

PLANNING & LICENSING COMMITTEE

23RD NOVEMBER 2021

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
163/2021	1	2020/0059/FUL	MR R DREWNICKI	MORCOTT

Further Comments have been received from the highway authority.

The application has been considered by 3 different Highway Officers during its lifetime. The current officer wishes to amend and add conditions relating to SUDS and highway related issues.

Construction Management Plan Condition

Condition 10 to be amended to add additional issues to be included:

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery
- e) Measures to manage all large vehicle movements to ensure that those vehicles can wait in a safe and suitable place off-site, travel to the site when called and access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway anywhere in Willoughby Road or Glebe Road. Departing vehicles will also need to be managed in a similar way to ensure they do not leave the site at the same time as another is expected to be on Willoughby Road or Glebe Road or arriving on site.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.

- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- o) A scheme of off-site directional signs, which will be implemented prior to any construction traffic visiting the site.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

Additional Condition Required

The 3 additional conditions will be as follows:

Prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Reason: In the interests of highway safety.

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

The development hereby permitted shall only be carried out using the construction access from Glebe Road as indicated in the approved drawings.

Reason: To ensure that disruption on Church Lane is kept to a minimum.

INFORMATIVES

Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Section 149 Highways At 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person

responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained via email from highways@rutland.gov.uk.

Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new dwelling requiring street numbering. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:-
<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

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163/2021	2	2021/0091/FUL	MUFFTY DEVELOPMENTS	OAKHAM

Report Correction

A number of planning policies relevant to the determination of the application from Site Allocations & Policies Development Plan Document have not being included in the report under Planning Guidance and Policy. These being;

SP1 (presumption in favour of sustainable development)

SP12 (Town centre area, primary and secondary shopping frontages)

SP15 (Design and amenity)

SP17 (Outdoor lighting)

SP19 (Biodiversity and geodiversity conservation)

Consultation Response

Senior Planning Ecologist

'I accept the acoustic fence is needed In terms of the hedge to screen the fence, I would like to see a native hedgerow with a diversity of species as this will be more beneficial for wildlife and will increase biodiversity. As it stands the species proposed for the hedgerow are non-native.'

A condition is proposed requiring the submission of a revised landscaping scheme and a landscape management plan. These conditions will allow this issue to be addressed.

Designing out Crime Officer & Architectural Liaison Officer, Leicestershire Police

Dear Darren,

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In relation to the Full Planning Application for Coffee Shop with drive thru facility and ancillary works. At Development On Land At Hawksmead Business Park, Lands End Way, Oakham, Rutland.

I have now visited, and have reviewed the proposed development. There is a single proposed vehicle entry point to the east side via Lands End Way. This has two way traffic flow to accommodate exit as well as entry at this point. Along the southern flank there are 16 parking spaces with two further areas of 4 spaces each towards the centre. This is to provide parking for staff and customers using the Coffee Shop element.

The roadway then leads around the perimeter before reaching a drive through area abutting the main building in the centre. The circulatory road then turns right towards the entry/exit point in the south east corner. There are no permeability issues in my opinion within this site, as there is only a single access point.

I recommend lighting to BS5489 throughout the site including parking areas to the main entrance areas and the service area of the drive thru. Also, a Section 38 Agreement is recommended to provide an electrical spur to the nearest lamppost at the vehicle entry point to support the installation of a CCTV camera.

CCTV is recommended to cover the entry point by vehicle with the capability to capture images of vehicle number plates. Also, other key areas including the entry points to the Coffee Shop and the Service area for the Drive Thru are recommended to be covered as well as car parking areas. Appropriate Data Protection signage is also required to cover the site in the event of CCTV installation.

Commercial wheelie bin storage is recommended to be away from public areas to avoid the risk of arson or criminal activity such as an aid for climbing or removal of property.

General Recommendations

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.

All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.

7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.
11. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.

Should you require any further information please do not hesitate to contact myself and I will be happy to assist.

Kind regards

Mr Stephen Day,
Designing out Crime Officer &
Architectural Liaison Officer,
Leicestershire Police.

In relation to the comments received it is considered that adequate on site lighting is proposed on site. In relation to comments relating to CCTV and commercial storage it is recommended that 2 further informative's are add to the recommendation

- a) CCTV is recommended to cover the entry point by vehicle with the capability to capture images of vehicle number plates. Also, other key areas including the entry points to the Coffee Shop and the Service area for the Drive Thru are recommended to be covered as well as car parking areas. Appropriate Data Protection signage is also required to cover the site in the event of CCTV installation.
- b) Commercial wheelie bin storage is recommended to be away from public areas to avoid the risk of arson or criminal activity such as an aid for climbing or removal of property

Waste Bin Consultation

Further to emails sent to Oakham Town Council and Barleythorpe Parish Council on 29 October 2021 concerning the proposed location of the 2 waste bins no response has been received.

