

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577
Email: democraticservices@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 March, 2024** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

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

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 Democratic Services Team at democraticservices@rutland.gov.uk meeting will also be available for viewing via Zoom at <https://us06web.zoom.us/j/82840077172>

A G E N D A

1) WELCOME & APOLOGIES

To receive any apologies from Members.

2) DECLARATIONS OF INTERESTS

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

3) PETITIONS, DEPUTATIONS AND QUESTIONS

Requests to speak on planning applications will be subject to the Council's [Public Speaking Scheme for Planning Applications](#).

To request to speak regarding a planning application, please send an email to democraticservices@rutland.gov.uk

4) PLANNING APPLICATIONS

To receive Report No.45/2024 from the Strategic Director for Places.
(Pages 3 - 6)

- a) 2022/0896/MAO
(Pages 7 - 52)
- b) 2023/0822/OUT
(Pages 53 - 90)
- c) 2023/1367/FUL
(Pages 91 - 98)

5) APPEALS REPORT
(Pages 99 - 102)

6) ANY OTHER URGENT BUSINESS

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

7) DATE OF NEXT MEETING

Tuesday, 23rd April 2024.

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

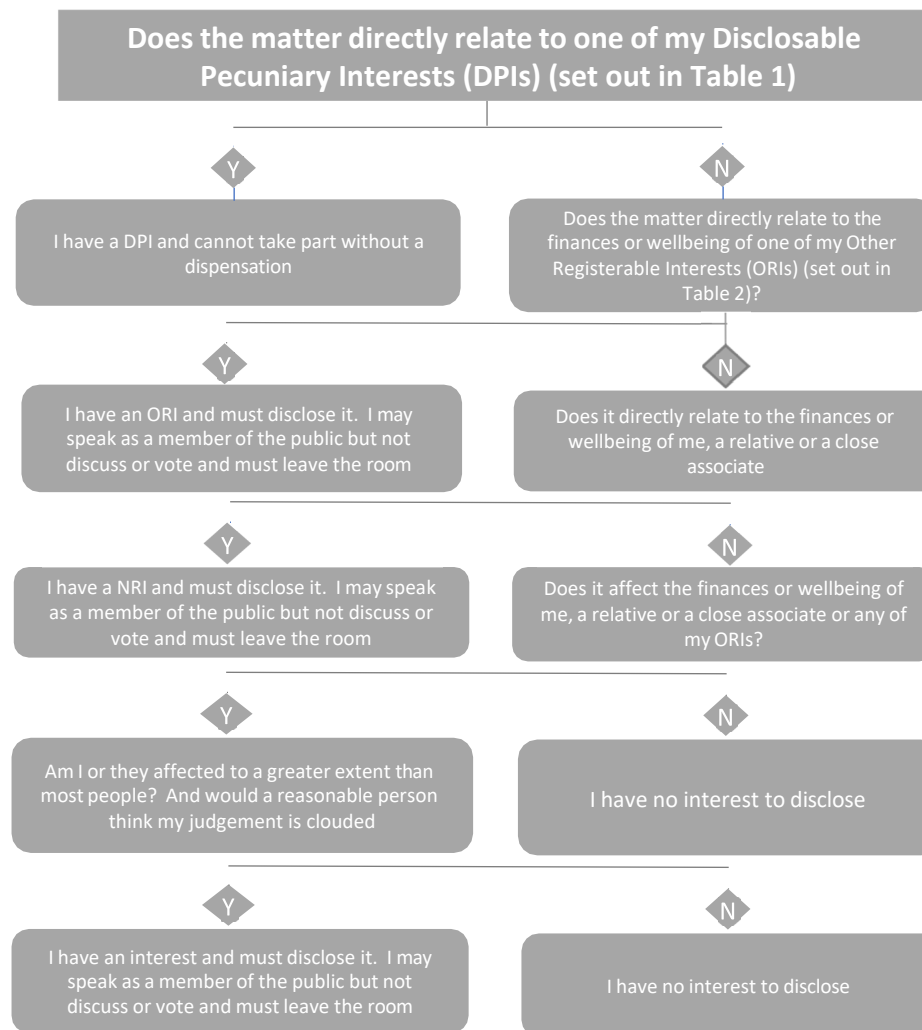
Councillor N Begy (Chair)	Councillor A Brown (Vice-Chair)
Councillor G Clifton	Councillor K Corby
Councillor S McRobb	Councillor K Payne
Councillor R Payne	Councillor T Smith
Councillor A West	Councillor D Wilby
Councillor C Wise	Councillor H Zollinger-Ball

Quorum: 6

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test	Predetermination Test
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased	At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact monitoringofficer@rutland.gov.uk

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

Rutland County Council

Planning & Licensing Committee – 19 March 2024

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2022/0896/MAO	SOS Tech Holdings Land to the SW of Belmesthorpe Lane, Ryhall Outline planning application seeking permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on Land To The SW Of Belmesthorpe Lane, Ryhall, Rutland	Approve	7-52
2	2023/0822/OUT	Secretary of State for Defence Officers Mess 16 Regiment Royal Artillery, St George's Barracks, Welland Road, Edith Weston Demolition and site clearance and redevelopment of the site for residential use (Use Class C3) and 168 sqm (GIA) of Use Class E floorspace, open spaces, access, landscaping, infrastructure and associated works (Outline Application with all matters reserved save for main points of access)	Approve	53-90
3	2023/1367/FUL	Mr Oliver Hemsley Mickley Lodge, Burley Road, Langham Single storey side & rear extension. Detached garage with annexe in roofspace. Demolition of timber stable & replace with a 3 bed annexe (ancillary dwelling).	Approve	91-98

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2022/0896/MAO



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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Application:	2022/0896/MAO	ITEM 1	
Proposal:	Outline planning application seeking permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on Land To The SW Of Belmesthorpe Lane, Ryhall, Rutland		
Address:	Land To The SW Of, Belmesthorpe Lane, Ryhall, Rutland		
Applicant:	Simon Boon Homes Ltd	Parish	Ryhall
Agent:	Sean Bennett	Ward	Ryhall and Casterton
Reason for presenting to Committee:	Departure from Development Plan		
Date of Committee:	17 March 2024		
Determination Date:	25 December 2023		
Agreed Extension of Time Date:	26 April 2024		

EXECUTIVE SUMMARY

The application is for outline planning permission for up to 11 dwellings. The site is adjacent to the Planned Limits of Development for Ryhall. The site is also between 2 No existing residential developments accessed via Gwash Close and Gwash Meadows.

The principle of development is acceptable in land use terms and revised plans have been submitted to ensure the proposal is acceptable on the grounds of highway safety, Ecology and the impact on the River Gwash.

Affordable housing would be provided on the site.

Approval is recommended subject to conditions and a Section 106 legal agreement.

RECOMMENDATION

APPROVAL, subject to a Section 106 legal agreement, and the following conditions:

1. 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.
2. 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.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, layout, landscaping 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.
4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BRY-ST-PL-A-01 'Location Plan' KA42696-BRY-00-PL-A-02 Rev A 'Existing Site Plan', Plan KA42696-BRY-00-PL-A-03 Rev D 'Proposed Site Plan'.
Reason: For the avoidance of doubt and in the interests of proper planning.

5. The Reserved Matters shall provide for a maximum of 11 dwellings.
Reason: To reflect the terms of the application and allow for satisfactory open space, sustainable drainage, ecological mitigation, to be incorporated in the development, in accordance with Policies SP5 and SP15.
6. 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 development shall be completed in accordance with the agreed scheme.
Reason - To ensure that appropriate details are approved by the Local Planning Authority in the interests of the appearance of the development and so that works are undertaken and completed in reasonable time.
7. Prior to the commencement of any development above damp course level shall the following details of the manufacturer and types and colours of the materials to be used in construction of each dwelling shall be submitted to and agreed, in writing, by the Local Planning Authority.
- Sample/details of all external walling materials
 - Sample/details of all external roofing materials
 - Details of coursing of the walling materials
 - Details of all doors and windows, dormer windows and rooflights
 - Details of window reveals
 - Details of garage doors
 - Details of rainwater goods
 - Details of cills, lintols and door hoods

Such materials and details as may be agreed shall be those used in the development.

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

8. No development shall take place until the existing trees and hedgerows on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on drawing reference 'Proposed Site Plan KA42696-BRY-00-PL-A-03 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.
9. No development 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 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 and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

10. 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 and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.
Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.
12. Notwithstanding the details submitted and prior to the commencement of any above ground development, details of all boundary treatments, to include boundary treatment to separate the 10m wide buffer zone between the riverbank of the River Gwash from private gardens, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved details prior to the occupation of each relevant dwelling and will thereafter be so maintained. At no point will the area highlighted on the approved plan as the buffer zone be incorporated into any domestic garden and shall remain solely as an ecological buffer zone.
Reason: In the interests of residential and visual amenity and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
13. Notwithstanding the layout shown on plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan, a 2m footway will be installed along the site frontage and leading into the development, abutting the carriageway, and connect to the existing footway provision in both directions.
Reason: To ensure footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
14. The existing street lighting column opposite The Crescent will be replaced and relocated as part of the off-site highway works and where necessary additional street lighting will be installed to ensure that the minimum luminance levels are achieved along the site frontage.
Reason: To ensure street light is to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National

Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

15. A detailed design of off-site highway works including the vehicular access, footways, drainage, street name plates and street lighting shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in full prior to first occupation.
Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
16. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.
Reason: To ensure users of the public highway are not subjected to glare and dazzle from lighting within the development in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
17. 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 prior to installation.
Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
18. Prior to commencement of development vehicle to vehicle visibility splays measuring 2.4m x 43m as shown on approved plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan will be provided and maintained clear of obstruction within 600mm in height above ground level in perpetuity.
Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
19. Pre-condition Highway Survey
Prior to commencement of development the developer must carry out and submit a pre-condition photographic highway survey to the Local planning Authority which will include verges from 100m south of the site in Belmesthorpe Lane to the A6121. A similar survey will be provided to the Local Planning Authority on completion of the development and any damage found associated with the construction vehicles will be remediated by the developer at nil cost to the authority.

Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
20. No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
 - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
 - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
 - d) Haul routes to the site and hours of delivery
 - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
 - f) Details of site compounds, storage area and contractor/visitor parking/turning.
 - g) Details of the site enclosure or part thereof and gated site security.
 - h) Confirmation of any tree protection measures.
 - i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
 - j) Details of site notice with contact details and a scheme for dealing with complaints.
 - k) Details of any temporary lighting which must not directly light the public highway.
 - l) Phasing plans where necessary.
 - m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
 - n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and residential amenity in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

21. Any external lighting required, either temporary lighting during building work, or permanent lighting post development, must be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat Conservation Trust, 2018) (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). Full details of any proposed external lightning shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. To reduce the impact of lighting on bats, lighting should consist of LED light sources fitted with downward deflectors (i.e. hoods, cowls, shields, louvres) at a low level, and, ideally, be on PIR sensors. No up-lighting should be used.
- Reason: To ensure that any protected species which are legally protected under the Wildlife and Countryside Act 1981 are not compromised by the work hereby approved.
22. All private shared driveways, 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.in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

23. The proposed principal junction with the existing public highway shall be constructed up to and including at least road base level 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 in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

24. The mitigation measures set out in Chapter 5 'Conclusions & Recommendations of the Phase I Desk Study Report by EPS (October 2022, ref. UK22.6112) shall be adopted in full.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with advice within National Planning Policy Framework.

25. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with advice within National Planning Policy Framework.

26. The development shall be carried out in accordance with the submitted flood risk assessment prepared by MTC Engineering, Ref: 2882 - FRA & DS - May 2022, in the following mitigation measures it details:

Finished floor levels to be no lower than 300mm above the 1 in the 1000 year (plus climate change) annual probability flood level

All dwellings to be located in flood zone 1

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason To reduce the risk of flooding to the proposed development and future occupants.

27. 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

'The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

'The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the

condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

28. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- Identification of potentially damaging construction activities
- identification of biodiversity protection zones
- practical measures and sensitive working practices to avoid or reduce impacts during construction
- timing of works to avoid harm to nesting birds
- responsible persons for overseeing sensitive works
- use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in the National Planning Policy Framework.

29. No development shall take place (including ground works or vegetation clearance) until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved scheme.

Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in the National Planning Policy Framework.

30. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a 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 design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), 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 where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and

f) A 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.

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

Notes to applicant

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

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link: - <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-nameand-numbering/> Should you require assistance please email snn@rutland.gov.uk Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, a joint inspection of the existing public highway, extent to be agreed once a haul route is agreed to within the CMP, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk

Off-site Highway Works - Section 278 Highways Act 1980

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

section 184 Highways Act 1980 ' temp construction access for site

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at highways@rutland.co.uk.

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

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway - Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk.

This development may be subject to a Community Infrastructure Levy (CIL) liability. This will be assessed at the time the reserved matters application is submitted.

Flood resistance and resilience As some dwellings will be within 20m of the River Gwash we advise that flood resilience and resistance measures are considered within the building design and development as an additional precaution.

To find out which measures will be effective for this development, please contact your building control department. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

Environmental permit Any works within 8m of the River Gwash (a 'main river') will need a flood risk activity permit.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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
- on or 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-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and it is advised that the applicant consult the Environment Agency at the earliest opportunity.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached outline planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

Expected design process.

Proposals for development are expected to follow The Design Guidelines for Rutland (SPD). Section 1.5 of this document sets out a design process that should be followed, beginning with a thorough site and contextual analysis and then the next stage requires applicants to clearly show how this context has been responded to. A broad structure of the layout can then evolve from this work and only following these initial stages can a credible detailed design emerge.

All of this work should be undertaken at the pre-application stage and should be presented in the form of site studies, photographs taken on and around the site, along with plans and diagrams.

Chapter 3 of the Rutland Design Guide sets out this design process and what is expected at each stage in more detail. It is expected that this design process is followed and proposals for schemes that have not followed such a design process will lack credibility, background evidence and it will not be possible to make an informed assessment of them.

"the Council will expect to see how the design of proposals in planning applications have been crafted in response to their context." (Design Guidelines for Rutland SPD, 2022 - Chapter 3 introduction)

This approach to designing buildings and new places is also supported by the National Design Guide, with both the Context and Identity chapters making it clear that development proposals should respond positively to local context, character and identity.

"Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones." (National Design Guide, 2021 - paragraph 41)

Development proposals that have not followed the design process and that do not include a thorough site and contextual analysis and response to this context and that do not comply with guidance within the Rutland Design Guide SPD and National Design Guide will be rejected/refused.

This application is the subject of a legal agreement, and this decision should only be read in conjunction with this agreement.

Site & Surroundings

1. The site comprises an area of undeveloped land comprising semi natural ruderal vegetation measuring approximately 0.42 hectares and is located on the southern side of Belmesthorpe Lane at the eastern side of the village of Ryhall. The site is roughly triangular in shape being wider at its northern end where the vehicular access is proposed to join the highway (Belmesthorpe Lane) before narrowing out to abut the River Gwash at the sites southern end.
2. The land is surrounded along the eastern and western side boundaries by residential development. To the northeast Gwash meadows and the rear side boundary of the former River Gwash Trout farm for which planning permission has recently being granted approval for residential development under reference No 2021/1268/FUL and 2023/0991/FUL and to the west Gwash Close.
3. There is also housing on the opposite side of the road to the north along Foundry Road, Manor Close, Back Lane, The Crescent, Flint Close and Belmesthorpe Lane, the highway runs along the eastern boundary with the cemetery and sewage works beyond, sporadic housing to the south and the River Gwash to the west.

Proposal

4. The proposal is seeking outline planning permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on land to the south of Belmesthorpe Lane, Ryhall. All other matters are reserved.
5. During the determination of the application the description of the application has been amended from

Outline planning application seeking permission for the erection of 11 no. dwellings and associated works, including construction of new access; provision of parking and turning areas; provision of cycle of refuse storage; provision of private amenity/garden areas and ecological enhancement works
To
Outline planning application seeking permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on Land To The SW Of Belmesthorpe Lane Ryhall Rutland
6. In addition amended drawing have been submitted to show a revised location and radius of access into the site and footway along part of Belmesthorpe Road, the location of an existing mixed species hedgerow along the western boundary identified to have ecological importance, trees on the eastern and western boundaries and a 10 metre wide wildlife/ecology buffer zone between the top of the River Gwash river bank and any development within the site.
7. The proposed location and site plans are attached as Appendix 1

Relevant Planning History

2018/1109/PRE – proposed residential development on the application site

The applicants agent was advised given the proposed site adjoins an allocated site under construction and a proposed allocation in the draft Local Plan 2017, for the site to be considered through the Local Plan as a potential allocation.

This involved the applicant submitting a 'Call for Sites' form, site location and deliverability survey. The applicant was also advised as identified by Planning Policy, the time scale for submitting a site at this stage is very tight, the Council is proposing to go out to Reg 18 consultation on additional sites in August (2018), to meet committee deadlines the site will need to be submitted ASAP for the site at Ryhall to be considered.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 Achieving Sustainable Development
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 6 - Building a strong, competitive economy
Chapter 9 - Promoting sustainable transport
Chapter 11 Making Efficient Use of Land
Chapter 12 Achieving Well Designed Places
Chapter 14 – Meeting the challenges of Climate Change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment

Core Strategy DPD (2011)

CS01 Sustainable Development Principles
CS02 The Spatial Strategy
CS03 The Settlement Hierarchy
CS04 The Location of Development
CS08 Developer Contributions
CS10 Housing Density & Mix
CS11 Affordable Housing
CS18 Sustainable transport and accessibility
CS19 Promoting Good Design
CS21 The Natural Environment

Site Allocations and Policies DPD (2014)

SP1 Presumption in Favour of Sustainable Development
SP5 Built Development in the Towns and Villages
SP6 Housing in the Countryside
SP9 Affordable Housing
SP15 Design and Amenity
SP17 Outdoor Lighting
SP19 Biodiversity and Geodiversity Conservation
SP23 Landscape Character in the Countryside

Supplementary Planning Documents

Design Guidelines for Rutland
Planning Obligations
First Homes Informal Planning Guidance

Officer Evaluation

Principle of Development

6. The application site is located outside but immediately adjoining the planned limits of development of the village. The emerging Local Plan has this site included within an updated Planned Limits of Development. The site has been assessed by Planning Policy as being suitable for residential development with the site having a potential capacity of 12 dwellings (SHLAA Reference: SHLAA RYH09 Site ID34).
7. In addition, the site is allocated as a site for residential development referenced H1.7 in Chapter 6 – Housing of the Rutland Local Plan ‘Preferred Options Consultation’ November 2023 and on the land use plan for Ryhall in Rutland Local Plan ‘Map Book’ November 2023 however, this is not yet adopted and therefore does not carry any material weight.
8. Within the existing Local Plan Ryhall is classified as a Local Centre. Policy CS4 of the Core Strategy states in part that ‘..... the Local Centres can accommodate a level of growth mainly through small scale sites, affordable housing sites, infill developments and conversion or reuse of redundant suitable rural building’ and CS9 of the Core Strategy states in part that ‘.....Greenfield sites within or adjoining the planned limits of development in Oakham , Uppingham and the Local Service Centres will only be allocated and released where need to maintain a sufficient and phased supply of deliverable and developable land....’
9. Policy SP6 of the Site Allocations and Policies Development Plan Document restrict development outside the planned limits of the villages to those types of development

suitable to a countryside location, with the proposed use not being of a class supported by this policy.

10. The principle of the development is therefore contrary to the policy SP6 but would comply with CS4 and CS9 set out in the development plan. Further consideration however must be given to the matter of principle in relation to both material considerations relevant to the scheme, and the position of the Local Planning Authority in respect of the five-year housing supply.
11. Until the 31st December 2022 the Local Planning Authority accepted that it was unable to demonstrate a five-year housing land supply, and that the tilted balance set out in paragraph 11(d) of the National Planning Policy Framework (2021) was activated. After the 31st December, the Local Planning Authority produced a 9-month update to the Five-Year Land Supply & Developable Housing Land Supply Report, which concluded that it could demonstrate a 6-year housing land supply, and therefore the tilted balance was no longer engaged.
12. On the 17th March 2023 an appeal decision APP/A2470/W/22/3301737 (March 2023) for a different housing site was received. This appeal decision noted at paragraphs 21-26 that the Inspector considered some of the housing provision set out in the 9-month update could not be relied upon, concluding (at the time) as a result that the demonstration of a five-year housing land supply was brought into considerable doubt and therefore reverting back to the position that the Local Planning Authority cannot demonstrate a five-year housing land supply.
13. The Planning Inspector then further considered the matter of policies CS4, CS9 and SP6, with these policies identified in the Statement of Common Ground at that appeal as being out of date. The Inspector noted that in the absence of any further evidence on the matter from the Local Planning Authority regarding this position changing, the key policies remained out of date and did not serve to boost housing supply and therefore considered the tilted balance to be engaged in this respect.
14. Since this appeal, an updated Five Year Housing Land Supply assessment has been undertaken, and prepared using the latest housing need figures (which used updated government data). This report concludes that the council does have a deliverable 5 year supply; however, without the continuous and ongoing supply of sites provided by an adopted Local Plan it is important to continue to take a positive approach to applications which are considered to be appropriate and deliverable to maintain an ongoing five year supply.
15. With regard to the other matter in respect of the tilted balance, the Local Planning Authority considers the following. Policy CS9 is not a key policy for the determination of planning applications and therefore cannot be used to engage the tilted balance as set out in paragraph 11(d). Policy SP6 seeks to restrict development in the wider countryside beyond the planned limits of development of the villages to that which is necessary to be so located. Paragraph 84 of the National Planning Policy Framework seeks to similarly restrict development in the countryside and therefore the Local Planning Authority considers that policy SP6 is not out of date and does not trigger the tilted balance.
16. Policy CS4 categorises the settlements within the county based on their sustainability criteria. It anticipates levels of development within the settlements up until 2026 and sets out an expected hierarchy within which development of certain types are likely to be acceptable based on an assessment of their sustainability and service provision. This approach is considered to be in accordance with that set out within paragraph 83 of the National Planning Policy Framework and despite the Inspector's findings in the aforementioned appeal decision there is no evidence to demonstrate that this approach is

insufficient to ensure development of an appropriate number of houses to maintain the five-year housing land supply.

