

**PLANNING & LICENSING COMMITTEE**

**18<sup>TH</sup> APRIL 2023**

**ADDENDUM REPORT**

<b>Report no.</b>	<b>Item no.</b>	<b>Application no.</b>	<b>Applicant</b>	<b>Parish</b>
<b>64/2023</b>	<b>1</b>	<b>2022/0604/MAF</b>	<b>WILLIAM DAVIS LTD</b>	<b>COTTESMORE</b>

**Consultee comments:**

LCC Archaeology have provided final comments, indicating that a condition will be required to be added to any permission granted to secure additional archaeological investigation in respect of the site relating to one specific area following the initial investigation works. Please see amended recommendation below for wording.

**Further public comments:**

Two further public comments have been received in relation to the proposal, with identical justifications for indicating their support for the scheme. The reasons given for their support are as follows:

- Provision of new dwellings
- Provision of affordable dwellings in line with policy
- Provision of five M4(2) homes suitable for wheelchair users and people with limited mobility
- Over 3 Ha of public open space including a children’s playground
- Biodiversity net gain
- Good connections to Cottesmore
- Electric Vehicle Charging points
- Additional parking spaces for use by the Primary School.

**Officer comments**

Following further review of the report, a number of additional conditions are recommended to be attached to the proposal.

**Amended Recommendation:**

APPROVAL, subject to the conditions specified in the main report and the following additional condition.

No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed

WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording

The development shall be begun before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

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### **Consultee comments:**

The Local Highway Authority has requested that the following additional conditions and informatives be attached to any consent.

### **Officer Comments**

It is recommended that any decision to approve the application includes the following conditions as requested.

### **Conditions**

#### Parking and Turning

Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site.

#### Works near Existing Trees within the public highway

Prior to commencement of works details of special measures to protect any existing trees within 30m of the works area must be submitted to and approved in writing by the Local Planning Authority. The special measures shall be in place for the duration of the works.

Reason: In the interests of highway safety and protection of existing trees.

#### Surface Water Drainage

All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

#### Principal Access

The carriageway of the proposed principal junction with the existing public highway shall be constructed up to and including at least road base level or be constructed as a temporary access and be available for use prior to the commencement of any development including the delivery of materials.

Reason: To ensure that the junction is available for use at the outset in the interests of highway safety.

#### Completion of roads

No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the carriageway serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety.

#### Pre-condition Highway Survey

The developer must carry out a joint pre-condition highway survey for the full extent of highway including verges with the Local Highway Authority 500m either side of the proposed access on Main Street before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to assess any damage and remediation required.

Reason: In the interests of highway safety.

#### Construction Management Plan Condition

No development shall take place 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 tarmacadam, 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 ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- 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) Details of site notice with contact details and a scheme for dealing with complaints.
- j) Details of any temporary lighting which must not directly light the public highway.
- k) Phasing plans where necessary.
- l) A scheme for recycling/disposing of waste resulting from the construction works.
- m) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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.

#### INFORMATIVES

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

The development will result in the creation of a new street and new dwellings and property numbers. 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-nameand-numbering/>

Should you require assistance please email [snn@rutland.gov.uk](mailto: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.

#### 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 from our website and any queries can be emailed to [highways@rutland.gov.uk](mailto:highways@rutland.gov.uk).

#### Off-site Highway Works – Section 278 Highways Act 1980

The development involves works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email [highways@rutland.gov.uk](mailto:highways@rutland.gov.uk) for further details.

#### Section 184 Highways Act 1980 – temp access

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. 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).

#### Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and 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.

#### Removal of Deposits on the Highway – Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that 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. 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.

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The agent for the above application has made the following comments with regard to some of the comments made on the application in the report.

Following the publication of the report for forthcoming planning and licensing committee meeting on 18<sup>th</sup> April, I wish to submit further information in response to the design officer's comments.

Item 35 and 36 and 43: the boundary wall is in fact a brick wall and not a stone wall as mentioned. It is proposed to renovate the wall (where it is currently cracked) and remove the covering of ivy. A new hedge will be planted behind which will contribute to screening all the new development. The existing north boundary hedge will (as noted on the drawing) be retained as a large native hedge with minimal trimming so that the whole site will be well screened from Holygate Road.

Item 37: all the trees along the southern boundary will be retained and the hedge will be maintained, so that again views of the site from a distance will be through greenery.

Item 38: The eastern boundary is currently a post and rail fence. The adjoining neighbour has already planted an indigenous hedge along this boundary, though this still needs to mature. Any gaps will be infilled on the application site if required.

Item 40: simple traditional stone detailing is proposed for the development, using local stone.

Item 41: there are quite a few porches using timber frame with solid roof in the area. It enables a slightly larger porch to be added onto a wide frontage. Adding a more traditional canopy porch is really only suitable for a smaller property. Given the exposed location of the site the semi enclosed porch is a necessity. It is however not dissimilar in scale to the porch to the mill house but is lightened by the timber framing.

Item 42: PV panels will be required given the recent changes in the building regulations (last June) and from a distance (all southern views of the house will be from a distance) no one would know if the panels were flush or not. My client is happy to adopt flush pv panels if required.

**Officer Comments:**

That the above points are noted by the committee and the recommendation remains for approval.