

# Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

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, 19th April, 2022** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**Chief Executive**

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Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk), masks and sanitiser will be available at the meeting. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/93974540994>

## **A G E N D A**

### **1) APOLOGIES**

To receive any apologies from Members.

### **2) MINUTES**

To confirm the minutes of the Planning and Licensing Committees held on 8<sup>th</sup> March and 15<sup>th</sup> March 2022.  
(Pages 3 - 10)

### **3) 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.

**4) PETITIONS, DEPUTATIONS AND QUESTIONS**

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

To request to speak at a Planning Committee, please send an email to [Governance@rutland.gov.uk](mailto:Governance@rutland.gov.uk)

**5) PLANNING APPLICATIONS**

To receive Report No. 78/2022 from the Strategic Director of Places.  
(Pages 11 - 68)

**6) APPEALS REPORT**

To receive Report No. 79/2022 from the Strategic Director of Places.  
(Pages 69 - 76)

**7) 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:**

Councillor E Baines (Chair)

Councillor N Begy (Vice-Chair)

Councillor D Blanksby

Councillor K Bool

Councillor A Brown

Councillor G Brown

Councillor P Browne

Councillor W Cross

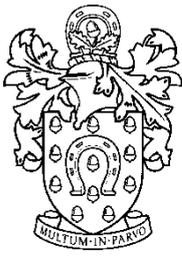
Councillor J Dale

Councillor A MacCartney

Councillor M Oxley

Councillor K Payne

**OTHER MEMBERS FOR INFORMATION**



## Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 15th March, 2022 at 7.00 pm

**PRESENT:**

Councillor E Baines	Councillor N Begy
Councillor K Bool	Councillor A Brown
Councillor G Brown	Councillor P Browne
Councillor W Cross	Councillor M Oxley
Councillor K Payne	

**ABSENT:**

Councillor D Blanksby	Councillor J Dale
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### **OFFICERS**

**PRESENT:**

Nick Hodgett	Principal Planning Officer
Sherrie Grant	Planning Solicitor
Tom Delaney	Clerk
David Ebbage	Governance Officer

### **IN ATTENDANCE:**

#### **1 APOLOGIES**

Apologies were received from Councillor D Blanksby & Councillor J Dale.

#### **2 MINUTES**

Consideration was given to the minutes of the meeting held on 15<sup>th</sup> February 2022.

#### **RESOLVED**

That the minutes of the meeting on the 15<sup>th</sup> February 2022 be **APPROVED**.

#### **3 DECLARATIONS OF INTERESTS**

Councillor K Payne declared a non-pecuniary interest in item 5 – Planning Applications, application 2021/1423/MAO as she personally knew a farmer near to the planned location for this development. Councillor Payne confirmed she came to the meeting with an open mind.

Councillor G Brown declared a non-pecuniary interest in item 5 – Planning Applications, application 2021/1423/MAO as he knew someone who could benefit

from the development but not as a close acquaintance. Councillor Brown confirmed he came to the meeting with an open mind.

#### **4 PETITIONS, DEPUTATIONS AND QUESTIONS**

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received:

In relation to Item 5 – Planning Applications, application 2021/1423/MAO, Councillor Pat Ovington would be speaking on behalf of Langham Parish Council, Councillor O Hemsley would be speaking as the Ward Member, and Chris Green would be speaking as the agent.

#### **5 PLANNING APPLICATIONS**

Report No. 55/2022 was received from the Strategic Director of Places.

Item 1 – 2021/1423/MAO – Erection of up to 50 no. dwellings with associated access, highways, open space, and drainage infrastructure (all matters reserved except access).

(Parish: Langham; Ward: Langham)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application additional information set out in the addendum, recommending approval subject to the conditions set out in the report and addendum.

Prior to the debate the Committee received deputations from Pat Ovington as a Parish Councillor of Langham and Councillor O Hemsley as the Ward Member and Chris Green as the agent. The Committee also had the opportunity to ask questions of these speakers.

In response to a question from a Member regarding the length of time it would take before biodiversity gain will be seen on the development, it was confirmed the landscaping plan was subject to reserved matters and there were a wide range of options that could be looked into to bring forward the gain quicker. The application would see a 53.47% increase in habitat units and 15.74% in hedgerow units.

Members raised concerns around the ownership and maintenance of the hedgerow which would run along Cold Overton Road. In response it was confirmed the hedgerow would be maintained by the landowner. There would be a landscaping plan, landscaping management plan and the maintenance of the hedge would be covered through these.

Members raised concerns on the amenities within Langham and whether the proposed development of 50 dwellings was sustainable in the village. It was noted there was not a shop currently in the village and one bus route running through the A606 on an hourly service. It was suggested it would effectively require either a car or bus journey to get to the closest local amenities.

Consideration was given to the amount of weight given to Langham's Neighbourhood Plan and clarification was sought on whether the plan had been submitted for reg 16 consultation.

It was explained the review had not reached its statutory consultation under Reg 16 and it had not advanced in its preparation and until the Reg 16 consultation was completed, it was unknown if there would be any unresolved objections to relevant policies. It was put forward by the Ward member that Reg 16 process had very recently begun.

Members raised further concerns around the location of the development being in open countryside and outside the planned limits to development within the village.

It was moved by Councillor W Cross that the application be refused due to the sustainability of Langham given the lack of amenities, the location of the planning application in open countryside and the additional weight was given to the emerging neighbourhood plan in terms of NPPF paragraphs 14 & 11. This was seconded and upon being put to a vote, with 5 votes in favour and 4 against, the motion was carried.

**RESOLVED:**

That application 2021/1423/MAO be **REFUSED** on the following grounds:

1. The submission made my Langham Parish Council in terms of NPPF's paragraphs 14 & 11 and that more weight was given to the emerging neighbourhood plan.
2. The application was set in open countryside.
3. The development was not sustainable due to a lack of amenities in the village.

**6 APPEALS REPORT**

Report No. 56/2022 was received from the Strategic Director for Places. Nick Hodgett, Principal Planning Officer, presented the report which listed the appeals received since the 15 February meeting of the Planning and Licensing Committee and summarised the decisions made.

**RESOLVED**

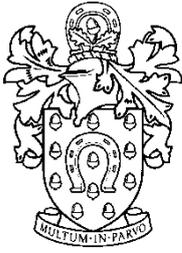
That the Committee **NOTED** the contents of the report.

**7 ANY OTHER URGENT BUSINESS**

There were no items of urgent business for consideration.

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**The Chair declared the meeting closed at 8.42pm**  
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# Rutland County Council

Catmose Oakham Rutland LE15 6HP.  
Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 8th March, 2022 at 7.00 pm

**PRESENT:**

Councillor E Baines (Chair)	Councillor N Begy (Vice-Chair)
Councillor D Blanksby	Councillor A Brown
Councillor G Brown	Councillor J Dale
Councillor A MacCartney	Councillor M Oxley
Councillor K Payne	

**OFFICERS PRESENT:**

Justin Johnson	Development Manager
Nick Hodgett	Principal Planning Officer
Sherrie Grant	Planning Solicitor
Julie Smith	Interim Highways Engineer
Tom Delaney	Governance Manager

## 1 APOLOGIES

Apologies for absence were received from Councillors K Bool, P Browne and W Cross.

It was noted that Councillor Browne would have been unable to attend the meeting due to a previously declared interest in the application before the Committee, and that Councillor Bool had not attended the previous consideration and so would also not have been able to speak or vote on the application.

## 2 DECLARATIONS OF INTERESTS

Councillor N Begy declared a non-pecuniary interest in item 4 – Planning Applications, application 2021/0794/MAF as he lived in close proximity to the site of the application. Councillor Begy confirmed he came to the meeting with an open mind.

Councillor A MacCartney declared a non-pecuniary interest in item 4 - Planning Applications, application 2021/0794/MAF as she knew the farming family in the area. Councillor MacCartney confirmed she came to the meeting with an open mind.

## 3 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following remaining deputations from the previous meeting were received:

In relation to item 4 – Planning Applications, application 2021/0794/MAF, Councillor I Razzell would be speaking as a Ward Member, and Georgina Doyle would be speaking as the agent on behalf of the applicant.

#### 4 PLANNING APPLICATIONS

Report No. 49/2022 was received from the Strategic Director for Places.

Item 1 - 2021/0794/MAF – Erection of 84 dwellings, including public open space, landscaping, a pump station and associated infrastructure.

(Parish: Oakham; Ward: Oakham South)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application including additional information set out in the addendum, recommending approval subject to the conditions set out in the report and addendum.

Prior to the debate, the Committee received deputations from the remaining speakers, Councillor I Razzell as a Ward Member, and from Georgina Doyle as the agent on behalf of the applicant. The Committee also had an opportunity to ask questions of these speakers.

In response to queries from Members regarding the phasing of the site in relation to when affordable housing would be built in the lifetime of the development and the general proximity of the affordable housing to the railway, Justin Johnson, Development Manager confirmed that this would be addressed during the agreement of a Section 106 Agreement following any decision by the Committee to approve the application.

It was confirmed following queries that the Council's highways team did not consider a 30mph speed limit to be required for the site.

It was suggested by Councillor A MacCartney that a condition be included relating to the provision of electric vehicles charging points at as many homes in the site as possible and it was noted that agent had agreed this would be agreeable. The Development Manager advised that it would be possible to add a condition requiring a certain proportion of houses to be fitted with electric vehicle charging points and it was agreed that the final wording of such a condition be agreed in consultation with the applicant, the Chair and Councillor MacCartney. It was suggested and agreed that the recently published amendments for building regulations relating to charging points, due to come into effect from June 2022, be used as the basis for such a condition.

It was moved by Councillor A MacCartney that the application to be approved subject to the conditions in the report and addendum, and an additional condition relating to the provision of electric vehicle charging points being included.

This was seconded and upon being put to the vote, with nine votes in favour the motion was unanimously carried.

#### RESOLVED

That application 2021/0794/MAF be **APPROVED** subject to:

- 1) The conditions set out in the officers' report and addendum.
- 2) An additional condition relating to the provision of electric vehicle charging points, with the final wording of the condition to be agreed in consultation with the applicant, Councillor MacCartney and the Chair.

