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Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 1st August, 2017** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 4 July 2017.

2) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rule 93.

Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a

written response after the meeting and be the subject of a report to the next meeting.

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Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

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The total time allowed for this item shall be 30 minutes.

4) PLANNING APPLICATIONS

To receive Report No. 151/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 3 - 22)

5) APPEALS REPORT

To receive Report No. 152/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 23 - 26)

6) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr E Baines (Chairman)	
Mr A Stewart (Vice-Chair)	
Mr G Conde	Mr W Cross
Mr R Gale	Mr J Lammie
Mr A Mann	Mr T Mathias
Mr M Oxley	Mr C Parsons

OTHER MEMBERS FOR INFORMATION

REPORT NO: 151/2017

PLANNING AND LICENSING COMMITTEE

1ST AUGUST 2017

**PLANNING APPLICATIONS TO BE DETERMINED BY THE
PLANNING AND LICENSING COMMITTEE**

**REPORT OF THE DIRECTOR FOR PLACES
(ENVIRONMENT, PLANNING AND TRANSPORT)**

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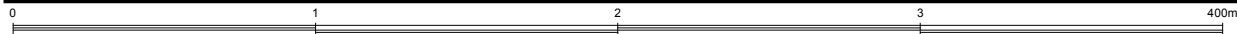
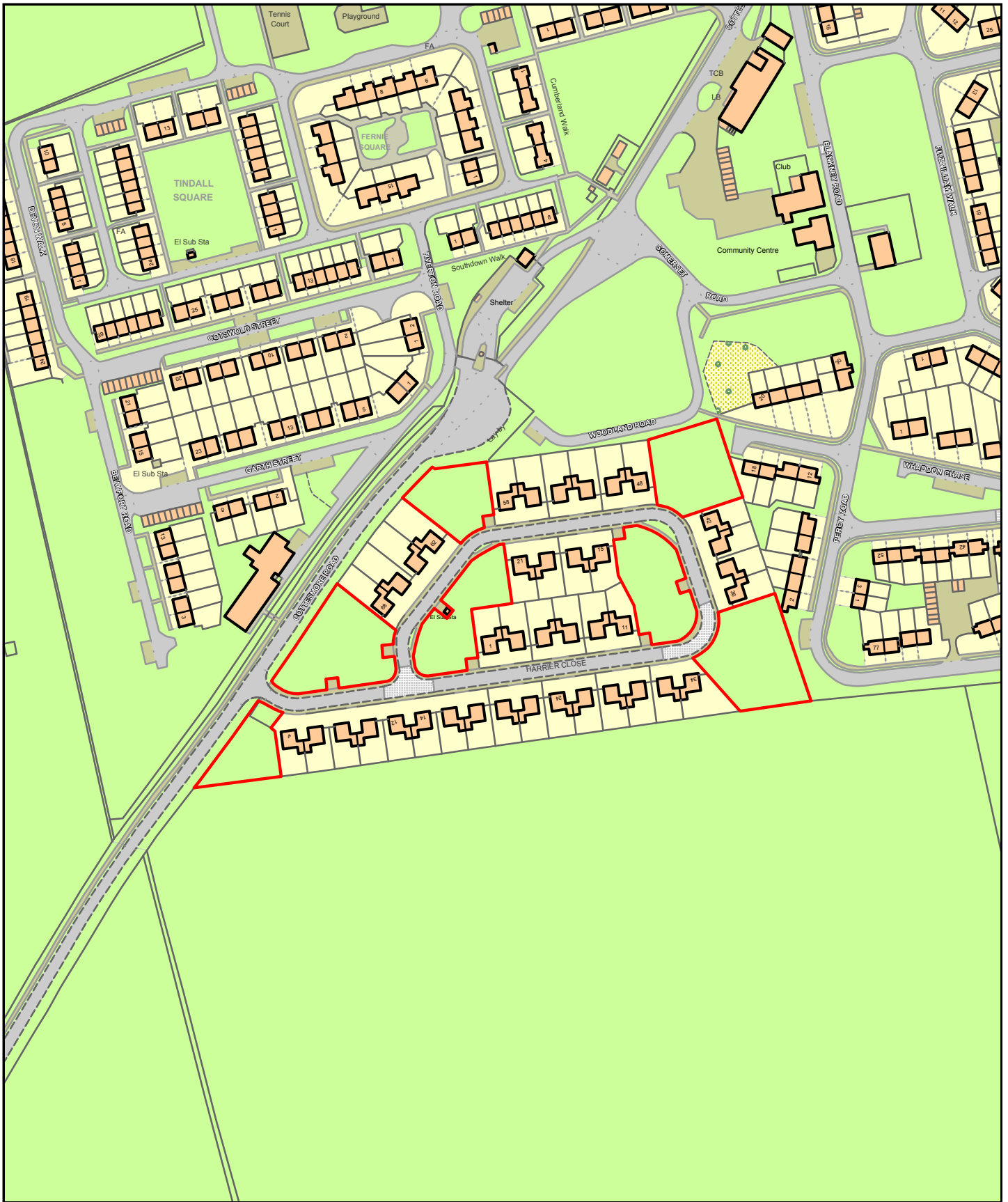
Rutland County Council