Comments from Agent

Following the publication of the agenda the applicant's agent has commented by email as follows:

'I was looking at the committee report and wanted to raise one issue with you concerning the conditions.

Proposed conditions 32 and 33 respectively concern opening hours and delivery hours. They both use the same structure eg condition 32 says "The premises shall not be open to customers outside the following hours 23.00hrs until 05.00am". I think this actually means no customers are allowed between 05.00 and 23.00 – at best the condition is confusing. I think both should be reworded.

However the two conditions also just replicate condition 12 which is much clearer.

I'd suggest deleting conditions 32 and 33.'

In relation to the comments received it is considered that the wording of each condition is amended to read as;

32. Hours of Use

The premises shall not be open to customers between the following hours 23.00hrs until 05.00am

Reason - In the interests of amenity and because information has not been submitted to demonstrate that use could operate outside these hours without having an adverse impact on the amenities of the surrounding area.

33. Hours of Delivery

No deliveries shall be received or dispatched from the site between the hours of 23.00hrs until 05.00am.

Reason: In the interests of amenity and because information has not been submitted to demonstrate that use could operate outside these hours without having an adverse impact on the amenities of the surrounding area

Although there is a degree of duplication it is proposed to keep the conditions No 32 and No 33 as proposed to specifically clarify the hours of use and hours of delivery.

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163/2021	3	2021/0698/FUL	MR MICHAEL ALLEN BROOKE PRIMARY SCHOOL	OAKHAM

Report Correction

Incorrect reference is made to the previous planning application. It should read 2021/0122/FUL

On a separate note please can you clarify for members at paragraph 3? In the committee report that the area is not to be accessed off Station road for anything other construction & maintenance purposes.'

Additional drawings and information received from the applicant's agent

This includes;

Amended site boundary Plan,
Amended Fencing Plan
Lighting plan, lighting details,
Drainage Plan and additional drainage information

The agent has also stated that;

- We'd make the point that the lighting would not be used outside of school operating hours and this can be controlled by condition to protect local residential amenity
- Once again, we can confirm that the facility is for use only by the school during school hours, and that a condition is reasonable to control that use.
- We suggest a condition would be appropriate to control the use of the access area - limited to maintenance and construction.

In addition the applicant's agent has provided following information concerning who would use the MUGA, and the hours of use.

- What is the age range of children who will be using? 5-11
- Does no third party use mean no children from outside the school? It means that all use is supervised via the school and during school hours. It would allow a visiting school to play in a match during the specified hours but would not allow local children to use at the weekend.
- What are the hours of use? Currently listed as 8.00 – 18.00 but finishing at 17.00 would be accepted

- What are the hours for the lighting? We would be guided on this but suggest 15 minutes after/before agreed hours to allow lighting to be turned off/on
- Would there be use during, weekends, Bank holidays & school holidays? No
- Why 8.00 start? To accommodate breakfast club activities. We could possibly accept 8.30 if this is problematical but given the lack of noise/lighting technical objection we hope that it will be acceptable at 8.00.

Consultation Response

Highways

The agent has confirmed that the area between the existing hard surfacing within the access and the MUGA will be gravel, and plan NSBPS002D indicates this. Ideally this plan should be notated to make this clear and other plans updated, such as the block plan, so they all coincide. However, given this confirmation, the LHA no longer require any condition regarding drainage to stop additional surface water flowing on to the public highway. He has also confirmed that the access will be used by maintenance vehicles only once operational, which is likely to be very occasional. As such, the LHA would recommend the following condition:-

MAINTENANCE ACCESS

Once fully implemented the access off Station Road will be used only for maintenance vehicles associated with the MUGA in perpetuity.

Reason: In the interests of highway safety and residential amenity.

The LHA would also recommend the following condition to ensure any lighting of the MUGA does not affect users of the public highway:-

LIGHTING

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

LLFA

The updated plan 101 Rev P2 – Drainage Plan addresses the concerns of the LLFA, although invert levels shown as depths without cover level information does not represent the full picture. However, based on the engineer's comments about the land falling away from the MUGA area, I do not see a problem with the design. When they carry out the detailed design there is scope to amend the pipe gradients and invert levels, so the LLFA are satisfied that a suitable sustainable drainage system can be achieved.

The Maintenance and Action Schedule dated 27th October 2021 is also acceptable to the LLFA

I note this matter is going to committee with a recommendation of refusal and therefore little point in the LLFA recommending conditions. However, if committee members are minded to go against officer recommendation, I would recommend the following condition:-

Completion and Maintenance of Sustainable Drainage

The sustainable drainage scheme as shown on approved Drainage Plan 101 Rev P2 shall be fully implemented and thereafter maintained in perpetuity in accordance with the Maintenance and Action Schedule dated 27th October 2021. In the event the invert levels and pipe gradients shown on Plan 101 Rev P2 are not achievable when detailed design is carried

out, the detailed design must be submitted to the LPA for approval in writing and thereafter implemented in accordance with the approved design.