17. On the basis of the above assessment and acknowledging that the Planning Inspector's decision is a material consideration in respect of determining planning applications, the Local Planning Authority considered that the tilted balance is not engaged in respect of the age of the relevant planning policies or their compliance with the National Planning Policy Framework as a whole.
18. Notwithstanding the above conclusion in respect of the tilted balance, the Local Planning Authority has a duty to ensure it has a five-year supply of housing land for development. In ensuring the security of that five-year housing land supply, the Local Planning Authority must be conscious of the need to approve a sufficient number of schemes in sustainable locations to ensure that in the period up to the adoption of a new local plan, the housing land supply figure does not again fall below five years.
19. In respect of the current scheme there are several factors to weigh in the balance. In preparing a new Local Plan, the Local Planning Authority would consider the allocation of sites beyond the current planned limits of development of the towns and villages, likely incorporating those sites within re-drawn planned limits.
20. The application site was previously submitted for consideration within the withdrawn Local Plan, and a detailed site assessment was undertaken at that stage in respect of its suitability for allocation as a housing site within that plan. In that assessment the site scored highly in terms of abutting the boundary of a Local Service Centre, being in close proximity to local services and facilities and being developable within a short time frame. No barriers to development were identified in this assessment. That assessment concluded that the site was suitable enough for inclusion within the that Local Plan as a proposed allocation.
21. The application site is sandwiched between 2.No existing residential developments and would not be physically seen as a material extension to the planned limits of development of Ryhall but more a kin to being an infill development .
22. As such, there is some conflict with policies with the site being beyond the settlement boundary as defined in the current Local Plan but would be adjoining the existing boundary (which is updated in the emerging plan to include this site). The site is also allocated as an housing site in the Rutland Local Plan 'preferred Options Consultations' November 2023 The site is not classed as previously developed under the definition in the NPPF; although the site was adjoining a former employment use prior to the residential development that now accessed from Gwash Close.
23. The principle of development is therefore a balanced consideration. This site previously scored positively on the assessment criteria used to assess the suitability of sites for allocation in the local plan review (now withdrawn) and the current version. The site was allocated in that document before it was withdrawn and is so again in the current document
24. The Council acknowledges the recent lack of 5-year housing land supply and the need to continue to ensure it has a 5-year supply until the matter is addressed in the long-term through the new local plan. Consequently, it is considered in this instance, given the previous and current support for the site in the local plan process, the site is classed as a preferential location for development in a sustainable location that will help to secure the 5-year housing supply in the longer term.
25. In this regard, it was also a relevant consideration at the time of the previous application that the proposal complied with the Adopted Interim Position Statement for Housing Development, that the site is deliverable within a short timeframe, the site is sustainably

located, of a scale and density appropriate to the settlement and the scale of the development will make a notable contribution towards housing supply over the five-year period.

26. On this basis, the proposal is supported in terms of the principle of development.

Housing Density

27. The site area comprises 0.42 hectares and 11 dwellings are proposed; this equates to a density of development of 26 dwellings per hectare. Whilst this is below the sought 30 dwellings per hectare each case must be considered on its merits. The site is irregularly shaped, between two existing residential developments with a buffer is required adjacent to the River Gwash. Taking these factors into account, it is considered in this instance a lower density of development would be acceptable.

Impact upon the character and appearance of the area

28. It is not considered that residential development would have an adverse impact upon the character of the surrounding area. Notwithstanding the issue of the boundary of the planned limits of development for Ryhall, the development would appear, due to residential development existing on either side of the application site as an infill development.

Design, layout and housing mix

29. The proposed design, layout and housing mix and numbers are all reserved matters. The plans submitted showing the location of the proposed dwelling are indicative only as these matters are all reserved other than the creation of a new vehicular access. Planning considerations related to these will be assessed fully when details are provided at a later date..

Residential amenity / Impact on Neighbouring Properties

30. The plans submitted showing the location of the proposed dwelling are indicative only as these matters are all reserved other than the creation of a new vehicular access. The comments from the Parish Council and occupiers of nearby residential properties are noted. However planning considerations related to the impact on neighbouring properties on either side of the site are reserved matters and can only be assessed fully when details are provided at a later date.
31. During the determination period highway safety and the location of the access has been raised as detailed in the consultation responses above and else in this report RCC Highways raise no objection.

Affordable Housing/First Homes

32. The applicant has agreed to enter into a legal agreement to secure the provision and occupation of the affordable units.

Highway issues

33. Following revisions during the lifetime of the application showing specific details of the new access and footpath the Highway Authority had no objections, subject to conditions and informatives.

34. The proposal will not therefore have an adverse impact on highway safety and acceptable in this respect, in accordance with Section 9 of the NPPF (2021) and SP15 of the Site Allocations and Policies Development Plan Document (2014)

Ecology

35. LCC Ecology Team has reviewed the amended Biodiversity Impact Assessment produced by Ecology By Design (November 2023) and associated metric. The hedgerow proposed for retention has been classified as being in 'good condition' within the metric. As per previous LCC ecology comments, the lack of a buffer area will lead to its degradation and a negative BNG score. The proposed supplementary planting will increase the hedgerow score by enhancing this to a species-rich native hedgerow, and as shown in the metric will give a 11.58% increase in hedgerow biodiversity units. However, the current proposed plans will result in degradation due to the proximity of built surfaces as well as long-term management issues due to forming part of private gardens. Without adequate protection measures in place, it is likely that damage and degradation will possibly lead to a 'poor' rather than 'moderate' condition hedgerow. Protective fencing during construction should be used to reduce impacts on the hedgerow and can be covered by a CEMP. As per previous comments, the Biodiversity Net Gain metric shows a net loss of area habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary. A condition is recommended.
36. In addition to securing the provision of social housing on the site the legal agreement would also include the requirement to
- a. provide 10m wide the ecological buffer strip adjacent the River Gwash, and prevent it from being incorporated into gardens and/or any use, other than being a wildlife corridor/area at any future date.
 - b. A Landscape Ecological Management Plan which includes details of the long-term management of the ecological buffer strip
 - c. Retain the exiting hedgerow in a good condition on the site or provide offsite ecological compensation to achieve a net gain as part of the development proposals. A financial contribution must be made to an appropriate offset provider for the following units:
 - 0.96 habitat units; and
 - 0.02 hedgerow units.

37. Overall, the proposal is acceptable on ecological grounds and complies with Policies CS21 and SP19

Drainage

38. Suitably word conditions are proposed to address land and surface water drainage from new hardstanding areas as recommended by RCC Highways, and LLFA

Contaminated Land

39. A condition is recommended to deal with the concerns expressed by Environmental Protection.

Archaeology

40. The Leicestershire and Rutland Historic Environment Record (HER) has noted that the application lies just outside the historic settlement core of Ryhall, and within an area of wider archaeological interest. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application.
41. In this 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.

Parish Council

42. The comments of the Parish Council are noted. Where relevant the issues identified have been addressed and conditions recommended, the application is also subject to a legal agreement. Other issues raised will be considered as part of the reserved matters stage.

Crime and Disorder

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

Human Rights Implications

44. 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. It is considered that no relevant Article of that act will be breached.

Consultations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

45. Parish Council

We have inspected the property at which this planning application refers.

Further more we have viewed the varying representations from the Official bodies listed with the application and note that these make a series of recommendations which we expect will be applied to any granting of planning permission.

Whilst we have no reason to oppose or support the application it is our opinion as the Planning Sub-Committee of Ryhall Parish Council that the following issues should receive further consideration before outline planning permission is granted'

1. The Planning Design & Access Statement submitted by Berry's states that ' The units will comprise either 3 or 4 bed dwellings, with a total of approximately 22 car parking spaces, together with private amenity (garden) space, cycle and refuse storage areas.' We note that this contradicts and is not compliant with the Rutland County Council Housing Strategy which states that " There is a requirement for 30% affordable housing on site, under Policy CS11 and the Planning Obligations SPD. To meet local need in the Strategic Housing Market Assessment Update 2019 and the requirement for 25% of affordable housing to be First Homes (as defined in the national Planning Practice

Guidance), these should consist of 2. no. affordable homes for rent and 1 no. First Home. These can be provided as 2 or 3 bedroomed houses and have an appropriate section 106 agreement.'

Therefore it is the opinion of Ryhall Parish Council that consent to this planning application should be paused whilst this matter be resolved and recommend that approval of the application be made dependent upon compliance with the Housing Strategy's requirements itemised in the preceding paragraph.

2. We are concerned that further consideration of the environmental impact of the development be made to ensure that :

2.1 Contamination of the land known to be present is prevented from runoff into the River Gwash and the adjacent Trout Farm ponds during the construction phase and prevented from emergence subsequent to the development's completion.

2.2 Flooding from the high ground to the north of the development onto Foundry Road is known to occur in winter and there is concern that this coupled with the hard surfaces of the development could result in surface water spillage contaminated by petrol/oil residues entering into the River Gwash and adjacent Trout Farm Ponds.

3. We note the comments submitted by a neighbour to the development at No 12 Gwash Close about proximity of one of the new proposed properties to his residence and consider this needs to be assessed for acceptability.

We also note the point made about the exterior surface design of the properties and agree that consideration should be given to use of Limestone cladding to match adjacent properties.