Planning & Licensing Committee – 1st August 2017

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2017/0419/FUL	Mr Steve Jones, 13, Church Lane, Morcott, Demolition of existing bungalow. Erection of single storey dwelling.	Withdrawn – to be determined at a later date.
2	2017/0444/FUL	Abbey Developments, All Green Space Around, Harrier Close, Cottesmore, Residential infill development comprising 12 dwellings (Including 3 affordable units) along with parking and amenity space	Refusal

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Ordnance Survey [100018056]

Scale - 1:2500
Time of plot: 10:17
Date of plot: 18/07/2017



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2017/0444/FUL	ITEM 2	
Proposal:	Residential infill development comprising 12 dwellings (Including 3 affordable units) along with parking and amenity space		
Address:	All Green Space Around, Harrier Close, Cottesmore, Rutland		
Applicant:	Abbey Developments	Parish	Cottesmore
Agent:	Mr John Brindley, CMYK	Ward	Cottesmore
Reason for presenting to Committee:	Policy and previous appeal decision		
Date of Committee:	1 August 2017		

EXECUTIVE SUMMARY

The scheme follows the dismissal of a scheme for 22 dwellings on appeal where the Inspector found that the site was in an unsustainable location. There has been no change in circumstances since then that affect the principle of development. Fencing erected around the sites is subject to an enforcement notice and the removal of the fencing in return for housing is not a reason to override the development plan. Approval would accept the principle of development on the land contrary to the Inspector's decision.

RECOMMENDATION

REFUSAL, for the following reasons:

1. The land is located outside the Planned Limit to Development for Cottesmore and in an area of open countryside. In dismissing a recent appeal, the Inspector found that the sites were in an unsustainable location remote from shops and services in the village. There has been no material change in circumstances since that appeal decision so the proposed development is contrary to the advice in Paragraph 55 of the National Planning Policy Framework, policy CS4 of the Rutland Core Strategy (2011), Policies SP6 and SP15 of the Site Allocations and Policies DPD (2014) and Policy COT H8 of the Cottesmore Neighbourhood Plan (2016).
2. The scheme fails to provide for the requisite amount of affordable housing units so is contrary to Policy CS11 of the Rutland Core Strategy (2011), Policy SP9 of the Site Allocations and Policies DPD (2014) and the advice in the Planning Obligations SPD (2016).

Site & Surroundings

1. The application sites are pockets within a now established residential enclave known as Harrier Close. They were gaps that remained undeveloped following the construction of the existing houses about 10 years ago.
2. The sites comprise open grassland, which is effectively unused as it was not required as formal open space (as it had permission to be developed) and is not maintained as such, being owned by the original developer.
3. The sites were part of a larger area that was granted outline planning permission for residential development in 1960 and were indicated on a layout plan that was approved in 1972, from which the existing buildings were constructed much later, by virtue of the development having started in 1975 and hence kept alive. As no details of the plots the subject of this application were submitted for approval, the outline planning permission for those particular plots lapsed.

4. The site is outside of the Planned Limit to Development (PLD) for Cottesmore which ends some 470 metres to the south on Rogues Lane. Harrier Close is 850 metres from the junction of Rogues Lane with Toll Bar and Hall Close. The entire Kendrew Barracks and the surrounding residential areas are also outside the PLD and whilst the barracks have some facilities, only the school is accessible to civilians.
5. There are approximately 372 dwellings on Kendrew Barracks and Harrier Close, forming this enclave away from the main part of the village.