The full list of conditions can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

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**The Chairman declared the meeting closed at 20.06.**

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**REPORT NO: 78/2022**

**PLANNING AND LICENSING COMMITTEE**

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

**REPORT OF THE STRATEGIC DIRECTOR OF PLACES**

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## Rutland County Council

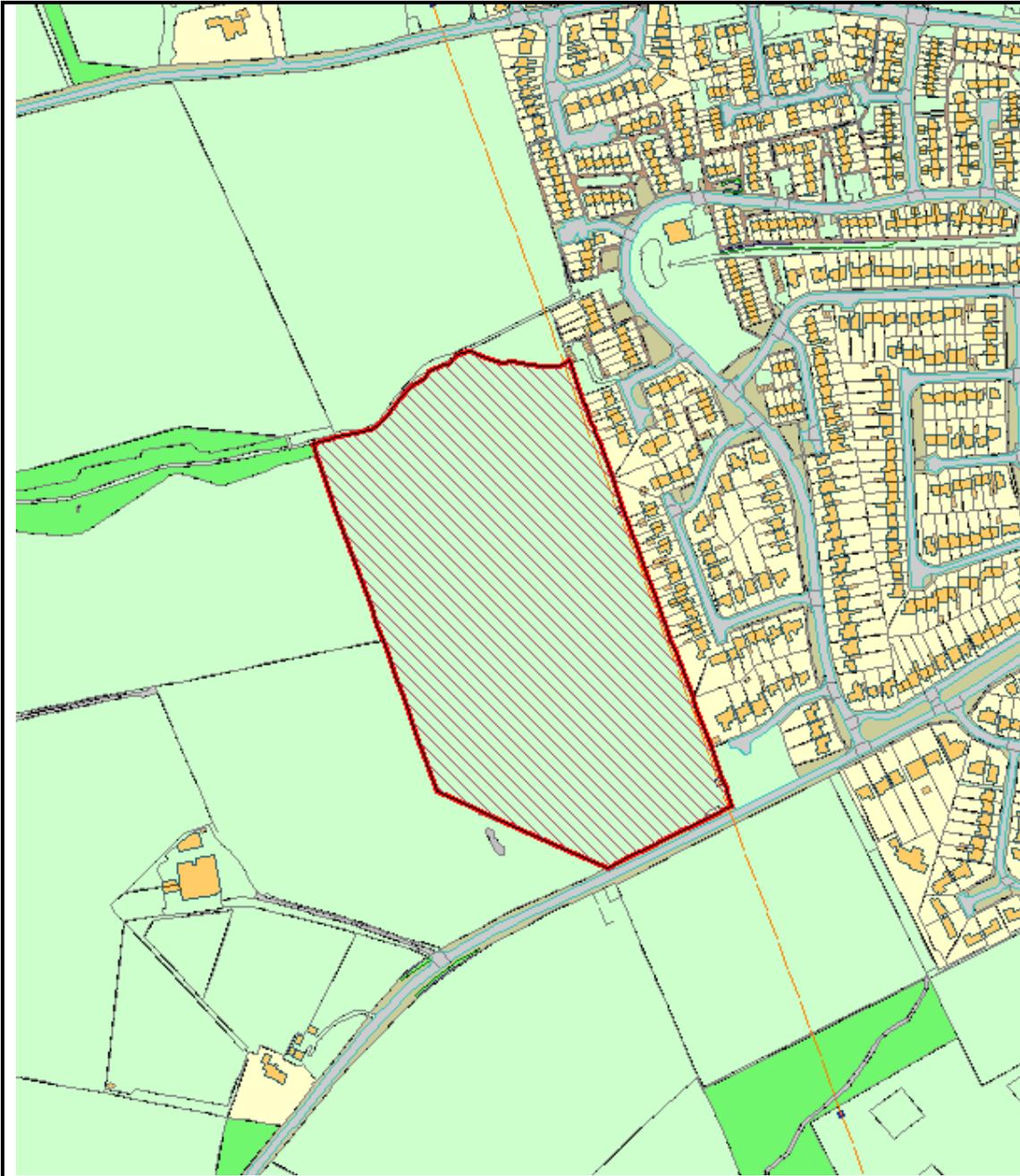
### Planning & Licensing Committee – 19<sup>th</sup> April 2022

#### Index of Committee Items

<b>Item</b>	<b>Application No</b>	<b>Applicant, Location &amp; Description</b>	<b>Recommendation</b>	<b>Page</b>
<b>1</b>	<b>2021/1124/MAO</b>	<b>Jeakins Weir Ltd Land North of Braunston Road, Oakham Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access.</b>	<b>Approval</b>	<b>15-44</b>
<b>2</b>	<b>2021/1339/FUL</b>	<b>Hereward Homes Ltd Vine Farm, Back Lane, Morcott Demolition of existing barn and erection of 2 no. new dwellings.</b>	<b>Approval</b>	<b>45-56</b>
<b>3</b>	<b>2021/1373/FUL</b>	<b>Hereward Homes Ltd Vine Farm, Back Lane, Morcott Demolition of existing barn and erection of one new 2 bedroom dwelling.</b>	<b>Approval</b>	<b>57-68</b>

#### Appeals Report

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**Rutland County Council**

**Catmose,  
Oakham,  
Rutland  
LE15 6HP**

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Application:	<b>2021/1124/MAO</b>	<b>ITEM 1</b>	
Proposal:	<b>Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access.</b>		
Address:	<b>Land North of Braunston Road Oakham Rutland</b>		
Applicant:	<b>Jeakins Weir</b>	Parish	<b>Oakham</b>
Agent:	<b>Marrons Planning</b>	Ward	<b>Oakham</b>
Reason for presenting to Committee:	<b>Policy and Objections</b>		
Date of Committee:	<b>19 April 2022</b>		
Determination Date:	<b>14 December 2021</b>		
Agreed Extension of Time Date:	<b>22 April 2022</b>		

## EXECUTIVE SUMMARY

**This site adjoins the Planned Limit to Development for the County's most sustainable settlements. A Landscape Visual Impact Assessment has been independently verified and demonstrates that the impact of the development would not have a harmful impact on this west side of the town. The access is on a long straight stretch of road and the layout of dwellings would be such that they would assimilate into the landscape and not cause an unacceptable impact on the amenities of neighbours.**

**The scheme is there for sustainable development and should be approved in accordance with Para 11(d) of the NPPF.**

## RECOMMENDATION

**APPROVAL**, subject to the completion of a S106 agreement to deliver affordable housing and the provision and maintenance of open space, and to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason – The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The Reserved Matters shall provide for a maximum of 100 dwellings.  
Reason – The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development and in accordance with Policies SP5 and SP15.

5. The Reserved Matters shall be based upon the following plans and documents:

Arboricultural Assessment – FPCR September 2021  
Ecological Appraisal – FPCR September 2021

HLEF80928 Rev A – Conceptual Drainage Strategy  
Flood Risk Assessment and Drainage Strategy- RPS 27 August 2021

and shall have regard to:

- The revised Illustrative Master Plan Ref. P21-1316-Rev D, received 11 March 2022.
- The Design & Access Statement, Armstrong Burton, September 2021, Ref P21-1316\_200C) (as amended by the revised Illustrative masterplan and the supplemental comments contained in The Building for A Healthy Life Assessment – 23 December 2021).

Reason – To ensure that the final development accords with the parameters set out in the outline application has an acceptable relationship with the adjoining properties, provides adequate open space and a sustainable drainage scheme and in the interests of proper planning.

6. The development shall be carried out in accordance with the access plan number JNY11036-01B.

Reason – To ensure that the site is accessed safely in accordance with the approved plan.

7. The development shall be carried out in accordance with Chapter 9 (Action Plan) of the Residential Framework Travel Plan RPS, 25 August 2021

Reason – To ensure that sustainable travel is built into the development.

8. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The layout of the 2 or more storey houses shall take account of the levels change across the site and demonstrate that they will have a satisfactory relationship with the landform, wider visual amenity and adjacent residents. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.

Reason – To ensure that the relations hip of the proposed dwellings to each other and to adjacent dwellings is acceptable, in the interests of residential amenity.

9. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason – To ensure that appropriate boundaries are installed in the interests of visual and residential amenity.

10. The landscaping scheme to be submitted as part of the reserved matters shall be designed in accordance with the indicated Biodiversity Net Gain by FPCR dated xxx.

Reason – To ensure that the development provides the requisite increase in biodiversity for the site.

11. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the

commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in the interests of residential and visual amenity.

12. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason – To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

13. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason – The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

14. The development hereby permitted will be restricted to a maximum discharge rate of 4.3l/s for the whole site in accordance with Para 10.4 of the Flood Risk Assessment and Drainage Strategy - RPS, 27 August 2021.

Reason – To ensure that there is no flood risk off the site resulting from the proposed development.

15. The development hereby permitted shall not commence until full details of the design, implementation, maintenance and management of a sustainable surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts and ditch clearance where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A full capacity and condition assessment of the existing ditches from the discharge points.
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A detailed management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall not be occupied until the approved scheme has been implemented in full.

Reason – To ensure that the proposed development can be adequately drained whilst ensuring there is no flood risk on or off the site resulting from the proposed development.

16. The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall into the adjacent ordinary water course.

Reason – To prevent the increased risk of flooding off-site resulting from the proposed development.

17. 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.

18. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

19. 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.

20. 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.

21. 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.

22. Prior to first occupation of any dwelling, vehicle to vehicle visibility splays of 2.4m x 25m at internal junctions, vehicle to pedestrian visibility splays of 2m x 2m at all vehicle accesses and forward visibility splays of 25m shall be provided in accordance with the details shown on plan the approved plan.

Reason – In the interest of highway safety.

23. The developer shall 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 Cold Overton Road 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.

24. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- Hours of working on site

Reason – To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

25. The development shall be carried out in accordance with the recommendations in Chapter 4 the Ecological Appraisal by FPCR, dated 7 September 2021 and the submission of reserved matters shall indicate how this will be achieved.

Reason – To ensure that the ecological interests of the site are protected during and after the development.

Informatives:

- CIL note
- Highway informatives

## Site & Surroundings

1. The site is located on the north side of Braunston Road, opposite the recently approved housing site on the south side, where a reserved matters application is now under consideration.
2. The site rises to the north from Braunston Road but also to the west from the rear of the existing houses.
3. The site is adjacent to the Planned Limit to Development for Oakham in both the Development Plan and the Draft Oakham and Barleythorpe Neighbourhood Plan. To the east of the site boundary are rear gardens to Hanbury Close, Warn Crescent and Hudson Close.

4. There is a fairly sparse hedge fronting Braunston Road, including the odd tree. There are 2 mature trees in the centre of the site which have recently been made the subject of a Provisional Tree Preservation Order. These can be seen retained on the illustrative plan in the Appendix.
5. The northern boundary is a more solid tree lined hedgerow.
6. Overhead power lines run across the site parallel with and just to the rear of the adjoining houses (these are the same lines that run across the outline site to the south of the road).
7. There is a large area of open space between Braunston Road and the southern edge of Hanbury Close.

## **Proposal**

8. This is an outline application for up to 100 dwellings, including 30% affordable units as described above. Only access is included for full approval at this stage. An illustrative Masterplan has been as submitted and is attached as an Appendix.
9. This shows housing limited to lower areas of the land to avoid landscape impact, i.e. below the 135m contour. There is also an offset to avoid the overhead lines which has the benefit of keeping a separation distance from existing houses to the east.
10. There would be 2 separate drainage ponds at the north and south end of the site. There would be significant new planting on site including reinstatement of an ancient line of a hedgerow, adjacent to the now preserved trees.
11. The scheme would provide 4.22ha of accessible public open space and an additional 0.29 ha being proposed for attenuation basins; and a Locally Equipped Area for Play.
12. The application is accompanied by the following documents:
  - Site Location Plan
  - Site Layout
  - Illustrative Masterplan (Revised)
  - Flood Risk Assessment and Drainage Strategy (RPS)
  - Transport Statement (RPS)
  - Landscape and Visual Appraisal (FPCR)
  - Ecological Appraisal (FPCR)
  - Heritage Impact Assessment (Cotswold Archaeology)
  - Arboricultural Impact Assessment (FPCR)
  - Affordable Housing Need and Delivery Statement (Marrons)
  - Phase 1 Site Investigation Appraisal (GRM)
  - Consultation Statement (Marrons)

## **Relevant Planning History**

None

## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2021**

Chapter 2 – Achieving Sustainable Development (inc Para 11(d) – (See text in Appendix)

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 11 – Making efficient use of land  
Chapter 12 – Achieving well designed places

### **Site Allocations and Policies DPD (2014)**

SP5 - Built Development in the Towns and Villages  
SP6 - Housing in the Countryside  
SP9 - Affordable Housing  
SP15 - Design and Amenity  
SP20 - The Historic Environment  
SP23 - Landscape Character in the Countryside

### **Core Strategy DPD (2011)**

CS04 - The Location of Development  
CS03 - The Settlement Hierarchy  
CS08 - Developer Contributions  
CS10 - Housing Density & Mix  
CS11 - Affordable Housing  
CS19 - Promoting Good Design  
CS22 - The Historic and Cultural Environment

### **Neighbourhood Plan**

Oakham and Barleythorpe NP has now received the Examiners Report. It has yet to go to a Referendum, so carries significant but not full weight.

Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside:

- a. will be strictly limited to that which has an essential need to be located in the countryside to support the rural economy;
- b. involving the conversion and re-use of appropriately located and suitably constructed rural buildings, will be supported provided that it can be demonstrated that it is unviable to continue the previous rural activity (with evidence that the site has been marketed for its previous rural-economy use for a period of 12 months at a suitable price, with no serious interest being received);

must be of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and rural distinctiveness of the surrounding countryside.

Policy 2: Delivering Good Design  
Policy 3: Housing affordability and Local Connection  
Policy 10: Protection of the Natural Environment

### **Officer Evaluation**

#### Neighbourhood Plan

13. The NP is still awaiting a date for a Referendum so does not carry full weight.
14. Policy 1 Residential Development Management justification text sets out the policy has to be in line with the adopted Rutland Local Plan and recognises the NP area will provide for sustainable and limit development within the PLD.

15. The policy now states proposals for residential development of 10 or more dwellings will not be supported outside sites allocated in the Rutland Local Plan (current, or future reviews). It also refers to residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside.
16. Given that the NP doesn't allocate any sites then development outside the PLD for Oakham and Barleythorpe will need be determined in accordance with the Local Plan and national planning policies as set out in the policy. This means that Para 11(d) of the NPPF is engaged at the present time.

### Principle of the use

17. The site is outside the PLD for Oakham in the current Development plan.
18. In view of the withdrawal of the Local Plan Review, the Council can no longer demonstrate a 5 year Housing Land Supply as required by the NPPF. On this basis Para 11(d) of the NPPF is engaged and the housing locational policies of the current development plan are to be considered out of date. This means that the Para 11(d) carries significant weight as a material consideration in the determination of this application. The current figure is 3.4yrs supply. This will be updated again commencing at the end of March but it is not expected to have changed significantly. An outline permission does not add to the supply until possibly year 3 or the Reserved Matters are approved.
19. There is therefore a presumption in favour of sustainable development. Oakham is the most sustainable settlement in the County and main focus for new housing. The scheme also meets the 3 tests of sustainability, i.e., economic, social and environmental as set out in NPPF para 8.
20. The National Planning Policy Framework (NPPF) (July 2021) is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking (paragraph 11) this means:
  - Approving development proposals that accord with an up-to-date development plan without delay; or
  - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
21. Consideration should be given to footnotes 6 and 7 of the NPPF, as well as other relevant paragraphs of the NPPF.
22. Footnote 8 also sets out the circumstances whereby planning policies will be considered to be out of date. This states:
 

*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three year.*

23. Planning law requires that applications for planning permission must be in accordance with the Development Plan unless material considerations indicate otherwise.
24. As of 1st September 2021, policies which are most important for determining the application contained within the Development Plan are deemed to be 'out of date'.
25. The illustrative layout follows the advice in the Rutland Design Guide in that it provides clusters of outward facing dwellings such that no rear boundaries face onto a road. The road hierarchy is appropriate with smaller lanes and shared surfaces bearing off the main access road.
26. The detailed reserved matters layout would need to include street trees as required by the NPPF.
27. The scheme provides a generous amount of open space and a play area.
28. The nearest bus stop is located within 230m of the site providing a bus service connecting to the town centre. Oakham Train Station is approximately 1.3km from the site. Footpath links are shown through Hanbury Way and Hudson Close.
29. The applicant confirms the site is available and achievable.
30. In terms of deliverability, the Strategic Housing and Economic Land Availability Assessment Report (SHEELA) (Dec 2019) for this site stated that it is developable. This site does have a red RAG rating for landscape but due to its location adjacent to the main town of Oakham it requires further consideration and therefore is identified as suitable at this point in time, subject to further assessment. The following is an extract from the SHEELA, Appendix A:

Consideration of Suitability following technical consultation		
Initial Highway Officer Comments	Outside of 30mph limit however good visibility and on a straight road.	
Relationship to Settlement Comments	Connected to settlement along full extent of eastern boundary and has frontage onto Braunston Road. There are potential issues relating to the impact on the character of the settlement and therefore further assessment particularly with regard to landscape is required in order to establish the suitability status. The site is therefore identified as potentially suitable subject to further assessment.	
Topography	Sloping site.	A
Green Infrastructure	No loss or impact.	G
Important Open Space	Not designated.	G
Rights of Way	None.	G
National Ecology Designations	Site within Ramsar site (Rutland Water) impact Zone – nearest point of site is located 2.7km from nearest point of the Ramsar site. The site is within a Natural England Impact Zone but is unlikely to have adverse impact on any national/international designated site meaning that Natural England consultation is not required.	G
Local Ecology Designations	Mature trees, hedgerows and watercourse on or adjacent to the site. Surveys required include Great Crested Newts (GCN) (ponds close by and GCNs within 50m); and badger. Mitigation includes retention of hedges with 5m buffer zone natural vegetation; other mitigation pending surveys.	A
Heritage	Site not within 50m of Built Heritage Asset. No significant impact likely.	G
Archaeology	Known archaeological remains on site include cropmarks of rectangular enclosure. Known Archaeological remains within vicinity include further cropmarks. Potentially a large development area. Medium risk.	A
Landscape	The site is within zone 4A of the LS&C. A slightly lower capacity has been allocated because the site presents an important landscape setting to west Oakham, emphasised by its rolling and rising relief. The existing interface between the town and the site is stark, but this is insufficient justification for an extension of that development on landscape grounds. The prominence of development from public vantage points would be high. Development across higher land to the west of Oakham would introduce an uncharacteristic element to settlement form. Overall high landscape sensitivity and moderate to high landscape value. The zone is allocated low capacity to accommodate proposed development. Consultation with Landscape Architect confirms agreement with initial assessment and red RAG rating.	R
Lead Flood Authority Flood Risk	Medium flood risk throughout the site.	A
Environmental Health & Contamination	No constraints known, contamination unlikely. No other detrimental environmental effects known.	G
Highways Authority: Access	Outside of 30mph limit however good visibility and on a straight road.	G
Highways Authority: Wider Road Network	Current highway comments identify that the development on its own is unlikely to impact on wider road network. Past comments state that on its own, impact on already significant congestion on west side of Oakham likely to require	A

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	moderate mitigation. Cumulative development however on this side of Oakham will significantly increase traffic congestion and require strategic scale mitigation.	
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31. As can be seen, the landscape issue was the only red RAG rating for the site. See further below under impact on the character of the area.

#### Brownfield Land

32. As in previous applications elsewhere, some residents suggest brownfield land should be targeted, especially in view of the announcement in the budget speech in October 2021.
33. Many residents stated there is adequate brownfield land in Rutland to cater for its housing needs (it must be assumed they mean St Georges barracks, although that alone would not have met all needs).
34. The current Brownfield Land Register contains just 5 sites, 2 of which already have planning permission for development (The Crescent in Ketton and Holme Close in Tinwell – total 49 dwellings). The other 3 are:
  - Land east of Seaton Rd Glaston
  - Part of the White Horse Inn Morcott, and
  - Pinfold Close North Luffenham.
35. These 3 sites are estimated to have the potential for between 17 and 25 dwellings. This is clearly insufficient to cater for the County's housing needs in the medium term. None of the 3 sites are in public ownership so there is no compulsion for them to come forward for development in any event.

#### Impact of the use on the character of the area

36. The application is accompanied by a Landscape Visual Impact Assessment, prepared in accordance with the good practice in the guidelines of the Landscape Institute.
37. Further up Braunston Road there is a more mature hedgerow that screens the application site from view until reaching the site boundary itself.
38. The Masterplan indicates a significant area of block planting along the entire western and south western boundary of the site. This will in time help soften the appearance of the development when travelling into town down the hill. This coupled with the potential to require the roadside hedge to grow, and be supplemented with more hedging and tree planting, will mean that the development would provide an appropriate edge to the town, more so than the rear gardens of the existing houses.
39. The site rises south to north then drops away again to the northern boundary. It also rises from east to west. Levels at the bottom south east corner are at 126m, midway along the western boundary is the highest point at 145m. Houses are limited to the east of (and thereby below) the 135m contour
40. The site was assessed for the withdrawn Local Plan under reference SHELAA/OAK/01, in December 2019. This concluded as follows:

*The site adjoins the built up area of Oakham along one boundary. The site is promoted for residential use and had an indicative capacity of 148 dwellings. Of the 14 sites assessed in Oakham and Barleythorpe this site scored 28 out of a possible 84. Whilst this site scored comparatively well with other sites in the site allocation assessment RAG rating which looks at constraints and accessibility, it is considered that the landscape constraint is significant and the development of the site would have a detrimental impact on the setting of Oakham along the western edge of the*

*town. It is accepted that the existing built form along this edge is stark, but this does not justify extending this form of development further west into open countryside. Consultation with the Landscape Architect has confirmed this viewpoint and therefore the site is not considered suitable for allocation.*

41. This was an assessment of housing across the entire site, including the higher parts, with an indicated capacity of 148 dwellings.
42. The Council has asked the same Landscape Consultant that carried out the original strategic assessment of the site for the Local Plan Review to comment on the finer detail now included in the application. This is attached as an Appendix to this report.
43. He concluded that:

*In general it is considered that the proposed residential development as indicated on the Concept Masterplan represents an appropriate landscape-led scheme that considers the site's key sensitivities, constraints and opportunities. The illustrative layout on the masterplan shows that an appropriate new western edge to Oakham can be created in this location without resulting in overriding significant adverse landscape and visual effects.*
44. The Landscape Visual Impact Assessment submitted with the application is accurate and means that the landscape issues identified at the strategic level in 2019 have been acknowledged and adequately addressed by limiting the layout of new housing to the lower portions of the site, and avoiding sky-lining at the top of the hill.
45. The Landscape Consultant also made recommendations about the location of 2.5 storey houses in particular. This would need to be assessed at the Reserved Matters stage but is included in Condition 7 above.
46. The RAG rating in the SHEELA is not therefore entirely relevant to this proposal which has specifically taken on board that strategic assessment and addressed it in detail to provide an acceptable scheme.

#### Impact on the neighbouring properties

47. The main impact on neighbouring properties on this edge of Oakham will be loss of a view. Members are aware that this is not a reason for refusing planning permission. No-one is entitled to a view over 3<sup>rd</sup> party land.
48. The illustrative masterplan indicates that a wide corridor would be left between the new and existing dwellings, mainly due to the easement of the overhead lines. The new dwellings would be further from the lines than the existing. The distance between new and existing dwellings is approximately 35-45 metres. This means that the new development will not be over-dominant to neighbouring properties either.
49. Similarly, loss of value is not a planning consideration.

#### Heritage

50. No impact on heritage assets subject to pre-commencement archaeological investigation. It is not considered that a pre-determination survey is required on this site.

### Highway issues

51. There is no objection to the access form the highway authority. Standard conditions will be required and updated in the Addendum.