We also note that a nearby neighbour at No. 20 Foundry road had raised several concerns in R.C.C.'s documentation.

4. We are concerned at the number of buildings proposed and feel that consideration should be given to a lower density of occupation.

46. **Highway Authority**

Highways I have reviewed the above-mentioned application on behalf of the LHA and make the following comments:-

Notice on the LHA

The site edged red, as detailed on plan 03, includes part of the public highway. I could not find any evidence to confirm notice has been served on the local highway authority as is required. This should be regularised.

Query on what is included

The application appears to include access, parking, turning, amenity/garden areas, etc, but does not include siting of the dwellings. This would appear a little odd, as the comments made on other elements seemingly included would have an impact on the siting of the dwellings. This application almost lends itself to be a full application.

Access/Parking/Turning

1.The geometry of the main access off Belmesthorpe Lane is rather odd with small radius kerbs and entrance and exit tapers. The access should be designed using a minimum standard radius of 6m.

2.The proposed site plan 03 does not show any dimensions other than vehicle to vehicle visibility at the main access, which is acceptable to the LHA as it conforms in size and is included either within the public highway (to the southeast of the access)or land under the control of this applicant (to the northwest of the access). As access, parking and turning are included, road widths together with kerb radii, junction visibility splays, forward visibility

and pedestrian visibility splays must be shown. All internal junctions must have 2.4 x 25m splays, forward visibility splays of 25m measure from a 1m offset from the channel line and all vehicular accesses to have a 2m x 2m pedestrian visibility splay either side of the access (with no obstruction within 600mm above ground level). It is likely that this exercise will result in the repositioning of several features including the proposed planting.

3. All garages must have a minimum of 6m between the back of the adjacent carriageway/footway. Several do not conform to this and in their current location can not be amended due to the constraints of the site/other areas of the design.

4. It is not possible to assess the parking provision, even though this is specifically included and not a reserved matter. Detailed floor plans are required for all the dwellings as the minimum parking provision is based upon habitable room sizes as set out in Appendix 2 of the Site Allocations & Policies DPD 2014.

5. It is not clear how the design will work in terms of kerbs and transition between the various areas within the site. For instance, it is assumed a full height kerb will be used where this abuts an adjacent footway, but it is not clear what the kerb will be on the opposite side of the carriageway.

6. There is no pedestrian connectivity between the site and the existing footway on the opposite side of Belmesthorpe Lane.

7. It is not clear what the various different areas of grey shading are within the internal layout as there is no key. Key to be added.

8. It would appear that the frontage dwellings, in particular plots 1-4, have a rear parking provision, which is not supported by the LHA as this leads to vehicles parking on the frontage and within Belmesthorpe Lane on the inside of a bend or on a verge area. The layout for these dwellings should be reconsidered, and any rear parking provision removed. Whilst it is noted that 'siting' is not included in this outline application, by virtue of parking being included, this must be addressed within this outline application.

9. The layout will require swept path analysis to ensure refuse collection vehicles can enter and leave the site in forward gear.

10. Once the layouts have been amended and additional information provided to address the above points, the LHA will review again.

As the application stands the LHA are minded to recommend refusal for a lack of information and poor design which results in highway safety concerns. We look forward to receiving revised and additional information to address the above comments. However, in the event you are minded to determine the application as it stands, please let me know so I can provide our formal LHA reasons for refusal.

Highways

The LHA are still waiting for additional information on this site. The application is for 11 dwellings with all matters reserved except for access.

The issues raised previously by Julie have not been addressed by the application and some of their comments state they will revise the drawing – no drawings have been received.

The LHA therefore require a detailed drawing of the site access to include dimensions.

The applicant has suggested that they will look at dimensions and visibility information on an indicative site plan, again please note that all matters are reserved except for access.

Included in this all off site works should be included, as Julie has stated this should include pedestrian connectivity. The applicant has made reference to application 2021/1268/FUL and lack of pedestrian links. On this application a new footpath has been created directly opposite Flint Close with a suitable dropped kerb. There is no footpath on the northern side of the road and therefore the development links suitably. This dropped kerb is also on the pedestrian desire lines, as pedestrians will be walking towards the village.

On this application the applicant has not provided any dropped crossing facilities for pedestrian/wheelchair users or pushchairs. Therefore these users will be required to walk into the carriageway to access the footpath on the northern side of Belmesthorpe Road. The LHA require the footpath proposed with this development to be extended further west and provide a suitable dropped kerb crossing facility.

Highways

..... We do not seem to have received any revised plans to address the LHA's previous points, although I now note that the applicant was awaiting a further response from the LHA. As such, I have added **blue** comments as an update below to be sent to the applicant/agent:-

Access/Parking/Turning

1. The geometry of the main access off Belmesthorpe Lane is rather odd with small radius kerbs and entrance and exit tapers. The access should be designed using a minimum standard radius of 6m. *Noted. We will look to revise the design of the radii.* **RCC - Awaiting a revised plan.**
2. The proposed site plan 03 does not show any dimensions other than vehicle to vehicle visibility at the main access, which is acceptable to the LHA as it conforms in size and is included either within the public highway (to the southeast of the access) or land under the control of this applicant (to the northwest of the access). As access, parking and turning are included, road widths together with kerb radii, junction visibility splays, forward visibility and pedestrian visibility splays must be shown. All internal junctions must have 2.4 x 25m splays, forward visibility splays of 25m measure from a 1m offset from the channel line and all vehicular accesses to have a 2m x 2m pedestrian visibility splay either side of the access (with no obstruction within 600mm above ground level). It is likely that this exercise will result in the repositioning of several features including the proposed planting.

Noted. We will look to add the necessary dimensions and visibility information on a revised Indicative Site Plan. However, attention is drawn to the fact that the proposed modest road network through the site will provide only a total of two internal junctions through the site. The rearmost junction only serves two no. properties and has been designed as a shared access (with sufficient space for both vehicles and pedestrians. Moreover, the rearmost junction has an arm which immediately becomes a cul-de-sac and does not serve any properties. Is it really necessary to show visibility splays at this junction? **RCC - Yes**

We would be happy to show visibility splays at the other junction within the site but we again query the need to relocate the one tree as shown on the Plan. We stress that the Proposed Site Plan is indicative only, and should not be used as a definitive or final plan. It appears that the request to relocate any indicative tree would fall under either layout and/or landscaping reserved matters, neither of which are being sought under this application. **RCC - As parking, turning, etc are included within the description of this application the LHA will require internal visibility splays to be added to the layout and any obstructions to be moved.**

- 3 All garages must have a minimum of 6m between the back of the adjacent carriageway/footway. Several do not conform to this and in their current location can not be amended due to the constraints of the site/other areas of the design.

Noted. We will look to resolve this issue by removing all of the garages and using open car park spaces only. **RCC - Revised plan awaited.**

- 4 It is not possible to assess the parking provision, even though this is specifically

included and not a reserved matter. Detailed floor plans are required for all the dwellings as the minimum parking provision is based upon habitable room sizes as set out in Appendix 2 of the Site Allocations & Policies DPD 2014.

*We are of the firm view that floor plans are not required in this instance. As noted elsewhere in our response, the planning application seeks permission for outline consent only. As you will be aware, floor plans are not required to support outline planning applications and we do not propose to prepare and/or submit them in this instance. **RCC - As the description of this application includes parking, turning, etc the LHA will require housetype plans to assess the parking provision. Alternatively, the application description should be changed to omit parking, turning, etc.***

5. It is not clear how the design will work in terms of kerbs and transition between the various areas within the site. For instance, it is assumed a full height kerb will be used where this abuts an adjacent footway, but it is not clear what the kerb will be on the opposite side of the carriageway.

A standard height for a HB2 kerb of 125 mm upstand in height will be used where there are adjacent footways, and dropped kerbs will be used for the transition with proposed parking spaces and elsewhere across the site where there is no footway, in accordance with 'shared access' principles. **RCC - Thanks for the clarification, but it is still not clear what the kerbs opposite a footway (where there is no dropped kerb requirement). It is not good practice to have a dropped kerb running along a full length of road opposite a full height kerb/footway for both design and aesthetic reasons. It is also not clear what the darker grey shaded panels are within the carriageway.**

6. There is no pedestrian connectivity between the site and the existing footway on the opposite side of Belmesthorpe Lane.

*For clarification it is not proposed to provide a pedestrian link between the site and the existing footway on the opposite side of Belmesthorpe Lane. Attention is drawn to the fact that the recently-submitted planning application (planning permission ref. 2021/1268/FUL) immediately to the south and south-east of the application site does not propose a link between the site and the opposite side of Belmesthorpe Lane and we query the need for our application to do so. Moreover, it is understood that the recently-built out housing development for 7 dwellings (LPA planning permission ref. 2016/1143/FUL), immediately to the south of the application site, has indeed provided a pedestrian crossing (in the form of dropped kerbs and tactile paving) over Belmesthorpe Lane close to our application site. We therefore suggest that the area already has a crossing and to add more along this section of Belmesthorpe Lane would be excessive and potentially dangerous. We look forward to your comments on this. **RCC - The current plan shows no pedestrian connectivity whatsoever to any public highway footway, not even on the site side of Belmesthorpe Road, therefore it is not acceptable to the LHA. The current officers can not explain why adequate pedestrian connectivity was not required for the 2016 application, but the 2021 application is connected adequately to the existing public highway footway on the site side of Belmesthorpe Road and a crossing point has been requested, with the application yet to be determined. A lack of consideration of pedestrian connectivity on older applications does not justify the lack of provision on current applications being assessed. Footway connectivity is considered part of 'access' on outline applications and must be addressed sufficiently.***

If necessary and with the agreement of the Local Highways Authority we would however be pleased to extend the length of the proposed footway northwards towards Ryhall to provide a continuous footway along the site frontage. Clearly we cannot put forward any

proposals for extending the footway any further towards Gwash Close because this is outside the application site/development boundary. **RCC - The proposal is noted, thank you. We look forward to receiving updated plans to demonstrate this. However, as this footway will not connect to an existing public highway footway on the site side, a pram crossing will be necessary to provide a safe routes for pedestrians to cross on to the one opposite. From looking at the highway records, the site frontage verge area is only partly public highway, so there may be a need for part of it to be dedicated as public highway under Section 38 of the Highways Act 1980, which will be dealt with post approval, should approval be consented to. The alternative is to provide a footway with pram crossings within the existing public highway area only. If you have not already obtained a copy of the highway records, please contact highways@rutland.gov.uk to obtain a copy. The extent of the highway should be shown clearly on the site layout plan so the footway provision can be further assessed.**

7. It is not clear what the various different areas of grey shading are within the internal layout as there is no key. Key to be added.