Proposal

6. The proposal is for the erection of 12 dwellings including 3 affordable units.
7. The schedule of dwellings would comprise:
 - 2 x 4 bed houses
 - 7 x 5 bed houses
 - 3 x 3 beds houses (affordable units)
8. The layout is shown in the Appendix.

Relevant Planning History

Application	Description	Decision
190/60	Site for residential development (Outline)	Approved
141/72	Erection of 40 dwellings	Approved
74/0252	Residential development	Refused (Open countryside)
2005/1134	Erection of 12 dwellings	Refused. Appeal dismissed January 2007 ¹ .
2015/0272	Erection of 22 dwellings inc 8 affordables	Refused – Appeal dismissed ²
2015/1100	Erection of 12 dwellings (no affordables)	Refused

Planning Guidance and Policy

National Planning Policy Framework

Para 14 of the Framework sets out that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

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

¹ This was dismissed on the grounds of planning policy (countryside) and that the residents would suffer from undue aircraft noise.

² See Appeal decision attached at Appendix 2.

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.

Para 49 states that where a 5 year housing land supply cannot be demonstrated, the policies of the Development Plan should be considered out of date. Para 14 states that where a development plan is out of date (i.e. under Para 49 circumstances) permission should be granted for development unless there are significant adverse impacts that would outweigh the Framework as a whole or that specific policies in the Framework indicate that the development should be resisted (e.g. protected wildlife site, SSSI/s AOBNB, National Parks, areas at risk of flooding etc.). This description does include 'Local Green Space' but the application site does not fall within that category for reasons stated elsewhere.

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

CS23 – Green Infrastructure and Open Space

Site Allocations and Policies Development Plan Document:

SP1 – Presumption in favour of Sustainable Development

SP6 – Housing in the Countryside

SP9 – Affordable Housing

SP15 – Design & Amenity (inc density)

Cottesmore Neighbourhood Plan

The Cottesmore Neighbourhood Plan (CNP) was made in 2016.

The Plan states that new housing development should be provided within the defined village envelope. It also states that any new housing development should meet the principles of sustainable development and should be located within 800m walking distance of the centre of village (i.e. Post Office). Harrier Close is 1200m (0.75 mile) from the Post Office. The Plan's Vision at Para 8.1 (b) is to 'restrict development, except in exceptional circumstances, new development to within the planned limits to development and minimise the impact of new development on the village...etc.'

Policy COT H8(i) (Housing) states: 'All future development in Cottesmore should be within the Planned Limit of Development unless special circumstances can be proved'.

Other Considerations

Supplementary Planning Document – Planning Obligations (2016)

The Consultation Draft Rutland Local Plan (CDRLP) was due to be considered by Cabinet on 18 July with a view to commencing consultation at the end of July.

The plan proposes putting a Planned Limit to Development around Harrier Close, thus taking it out of open countryside, where policies controlling development within the villages would be relevant. This would involve ensuring that the density of any development constituted an efficient use of land. Such a policy if adopted would then supersede the Neighbourhood Plan criteria as the new Local Plan would be more up to date.

However, this Plan has not been subject to public consultation or subsequent examination and hence can carry very little weight at this point in time. It is a material consideration but not one that outweighs the current development plan.

Consultations

9. **Cottesmore Parish Council**

Cottesmore Parish Council object to this application as the location is outside the Planned Limits of Development and is not a sustainable location for new development. This position is reflected in Rutland County Council's own policies and reinforced in the Cottesmore Neighbourhood Plan, and it is considered that the required 'special circumstances' have not been established

10. **RCC Highways**

No objection subject to the following condition:

No unbound material shall be used in the surface treatment of any vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

11. **Lead Local Flood Authority**

No Objections subject to the following conditions;

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a). a timetable for its implementation, and
- b). a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Management and maintenance would be much easier if each individual property had their own soakaway.