### Ecology

52. The Phase 1 Habitat Survey found that 7.47Ha of the site is improved grassland grazed by sheep, 0.52% tall ruderal grassland (mostly nettles) with 550m of poor quality hedgerow. There is a small area of unimproved neutral grassland on the northern boundary which not in an area for development.
53. No evidence of Badgers or GCN was found. Potential bat roosts occur in the trees on site but these are retained. Potential bird nesting sites are also to be retained/enhanced.
54. The Biodiversity 3.0 Metric headline results are provided in the reports. These indicate that with on-site habitat and hedgerow creation and enhancement opportunities, the proposals lead to an increase in habitat units of 27.4, an increase of 171.44% and an increase in Hedgerow Units of 4.01 or 221.64%, both significantly above the aspirational 10% net gain within the Environment Bill.

### Levels

55. Levels vary considerably across the site but the reserved matters submission would need to demonstrate that the finished scheme respects the landform, the adjacent dwellings and the relationship between the new dwellings themselves. A standard levels condition is therefore recommended. There is no technical issue in principle with levels.

### Noise

56. Noise could be a temporary issue during construction but as on other sites the use of a suitable construction management condition will help mitigate any disturbance. The adjacent dwellings are not immediately adjacent to the new build areas.

### Section 106 Heads of Terms

57. Agreed terms:
  - Delivery of minimum 30% affordable housing
  - Delivery and long term maintenance of public open space and equipment

### Crime and Disorder

58. It is considered that the proposal would not result in any significant crime and disorder implications.

### Human Rights Implications

59. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
60. It is considered that no relevant Article of that act will be breached.

## Consultations

### 61. Archaeology

Thank you for the report, I can confirm it is acceptable and it shows archaeological remains on the site in the form of an enclosure possibly Iron Age in nature.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 mitigation WSI, which shall include the statement of significance and research objectives, and
2. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
3. 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, recording, dissemination and archiving

### 62. Highways

I have reviewed the revised masterplan and response to highway comments and can confirm that the LHA will support the application, subject to the awaited response from AECOM. Subject to no issues, I will be able to provide final comments including recommendations for conditions and informatives in due course.

One item I do not agree with is, this developer is relying on the repositioning of the speed limit/gateway feature being done under 2020/1473/MAO by a different developer. Whilst the reserved matters is currently in for that site, we cannot rely on the fact that that site will come forward first. Therefore, I will be recommending the obligation for this element of off-site work is imposed on this application too, then whomever gets to that trigger point first will need to do the work. Assuming the site opposite will get constructed before, then this applicant will not need to carry out the work as others would have completed it, so the condition will be a precaution in the slim event that they do not progress as expected.

**63. Anglian Water**

**Section 1 - Assets Affected**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**WASTEWATER SERVICES**

**Section 2 - Wastewater Treatment**

The foul drainage from this development is in the catchment of Oakham Water Recycling Centre that will have available capacity for these flows

**Section 3 - Used Water Network**

This response has been based on the following submitted documents: Conceptual Drainage Strategy The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act

Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconferred to ensure that an effective surface water drainage strategy is prepared and implemented.

#### 64. **Environment Agency**

We have no objection to the application but wish to make the following informative comments.

Flood risk

As recognised in the submitted flood risk assessment (FRA), the site is predominantly located within Flood Zone 1 of the Flood Map for Planning, with its northern boundary adjacent to a stream and areas along the bank of this stream within Flood Zone 3.

Using data provided from our Upper Gwash (2016) model, the FRA has demonstrated that existing site levels are above the 1% (1 in 100) plus 20% climate change flood levels; we are therefore satisfied that the proposed development would not be located in Flood Zone 3.

The Concept Masterplan shows all properties more than 8m of the main river, which we welcome. However, we note that this is an outline application with layout reserved and would expect this constraint to be carried over to the final plans.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be

forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to the local planning authority

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Provision of an adequate means of surface water disposal such that flood risk on and off-site is not increased.

#### 65. **Ecology Unit**

The concept masterplan shows an area of 'green space' will be incorporated as part of the development site and this will go some way to ensuring the development meets the requirement of the NPPF ( (180. d)) which states 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.

An ecology survey will need to be carried out. A biodiversity net gain calculation should be produced (preferably using DEFRA Metric 3.0) accompanied by an outline biodiversity enhancement plan. This is required to ensure that net gains/losses and the broad principles for addressing losses can be understood by the LPA when determining the application; this cannot be deferred to reserved matters or condition.

We recognise that plans may change between outline and reserved matters. Significant changes will require re-submission of an enhancement plan, biodiversity metric and re-calculation of the net-losses/gains for the whole site.

#### 66. **Housing Strategy**

Assuming the application is approved for 100 dwellings, there is normally an affordable housing requirement of 30. However, as a bungalow with three or more bedrooms suitable for full-time wheelchair users is requested, under paragraph B1.10 of the Planning Obligations SPD 2016 this counts as double and therefore 29 affordable homes are requested.

Out of the 29 dwellings, two-thirds would be affordable for rent which would be 19.

The affordable housing should consist of:

- 5 no. 1 bed 2 person house (5 affordable for rent)
- 10 no. 2 bed 4 person house (5 affordable for rent) (5 shared ownership)
- 9 no. 3 bed 5 person house (4 affordable for rent) (5 shared ownership)
- 2 no. 4 bed 7 person house (2 affordable for rent)
- 2 no. 2 bed 3 person wheelchair standard bungalow (2 affordable for rent)
- 1 no. 3 bed 5 person wheelchair standard bungalow (1 social rent)

Care will need to be taken to ensure that the bungalows are in locations where the topography is not unfavourable.

A suitable section 106 agreement will be needed.

**67. Western Power & Distribution**

The Northern Outline Application seeks permission for the development of up to 100 dwellings with associated infrastructure. WPD's Assets run along the eastern boundary of the land subject to the Northern Outline Application.

The design, and access statement and concept masterplan submitted to RCC alongside the Northern Outline Application outline a buffer zone around WPD's Assets in the context of the proposed development's layout.

Therefore, at this stage of the Northern Outline Application, WPD understands that the applicant intends to design the development so that it will not require the diversion of WPD's Assets on the relevant land.

On this basis, WPD wishes to confirm that it supports the Northern Outline Application. As above (in the context of the Southern RMA), in the event that it is proposed that WPD's Assets are diverted underground as part of the Northern Outline Application, then WPD will no longer support the application.

We request that RCC considers WPD's comments outlined in this letter when determining the Southern RMA and Northern Outline Application respectively.

**68. Leicestershire Police Designing Out Crime Officer**

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.

I have now visited, and have reviewed the proposed development. There is a proposed vehicle access via Braunston Road entering at the south-central point. Secondary roads then allow access to all areas of the development on the east side. There are no through routes or circulatory routes so permeability is not an issue as a result in my opinion. This appears reasonable to allow immediate response access for Emergency Services at this development without obstruction.

As part of the overall site there is a water attenuation pool and other open space to the south east corner and in the north east. Parking is in curtilage to the dwellings; a play area is located in the north end. There is open space to the west side of the site with trees and vegetation. Vehicle parking is in curtilage throughout the site in close proximity to the dwellings and consideration of gable end windows is recommended to allow improved natural observation by residents and neighbours.

Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489. A Section 38 Agreement is requested to install an electrical spur to the nearest lampposts would allow immediate installation. All pedestrian or cycle walkways should be illuminated likewise.

Consideration of the use of CCTV coverage of the key vehicle entry point is recommended to include Automatic Number Plate Recognition capability. This will add an element of general security to the development providing improved security. In the event of it being required appropriate General Data protection Act signage would need to be displayed. Due to the size and scale of this site I recommend CCTV should be considered. Wheelie bin storage and Cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for Bins or mode of escape in respect to Cycles.

## 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.

## Neighbour Representations

69. There have been 3 letters of support, one specifically:

Sincerely hope that another plan for new housing in the area isn't turned down. My finance and myself are local Rutland neighbours and unfortunately we fear we may be priced out of the county now that we're buying our first house together. More new build affordable housing is needed, here.

70. There have been 246 objections from local residents (inc 8 from the same person)
- Loss of Greenfield site
  - Site was considered sensitive to development in LP
  - Unsustainable location

- Government is now promoting brownfield land
- Latest monitoring report says we have over 5 years supply
- Lack of school places
- Lack of medical facilities
- Benefits of the scheme are not as clear as stated
- Traffic congestion on Braunston Rd
- Traffic congestion at rail crossings
- Flooding issues
- Impact on wildlife
- Overhead pylons cause dangers
- Makes no attempt to address the strongest negative impact on the landscape in this area of Oakham, i.e. the power lines and pylons.
- Withdrawal of local plan has caused all this trouble
- Why build on green pasture/woodland when there's an old military site far better for the plans!
- Bring back better roads and public transport before more homes!

#### Non-material objections

- Loss of views
- Devaluation of property

## Conclusion

71. The development would provide much needed new housing including 30% affordable units in the County's most sustainable settlement. The development has no impact on areas or assets of particular importance as expressed in the NPPF and does not result in any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. In view of the lack of a 5 year HLS the application should be approved in accordance with Para 11(d) of the NPPF.

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## Rutland County Council

### Planning Application Ref. 2021/1124/MAO

Land North of Braunston Road, Oakham, Rutland.

Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS.

Landscape review by Bayou Bluenvironment (BBE), including review of Landscape and Visual Impact Appraisal (LVIA), [FPCR, September 2021], Design & Access Statement (DAS), [ABA, September 2021] including the Concept Masterplan [ABA, Drawing No. P21-1316\_002 Sheet No: 1 Rev: C] submitted in support of the outline application on behalf of Jeakins Weir Ltd.

### 1. Landscape Sensitivity

**1.1** This site was previously reviewed in September 2019 as site SHELAA/OAK/01 by Rutland County Council (RCC) and BBe, as part of RCCs Strategic Housing and Economic Land Availability Assessment. RCCs initial landscape assessment as agreed by BBe stated: *"The site is within Zone 4A of the 2010 Landscape Sensitivity & Capacity Study (LS&CS) [DTA, May 2010]. A slightly lower capacity has been allocated because the site presents an important landscape setting to west Oakham, emphasised by its rolling and rising relief. The existing interface between the town and the site is stark, but this is insufficient justification for an extension of that development on landscape grounds. The prominence of development from public vantage points would be high. Development across higher land to the west of Oakham would introduce an uncharacteristic element to settlement form. Overall high landscape sensitivity and moderate to high landscape value. The zone is allocated low capacity to accommodate proposed development"*. Consequently a red RAG (Red/Amber/Green) rating was considered appropriate in 2019.

**1.2** At the time of the 2019 landscape assessment no details of any proposed residential development on site SHELAA/OAK/01 had been submitted and thus the assessment was made of the sensitivity and capacity to accommodate development across the entire site. The above extract from the landscape assessment refers to the site lying in Zone 4A as identified within the 2010 LS&CS; the site comprises the southern half of Zone 4A that in its entirety extends from Braunston Road northwards to Cold Overton Road. Zone 4A is described in the LS&CS as lying on the western edge of Oakham within the High Rutland Fringe landscape character type (LCT), characterised by its distinct rising relief and low intensity pastoral use, particularly within the northern field (i.e. immediately north of the site) where the change in gradient and elevation is most prominent. The northern field's steeper sided pasture appears not to have been improved, with a rough grazing use evident. The southern field (i.e. the site), consisting of a low dome profile between Braunston Road and the stream appears to have lost field boundaries in the past as a small number of free standing mature trees belie the position of former hedgerows. The site has considerable intrinsic landscape interest, which can be seen to be both emphasised and diminished as a result of its immediate relationship with the western edge of Oakham.

