

## PLANNING & LICENSING COMMITTEE

28<sup>TH</sup> APRIL 2022

### ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
83/2022	3	2021/1423/MAO	LANGTON HOMES	LANGHAM

1. The applicant has commissioned an Agricultural Land Classification report following a comment made by one of the Members at the last meeting. This confirms that the site is considered Grade 3b and therefore cannot be considered to be Best and Most Versatile (BMV) land.
  
2. There has been a letter of support for the application from a nearby land owner.
  
3. The applicant has also submitted a further letter in support of their position in this case, this is in addition to the one that members have already received. The contents are as follows:
  - *Further to the recent publication of the agenda and your report to the Special Planning and Licensing Committee ('the Committee') on Thursday 28th April 2022 ('the Special Committee Meeting'), I write to you having had the opportunity to consider the contents with the applicants – Langton Homes Limited.*
  
  - *Whilst we welcome the decision to remit the application back to the Committee, as well as the Council's acceptance that comments made at the previous Committee were factually incorrect, we also note that: (a) the report makes no reference to the clarification provided and new material considerations highlighted in my letter of Tuesday 12th April 2022; and (b) is also silent in respect of the important power to impose planning conditions whose direct relevance to a number of concerns previously expressed by Members was touched on in my letter and further set out in a legal context in the letter from the Applicant's specialist planning lawyer to the Interim Monitoring Officer dated Wednesday 13th April 2022 – a copy of which was sent to you on the same date.*
  
  - *We wholly agree with the recommendation to grant set out within that report and are glad to note that my letter has since been uploaded as an appendix to the report – our remaining concern however is that without Officer advice respecting your own guidance to Members as to the new*

*material considerations in particular, Members of the Committee will not have the benefit of Officer written advice respecting amongst other things the changes housing requirement for Langham which I flagged up previously.*

- **New Material Considerations**

*As stated in my letter, there are new material considerations which have arisen since the original Committee meeting, and which must be given sufficient attention at the Special Committee Meeting next week. The increase in minimum housing requirement accepted by the Council's Cabinet should be given considerable weight in the determination of the application, especially when taken in the context of an already insufficient supply of housing land across the County.*

*This is not something that the applicant has simply chosen to now include in written submissions – it is an important new consideration which is directly material to the determination of the application – and weighs in favour of its approval – and which did not exist when the Committee considered it last in March.*

- **The Buffer Zone**

*Looking further at your recent report, we would also like to raise concern in relation to the prominent reference to the draft Langham Neighbourhood Plan ('LNP') policy referring to the requirement for a landscape buffer zone of 20m along the northern boundary of the site. Whilst we accept your statement that the policy carries little weight and therefore cannot be insisted upon at this stage, we would like to point out that the inclusion of this policy has not been tested through the necessary consultations and does not appear to have any evidenced grounding for implementation. This is clear from the LNP supporting documentation that the Council have already raised concerns to as the evidence to support the need for the buffer, stating that the proposal would likely be contrary to both local and national planning policy.*

*The Applicant has incorporated a significant 10m buffer following discussions with yourself in order to suitably protect the amenity of the residents of the adjacent site, whilst the Biodiversity Net Gain metric submitted with the application clearly identifies a significant improvement to the wildlife habitat across the site well in excess of the aim set out by Government without the need for any additional buffer.*

*Notwithstanding our view on this matter, we consider it important to note that should Members consider a buffer required to make the scheme acceptable then the Applicant would accept a suitably worded condition. As such, it could never be considered a justified reason for refusal of the planning application for the reasons addressed more generally by the planning lawyers in their letter of 13 April.*