Neighbour Representations

12. There have been 28 neighbour responses.

13. 27 of these support the development. Many comment that this is on the basis of removing the fencing, the Close needs completing and there will not be such levels of traffic as there would with the previous proposal. One resident states that this proposal constitutes one of the exceptional circumstances allowed for in the Neighbourhood Plan. Others state support for the provision of and wider use of the play area.
14. One resident supports the scheme provided that:
- Should Abbey Homes be granted Full permission to build 12 dwellings this will remove the unsustainable argument, they must agree at no further point can Abbey Developments Limited then reapply for additional houses to be added or amended or submit a new application going forward and/or transfer/sell the land to a new business for them to apply for new planning permissions for additional homes.
 - The 2 open spaces made must be, at no cost given and adopted by Rutland County Council and maintained with a covenant inserted that at no point in the future can any development be made whatsoever on the said piece of land. Provided Abbey Development Limited agrees to give us the comfort on the above points then it finally seems to be a sensible conclusion for Harrier Close residents.
 - If approved traffic calming should be implemented
15. One resident has objected to the development as follows:
I cannot support this company in any of their exploits. They have been very child-like in a response to not having their own way with their past plans. They have subjected us to hideous fencing and now seem to have abandoned any thoughts of keeping the areas in question well kept. It feels like it's been done on purpose to make the residents of the Close submit to their will. These buildings would only be pure profit. I don't think for a millisecond that it would be done for the welfare of people or to enhance their lives at all. We have difficulty with vehicles parking now and being left for days. God knows what it will be like with 12 more houses. I think the close is going to be over populated.

Planning Assessment

16. The main issues are policy, residential amenity, affordable housing and highway safety.
- Planning Policy
17. A previous appeal decision on the same site is a material planning consideration in the determination of any subsequent application. Case law establishes that when considering a later application, the decision-maker must exercise his own judgment and is free to disagree with the previous decision. However, the decision-maker must deal with the previous decision adequately and must set out the reasons and basis for any departure from the previous decision
18. In this case, the Inspector indicated that the main issue was whether the occupants of the proposed development would have acceptable access to shops and services. He concluded that they would not and therefore that the development was not sustainable development and consequently dismissed the appeal.
19. In terms of the current application for 12 units, the site location remains the same as for the appeal, as does the distance of the site from shops and services. The same situation arises for this decision. The fact that the number of houses has been reduced does not overcome this issue.
20. Officers have considered whether the goal of removing the palisade fencing could give rise to a justification for departing from the previous appeal decision and have concluded that it does not. The Council has issued an enforcement notice relating to the fencing on the grounds that it is not permitted development as it is adjacent to the highway and an appeal has been lodged by the developer. If the Council is correct that the fencing is not permitted development, then the enforcement notice will secure its removal in due

course. Conversely, if the Council is not correct and the fencing is permitted development then by that very fact all issues of its acceptability in planning terms have already been considered when the General Permitted Development Order granted the permission. As a consequence there could not be any justifiable benefit in granting planning permission for the current scheme in order to secure the removal of the fencing.

21. If a decision-maker cannot identify any legitimate reasons for departing from the previous decision, then any grant of planning permission would be unlawful / irrational and could be successfully challenged by way of judicial review. As to whether or not such a challenge would be likely, given the public support for the scheme it appears that such a challenge would not be brought by local residents. However, the Parish Council has objected to the application and they may be minded to challenge any grant of planning permission
22. If the application were to be approved there are therefore 2 potential consequences:
 - a) The Parish Council or another could challenge the decision through the Courts and may be successful
 - b) In the event that planning permission is granted for 12 units, then there would be nothing to prevent the developer from subsequently applying for a significantly higher number of units than this in future – indeed he could revert to the 22 unit scheme previously refused permission.
23. It would not be possible for the Council to prevent such an application being made. It would not be possible to impose a condition preventing the developer from seeking a higher number of units. In addition, whilst it is possible under a s106 obligation to restrict the development or use of the land in any specified way, a covenant to limit the number of units would not meet the CIL tests – necessary to make the development acceptable, directly related to the development and fairly & reasonably related in scale and kind.
24. The sole issue at the appeal for 22 units was as stated above, if that issue of principle in terms of sustainability goes as a consequence of approving a lesser number of units then there would be nothing upon which the Council could rely (as a matter of principle) to refuse the same application for 22 units were it to be submitted again.
25. Whilst many residents see this as a pragmatic solution because of the fencing and unkempt land behind, it could have serious consequences if approved at this stage. A change of policy would be required to allow development of this land and then it may be difficult to limit numbers to 12 as this is not an efficient use of land.
26. One resident considers that this scheme falls within the definition of exceptional or special circumstance set out in the Neighbourhood Plan. The Neighbourhood Plan is silent on what 'exceptional' or 'special' circumstances are, but in normal Development Plan terms this would mean unless there are exceptional circumstances such as the need for an agricultural or forestry worker to live in the countryside or a proven need for affordable housing, for example as set out in Policy SP6 of the Site Allocations and Policies DPD. Paragraph 55 of the NPPF also points to these as 'special circumstances'. The development does not therefore meet this exception in the CNP
27. The development of these sites by only 12 units is a low net density solution at an average of around 14 dwellings per hectare and does not constitute an efficient use of land. The scheme for 22 units was in line with the prevailing density in the Close. The density on the individual plots ranges from 7.2 dwellings per hectare (dph) to 24dph on the affordables plot:

Plots	No. of Dwellings	Density (dph)
1	1	10
2-4	3	24
5	1	7.2
6-7	2	13.9
8-9	2	10.55
10-11	2	13.9
12	1	16

28. The individual pockets of existing dwellings on Harrier Close range in density from 21.7dph to 28.8dph with an overall average density of 26.6dph.
29. Policy SP15 d) states that the density form and scale must be appropriate to the local context of the site and streetscape character. Policy CS10 of the Core Strategy states that development in the villages should achieve 30 dph, although this part of the policy now carries less weight as it was written at a time when higher densities were required. SP15 is now the more appropriate criteria.
30. The proposal is thereby contrary to Policy CS4 of the Core Strategy, SP6 and SP15 of the Site Allocations and Policies DPD and Policy COT H8 of the Cottesmore Neighbourhood plan.

Residential Amenity

31. The dwellings are spaciouly set out and there would be no overlooking or over dominance of any existing dwelling. The scheme is therefore acceptable on this issue and complies with Policy SP15.

Affordable Housing

32. 3 plots have been offered as affordable units. This equates to 25%. The policies require a contribution of 30% which is 4 units (rounded up). The scheme also includes a detached house as one affordable unit which the Housing Strategy Officer considers to be unaffordable. The scheme does not comply with policies CS11 and SP9 or the adopted SPD on Planning Obligations.
33. The applicant has made a further submission on this issue which awaits comments from the Housing Strategy Officer.

Highway Safety

34. There is adequate access and parking provided for the proposal so it complies with policy SP15.

Other Issues

Play Equipment/Open Spaces

35. The County Council no longer adopts these areas and they are normally managed by a management company set up by the developer, comprising residents on the development. In this case it is not clear if existing residents would be included in the management Company or just those of the new units. The former may not be legally achievable.



Key

- Existing trees to be retained
- New indicative trees
- Existing dwellings on Harrier Close
- Double Garage
- Existing Sub Station
- 1.8m high close board fence & gate.

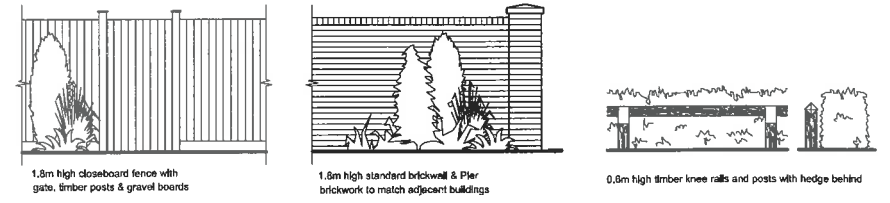
Key

- 1.8m high brick wall with pier.
- 0.8m High knee rail and hedge.
- Slab level - subject to Engineers detail design
- Ground level - subject to Engineers detail design
- Number indicates allocated parking space.

Soft Landscaping
 Illustrative soft landscaping schema indicated. Detailed schema prepared & submitted for approval by landscaping consultant.

Accommodation Schedule

Private:		
Type R	4 bed house	x 2
Type I	5 bed house	x 7
Affordable:		
Type F	3 bed house	x 2
Type F(v)	3 bed house	x 1
Total Dwellings		12



2017/0444/FUL
 Rec'd 08/05/17



Rev. A 22.04.17 Plans 2, 3 & 4 located further from existing plot 98. Knee rail & hedge added to open spaces.

 cmvk PLANNING AND DESIGN CMVK Planning & Design Ltd 8 The Grand Central, Friars Wood St Albans, Herts, AL1 5PO Tel: 01727 820122 or 01438 500000 www.cmvk.net	Job: Land off Harrier Close, Cottesmore, Rulland.
	Date: Jan '17
Scale: 1:500 @ A1	Rev: A
Day No: 1553 / P / 10-02	

Appeal Decision

Hearing held on 6 July 2016

Site visit made on 6 July 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 August 2016