**1.3** With regard to settlement form and pattern, the LS&CS recognises that should Zone 4A (in its entirety) be developed it would have a limited impact upon overall settlement form apart from its outward extension. However, with the change in elevation across the zone any development that rises above the general level that is characteristic of this part of the town would introduce a relatively alien component to the townscape.

**1.4** The LS&CS suggests that development within Zone 4A would be prominent in the landscape in views from lower stretches of Braunston Road and from elevated but intermittent views from Cold Overton Road. The northern section of the zone in particular could also be seen rising above the two storey development from within the housing estate on Oakham's western edge itself. The rising relief of the ground may mean that the upper reaches of the zone, if developed, could be visible from further vantage points within the town and from open land to its south, east and north. However, these are likely to be distant and of limited significance. The LS&CS also recognises that properties backing onto Zone 4A from the Glebe Way estate enjoy extensive private views across it which if developed, would be seriously diminished if not totally removed.

**1.5** The LS&CS recognises that mitigation measures may be appropriate to reduce adverse landscape and visual effects, such as further boundary woodland planting and hedgerow strengthening and management. Furthermore, it suggests that consideration could be given to the benefits of development across only the inner (eastern) half of the zone so as to minimise impacts of development on higher reaches which would be conspicuous and inconsistent with settlement character. In addition, the highest reaches of the zone on the slopes rising to meet Cold Overton Road to its northern edge should remain open to avoid conspicuous development. A 'green corridor' either side of the small stream that dissects the zone and which maintains its distinctive vegetated ribbon should also be retained. It is recognised in the LS&CS that detailed design would be of high importance in determining landscape and visual sensitivity and capacity given the characteristics and location of Zone 4A.

**1.6** The 2019 landscape assessment formed part of RCCs SHELAA that necessarily considered the merits of each site at that time. More recently planning permission has been granted by Rutland County Council for residential development of up to 62 dwellings on land immediately to the south of Braunston Road (Ref. 2020/1473/MAO) that was allocated in the draft Local Plan (that site formed the northern part of Zone 4B in the LS&CS and was reviewed by BBe in 2019 as site OAK/16; an initial Red RAG rating was re-assessed as Amber following further landscape review by BBe recognising in particular the flatter topography of the northern part of Zone 4B, gently rising east to west from 123m Above Ordnance Datum (AOD) to 135m AOD approximately, its well defined boundary hedges and trees, and Brooke Hill Wood to the south that combine to reduce its sensitivity to residential development).

**1.7** Residential development approved for that site to the south of Braunston Road will extend the town beyond current built limits (of the adjacent houses on Hanbury Close to the north of Braunston Road) on land gently rising to approximately 135m AOD. It is considered that this development reduces the sensitivity of the site to the north of Braunston Road to residential development that is confined to the more easterly, lower and flatter parts of the site up to the 135m AOD contour line and which avoids the characteristic steeper, rolling topography of the High Rutland Fringe LCA within which the site lies.

## **2. Proposed Development**

**2.1** In general it is considered that the proposed residential development as indicated on the Concept Masterplan represents an appropriate landscape-led scheme that considers the site's key sensitivities, constraints and opportunities (however, see paragraph 2.5 below). The illustrative layout on the masterplan shows that an appropriate new western edge to Oakham can be created in this location without resulting in overriding significant adverse landscape and visual effects.

**2.2** The DAS describes the key design elements incorporated into the scheme. Of specific relevance to landscape and visual concerns are proposals to:

- Limit the developable area to below the 135m contour line, setting-back new development from the western site boundary to avoid the higher ground, to create a softer development edge and a sensitive landscape transition from built form to the wider countryside beyond;
- Retain existing trees within the site and boundary hedgerows and hedgerow trees wherever possible;
- Incorporate new native boundary woodland and woodland edge planting to provide screening and to assimilate the development into the landscape;
- Reinststate an historic hedgeline linking mature trees within the site and separating the developable area to the east from areas of grassland / open space on higher ground within the site to the west;
- Dedicate a significant proportion of the site (approximately 60% of the total site area) to landscape, green infrastructure, open space, and habitat proposals related to the stream along the site's northern boundary and new wetland / attenuation areas;
- Set-back new development from existing housing close to the eastern site boundary;
- Set-back new development from the southern boundary with Braunston Road in keeping with the open roadside character to the east.

**2.3** The proposed development occupies a site area of 7.99 hectares (ha) in total and comprises residential development of up to 100 dwellings within an area of 3.03ha, achieving an average density of 33 dwellings per ha. The DAS suggests there may be differing densities across the site, with higher densities to the east and lower densities towards the peripheries of the site. It is considered that this may represent an over-development of the site with greater densities than exist to the east and as proposed to the south of Braunston Road; the approved scheme to the south (Ref. 2020/1473/MAO) comprises up to 62 dwellings on a site area of 3.38ha giving an average density of 19 dwellings per ha. Furthermore, by way of further comparison, the Jeakins Weir development at Spinney Hill, Uppingham Road, Oakham, comprises 96 dwellings on a site area of 3.2ha giving an average density of 30 dwellings per ha.

**2.4** Proposals to set-back development from existing site boundaries to the north, east and south, and to limit the developable area to below the 135m contour line, results in the proposed built development having to be squeezed into the central/eastern portion of the site. The footprint of buildings illustrated on the Concept Masterplan appear too small in comparison with the footprint of existing dwellings to the east (also shown on the masterplan). This also leads to comparatively smaller plot sizes.

**2.5** According to the DAS the height and massing of the proposed development will vary across the site; predominantly 2-storey but with occasional increasing height to 2.5 storeys. The DAS suggests that the variation in heights and massing accords to the nature of the public realm to be created and to aid legibility and provide articulation within the street scene. Whilst it is appreciated that a mixed size and tenure of units will ultimately be decided to meet local demand, the size and scale of development (and other features that will be the subject of detailed design) should fully take into consideration the site's key sensitivities, constraints and opportunities to ensure an appropriate landscape-led design. Existing and proposed residential development to the east and south comprises a mix of 2 storey housing and single storey bungalows; it is considered that this pattern of development would also be appropriate on the site, with careful consideration of where different heights of dwelling would be most appropriate to minimise adverse landscape and visual impacts in accordance with site topography, and in particular where 2.5 storey dwellings are unlikely to be acceptable. Consideration could also be given to innovative split-level design (for example executive-

type detached bungalows) within the higher parts of the site close to the 135m contour line to minimise landscape and visual impact whilst at the same time allowing elevated views out.

### **3. Landscape and Visual Effects**

**3.1** A site visit was undertaken on 29 November 2021 to view the site and its landscape and visual context. All the viewpoints within the LVIA were visited.

**3.2** The LVIA has been undertaken of the layout illustrated in the Concept Masterplan and with the assumption that development on the site will be predominantly 2 storeys to a maximum height of around 8.5m to ridge above ground level. However, as referred to above, some dwellings may be 2.5 storeys which may create further landscape and visual effects than as reported in the LVIA.

**3.3** The LVIA provides an accurate description of the existing baseline conditions of the site and its landscape and visual context in terms of landscape character and views. The site and its immediate landscape are assessed in the LVIA as of medium value and overall medium sensitivity which are considered appropriate. The visual baseline identifies a number of visual receptors around the site that could be affected by the proposed development, and the existing views from twenty viewpoints are accurately described. The LVIA recognises that existing properties to the east of the site with views across it are of high susceptibility to change and overall high/medium sensitivity to the type of development proposed. More filtered views from properties further away from the site, such as on Glebe Way, are of high/medium susceptibility to change and overall medium sensitivity to the type of development proposed. The LVIA also considers views from public rights of way to the south and west, the Woodland Trust site to the southeast, and from road users on Braunston Road and Cold Overton Road.

**3.4** The LVIA recognises that, in general, distant views towards the more elevated parts of the site are possible from vantage points in the wider landscape to the south, east and north. However, these views are distant and limited and where visible the site – predominantly above the 135m contour - is seen as a very minor element, beyond the existing properties and buildings. Importantly, providing any proposed development does not encroach beyond the 135m contour line, it will not be seen on the skyline or extending markedly up the High Rutland Fringe slopes from more distant viewpoints.

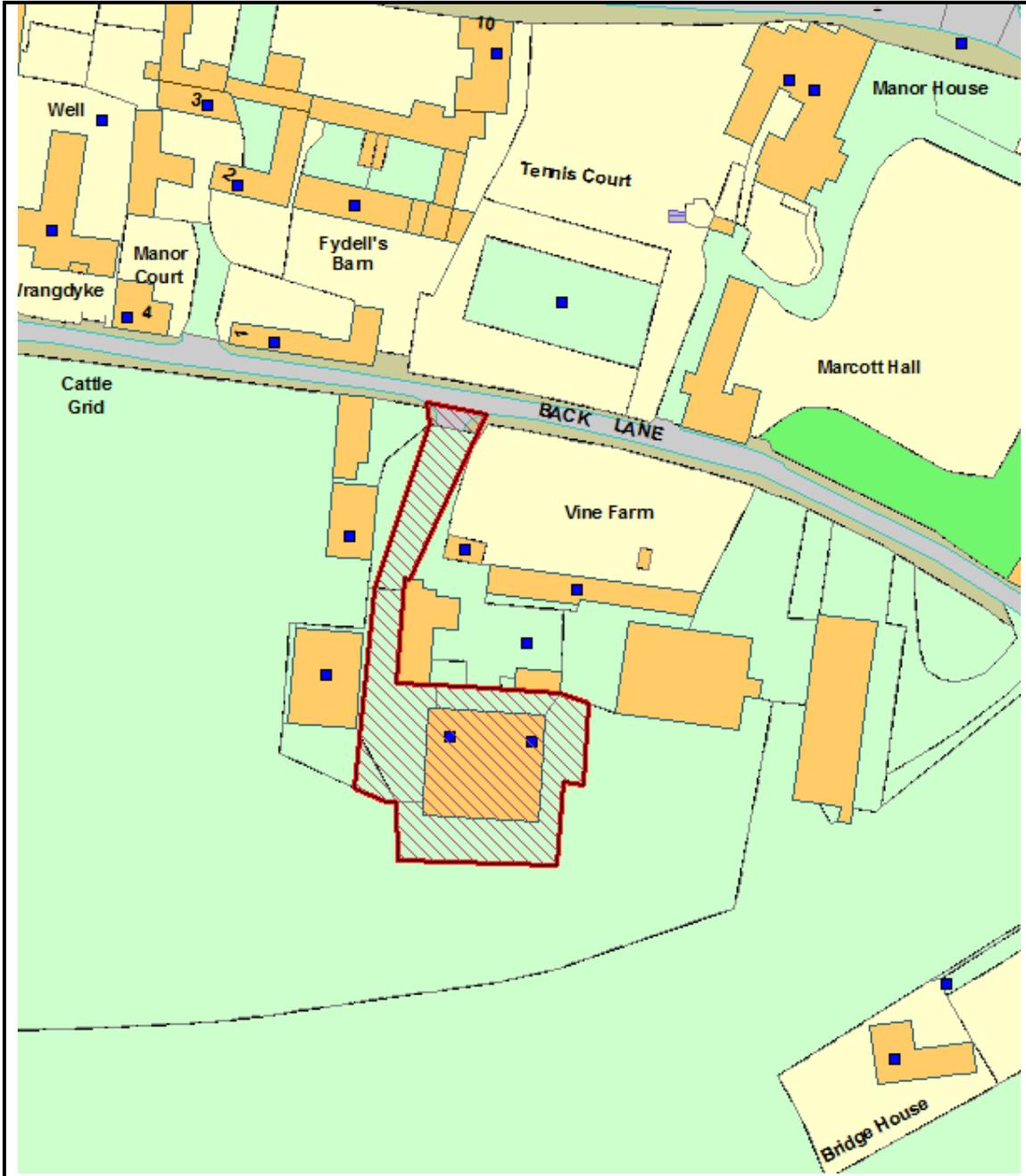
**3.5** The LVIA acknowledges that there will inevitably be adverse landscape and visual effects of new built development within open countryside on the edge of the town. However, a number of key features are incorporated into the scheme that are designed to minimise any potential landscape and visual effects, as outlined in paragraph 2.2 above. It is considered that, subject to detailed design, these measures should successfully assimilate the proposed new built development and establish an appropriate new landscape edge to this part of Oakham. Furthermore, it is considered that the proposed scheme will improve the current open and rather abrupt settlement edge and create a stronger, softer and more filtered 'green' access to Oakham on the Braunston Road approach from the west. Key characteristics of the High Rutland Fringe landscape character area that are important to the landscape setting of Oakham to the west, in particular its series of rounded ridges and valleys with occasionally steeply rising relief, pastoral land use with well-defined hedgerow boundaries, and small parcels of woodland and copses dotted throughout the landscape, will remain around the western side of Oakham following development of the site as proposed in the outline application.