- **Planning Conditions : General**

*In addition, we feel that Members should be made fully aware of : (a) the Applicant's acceptance of numerous other draft planning conditions – set out in the letter from the Applicant's specialist planning lawyer to the Interim Monitoring Officer dated Wednesday 13th April 2022 – on matters of hedgerow maintenance, access to retained land and the availability of a local community shop following concerns previously raised as part of the Members' debate; and (b) whether and to what extent you share our view that all these issues could be readily addressed by planning conditions if Members still consider that they need to be addressed at all when they debate the application further on 28.04 . If you agree that any such remaining concerns on their part could and should be dealt with by planning conditions, it would be appropriate and necessary in legal terms for Members to be given advice to that effect (so that there can be no misunderstanding that any of those concerns could ever justify refusal). I trust that the above is clear, and I would be grateful if due consideration could be given to the preparation of a further addendum report to the Committee to address these important points respecting new planning considerations – and the role of planning conditions - in advance of the Special Committee Meeting.*

## **Officer Comments**

4. In respect of the applicant s comments about the housing numbers, Officers remain of the view that the Draft Neighbourhood Plan can be afforded little weight. On that basis the existing NP should prevail but is considered out of date for housing supply purposes. So put simply, the lack of a 5 year supply is still overriding.
5. On the use of conditions, clearly conditions can be imposed to overcome issues and only where conditions can't overcome should a refusal be considered if the matters are overriding.
6. A condition to require the provision of a village shop would be wholly inappropriate in this case and would not meet the statutory tests of a valid condition.

## **Conclusion**

7. In this case it is not considered that there are any overriding matters that would prevent the grant of permission.

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### Comments from Highways

1. Whilst I note the development is part retrospective, looking through some historic information this would appear to have been an arable field only, with a small grassed field access originally, as you would expect. Although I suspect the main access (before this part of the site was sold on) could originally have been via the neighbouring site to the west as the gate was previously quite overgrown indicating infrequent use. I could not find any evidence of any permitted change in use from the arable field, but understand that changing land from arable to livestock would not in itself require planning consent. There is evidence of various disused vehicles and 2 static type caravans from the access with heaps of what would appear to be hardcore and old concrete blocks, which I am assuming will require removal whether consent is granted or not.
2. The existing access has been partly upgraded/widened slightly from the original grassed field access, albeit with unbound material (which is not acceptable within the public highway), however it remains a single vehicle width with limited vehicle to vehicle visibility on to Cold Overton Road.
3. The retrospective proposal in regard to the solar panels being moved to a new location within the site does not cause concern from the LHA as this would not involve additional vehicle trips.
4. It is unclear if the material required for the proposed barn is still on site, or if that will require any further material to be brought on site. However the existing access could be used for all activities associated with the land, including the erection of any barns.
5. Whilst it is clear that there will be an intensification of use of the existing substandard access, as the field can be used for agricultural use including livestock, erection of barns, etc, the LHA are not able to raise objection to the proposal.
6. The applicant should be reminded of their responsibility to ensure the hedgerow abutting the public highway along the site frontage is regularly maintained and pruned back to provide the maximum achievable vehicle to vehicle visibility splays,

whether this planning permission is granted or not. An informative along these lines is recommended as set out below, should you be minded to grant this application.

## **INFORMATIVE**

The applicant is reminded of their responsibility to ensure the hedgerow and any trees abutting the public highway along the site frontage is regularly maintained. The hedgerow and any trees should not overhang the public highway, which includes the highway verge. The maintenance should also allow the maximum vehicle to vehicle visibility to be achieved either side of the existing access.

As mentioned above, the access is surfaced in unbound material, which is not acceptable to the LHA. Should consent be granted or not, the area of the access within the public highway must be hardsurfaced under S278 of the Highways Act 1980. Please add the following informative to the decision notice:-

### **Section 184 Highways Act 1980**

The vehicular access requires hardsurfacing within the public highway. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at [highways@rutland.co.uk](mailto:highways@rutland.co.uk).

## **Comments from LLFA**

1. I have also reviewed the above mentioned application and make the following comments on behalf of the LLFA:-
2. The LLFA are not concerned about the solar panels as any rainwater that falls upon them will simply fall on to the neighbouring grassed ground. However there appears to be no details showing how the surface water from the roof of the proposed barn will be dealt with. Please request details. The applicant may consider incorporating rain water harvesting for re-use within the land including watering the livestock. If details are not forthcoming and you are minded to approve the application, please append the following condition to the decision notice:-

### CONDITION

- 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.