Noted. We will look to add a key and resubmit an amended plan once we have agreement with you on the other counter points we raise. **RCC - Awaiting an updated plan.**

8. It would appear that the frontage dwellings, in particular plots 1-4, have a rear parking provision, which is not supported by the LHA as this leads to vehicles parking on the frontage and within Belmesthorpe Lane on the inside of a bend or on a verge area. The layout for these dwellings should be reconsidered, and any rear parking provision removed. Whilst it is noted that 'siting' is not included in this outline application, by virtue of parking being included, this must be addressed within this outline application.

We note your comments as regards the proposed rear parking proposals to plots 1-4. However, you will be aware of the Rutland County Council's Design Guidelines for Rutland SPD, published in March 2022, which states:

'Where it is necessary to site parking spaces in front of the building line, they should be limited in number and located sensitively within a development. This parking should be located away from main streets or streets where it does not fit with the desired character' (underlined by author for our emphasis). It is standard urban design advice that car parking be concealed as much as possible away from prominent viewpoints or hidden away from the street scene. Although the guidance advises that rear parking courtyards should be only used as a last resort, you will agree that the proposed parking does not in any way comprise a 'courtyard'. **RCC - Urban design advice sometimes conflicts with the views of the LHA, which on this particular point it does. For this reason, it is often the planning officer who has to consider both views and make an on-balance view. It is noted that Gwash Close properties are set well back, so in our humble view it is not essential for the properties on this site to be set as far forward as shown, but as stated this will be a matter for the LPA to consider and make a view on. The LHA remain of the view that rear parking as shown will result in vehicles parking on the inside of the bend on Belmesthorpe Road, which could lead to highway safety issues and therefore should be avoided.**

It is considered that a sufficient amount of parking can be delivered to serve these smaller terrace dwellings along the site frontage and we trust you will agree with the proposed design and parking solution. **RCC - Refer to comment above, plus it has not yet been demonstrated that the parking provision is adequate as we have not had sight of the housetype plans.**

In any case, the need to justify the parking is queried. We reiterate that the application is in outline only, with sufficient supporting information to assist with an explanation and

*justification of the development proposals. It is entirely within the applicant's gift to decide which type of application is submitted. The additional information provided, including the Indicative Proposed Site Plan, has been submitted as per the Council's validation list requirements. However, it precisely serves the purpose of what most plans and drawings supporting any outline application is, i.e. an indicative plan only. It is not the intention to submit an application seeking approval of the layout reserved matters, so we are somewhat confused as to why 'the layout for these dwellings should be reconsidered'. Put simply, approval of layout is not being sought at the current time. **RCC - If this is the case, the description of the application must be changed.***

9. The layout will require swept path analysis to ensure refuse collection vehicles can enter and leave the site in forward gear.

*We draw attention to the fact that an application seeking planning permission for the erection of 11 no. dwellings immediately to the south and south-east of the site (LPA planning application ref. 2021/1268/FUL) has been submitted and has been commented on by the Local Highways Authority. In your advice and comments (as published on the Council's website), it is acknowledged that if a minimum 6 metre kerb radii can be achieved, then tracking is not needed. We trust that the same advice will be applicable to our application as well. **RCC - The LHA have raised concerns over the geometry of the access shown and lack of dimensions. In the event a fully dimensioned plan is provided which meets the minimum requirements of 5m wide carriageway with 6m kerb radii's then the LHA will reconsider the request for swept path analysis of a refuse truck at the point of access. In the event the application description is changed to remove all internal elements, swept path analysis internally will be reconsidered at a reserved matters stage, should the outline consent be granted.***

10. Once the layouts have been amended and additional information provided to address the above points, the LHA will review again -

Noted, but we trust the above points and right of reply will be taken fully into account by the Local Highways Officer prior to any alterations made to the planning application.

*Before additional time and expense is incurred by the applicant, we would be grateful if you could confirm that the above points are acceptable and we will make the necessary alterations as set out above. However, we remain of the view that some of the requests made by the Local Highways Authority are inappropriate and too detailed for an application of this type. We look forward to receiving your agreement that this is the case. **RCC - A full response is provided above and the LHA await revised plans for further review, together with confirmation about the change in description of the application.***

Highways

The LHA are still waiting for additional information on this site. The application is for 11 dwellings with all matters reserved except for access.

The issues raised previously by Julie have not been addressed by the application and some of their comments state they will revise the drawing - no drawings have been received.

The LHA therefore require a detailed drawing of the site access to include dimensions.

The applicant has suggested that they will look at dimensions and visibility information on an indicative site plan, again please note that all matters are reserved except for access.

Included in this all off site works should be included, as Julie has stated this should include pedestrian connectivity. The applicant has made reference to application 2021/1268/FUL and lack of pedestrian links. On this application a new footpath has been created directly

opposite Flint Close with a suitable dropped kerb. There is no footpath on the northern side of the road and therefore the development links suitably. This dropped kerb is also on the pedestrian desire lines, as pedestrians will be walking towards the village.

On this application the applicant has not provided any dropped crossing facilities for pedestrian/wheelchair users or pushchairs. Therefore these users will be required to walk into the carriageway to access the footpath on the northern side of Belmesthorpe Road. The LHA require the footpath proposed with this development to be extended further west and provide a suitable dropped kerb crossing facility.

Highways

The description also includes parking, turning, refuse storage, amenity/garden areas, hence my request for house details to assess the parking/turning provision. I now note in a much earlier email dating back to Oct last year that the agent is challenging the need for housetypes. The only way the LHA could ignore parking provision was if it was removed from the description, as the way I understand it parking, turning, etc is not a reserved matter.

I will review the red written response below and update further....

No, unfortunately the plans do not address all the points raised, unless they have removed parking and turning from the application description, which can be dealt with at reserve matters. Looking at the portal, the description appears to be the same. If these elements are not removed, then as mentioned several times before, we would need the housetypes to determine if the parking provision is acceptable. It really does seem odd that the internal road layout, parking and turning are included yet not siting (of the dwellings).

It is noted in their written email that the garages have been removed and replaced with parking spaces instead, which is fine, but this should be made very clear on the decision notice if consent is granted, as it is not particularly clear on the plans.

Proposed Site Plan - KA42696-BRY-00-PL-A-03 Rev A

The vehicle to vehicle visibility splays at the main access are acceptable.

It is noted that a footway and pedestrian crossing point is now being shown along the frontage, however the length of footway between the pedestrian crossing and the western boundary is superfluous as it will not connect with any other footway, so should be removed. The indicated footways are dimensioned on the other plan as 1.2m wide, which is not acceptable, the minimum width for a footway is 2m.

A footway connection must also be made from the site access to the southeast and connect to the existing footway.

The bellmouth arrangement is acceptable with 6m radius kerbs.

It is noted that dropped kerbs are indicated for all driveways and parking spaces, although there still appears to be an odd arrangement with double sets of lines along the channel lines from the bellmouth inwards.

The pedestrian crossing part of the carriageway appears to be indicated as block paving, which is not ideal or acceptable for pedestrians as a route to cross.

There remains to be a number of concerns about the internal layout to address, along with the additional plan, which are listed in more detail under those comments.

Proposed Site Plan Junction Visibility Splays - KA42696-BRY-00-PL-A-04 Rev -

Comments above also to be noted and addressed within this plan.

The vehicle to vehicle visibility splays within the internal roads do not terminate at the correct location, the channel line of the near side kerb.

It is unclear what the red dashed line within the carriageway is meant to be indicating.

The forward visibility splay around the inside of the bend of the access road is not shown.

The carriageway width appears to be 5m from back of kerb to back of kerb, which is an

insufficient width, the carriageway should be a min of 5m between channel lines. The distance behind parking spaces must be a minimum of 6m to allow for manoeuvring into and out of the parking spaces. Using the dimension of the carriageway, this requirement is not met.

Parking spaces are not dimensioned, either on plan or as part of a key, so it is not clear if these are the minimum standard of 2.4m x 5.5m.

General Layout comments applicable to both plans

As mentioned previously, the LHA would not wish to see rear parking provision for the frontage dwellings, particularly in this location, as this is highly likely to lead to parking along the site frontage on the inside of a bend and opposite two junctions, which would create a highway safety issue.

The parking spaces for plots 5 & 9 are not orientated at 90 degree to the adjacent access road, which is not acceptable.

In summary, there remains numerous points to still be addressed to satisfy the LHA who at this point can not support this application for the reasons stated above. It may be helpful to offer a meeting with the applicant/agent, so the above points can be explained in greater detail if needs be and we can find a way forward. One other solution, as mentioned before, is to remove items such as parking and turning from this application, so they can be dealt with as part of a reserved matters application, however that will still leave other items to be addressed, such as the footway along the frontage.

In the event you are minded to determine this application as it stands, please reconsult the LHA for refusal reasons.

Highways

The LHA have reviewed the revised plans and make the following comments :-

Revised plans received :-

Plan KA42696-BRY-00-PL-A-03 Rev C ' Proposed Site Plan

Plan KA42696-BRY-00-PL-A-04 Rev B ' Proposed Site Plan Junction Visibility Splays

Whilst both plans are titled differently, they would appear to be almost identical in terms of visibility splays and dimensions in relation to 'access'. As mentioned previously, the LHA are concerned with the internal layout, inability to fully assess the parking provision (due to no house types) and rear parking provision for the front dwellings, we would recommend that plan 03 is approved only. Furthermore, as the application description has now been changed to outline with all matters reserved except 'access', the internal layout is irrelevant at this stage.

The footways shown along the frontage are welcomed and necessary, however, they currently include a narrow strip of what is assumed to be verge between the carriageway and the footways, which is not acceptable to the LHA. The footways must abut the carriageway. Furthermore, the one leading to the southeast, will need to extend and connect to the footway to the southeast. Ideally the block plans should be updated, however this could be conditioned.

The layout of the new access and the vehicle to vehicle visibility splays shown are acceptable to the LHA.

The indicative internal layout is not acceptable to the LHA, as mentioned previously, for a number of reasons and the LHA reserves the right to comment fully on any future reserved matters application.

If the LPA are minded to approve the application as it stands, the LHA raise no objection to the proposal subject to the following conditions and informatives being appended to the decision notice :-

CONDITIONS

Footway Provision

Notwithstanding the layout shown on plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan, a 2m footway will be installed along the site frontage and leading into the development, abutting the carriageway, and connect to the existing footway provision in both directions.

