

**PLANNING & LICENSING COMMITTEE**

**12<sup>TH</sup> DECEMBER 2023**

**ADDENDUM REPORT**

<b>Report no.</b>	<b>Item no.</b>	<b>Application no.</b>	<b>Applicant</b>	<b>Parish</b>
<b>177/2023</b>	<b>1</b>	<b>2023/0397/FUL</b>	<b>MR STEPHEN SMITH</b>	<b>EXTON PARISH COUNCIL</b>

**Pre-commencement Conditions**

The applicant's agent has agreed the pre-commencement conditions.

**Planning Guidance and Policy**

The following policies are to be added to the list of relevant policies-

National Planning Policy Framework (NPPF)

Chapter 16 – Conserving and enhancing the historic environment.

Site Allocations and Policies DPD (2014)

SP20 – The historic environment

Core Strategy DPD (2011)

CS22 The historic and culture environment

Deletion of Policy

Reference to Policy SP5 - Built Development in the Towns and Villages needs to be deleted from the list of policies under reference Site Allocations and Policies DPD (2014)

**Additional Information received.**

Drawings

Since drafting the report 2 No additional drawings have been received showing –

1. Drawing GA\_005 REV 02 has been amended to show the correct 'red line' application site boundary. New drawing reference GA\_005 REV 03.

2. Drawing No GA-002 REV 06 has been submitted to demarcate 'the residential garden area of the new dwelling and from the remainder of the site that would have the use of private amenity land. –
3. The applicant's agent has agreed to withdraw drawing No GA\_000 Rev 01 as it does not show the correct 'red line' application site boundary.

## **Conditions**

### Amended condition.

As a result of the changes to the changes to the drawing condition No 1 has been amended.

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, EX000 REV 01, GA\_000 REV 01, GA-002 REV 06, GA005 Rev 03, GA\_100 REV 04, GA\_101 REV 04, GA\_102 REV 4, GA\_110 REV 02, GA\_200 REV 04, GA200.1 REV 01, GA\_201 REV 04, GA\_202 REV 04, GA\_203 REV 04, GA\_300 REV 04, HKH\_DD\_1.00.01 REV 00 'LANDSCAPE GENERAL ARRANGMENT PLAN', HKH\_DD\_1.00.02 REV 00 'MASTERPLAN', HKH\_DD\_4.00.01 REV 00 'SECTIONS A & B', HKH\_DD\_4.00.02 REV 00 'SECTIONS C & 14 D', DESIGN & ACCESS STATEMENT 'Jonathan Hendry Architects' received 17 April 2023, LANDSCAPING DESIGN & ACCESS STATEMENT Marcus Barnett Studio' received 27 November 2023, ARCHAEOLOGICAL DESK-BASED ASSESSMENT 'Locus Consulting Ltd' Project Reference 22- 015 June 2022, LANDSCAPE & VISUAL IMPACT ASSESSMENT 'influence APRIL 2023 NF\_N0979\_R01, GEOPHYSICAL (GRADIOMETER) SURVEY 'Locus Consulting Ltd' JUNE 2022, PRELIMINARY ECOLOGICAL APPRAISAL (KJ Ecology Ltd) September 2021  
Reason: For the avoidance of doubt and in the interests of proper planning

### Additional Condition

As a result of the submission of drawing No GA-002 REV 06 showing the residential curtilage of the proposed new dwelling an additional condition is proposed

1. The residential curtilage of the dwelling and associated annex shall be limited to the area outline in red and labelled 'residential curtilage' shown on drawing No GA-002 REV 06. The remainder of the application site shall not form part of the residential garden and shall be managed in perpetuity thereafter in accordance with details agreed within the Landscape and Ecological Management Plan (LEMP), and the Landscaping scheme.

Reason: To protect the character and appearance of the surrounding open countryside.

### Deletion of Condition

Two (2) conditions should be deleted from the proposed list of recommended conditions. These being -

- Condition No 13. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction must be porous.  
Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
- Condition No. 16 No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable

This is because the issues in the above 2 No. conditions are addressed by condition No 12 which states.

- Condition 12. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction must be porous.  
Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

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**Consultee comments:**

Further discussions have taken place with the Highways Authority with regard to the proposed diversion of the footpath within the application site due to the amendments made to the proposed layout of the site.

The Highways Asset Management and Policy Manager notes that the proposals result in a slight negative impact on the public right of way crossing the site due to the required diversion to avoid the relocated plots. Guidance indicates that diverting public rights of way along estate roads should be avoided, but it is for members to weight the impact in the planning balance and decide whether the impact is sufficient to justify refusal of the reserved matters (members would also be required to consider any proposals to divert the public path when such a diversion order is proposed).

There would be scope within the site to realign footpath E8 in such a way as to pass across the site in a direct line further to the south of the proposed dwellings although this would also require diversion of the footpath on the adjacent land to the west. The applicant has not sought to undertake this option at this stage due to the additional complexity of involving a third-party landowner. RCC does have the power to make such a diversion without the consent of the landowner if it is deemed necessary.

**Additional Comments:**

Further public comments have been received noting that Whissendine has flooded again, and that the 30mph sign on Stapleford Road has been demolished by a road traffic collision.

Furthermore comments have once again been received relating to a suggestion by a resident to move the parking provision for plots 36-41 away from the indicated location along the eastern boundary of the site and provide a green landscaped buffer in this location instead.

As noted in the main report, this parking provision is courtyard parking associated with the smaller plots. Officers consider that the proposed parking arrangements, when taken into consideration alongside the landscaping to be undertaken along the eastern boundary of the site, will not result in impacts upon residential amenity of the properties to the east that would justify the refusal of the scheme presented to the Local Planning Authority.

**Officer Comments:**

The public comments regarding flooding and the 30mph sign are noted, however the site already has outline planning permission which included details of the proposed

access and this is not therefore able to be revisited as part of the reserved matters application.

The outline planning permission included conditions restricting the discharge rate for the whole site to 5l/s, which is below the current QBar rate (runoff rate of the existing site). Existing conditions also require submission of full details of a sustainable surface water drainage scheme (including design, implementation, maintenance and management) for the site. Consequently, Officers consider that there is no justification for refusal of this application on the grounds of flood risk or safety of the highway access.

**Recommendation:**

Officer considers that conditions 8 and 10 as set out in the main report should be combined into a single condition. The recommendation remains unchanged.

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