**3.6** Visual effects are likely to be relatively limited. The LVIA acknowledges that those properties adjacent or in close proximity to the site boundary will experience the greatest visual effects arising from the proposed development, especially during the construction phase when change will be most conspicuous. It is anticipated that those properties which immediately abut or are in close proximity to the site will initially experience moderate-major adverse effects at worst, reducing to minor or moderate adverse after fifteen years. However, this assessment should be treated with some caution until details of the layout and design, including size, scale, heights, massing and materials are known. Wherever possible current views across the site towards the rising countryside beyond should be retained, and sky-lining of new properties avoided.

**3.7** Effects on views from public rights of way and from the Woodland Trust community woodland will be negligible. Users of adjacent or nearby roads including Braunston Road and Cold Overton Road , which will have the clearest views into the site , will experience moderate adverse effects at worst upon completion of the scheme. The housing site to the south of Braunston Road is more open in views from the road whereas existing boundary hedgerows and trees to the south and southwest of the site to the north of Braunston Road already provide an element of screening and landscape assimilation to the site, especially when entering the town from the west .The LVIA suggests that overtime the maturing of the proposed perimeter landscaping and structure planting will further assist in assimilating the proposed development within the existing surrounding landscape setting, and that overall landscape and visual effects would be reduced. This is considered an accurate assessment.

**Anthony Brown, CMLI**  
**Chartered Member of the Landscape Institute**  
**Managing Director, Bayou Bluenvironment Limited**  
**02 December 2021.**

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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

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Application:	<b>2021/1339/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>Demolition of existing barn and erection of 2 no. new dwellings.</b>		
Address:	<b>Vine Farm, Back Lane, Morcott, Rutland, LE15 9DG</b>		
Applicant:	<b>Hereward Homes</b>	Parish	<b>Morcott</b>
Agent:		Ward	<b>Braunston &amp; Martinthorpe</b>
Reason for presenting to Committee:	<b>Policy</b>		
Date of Committee:	<b>19 April 2022</b>		
Determination Date:	<b>4 January 2022</b>		
Agreed Extension of Time Date:	<b>22 April 2022</b>		

## EXECUTIVE SUMMARY

The building has an extant approval to be converted to 3 dwellings under Class Q. This is a fallback position and hence a material consideration. The building stands on the edge of a farmstead where other buildings also have approval to convert to dwellings. Its replacement with 2 well designed dwellings in appropriate materials would enhance the character of the conservation area.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. 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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2058-10, 2058-30, 2058-31A, 2058-32, 2058-33, 2058-34C and 2058-35C.  
Reason – For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
Reason – To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
5. 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.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, buildings within the curtilage or any means of enclosure, other than that shown on the approved plans, shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – To ensure that the appearance of the development on the edge of the conservation area remains appropriate to its location and to allow the LPA to control any alternative proposals.

7. Before either dwelling is occupied, 1 x bat brick, 1 x sparrow terrace, 2 x house martin nests and 1 x group of 3 swift boxes shall be installed on each new dwelling. The locations of these should be marked on plans to be submitted for approval prior to installation and photographs submitted following their installation to demonstrate compliance.

Reason – To ensure that habitat for endangered species is provided in the interests of bio-diversity gain.

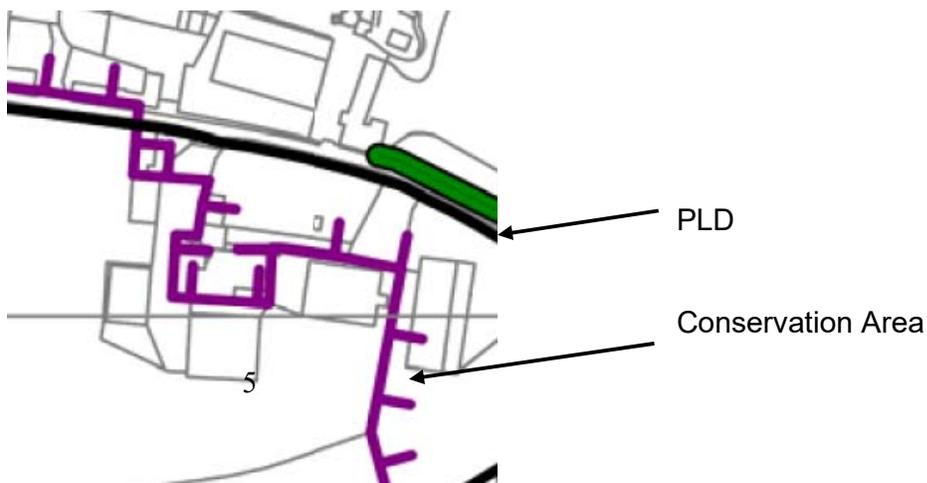
8. The development shall be carried out in accordance with recommendations in Chapter 8 in the Geo-Environmental Report by Obsidian Consulting (July 2021).

Reason – To ensure the health and safety of future occupants.

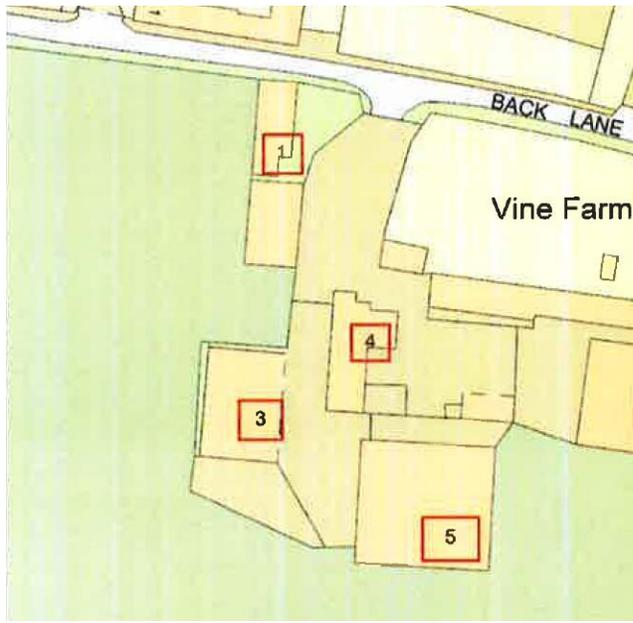
Notes to Applicant:  
CIL Informative

## Site & Surroundings

1. This application relates to Building No.5 on the farm layout plan below. The site is outside the Planned Limit to Development for Morcott, which runs along Back Lane, and just on the edge of the Conservation Area, the boundary of which runs through the farmyard.



2. The overall site comprises a farmhouse, a stone barn (No.4), a modern barn (No.1), a large modern barn (No.3) and this concrete portal frame building with external cladding.



3. The building is a modern portal frame barn on the southern edge of the farmstead.

## Proposal

4. The proposal is to replace the barn with 2 new build dwellings, 2 storey in stone and slate.

## Relevant Planning History

2019/1330/PAD – Convert Barn to 3 dwellings (Class Q) – Approved Jan 2020

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development (Inc Para 11(d))

Chapter 5 – Delivering a sufficient supply of homes

### Site Allocations and Policies DPD (2014)

SP6 Housing in the Countryside

SP15 – Design & Amenity

SP20 – The Historic Environment

### Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 – Good Design

CS22 – The Historic Environment

### Neighbourhood Plan

There is no NP for Morcott

## Officer Evaluation

5. As the site lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
6. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

### Principle of the use

7. The principle of providing 3 dwellings on this site has been established by the Class Q approval. This thereby constitutes a fallback position.
8. In past cases, applications such as this have been considered on their merits as to whether the proposal would have a better relationship with, for example, an historic asset than the Class Q scheme. So, whilst this is technically contrary to the development plan, in accordance with which decisions should normally be taken unless material considerations indicate otherwise, it is concluded here that the material consideration of the fallback position would result in a better overall long term development in the interests of the conservation area.
9. In addition in the cases where the Local Planning Authority cannot demonstrate a 5 year housing land supply, the policies relating to the location of housing are considered out of date so the location of the PLD in this instance carries limited weight and it is the overall impact of the proposal and its sustainability that needs to be considered.

### Impact of the use on the character of the area

10. This is key to the weight to be given to the fallback position of the Class Q conversion. The erection of 2 traditional dwellings in stone and slate would have a better relationship with the edge of the Conservation Area than the approved scheme and would thereby meet the statutory tests and relevant policies set out above. The permission would also secure a suitable rural boundary to the edge of the farmstead.

### Impact on the neighbouring properties

11. None

### Heritage

12. As set out above, this development would enhance the conservation area more so than the approved Class Q scheme so weight can be lent to that fallback position in pursuit of fulfilling the statutory requirement and policies set out above.
13. In reaching its conclusion and recommendation the local authority has considered the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

14. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the streetscene and surrounding context in accordance with Sections 12 and 16 of the NPPF (2021), Policy CS19 and CS2 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations DPD.

#### Highway issues

15. None – the site is well off the main road into the village and the proposal would have less impact than the 3 dwellings already approved.

#### Noise

16. Minor noise during demolition and construction but other conversion and/or new works are imminent across the whole site by the same developer.

#### Crime and Disorder

17. It is considered that the proposal would not result in any significant crime and disorder implications.

#### Human Rights Implications

18. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
19. It is considered that no relevant Article of that act will be breached.

## **Consultations**

### 20. **Ecology**

The Preliminary Roost Assessment report (Hillier Ecology, August 2021) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required.

The recommendations in the report should be followed, this includes lighting. As a condition of any planning permission granted, and as recommended in the report, 1 x bat brick, 1 x sparrow terrace, 2 x house martin nests and 1 x group 3 swift boxes should be installed on each new dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

### 21. **Archaeology**

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

### 22. **Public Protection**

No objection providing the recommendations of chapter 8 in the Geo-Environmental Report are conditioned as part of the approval and on the understanding the farming activities/housing are to be removed and relocated as agreed.

## **Neighbour Representations**

23. None

## **Conclusion**

24. The proposal would lead to a better relationship with the Morcott Conservation Area than the approved Class Q development. On that basis it is recommended for approval.

