (not implemented)

Planning Guidance and Policy

National Planning Policy Framework

Para 134 – less than substantial harm

The Rutland Core Strategy

CS22 – Historic Environment

Site Allocations and Policies DPD (2104)

Policy SP20

Consultations

4. Morcott PC: No objection; black colouring recommended for the exterior visible section of the flue pipe.
5. Conservation Officer: No objection; the stove and flue will be within the extension and will not harm the historic character or significance of the grade II listed windmill.

Planning Assessment

6. The only issue is the impact on the character and significance of the listed building. In this instance, the stove and flue will be within the extension and will not adversely affect the historically important windmill. The flue will not project above the ridge of the extension roof and will not be prominent in views of the windmill. A condition requiring that the flue be either painted or colour-coated black to minimise the visual impact is proposed.