Appeal Ref: APP/A2470/W/3143293

Land at Harrier Close, Cottesmore, Oakham, Rutland LE15 7BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Abbey Developments against the decision of Rutland Council.
 - The application Ref 2015/0272/FUL, dated 2 March 2015, was refused by notice dated 4 September 2015.
 - The development proposed is residential infill development comprising 22 dwellings including 8 affordable dwellings along with open space and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Cottesmore Neighbourhood Plan (CNP) was made at the full Council meeting of Rutland Council on 11 July, the week after the Hearing was held. Such an event was anticipated at the Hearing and the implications of the Plan being made was discussed at the event. However, I am led to understand that some discussions are ongoing with regards an incorrect plan and that the CNP may need to be 're-made'.

Main Issue

3. The main issue in this case is whether the occupants of the proposed development would have acceptable access to shops and services.

Reasons

4. Cottesmore village is a reasonably sized settlement with a good range of services, including a shop, post office, a pub, and a primary school. A further primary school is sited at the Kendrew barracks to the north east of the village. These barracks are separated from the village by an area of open countryside located along Rogues Lane. Harrier Close is adjacent to the barracks. The street forms a loop with houses set around the three sides of the loop with further houses in the middle. To the south are the open fields which form part of the separation between the barracks and the village, with houses for the barracks located to the east and north. These houses and their gardens are separated from Harrier Close by a high wire fence. To the west lies Rogues Lane; this has a security point located just to the north west of Harriers Close for those wishing to access and exit the barracks. Other than the school and a

- bus stop, there are no other publically accessible services located within the barracks.
5. The appeal site consists of various open pieces of land located around the Close, on which it is proposed to construct 22 dwellings, including 8 affordable houses. The design of the houses would be similar to the existing dwellings on the road, and the nature of the scheme within the gaps on the street would mean that there would be little effect on the character and appearance of the area.
 6. A technical note¹ submitted in evidence considers that the appeal site is sustainably located. It notes changes in guidance and national policy since a previous appeal was dismissed² and proposes mitigation in the form of cycle facilities and travel plan type measures. It states that the primary school within the barracks is located around 360m away, with the post office, convenience store, village school and pub about 1.3-1.4km away. The bus stop in the barracks, accessible by residents of the Close, is some 360m away. This provides a 2 hourly service to Oakham and Melton Mowbray.
 7. The Council note that the primary school within the barracks is not well used by children who are not resident within the barracks; a figure of 6 'non service' children out of a school population of 182 is stated. At the Hearing existing residents of the Close explained that the primary reason for this is due to the movement of service personnel at the site; with families regularly moving to other barracks both in the UK and abroad there is a large degree of flux in the school population and 'civilian' children would consequently find friends leaving and new children arriving fairly regularly. This upheaval means that many residents in the Close instead choose to send their children to the school in the village centre.
 8. The main nearby facilities for the site are therefore all around 1.3-1.4km away. I walked this route during my visit. On a pleasant day this is a relatively easy walk although one that took around 15-20 minutes. However, in this respect I note that it would likely take longer for those walking with young children and pushchairs, or for older residents. Furthermore, the walk would be less attractive in poor weather, or in the winter when screening from the elements from roadside hedges would be reduced. A survey submitted by the residents of Harrier Close during the Hearing indicates that 65% use a car to access the post office, 95% the village shop and 79% the village primary school. Whilst I appreciate that this survey is limited in its scope, in that it only relates to the residents of the Close and is not benchmarked with, for instance, habits of the residents of the centre of the village or other nearby villages, I have no reason to doubt its veracity and consider that it adequately demonstrates the travelling habits of the majority of the Close's residents.
 9. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The appellant refers to the Manual for Streets³ (MfS) which states that a reasonable walking distance is about 10 minutes (800m) to local facilities, although it notes that this is not an upper limit and references a 2km walking distance.

¹ Technical Note on Access by Sustainable Modes, Feb 2015. Odyssey Markides.

² APP/A2470/A/06/2019809, 30/01/2007

³ Manual for Streets, Department for Transport, 2007

The Chartered Institution of Highways and Transportation (CIHT)⁴ recommends a preferred maximum walking distance of up to 1,200m and up to 2,000m for school trips.