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

Environmental Protection

Following receipt of the lighting drawing and lighting details, Environmental Protection have confirmed that they would have no objection subject to a number of conditions.

When we consider an application, we firstly assess the potential for a statutory nuisance to arise from the development and secondly, (to assist the planning officer assess the impact on amenity) the technical information relating to areas of environmental health expertise such as lighting or sound assessments.

When we look at the potential of a development giving rise to a situation that may constitute a statutory nuisance, we have to consider the degree of harm that it would cause from the **unreasonable use** of the sports pitch that could be:

1. Substantial interference with the use and enjoyment of the premises, and/or
2. Prejudicial to health.

Unreasonable use. There is always a potential to create a nuisance through unreasonable use of any facility and planning conditions can control these, such as preventing the use of the pitch through the night. Therefore, in accordance with the Institute of Licensing Professionals Guidance note 1/21 *The Reduction of Obtrusive Light* (lighting-guidance), we recommend a curfew time of between 21:00 to 07:00 for the lights to be switched off and the facility not to be used.

Again, the uncontrolled use of the facility can give rise to excessive noise from its use, for example hiring it for a party or music practice or being used a third party like adult's sports clubs for their use. I would also place a condition that no amplified music is played on the facility. If the use could be restricted to use by the primary school and its associated sports clubs and activities, I believe that would ensure the reasonable use of the facility.

Having assessed the lighting survey, the spill of light onto the neighbouring houses is below the pre-curfew level of 10lux recommended by the lighting-guidance for a suburban area. Therefore, we would be confident no nuisance from lighting would occur.

The lighting survey does show the rear gardens would be lit during the hours of darkness and this would be an amenity issue the planning officer is most suitable to advise on. This would be coupled to the associated sound of children undertaking the activity that again would not be a statutory nuisance but would be an amenity issue.

With regard to the flood lights. It is recommended to have these set on high poles so as to be able to better direct the light downwards and reduce lighting spillage. Modern lighting is very effective at directing light where it is required to avoid spillage. Low-level lights have to be tilted towards the horizontal that then often spills onto other properties.

Alternative location for the Artificial Multi Use Games Area (MUGA)

Following member's site visit, officers and the agent had a brief discussion about exploring an alternative location to site the MUGA. The site discussed was situated in the north western corner of the school grounds adjacent to the boundary with the Builders Merchants.

In response the agent has responded stating;

'Thank you again for your time yesterday. I have liaised with the client with regard to alternative locations for the MUGA and, as anticipated, they have confirmed that a thorough investigation of alternative locations was carried out. The reasons the area you queried was ruled out are:

- The area is too small to construct a facility recognised by Sport England for children of this age
- There are issues with levels that would involve the construction of retaining structures. This is expensive, raises operational concerns and would potentially have visual implications.
- The area is currently used for circulation and parking, including coaches, which is imperative given the schools location. It would be difficult to safely reconfigure this and although at the time we visited it is was empty it is a very different story at school drop off and pick up times.
- There is a well-used woodland garden in the area which would be affected

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163/2021	4	2021/0816/FUL	MR R EVANS DISTINCTIVE DEVELOPMENTS LTD	MARKET OVERTON

Changes to Report

Under 'Proposal' section of the report at Paragraphs 7 & 8, it states floor areas to be excluding car ports.

The stated floor areas are including car ports.

The amended paragraphs should read as follows:

7. The proposed gross internal floor area for Plot 1 including the car port is 250.8m² (excluding car port = 210m²).
8. The proposed gross internal floor area for Plot 2 including the car port is 292.8m². (excluding car port = 252m²).

In addition, to clarify the Other Matters section of the report.

Other Matters

The applicant has referred to a recently approved application in Caldecott (2021/0672/FUL) to justify the approval of this application.

Notwithstanding any fall-back position, every application should still be assessed on its merits. In the instance of the Caldecott application the proposed new build scheme would result in a reduced internal floor area (465m²) compared to the size of the existing barn (536m²).

The extant class Q approval had a total floor area of 449mm². The new build scheme was only 16m² larger than the Class Q approval.

In the case of this application, the new build scheme has a gross internal floor area of 543.6m². The approved Class Q floor area is 464.94m². The new build scheme is 78.66m² larger than the Class Q approval.

The proposed scheme in this case sees a considerable increase in floor area. This would be apparent if you did a comparator of the area of built form the existing buildings took up in the site areas compared to the proposed buildings. The Caldecott dwellings are sited mainly

within the area of the existing building whereas this proposal has built form outside the confines of the existing building, and due to its location would have an adverse impact on the open countryside in the opinion of the local authority.

Due to the scale, footprint and design of the proposed properties, as opposed to the approved scheme, it is not considered that the proposed design of the new dwellings would represent a visual enhancement over the permitted Class Q conversion scheme.

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