Reason: To ensure footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Street Lighting

The existing street lighting column opposite The Crescent will be replaced and relocated as part of the off-site highway works and where necessary additional street lighting will be installed to ensure that the minimum luminance levels are achieved along the site frontage.

Reason: To ensure street light is to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Off-site Highway Works

A detailed design of off-site highway works including the vehicular access, footways, drainage, street name plates and street lighting shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in full prior to first occupation.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Lighting affecting the highway

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure users of the public highway are not subjected to glare and dazzle from lighting within the development in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Tree Root Protection

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 prior to installation.

Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Visibility Splays

Prior to commencement of development vehicle to vehicle visibility splays measuring 2.4m

x 43m as shown on approved plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan will be provided and maintained clear of obstruction within 600mm in height above ground level in perpetuity.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Pre-condition Highway Survey

Prior to commencement of development the developer must carry out and submit a pre-condition photographic highway survey to the Local planning Authority which will include verges from 100m south of the site in Belmesthorpe Lane to the A6121. A similar survey will be provided to the Local Planning Authority on completion of the development and any damage found associated with the construction vehicles will be remediated by the developer at nil cost to the authority.

Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Construction Management Plan Condition

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and residential amenity in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014,

Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

INFORMATIVES

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

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, a photographic survey of any damage on the public highway including verges will be carried out from 100m to the south of the site on Belmesthorpe Lane to the A6121 and submitted to the Local Planning Authority. The route should then be surveyed again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk.

Off-site Highway Works ' Section 278 Highways Act 1980

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

Section 184 Highways Act 1980 ' temp construction access for site

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at highways@rutland.co.uk.

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

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway ' Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

47. **LCC Ecology**

I still cannot see any Biodiversity Net Gain information uploaded with the application as requested with our previous comments.

From reviewing the Preliminary Ecological Appraisal (Ecology by Design, April 2022), I would question the 'modified grassland' classification if that was to be inserted into the metric. Perennial rye-grass was only mapped as frequent (e.g. <30%), with cowslip occasionally recorded (typically associated with nicer grasslands). The survey was carried out in the beginning of April by an Assistant Ecologist therefore it is possible that other species were missed. I would be more inclined to classify the habitat as 'other neutral grassland' within the metric.

Please can the application be delayed until the Biodiversity Net Gain metric has been submitted with the application and an indication as to how the lost Biodiversity Units will be offset.

Ecology

I have received the updated metric by Ecology by Design. I am a bit confused why the hedgerow in the calculations is now showing as lost but then will be recreated in the same location, ideally habitats should be retained (following the mitigation hierarchy). Given the current plans include some of the hedgerow in garden areas this will be unlikely to be achievable. However as the layout will be left to reserved matters this can be dealt with then.

As this is an outline application, an Ecological Constraints and Opportunities Plan (ECOP) would be my one recommended Condition. The main purpose of this document is to inform and lead the overall design process. It should show the key biodiversity constraints and opportunities associated with the development as currently proposed. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.

3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
5. Areas needing protection on site and/or in adjacent areas (eg from physical damage on site or pollution downstream) during the construction process.
6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

If vegetation clearance is required for access I recommend the following informative: Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

Ecology

I have now reviewed the Biodiversity Impact Assessment produced by Ecology By Design (September 2023). I am pleased to see that an updated visit was varied out and the grassland is now assessed as 'other neutral' rather than 'modified', which I feel better reflects the species present. The metrics show that there is a net loss of area habitats and no net gain in hedgerow habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary.

I was not aware of the presence of the hedgerow on site as this was not included within the original Preliminary Ecological Appraisal report. I can't see this hedgerow in the BIA Proposed drawing. I am concerned that the current plans show there being no buffer area between construction works and the hedgerow. The condition assessment within the report shows the hedgerow being in a good condition however it has been inputted as moderate condition in the metric. Please can this be clarified. As the plans currently stand the hedgerow would no longer be feasible in a good condition, with the proposed road, building and paving touching the hedgerow (and most going into the vegetated gardens). As the application is outline stage and all matters reserved, the site layout is not set in stone so the hedgerow buffer can be addressed at a later stage, but it needs to be clarified the current condition and what protection measures are required to maintain the current condition (so that the Reserved Matters design can be influenced by ecology requirements e.g. what buffer area is required and should be incorporated within the developers management). If this is not possible then the hedgerow would need to be shown as being lost, which would need to be offset.

Please can my above queries be addressed prior to determination.

Ecology

I have reviewed the amended Biodiversity Impact Assessment produced by Ecology By Design (November 2023) and associated metric.

The hedgerow proposed for retention has been classified as being in 'good condition' within the metric. As per previous LCC ecology comments, the lack of a buffer area will lead to its degradation and a negative BNG score.

The proposed supplementary planting will increase the hedgerow score by enhancing this to a species-rich native hedgerow, and as shown in the metric will give a 11.58% increase in hedgerow biodiversity units.

However, the current proposed plans will result in degradation due to the proximity of built surfaces as well as long-term management issues due to forming part of private gardens.

Without adequate protection measures in place, it is likely that damage and degradation will possibly lead to a 'poor' rather than 'moderate' condition hedgerow. Protective fencing during construction should be used to reduce impacts on the hedgerow and can be covered by a CEMP.

As per previous comments, the Biodiversity Net Gain metric shows a net loss of area habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary.

I therefore recommend the following Condition is attached to any permission (which replaces the previously suggested ECOP):

No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

48. **Public Protection**

We would like to have a phased contaminated land assessment for the site.

Public Protection

We have reviewed the Phase I Desk Study Report by EPS (2022, ref. UK22.6112) and we are satisfied that the findings of the report do not indicate there are any pollutant linkages that pose a risk to the future users of the site and further site investigation is not warranted.

The responsibility for safe development and secure occupancy of the site rests with the developer; and this response has been determined on the basis of the information available, but this does not mean that the land is free from contamination.

Therefore, in the case planning permission is granted the following condition for unsuspected contamination should be applied:

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

49. **Environment Agency**

50. Nearly all the site lies in flood zone 1, with a small area adjacent to the River Gwash in flood zones 2 and 3. A flood risk assessment (FRA) has been submitted and a sequential approach has been followed, locating the dwellings in flood zone 1.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition The development shall be carried out in accordance with the submitted flood risk assessment prepared by MTC Engineering, Ref: 2882 - FRA & DS - May 2022, in the following mitigation measures it details:

- Finished floor levels to be no lower than 300mm above the 1 in the 1000 year (plus climate change) annual probability flood level
- All dwellings to be located in flood zone 1

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development Reason To reduce the risk of flooding to the proposed development and future occupants.

As you are aware the discharge and enforcement of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of the Planning Practice Guidance (Use of planning conditions section, paragraph 004). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our advice covers the risk of fluvial flooding only. Advice to the applicant Flood resistance and resilience As some dwellings will be within 20m of the River Gwash we advise that flood resilience and resistance measures are considered within the building design and development as an additional precaution.

To find out which measures will be effective for this development, please contact your building control department. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

Environmental permit Any works within 8m of the River Gwash (a 'main river') will need a flood risk activity permit.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

51. **LCC Archaeology**

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements.

The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies just outside the historic settlement core of Ryhall, and within an area of wider archaeological interest.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

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

' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Please will you ensure a copy of the Decision Notice is sent to us in due course, to enable us to continue to monitor and safeguard the archaeology of this site. Should you or the applicant have any further queries please do not hesitate to contact us.

52. **Design Officer**

The proposed scheme is only Outline but some elements of detail have been submitted and these can be commented upon. The proposed layout and indicative street scene are premature in that they have been produced ahead of a detailed site and contextual analysis and response to context - as required by the Design Guidelines for Rutland SPD (see the text below).

The submitted planning, design and access statement lacks the required detail in terms of physical and character assessments of the site and the surrounding area and lacks diagrams and photographs.

Examples of key observations would include - key views towards the site - for example along Belmesthorpe Lane and also terminating the view from both Back lane and The Crescent. Front boundary treatments on the nearby streets - for example stone walls - see image below, proximity of adjacent dwellings and assessments of overlooking and distances etc, positive characteristics of the settlement generally and Belmesthorpe lane specifically.

In terms of the submitted layout - although the properties set forward fronting Belmesthorpe lane are welcomed, they appear to be staggered which can look awkward, with aligned frontages often looking stronger. A front boundary treatment would be needed and in studying the street character, a stone wall would be suitable - this needs designing together with any visibility splays. Some properties about the pavement and this could also be considered. Getting this frontage to the plot right will be a key design element.

The indicative street scene reveals a blank side elevation as you enter the site, along with rear parking to the frontage plots that is not overlooked. It also shows entrance properties dominated by fencing on their side elevations. These elements at the detailed design stage will not be acceptable.

The Design Guidelines for Rutland SPD, National Design Guide and Building for a Healthy Life will be used in order to assess any detailed application and these documents should be used in drawing up any proposals.

Expected design process

Proposals for development are expected to follow The Design Guidelines for Rutland (SPD). Section 1.5 of this document sets out a design process that should be followed, beginning with a thorough site and contextual analysis and then the next stage requires applicants to clearly show how this context has been responded to. A broad structure of the layout can then evolve from this work and only following these initial stages can a credible detailed design emerge.

All of this work should be undertaken at the pre-application stage and should be presented in the form of site studies, photographs taken on and around the site, along with plans and diagrams.

Chapter 3 of the Rutland Design Guide sets out this design process and what is expected at each stage in more detail. It is expected that this design process is followed and proposals for schemes that have not followed such a design process will lack credibility, background evidence and it will not be possible to make an informed assessment of them.

"the Council will expect to see how the design of proposals in planning applications have been crafted in response to their context." (Design Guidelines for Rutland SPD, 2022 - Chapter 3 introduction)

This approach to designing buildings and new places is also supported by the National Design Guide, with both the Context and Identity chapters making it clear that development proposals should respond positively to local context, character and identity.

"Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones." (National Design Guide, 2021 - paragraph 41)

Development proposals that have not followed the design process and that do not include a thorough site and contextual analysis and response to this context and that do not comply with guidance within the Rutland Design Guide SPD and National Design Guide will be rejected/refused.

53. **Housing Strategy**

There is a requirement for 30% affordable housing on site, under Policy CS11 and the Planning Obligations SPD. To meet local need in the Strategic Housing Market Assessment Update 2019 and the requirement for 25% of affordable housing to be First Homes (as defined in the national Planning Practice Guidance), these should consist of 2. no. affordable homes for rent and 1 no. First Home. These can be provided as 2 or 3 bedroomed houses and have an appropriate section 106 agreement. For the First Home, the developer should be mindful of the Development Standard in the model section 106 clauses published by the Government and referenced in the First Homes section of the national Planning Practice Guidance. The developer should contact me if they have difficulty in delivering the specific affordable housing mix.