10. Other than the schools, the distances stated in the evidence to the key facilities of the shop, post office and pub all lie above this maximum preferred distance of 1,200m. This guidance accords with my views and the evidence within the Residents survey; whilst some trips to the services would be walked or cycled, due to the distance and the isolated nature of part of the walk, I consider that most of the day to day journeys made by future residents of the proposed 22 houses would be made by private vehicle. I also consider for the same reasons that residents who chose to school their children in the village would be likely to use a car to take and pick up their children on the majority of occasions. I therefore do not consider that the proposal would be sustainably located. Whilst I note the proximity of the barracks bus stop, I do not consider a 2 hourly service to be particularly regular, even if it may be higher than some other rural areas. The mitigation mooted by the Technical Note concerning cycling has also not been provided. Furthermore, and with reference to paragraph 55 of the Framework, I have no evidence that the proposed houses are required to support services and to help maintain or enhance the vitality of Cottesmore.
11. The Rutland Core Strategy⁵ sets out a settlement hierarchy for the County to ensure that development is directed towards the most sustainable locations. Cottesmore falls within the description of a 'local service centre' in Policy CS3, but the appeal site falls outside the boundary of the village and so is deemed to fall within 'open countryside'. Policy CS4 states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside. The proposal would be contrary to both of these policies, as well as to Policy SP6 of the DPD⁶ which builds on the policy within CS4 and postdates the Framework.
12. Regardless of the precise circumstances described in paragraph 2, the CNP is clearly at a highly advanced stage and as such a high degree of weight can be proportioned to the plan. The CNP does not allocate specific sites for housing, but states that any development should be within the village boundaries (policy COT H1) and should be located within walking distance, 800m, of the centre of the village and public transport to encourage less use of the car (COT H6). Whilst the proposal would accord with many of the aims of the CNP and would be within 800m of public transport, it is 1,400m from the village centre, defined as the post office. The proposal would be contrary to both of these policies.
13. The appellant notes that policy SP6, and the references in policies CS3 and CS4, refer to housing in the countryside and considers that the proposal would be infill development and would not thus constitute isolated countryside development. However, whilst I agree that the proposal is not isolated in terms of surrounding development, and would fill in gaps in existing housing, in policy terms the site lies within the countryside. The provision of a settlement hierarchy in the development plan aims to ensure that development is largely restricted to the identified settlements, where developments are likely to be

⁴ Providing for Journeys of Foot, CIHT, 2000

⁵ Rutland Local Development Framework Core Strategy Development Plan Document July 2011

⁶ Rutland Local Plan Site Allocations & Policies Development Plan Document October 2014

more sustainable. The site is outside of this area and as such is considered by the development plan to be unsustainable for the development proposed. I am also mindful in this respect of the fact that the development plan has been through the various stages of consultation and examination that this entails.

14. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The appellant considers that it is in doubt that the Council can demonstrate such a supply. They state that the latest Strategic Housing Market Assessment (SHMA) dating from October 2015, is the most up to date objective assessment of housing need in the area, and as such represents significant new evidence. The Planning Practice Guidance (PPG) states that considerable weight should be given to the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light, and that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. Use of the figures within the SHMA would result in a shortfall of supply. The appellant also refers to a recent appeal decision in Shropshire⁷ where the Inspector considered that the Framework and the PPG were both significant matters that affected the weight given to the housing requirement in that case.
15. The housing requirement figures used by the Council come from the adopted Core Strategy of 2011, which predates the Framework and the PPG. These figures derive from the revoked East Midlands Regional Plan. However, I note that the examining Inspector of the Core Strategy considered that the figures had been tested with regards to alternatives, both higher and lower, and recent evidence had been taken into account. Therefore the figures were retested as part of the Core Strategy and were found to be sound. Furthermore, I note that the SHMA is not a policy document and was not tested or consulted upon. In these circumstances the PPG states that the weight to be given to such assessments should take this into account. Given this I consider it still to be relevant to give considerable weight to the housing need figures that successfully passed through the examination process of the Core Strategy.
16. The appellant also considers that recent national political events could affect the delivery of committed housing sites and that one site (Site C Uppingham) had attracted a town council objection and was contrary to the Neighbourhood Plan (UNP). They consider that the limited oversupply the Council have is therefore in doubt and is vulnerable.
17. The Council have identified specific deliverable sites for their 5 year supply. At the Hearing this annual report dated from 1st April 2016 and was reasonably detailed and comprehensive. In relation to Uppingham C I note that the only conflict with the UNP (and the town council) was an issue over the provision of 1 bed flats. Finally, in relation to recent national events, I have no evidence that this has caused a slowdown in housing delivery, either nationally or at a local level. Therefore, based on the evidence I have been supplied with and the answers I received at the hearing it appears to me that the Council can demonstrate a 5 year supply of housing sites.