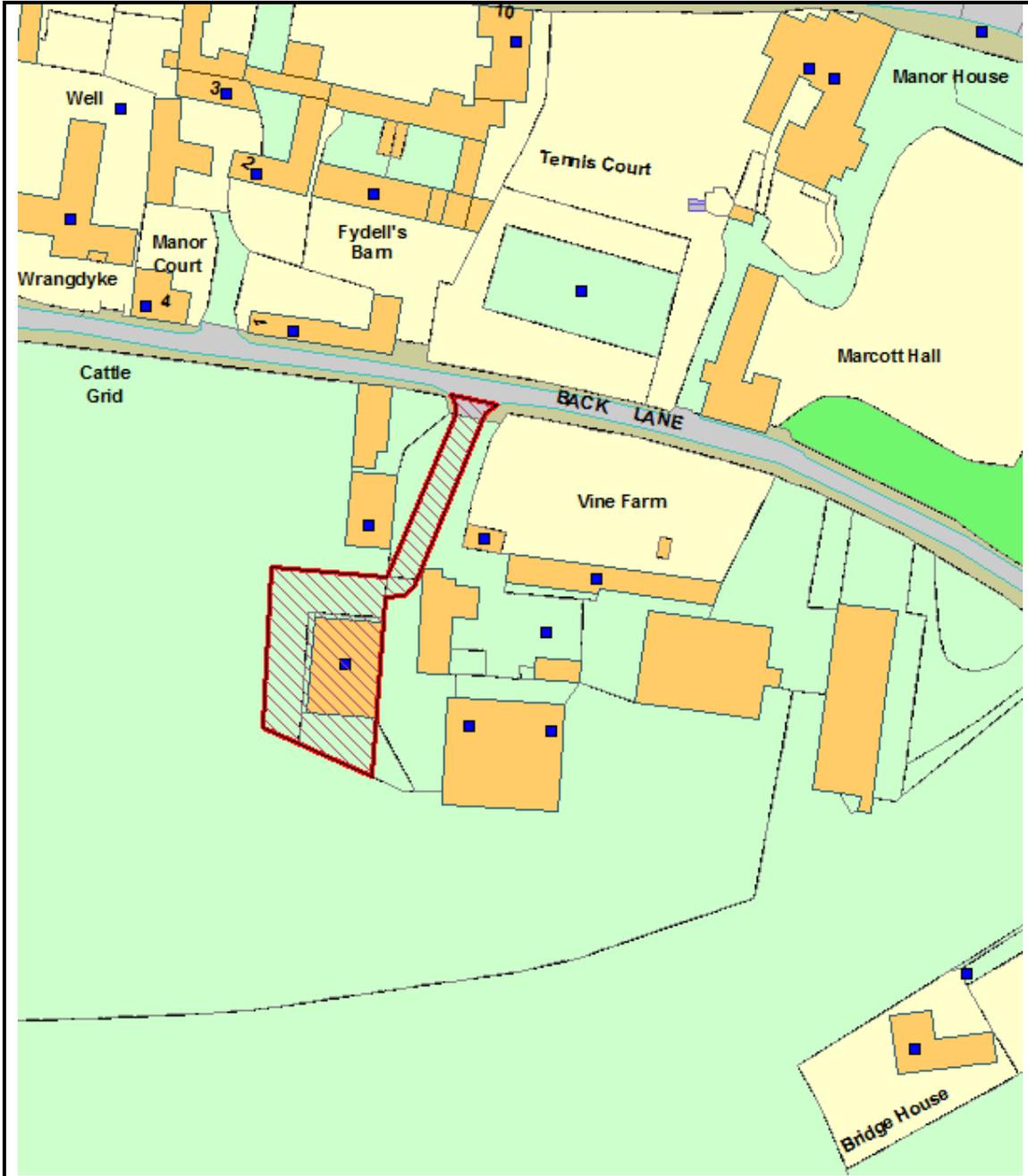


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Ordnance Survey [100018056]



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

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Application:	<b>2021/1373/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Demolition of existing barn and erection of one new 2 bedroom single storey dwelling.</b>		
Address:	<b>Vine Farm, Back Lane, Morcott, Rutland, LE15 9DG</b>		
Applicant:	<b>Hereward Homes</b>	Parish	<b>Morcott</b>
Agent:		Ward	<b>Braunston &amp; Martinthorpe</b>
Reason for presenting to Committee:	<b>Policy</b>		
Date of Committee:	<b>19 April 2022</b>		
Determination Date:	<b>18 January 2022</b>		
Agreed Extension of Time Date:	<b>22 April 2022</b>		

## EXECUTIVE SUMMARY

**The building stands on the edge of a farmstead where all other buildings have approval to convert to dwellings. Its replacement with a single storey dwelling in appropriate materials would enhance the character of the conservation area.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. 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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2058-40, 2058-41 (dated 14-12-2021), 2058-42 and 2058-45A.  
Reason – For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
Reason – To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
5. 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.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, buildings within the curtilage or any means of enclosure, other than that shown on the approved plans, shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – To ensure that the appearance of the development on the edge of the conservation area remains appropriate to its location and to allow the LPA to control any alternative proposals.

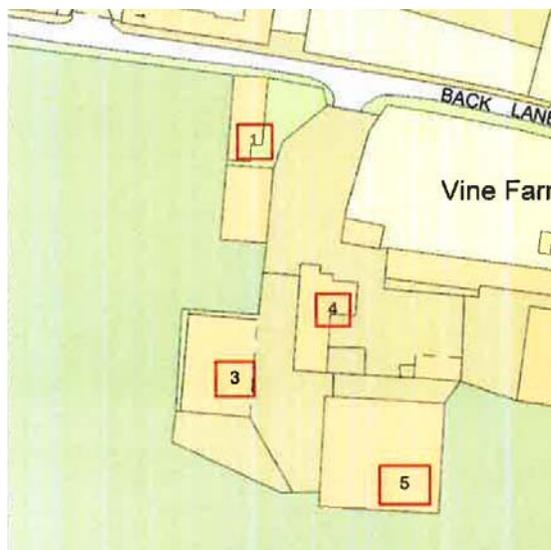
7. Before the dwelling is occupied, 1 x bat brick, 1 x sparrow terrace, shall be installed on the dwelling. The locations of these should be marked on plans to be submitted for approval prior to installation and photographs submitted following their installation to demonstrate compliance.

Reason – To ensure that habitat for endangered species is provided in the interests of bio-diversity gain.

Notes to Applicant:  
CIL Informative

## Site & Surroundings

1. This application relates to Building No.3 on the farm layout plan below. The site is outside the Planned Limit to Development for Morcott and just outside the edge of the Conservation Area, the boundary of which runs through the farmyard.
2. The overall site comprises a farmhouse, a stone barn (No.4), a modern barn (No.1), large modern barns (No.5) and this concrete portal frame building (No.3).



3. The building is a modern portal frame barn on the western edge of the farmstead and prominent across the adjacent agricultural land from The Cockpit, the lane that links the A47 to the village.

## **Proposal**

4. It is proposed to demolish the modern barn and replace it with a single storey built of stone with a slate roof. See details in the Appendix.

## **Relevant Planning History**

5. None on this particular building although there is a history of Class Q approvals on Buildings 1 and 5 and full a permission for conversion of the stone barn (No.4) to a dwelling within this small farm complex.

## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2019**

Chapter 2 – Achieving Sustainable Development (Inc Para 11(d))  
Chapter 5 – Delivering a sufficient supply of homes

### **Site Allocations and Policies DPD (2014)**

SP6 Housing in the Countryside  
SP15 – Design & Amenity  
SP20 – The Historic Environment

### **Core Strategy DPD (2011)**

CS04 - The Location of Development  
CS19 – Good Design  
CS22 – The Historic Environment

### **Neighbourhood Plan**

There is no NP for Morcott

## **Officer Evaluation**

6. As the site lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
7. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

### Principle of the use

8. This is not a building that would be considered suitable for conversion under Class Q as it is just a concrete frame with no existing walls so is not capable of functioning as a dwelling.

9. On the face of it this proposal is in the countryside and would not normally be acceptable as there is no demonstrable need for a dwelling here in accordance with SP6. However, looking at the wider picture, the history of the wider but compact site and its character being altered considerably due to Class Q rights, would it be reasonable to resist this proposal which provides a small dwelling in a small village?
10. The 5 year housing land supply and Para 11d of the NPPF is also to be considered relevant here as the policies for the location of housing are out of date.
11. A material consideration in this case is the fact that Barn 1 is to be replaced by a new build, Barn 4 has full permission to convert to a dwelling and Barn 5 at the rear has Class Q approval (and is subject to a similar proposal under 2021/1339 on this agenda, bearing in mind the fallback position) it may be considered reasonable to allow this development to provide a better planned, designed and co-ordinated edge to the village.

#### Impact of the use on the character of the area

12. The existing building lends nothing to the character or the edge of the village or the Conservation Area. Its replacement with a single storey, well designed dwelling with appropriate materials, landscaping and boundary treatment would make a more positive contribution to those interests resulting in a less prominent building which can have boundary treatment and landscaping controlled by conditions.

#### Impact on the neighbouring properties

13. None

#### Heritage

14. As discussed above, the development would have a positive impact on the character of the conservation area, as a designated heritage asset.
15. In reaching a conclusion and recommendation Officers have considered the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
16. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the character of the village and surrounding buildings, the streetscene and surrounding context in accordance with Sections 12 and 16 of the NPPF (2021), Policy CS19 and CS2 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations DPD.
17. Whilst there is no Archaeology response on this proposal there is no reason to think it would be different to that on application 2021/1339 elsewhere on this agenda.

#### Highway issues

18. None. The proposal would share the existing farm access off Back Lane.

#### Noise

19. Potentially this proposal will remove the last agricultural building from this farmstead, potentially reducing noise to the surrounding approved dwellings.

#### Crime and Disorder

20. It is considered that the proposal would not result in any significant crime and disorder implications.

## Human Rights Implications

21. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
22. It is considered that no relevant Article of that act will be breached.

## **Consultations**

### 23. **Public Protection**

No objection to the proposal

### 24. **Ecology**

The Preliminary Roost Assessment report (Hillier Ecology, August 2021) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required.

The recommendations in the report should be followed, this includes lighting. As a condition of any planning permission granted, and as recommended in the report, 1 x bat brick, 1 x sparrow terrace, 2 x house martin nests and 1 x group 3 swift boxes should be installed on the new dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

## **Neighbour Representations**

25. None

## **Conclusion**

26. Whilst the proposal is contrary to the development plan, the policies for the location of housing are out of date. The approvals for converting the surrounding buildings into dwellings is a significant material consideration this case, as is the desire to enhance the character of the conservation area. The scheme would have a positive impact on the character of the edge of the village and on the conservation area and would not harm any other amenities or interests of importance. It is thereby recommended for approval on that basis.

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## PLANNING AND LICENSING COMMITTEE

19<sup>th</sup> April 2022

### APPEALS

#### Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Ian Razzell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 <a href="mailto:psharp@rutland.gov.uk">psharp@rutland.gov.uk</a>
	Justin Johnson, Development Control Manager	Tel: 01572 720950 <a href="mailto:jjohnson@rutland.gov.uk">jjohnson@rutland.gov.uk</a>
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/A2470/W/21/3282349 – Mrs June Titterton-Fox – 2020/0034/FUL**  
Field House, Exton Road, Whitwell, Rutland  
Proposed single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.