54. **Lead Local Flood Authority**

I have also reviewed the application on behalf of the LLFA and provide the following comments:-

Having read the Flood Risk Assessment & Sustainable Drainage Strategy dated May 2022, it is clear that the existing greenfield run-off rate and QBAR rate will be exceeded from the preliminary desktop work carried out so far. Given this, the LLFA have no option but to recommend refusal based on the information provided. It is noted that an attenuation pond has been ruled out primarily as a small flow control is required, but this can still be achieved by adding an additional form of control which could be a hydrobrake between the attenuation pond and the watercourse, but it is acknowledged that an attenuation pond will result in less developable area. Permeable paving is being proposed, which is acceptable, however it is not clear where utilities will be placed which would need to be within impermeable areas further reducing the capacity. I would also like to point out that the images in Appendix 4 are not correct with part of the image seemingly mirrored for some reason.

In summary, based on the information provided the LLFA recommend refusal for the following reason:-

The Flood Risk Assessment & Sustainable Drainage Strategy dated May 2022 failed to demonstrate that surface water discharge from the site could be restricted to greenfield run-off rate and as a result could lead to flooding locally which is contrary to the Design Guidelines for Rutland March 2022 and the NPPF 2021.

In the event the agent provides revised information to demonstrate that the site is capable of restraining surface water run-off to greenfield rates, the LLFA will reconsider their position.

1/2/23: Lead Local Flood Authority

Thank you for the revised information.

The developer has been provided calculations that would restrict the site to the Qbar outfall/greenfield rate and therefore the LLFA would have no objections as this is an outline application.

The developer should note however that if they proposed a crated drainage system under the carriageway then the road cannot be offered up for adoption. The only drainage the LHA adopt is permeable paving, gullies and swales.

The applicant has suggested in their Flood Risk assessment that permeable paving will be used on driveways and shared surfaces. One option that could be explored at a more detailed design stage/at RES matters is changing the development road to a shared surface as it only served 11 dwellings and there is no through road. The road can then become permeable paving and no outfall into the river is required; and then each plot should have individual soakaways to manage private surface water.

As this is only an outline application with all matters reserved, the LLFA would recommend the following condition.

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a 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 design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), 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 where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A 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.

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

55. NHS Leicester, Leicestershire & Rutland CCG

We acknowledge your letter for the above development which identifies a proposed housing development of 11 dwellings. We note that based on census data 2021, a household averages of 2.4 patients per dwelling. The housing development will result in a minimum population increase of 26.4 patients. This figure would evidently be higher dependent on the number bedrooms in each dwelling.

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

The calculation below shows the likely impact of the total increased population in terms of number of additional consultations/treatment rooms at the practice which will be required by local general practice healthcare.

	Consulting Room	Treatment Room
Proposed Population	26.4	
Access Rate	5260 x 1000 patients	
Anticipated annual contacts	138.864	138.864
Assume 100% patient use of room	138.864	-
Assume 20% patient use of room	-	27.7728
Assume surgery open 50 weeks per year	2.77728	0.555456
Appointment duration	15 mins	20 mins
Patient appointment time per week	0.69432	0.185152

<p><u>GP practice most likely to be affected by growth and therefore directly related to the housing development</u></p>	<p>The practice(s) that are close to this development:</p> <table border="1" data-bbox="400 181 1461 297"> <thead> <tr> <th data-bbox="400 181 927 219"><u>Practice / List Size</u></th> <th data-bbox="935 181 1461 219"><u>Distance from development</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="400 219 927 297">Empingham Medical Centre List Size: 9,554</td> <td data-bbox="935 219 1461 297">6 miles</td> </tr> </tbody> </table>	<u>Practice / List Size</u>	<u>Distance from development</u>	Empingham Medical Centre List Size: 9,554	6 miles
<u>Practice / List Size</u>	<u>Distance from development</u>				
Empingham Medical Centre List Size: 9,554	6 miles				
<p><u>Commissioner comment on proposed provision of health care facility within the development</u></p>	<p>GP Practices are contracted to provide healthcare provision for its registered patients. A practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and Leicester, Leicestershire & Rutland have no practices with a closed list.</p> <p>Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity.</p> <p>We are requesting healthcare contributions to support the increased population and therefore improve primary care services for the area.</p>				
<p><u>Community Infrastructure Levy requested</u></p>	<p>The ICB would like Rutland County Council to consider:</p> <p>The development will generate 26.4 number of patients in the Rutland. There is no capacity at the GP practices above and any CIL contribution would be crucial for health infrastructure to support the increase in population. The practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore both the ICB and the practice would wish for any secured contributions to be released.</p>				

Neighbour Representations

56. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)
57. Letters of objection were received from 4No. local residents and can be summarised as follows
- a. Not in keeping with the development on either side
 - b. Adverse impact on the amenities of properties in Gwash Close and Foundry Road
 - c. Materials not sympathetic to local area or to neighbouring developments
 - d. Too many properties proposed on the site
 - e. Concern over the impact on the existing boundary hedge on the western side boundary
 - f. Not enough car parking provision on site
 - g. Adverse impact on road safety

- h. Adverse impact on boundary fences owned by occupiers of properties adjacent to the application site
- i. Adverse impact on nesting birds
- j. Adverse impact on wildlife habitat and wildlife using the site
- k. Loss of trees.

Legal Agreement

58. The application is the subject to a Section 106 legal agreement to
- secure the provision and occupation of the affordable units,
 - To provide 10m wide the ecological buffer strip adjacent the River Gwash and prevent it from being incorporated into gardens and/or any use, other than being a wildlife corridor/area at any future date.
 - A Landscape Ecological Management Plan which includes details of the long-term management of the ecological buffer strip.
 - To retain the exiting hedgerow in a good condition on the site or provide offsite ecological compensation to achieve a net gain as part of the development proposals.
 - A financial contribution must be made to an appropriate offset provider for the following units:
 - 0.96 habitat units; and
 - 0.02 hedgerow units.

Conclusion

59. Taking the above into account, it is considered that subject to the imposition of conditions the application for outline planning permission is acceptable in principle, for up to 11 dwellings is appropriate for its context and is in accordance with the NPPF (Sections 5, 9, 12, and 15), Policies CS01, CS03, CS04, CS9, CS10, CS11, CS18, CS19, and CS21 of the Rutland Core Strategy (2011) and Policies SP1, SP9, SP15 and SP19 of the Site Allocations and Policies Development Plan Document (2014) and Adopted SPD. The issues relating to drainage, scale, form, location landscaping, ecology, biodiversity enhancements, impact on trees, and materials are material considerations but, subject to the conditions attached to this outline permission, are issues that can be dealt with the reserved matters applications and not sufficient at this time to indicate against the proposal and to outweigh the policies referred to above.



PROJECT: Land SW of Belmesthorpe Road Ryhall, Rutland PE9 4NZ	STATUS: PLANNING		
CLIENT: SOS Tech Holdings Ltd	SCALE @ A2: 1:500	DRAWN BY: DH	DATE: 14.7.22
DRAWING: Existing Site Plan	DRAWING No: KA42696-BRY-ST-PL-A-02_A	REVISION: IT	

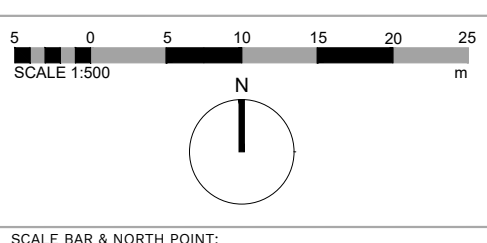
BERRYS

RIBA 
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DISCLAIMER NOTES:

REV	DESCRIPTION	DATE	BY	CHKD
A	AMENDED TO COUNCIL COMMENTS	26.01.24	CML	SB



PROJECT: Land SW of Belmesthorpe Road Ryhall, Rutland PE9 4NZ	STATUS: PLANNING
CLIENT: SOS Tech Holdings Ltd.	SCALE @ A1: DRAWN BY: CHKD BY: DATE: 1:200 DH IT 11.07.22
DRAWING: Proposed Site Plan	DRAWING No: REVISION: KA42696-BRY-00-PL-A-03_D

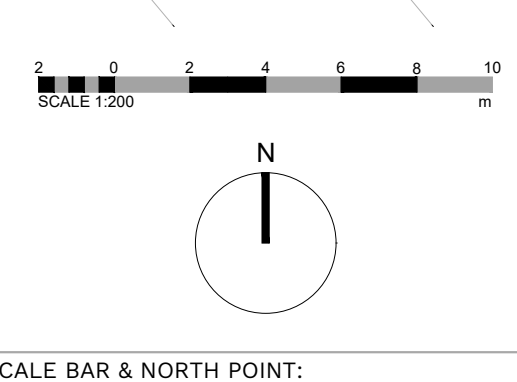


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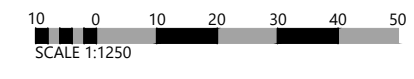
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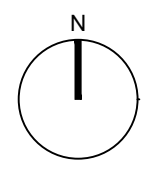


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REV	DESCRIPTION	DATE	BY	CHKD
D	AMENDED TO COMMENTS 26.01.24	CML	SB	
C	AMENDED TO COMMENTS 04.04.23	CML	IT	
B	AMENDED TO COMMENTS 30.03.23	CML	IT	
A	AMENDED TO COMMENTS 24.02.23	CML	SM	