⁷ APP/L3245/W/15/3067596

18. I am mindful of the benefits of the scheme, including economic and social benefits through the delivery of 22 houses. I also give weight to the proposed 8 affordable units that the scheme would provide, and note the proposed provision of public open space within the scheme. However, given the location of the scheme I do not consider that the proposal constitutes sustainable development for which there is a presumption in favour within the Framework.
19. I therefore conclude that the occupants of the proposed development would not have acceptable access to shops and services. The proposal would be contrary to Policies CS3 & CS4 of the Core Strategy, Policy SP6 of the DPD and to Policies COT H1 and H6 of the CNP. The proposal would also be contrary to the Framework which states as a core planning principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Other Matters

20. At the Hearing an Unilateral Undertaking was submitted concerning affordable housing. The Council considered there was a number of outstanding items within this UU, and suggested a condition be employed instead of any consent granted. However, given that I am dismissing the appeal on other grounds I have not considered this matter further.
21. The appellant refers to other appeal decisions in evidence. However, in relation to the North Weald case⁸, I note that the Council could not demonstrate a 5 year supply of housing land. Consequently, although the Inspector found harm in terms of adverse transport impacts, these did not significantly and demonstrably outweigh the benefits of the scheme in that instance. From the information I have it appears that the Worcestershire appeal⁹ case concerned a site immediately adjacent to an existing village, and consequently there were no issues with the sustainability of the location of the site. Furthermore, each case must be dealt with on its own merits.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

⁸ APP/J1535/W/15/3134332

⁹ APP/H1840/W/15/3008340

APPEARANCES

FOR THE APPELLANT:

Michael Knott	Barton Willmore
Mark Utting	Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY

Nick Hodgett MRTPI	Rutland County Council
Sharon Baker MRTPI	Rutland County Council
James Faircliffe FCIH	Rutland County Council

INTERESTED PARTIES:

Andrew Stewart	Ward Councillor
Edwin Rumbelow	Interested Party
Sara Atkin	Local resident
Charlotte Towe	Local resident
Tracey Bedford	Local resident
Richard Giblin	Local resident
Karen & Dean Mackness	Local residents
Anne Watson	Local resident
John Watson	Local resident
Brian and Jill Smith	Local residents
Christopher Donovan	Local resident
Jill Shaffin	Local resident
Robert Broad	Local resident
Frank Chivers	Local resident
Keith Edwards	Local resident
Gavin Swain	Parish Councillor

DOCUMENTS SUBMITTED AT THE HEARING

1. Barton Willmore Five Year Housing Land Supply Calculations
2. Policy SP5 of the DPD
3. Notice regarding 'The publication of the Peterborough Sub-Regional SHMA Update October 2015'
4. Rutland County Council Five Year Housing Land Supply Calculations 31 March 2016
5. Sustainability Survey for Harrier Close, Residents of Harrier Close.
6. Marketing brochure for 'Rutland Place' [now Harrier Close], Abbey Homes August 2006
7. Notes of Rutland County Council concerning the submitted unilateral undertaking
8. Excerpt from Rutland Local Plan Review Issues and Options Consultation November 2015.

PLANNING AND LICENSING COMMITTEE

1st August 2017

APPEALS

Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Oliver Hemsley, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/TPO/A2470/6163 – Mr & Mrs Farmer – 2017/0089/PTA**
 3 Chapel Lane, Barrowden
 1 No. Cedar of Lebanon (T1) - remove to ground level. 1 No. Larch (T2) - remove to ground level.
Delegated Decision

3. DECISIONS

3.1 APP/A2470/W/17/3169676 – Mrs C Welch – 2016/0835/FUL

The Recreation Ground, Stamford Road, South Luffenham
Proposed Pavilion & Hall
Appeal Allowed – 21 June 2017

3.2 APP/A2470/W/17/3170269 – Mrs Joanna Smith – 2016/1128/FUL

Acorns, Baulk Road, Bisbrooke
Removal of conditions 1 & Variation of condition 2 attached to Planning
Permission F/96/0037/9
Appeal Withdrawn – 22 June 2017

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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