**Delegated Decision** - Acceptance of the proposals would be at odds with the requirements of Paragraph 131 of the NPPF. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as the development fits in with the overall form and layout of their surroundings. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted to justify acceptance of the proposed development when considered against Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II\* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact. The harm that would be caused is not justified and the wider public benefits of the scheme would not outweigh this harm. The proposal is therefore contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

2.2 **APP/A2470/W/21/3283970 – A Hinch – 2021/0479/FUL**

Glebe Farm, Empingham Road, Tinwell

Retrospective planning permission for the redevelopment of an agricultural building to form 1 no. dwelling

**Delegated Decision:** The site is located in an unsustainable location in open countryside where restrictive local and national policies apply. The building that was on site was being converted by virtue of an approval under Class Q. That building collapsed or was proven unstable to convert. The Class Q approval is thereby lost such that there is no longer a fallback position and the proposal needs to be considered against the policies of the development plan and the NPPF. There is no proven need for a new dwelling in this location and it is thereby contrary to Policy CS4 of the Core Strategy and SP6 of the Site Allocations DPD together with the advice in paragraphs 78-80 in particular of the NPPF.

2.3 **APP/A2470/W/21/3284377 – Mr Paul Chenery – 2021/0446/PAD**

Town Park Farm, Oakham Road, Brooke

Change of use of agricultural building to form 1 No. Dwelling; and building operations reasonably necessary to convert the building to a dwelling.

**Delegated Decision:** The design and construction of the existing building means that it is not capable of functioning as a dwelling, and the proposed works to facilitate the use for Class C3 purposes would involve considerable operational development, rather than the conversion of an existing building. The proposal would therefore not constitute development permitted under the provision of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The building is located within a working farm area directly adjacent to working agricultural buildings capable of housing livestock and being used for other agricultural operations. The location would thereby lead to poor living conditions for

the occupiers by reason of noise and odours from the existing farm activity, when assessed against Para Q.2(e) of Class Q.

2.4 **APP/A2470/W/21/3287842 – Mr David Joyce – 2021/0455/FUL**

9 Whitwell Road, Empingham  
Application for vehicular access

**Delegated Decision:** The highway authority objects to the proposed access because there is no space for a vehicle to turn within the site and leave in a forward gear. Vehicles consequently reversing out onto the A606 close to a bend would be detrimental to highway safety and thereby contrary to Policy SP15 of the Site Allocations and Policies DPD 2014.

2.5 **APP/A2470/W/21/3289079 – Mr Justin Bell – 2020/1359/FUL**

Pridmores Haulage, 1 Tippings Lane, Barrowden  
Demolition of Commercial buildings and construction of 2 dwellings and associated access and external works.

**Delegated Decision:** The land subject to this application has open undeveloped areas important to both the setting of the nearby historic building Rosemary Cottage, No. 24, Main Street and to the character and appearance of the Barrowden Conservation Area. The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock. Given this, the proposal would be contrary to Sections 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW6 of the Barrowden and Wakerley Neighbourhood Plan.

Both houses would have extensive, double and single storey elements to the rear adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. The dwellings having large sprawling footprints and excessive form do not reflect dwellings in this location and are at odds with the prevailing form and character of the area. Furthermore, this excessive built form will adversely interrupt a key vista from the established important open space of the village green to the south. This would fail to preserve or enhance character and appearance of the Barrowden Conservation Area. As such the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021), Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1 and BW6 of the Barrowden and Wakerley Neighbourhood Plan.

The proposal for two, 4 bed dwellings does not meet the identified local need for homes for Barrowden and is not making an effective use of land contrary to Sections 5 and 11 of the NPPF (2021) and Policy BW9 of the Barrowden and Wakerley Neighbourhood Plan.

- 2.6 **APP/A2470/W/22/3290466 – William Ashmore – 2020/0818/FUL**  
 1 Wheatsheaf Lane, Greetham  
 Proposed erection of 1 no. dwelling. Single storey side and rear extension and new porch to existing dwelling.  
**Delegated Decision:** The proposed subdivision of the existing curtilage of No 1 Wheatsheaf Lane and the construction of a new dwelling would result in overdevelopment of the existing small plot of land, providing insufficient amenity space to serve two dwellings, have an adverse impact on the residential amenities of neighbouring properties by reason of increased overlooking and loss of privacy and either directly or indirectly affect trees within or on the boundary of the application site which would fail to preserve or enhance the character and appearance of the Greetham Conservation Area. The Local Planning Authority has a statutory duty under section 72(1) of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that the character of the conservation area is preserved. The proposal would be contrary to that statutory obligation and also to Policies CS19 (Promoting good design), and CS22 (The historic and cultural environment) of the Core Strategy, Policies SP5 (Built development in the towns and villages), SP15 (Design and amenity) and, SP20 (The historic environment), of the Site Allocations and Policies Development Plan Document, Policy CH1 of the Greetham Neighbourhood Plan and the advice in Chapters 12, and 16 of the NPPF (2021).
- 2.7 **APP/A2470/W/22/3291051 – Mr Michael Allen – 2021/0698/FUL**  
 Brooke Priory School, Station Approach, Oakham  
 Construction of a new artificial multi use games area (MUGA) with associated sports lighting, fencing and ancillary features for pupils at Brooke Priory School. Includes a change of use from domestic gardens to school.  
**Committee Decision:** The unauthorised change of use and physical changes to the site have resulted in the row of terrace properties directly to the south of the site (no. 95, 93, 91 & 89 Station Road) having their garden areas reduced from approximately 33-35m depth to approximately 12 metres under the current proposal. It is considered that the significant reduction in private amenity space as a result of the development has a detrimental impact upon the residential amenity of the occupiers of these properties. This detrimental impact would be exacerbated by the close and immediate proximity of the proposed Multi Use Games Area (MUGA), and associated infrastructure that would be required to facilitate it. The proximity of the MUGA would similarly adversely affect the existing quality of residential amenity enjoyed by the occupiers of the properties along Station Road to the east of the site, in particular no. 87 and 85 Station Road. As such the development would be contrary to Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
- 2.8 **APP/A2470/W/21/3285028 – Muller Property Group – 2020/0172/OUT**  
 Outline Planning Application for the development of up to 66 no. dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access.  
 Land to the South of Stapleford Road, Whissendine  
**Committee Decision:** The site is outside the Planned Limits to Development for Whissendine where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for

setting aside the development plan and there is no overriding need for this level of affordable housing in Whissendine. The proposal is thereby contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.

It has not been demonstrated that up to 66 dwellings can be accommodated on the site having regard to appropriate densities, urban design principles, ecology and highway safety. The development would thereby potentially result in a cramped form of development which would be detrimental to the character of this edge of the village, lack adequate open space, be harmful to biodiversity and potentially result in parking and access difficulties. This would be contrary to Policies CS19 and CS21 of the Core Strategy (2011), Policy SP5, SP15 and SP19 of the Site Allocations and Policies DPD (2014), Para 175 of the NPPF.

It has not been demonstrated that surface water from the site can be drained satisfactorily to prevent additional flooding issues in the village. The proposal is thereby contrary to Policy CS19(d) of the Core Strategy (2011) and the advice in Chapter 14 of the National Planning Policy Framework, particularly paragraphs 160, 163 and 165.

The scheme would result in a net loss of biodiversity, contrary to Policies CS21 and SP19 of the development plan and Chapter 15 of the NPPF.

**2.9 APP/A2470/W/22/3293770 – Mr Alan Freeman – 2021/0485/FUL**

Change of use of 1 no. staff flat and 1 no. guest house manager's flat to short-term letting accommodation.

Rutland Point, 5 Glaston Road, Morcott

**Delegated Decision:** 'The proposal is considered to be unsustainable tourist/letting development where insufficient evidence has been submitted that the development meets local business or community needs. The scheme is in an unsustainable location which is not physically well related to existing settlements and due to the lack of genuine transport choice will lead to the dependence on car based travel by future occupants of the four holiday chalets. Therefore, it is considered that the development is contrary to Policies SP7 and SP25 of the Rutland Site Allocations and Policies Development Plan Document, Rutland Core Strategy Policies CS1(c), CS4 and CS15 and Paragraphs 84 and 85 of the National Planning Policy Framework (2021).

**2.10 APP/A2470/W/22/3293464 – Recharge Roadside Services Ltd – 2021/0018/MAF**

Proposed roadside services and recharge centre, comprising eight pump petrol filling station including supporting retail unit (330m<sup>2</sup>) and canopy, four electric charging stations, drive thru coffee shop (165m<sup>2</sup>), new vehicular access, drainage, parking and landscaping.

Land North of A47, Duddington Way, Uppingham

**Committee Decision:** The site is located in a prominent junction in open countryside where well established local and national policies seek to protect the countryside from inappropriate development.

It has not been demonstrated that the development is essential for the provision of roadside services in this location when there are stations nearby and there is an allocation for a petrol filling station on the opposite side of the A47 in the made

Uppingham Neighbourhood Plan, Policy 6 - Industry and Employment - Site D - Uppingham Gate.

The scale of the development would constitute an unjustified incongruous element in the countryside to the detriment of visual amenity. The proposal would thereby be contrary to policies CS4 of the Core Strategy (2011) and SP7 and SP15 of the Site Allocations and Policies DPD (2014).

The site is located in open countryside where the impact of 24 hour lighting would have a detrimental impact on rural amenity and the night sky, contrary to Policy CS19 of the Core Strategy (2011) and Policies SP15 and SP17 of the Site Allocations and Policies DPD (2014).

**2.11 APP/A2470/X/22/3295641 – Mr Paul Bird – 2021/1350/CLE**

Certificate of Lawfulness for Hazel Hill Farm:

- (1) The erection of a building and its subsequent change of use to use as a single dwelling-house (Use Class C3),
- (2) the conversion and change of use of an underground agricultural vegetable storage clamp to a basement for the dwellinghouse,
- (3) operational development comprising the installation of a septic tank and drainage system, and
- (4) the associated use of land as curtilage to the dwelling shown edged red on the application plan.

Hazel Hill Farm, Wing Road, Morcott

**Delegated Decision:** The Council is not satisfied that the applicant has discharged his burden of proving that the unauthorised dwelling is now immune from enforcement action. The Council considers that the 4 year time limit is disapplied in this case as on the balance of probabilities the applicant has, through his actions and statements to officers, sought to positively deceive it: Welwyn Hatfield.

**3. DECISIONS**

**3.1 APP/A2470/D/21/3285073 – Mrs Wendy Sullivan – 2021/0153/FUL**

Saw Pit Cottage, 7 Kings Road, Barrowden  
Front Porch.

**Refused – Delegated Decision**

**Appeal Decision: Dismissed 8 March 2022**

**3.2 APP/A2470/W/21/3284013 – Mr Michael Lount – 2021/0673/PAD**

Former Pig Farm, Ayston Road, Ridlington

**Appeal against conditions imposed on 2021/0673/PAD (Conversion of agricultural building to dwellinghouse)**

**Approved – Delegated Decision**

**Appeal Decision: Dismissed & conditions retained – 21 March 2022**

**3.3 APP/A2470/W/21/3285325 – Mr Roger Barclay – 2021/0979/FUL**

Manor Farm Barn, Thistleton Road, Market Overton

**Refused – Delegated Decision**

**Appeal Decision: Allowed – 25 March 2022**

#### **4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**

##### **4.1 APP/A2470/C/22/3295642 – Mr Paul Bird – 2017/0072/CMP**

Hazel Hill Farm, Wing Road, Morcott

Without planning permission the material change of use of the land from an agricultural use to a mixed use of agriculture and residential occupation.

Without planning permission the erection of a timber building.

##### **4.2 APP/A2470/C/22/3295643 – Miss Louise Holland – 2017/0072/CMP**

Hazel Hill Farm, Wing Road, Morcott

Without planning permission the material change of use of the land from an agricultural use to a mixed use of agriculture and residential occupation.

Without planning permission the erection of a timber building.

#### **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

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.