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REV	DESCRIPTION	DATE	BY	CHKD
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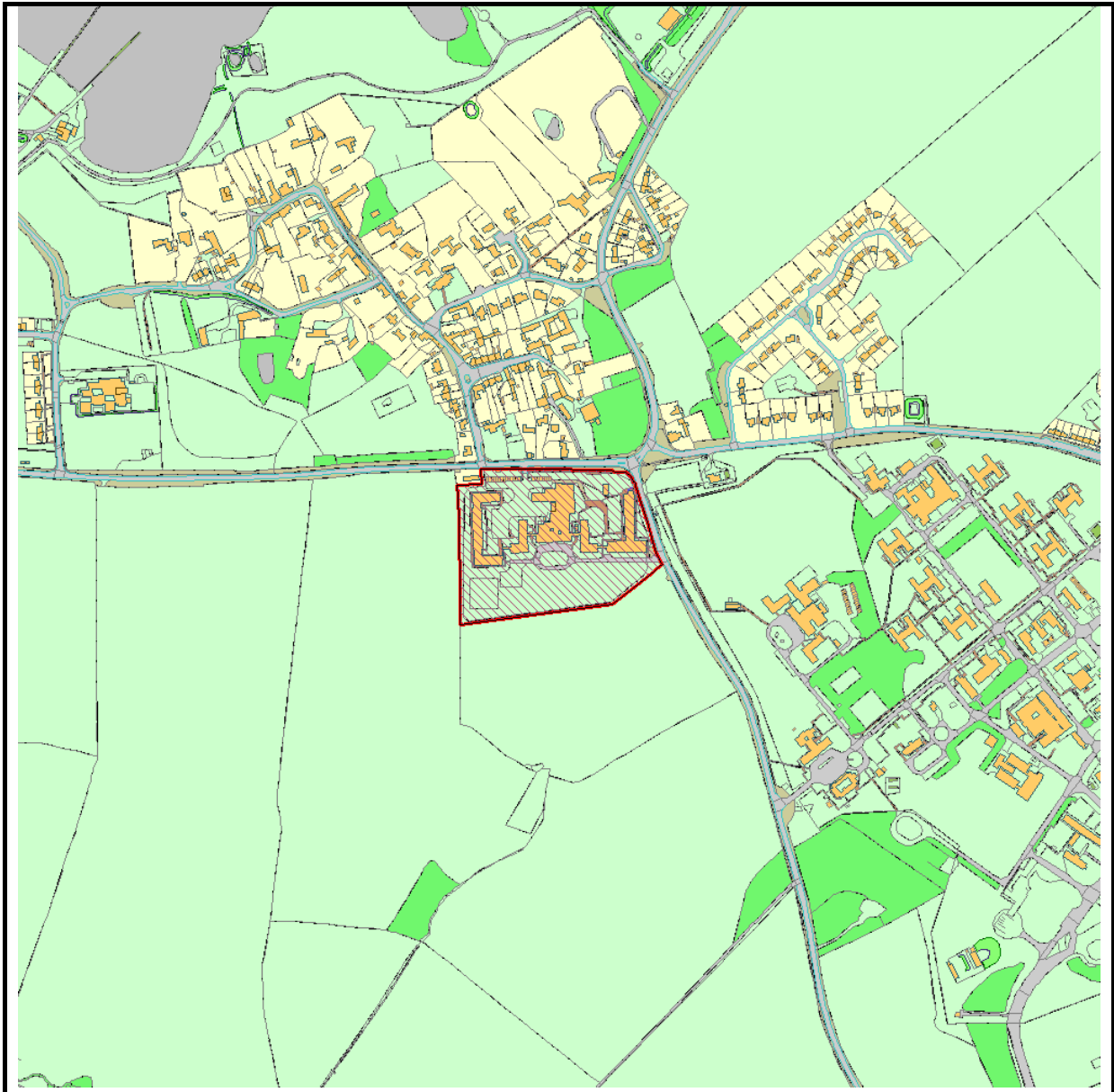


STATUS: PLANNING			
CLIENT: SOS Tech Holdings			
PROJECT: Land South of Belmesthorpe Road Ryhall, Stamford Rutland			
DRAWING: Site Location Plan			
SCALE @ A1: 1:1250	DRAWN BY: DH	CHKD BY: IT	DATE: 03.11.20
DRAWING No: KA38745 -BRY-ST-PL-A-01			REVISION: --



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2023/0822/OUT



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application :	2023/0822/OUT	ITEM 2	
Proposal:	Demolition and site clearance and redevelopment of the site for residential use (Use Class C3) and 168 sqm (GIA) of Use Class E floorspace, open spaces, access, landscaping, infrastructure and associated works (Outline Application with all matters reserved save for main points of access).		
Address:	Officers Mess 16 Regiment Royal Artillery, St George's Barracks, Welland Road, Edith Weston		
Applicant	Secretary of State for Defence	Parish	Edith Weston
Agent:	Montagu Evans	Ward	Normanton
Reason for presenting to Committee:	Public opposition to the proposal		
Date of Committee:	19 th March 2024		
Determination Date:	06 November 2023		
Agreed Extension of Time Date:	22/3/2024		

EXECUTIVE SUMMARY

The application site lies outside but adjacent to the Planned Limits of Development of the settlement of Edith Weston.

The proposal is for the redevelopment of the existing Officer's Mess site associated with St George's Barracks, and the site is therefore classified as previously developed land.

General location policies of the Development Plan would not support development in such a location however the scheme is considered to represent sustainable development as defined in the National Planning Policy Framework due to its previously developed nature, and the emerging Neighbourhood Plan does support the principle of the development of the site.

The demolition and removal of the existing buildings from the site would allow the opportunity for a new development to provide a material uplift in the quality of the built environment in the vicinity of the application site, also allowing for improvement in the setting of an existing listed building and the Edith Weston Conservation Area.

None of the key issues for consideration in respect of the proposal as set out in detail in the following report are considered to outweigh the benefits of the scheme.

RECOMMENDATION

APPROVAL subject to the completion of a Section 106 agreement in respect of the proposal, and the following conditions

1	<p>Outline Planning Permission - Time limit for commencement 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.</p> <p>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.</p>
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2	<p>Time limit for submission of reserved matters 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.</p> <p>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.</p>
3	<p>Reserved Matters 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.</p> <p>Reason - The application as submitted does not provide sufficient particulars for consideration of these details.</p>
4	<p>Details – compliance with all plans The development hereby permitted shall not be carried out except in complete accordance with the access details shown on the submitted plan, reference 65201348-202-SWE-XX-XX-D-H-0001 P03.</p> <p>Reason - For the avoidance of doubt and in the interests of proper planning.</p>
5	<p>Limit to the number of dwellings to be provided on the site The applications for the approval of the reserved matters shall provide for no more than 85 dwellings on the site. The application seeking approval for layout reserved matters shall be accompanied by information to demonstrate how the existing constraints on the land have been taken into account in developing the final layout, as well as accounting for any subsequent reductions in the developable area of land/number of dwellings within the site should subsequent investigations show that the developable area is less than detailed at this outline stage.</p> <p>Reason - To demonstrate that the proposed number of dwellings can be accommodated within the site whilst maintaining space available for relevant open space, sustainable drainage, tree protection and ecological interests in accordance with Policy SP15.</p>
6	<p>Design Code Prior to the submission of any application for Reserved Matters approval, a detailed Design Code shall have been prepared for the application site, submitted to and agreed in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the Design Guidelines for Rutland (2021) and the principles contained therein. All applications for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Design Code.</p> <p>Reason – To ensure that the development of the site is undertaken in such a way that conforms with the relevant policies of the development plan, the Design Guidelines for Rutland (2021) and chapter 12 of the National Planning Policy Framework, relating to design quality and enhancement of the character of the area within which a site is located</p>
7	Archaeological investigation

	<p>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.</p> <p>Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.</p>
8	<p>Contamination</p> <p>1. Site Characterisation</p> <p>No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person as defined by annex 2 of the National Planning Framework. The assessment shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:</p> <p>(i) a survey of the extent, scale and nature of contamination;</p> <p>(ii) develop the conceptual site model to assess and evaluate the potential risks to:</p> <p>human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems archaeological sites and ancient monuments.</p> <p>This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.</p> <p>2. Submission of Remediation Scheme</p> <p>No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.</p> <p>3. Implementation of Approved Remediation Scheme</p>

	<p>The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority. The validation report must clearly demonstrate through the provision of clear and unambiguous evidence that the approved remediation scheme has been completed as stated.</p> <p>This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.</p> <p>4. Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.</p> <p>An assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary, a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part 2 of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following the completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with part 3 of this condition.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
9	<p>Foul drainage works</p> <p>Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling on the site, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.</p> <p>Reason - To prevent environmental and amenity problems arising from flooding.</p>
10	<p>Sustainable Drainage</p> <p>The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:</p> <p>a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the</p>

	<p>measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;</p> <p>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 where relevant);</p> <p>c) Flood water exceedance routes, both on and off site;</p> <p>d) A timetable for implementation;</p> <p>e) Site investigation and test results to confirm infiltrations rates; and</p> <p>f) A 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.</p> <p>Reasons - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.</p>
11	<p>Hard standings</p> <p>All driveways and parking areas shall be constructed of porous materials, or provision shall be made to direct run-off water to a permeable or porous area or surface within the curtilage of the property.</p> <p>Reason – In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.</p>
12	<p>Proposed levels</p> <p>The reserved matters layout application shall provide details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. The layout of the dwellings shall take account of the levels change across the site and demonstrate that it will have a satisfactory relationship with the landform, wider visual amenity and adjacent residents.</p> <p>Reason - To ensure that the relationship of the proposed dwellings to each other and to adjacent dwellings is acceptable, in the interests of residential amenity.</p>
13	<p>Noise Impact Assessment</p> <p>Prior to the commencement of development a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall be completed by a competent person in line with the methodology in BS4142:2014 considering daytime and nighttime background levels and shall include the assessment of any equipment to be provided with the dwellings that would affect the noise environment of the scheme (such as but not limited to air-source heat pumps). The development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity.</p> <p>Reason – To ensure that the development does not result in any noise generation that would adversely affect the amenity of the nearby and adjoining properties in accordance with the requirements of policy SP15 of the Site Allocations and Policies DPD (2014).</p>

14	<p>Construction Method Statement</p> <p>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:</p> <ul style="list-style-type: none"> o strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction. o the parking of vehicles of site operatives and visitors o construction traffic routes to and from the site, including deliveries o restrictions on timings of deliveries to and from the site to avoid conflict with the nearby school at morning drop-off and afternoon pickup times o loading and unloading of plant and materials o storage of plant and materials used in constructing the development o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate o wheel washing facilities o measures to control the emission of dust and dirt during construction o a scheme for recycling/disposing of waste resulting from demolition and construction works o Hours of working on site <p>Reason - To ensure that the development is carried out in a manner that minimises disruption to the highway network and that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction, in the interests of highway safety and in accordance with Policy SP15.</p>
15	<p>Bat Mitigation</p> <p>No building demolition shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the local planning authority. All works are to proceed strictly in accordance with the approved Method Statement.</p> <p>Reason – To ensure that any bats present on the site, which are legally protected under the Wildlife and Countryside Act 1981, are not compromised by the work hereby approved.</p>
16	<p>Construction Environment Management Plan</p> <p>No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:</p> <ul style="list-style-type: none"> A. Identification of potentially damaging construction activities B. identification of biodiversity protection zones C. practical measures and sensitive working practices to avoid or reduce impacts during construction D. timing of works to avoid harm to nesting birds E. responsible persons for overseeing sensitive works F. use of protective fencing where required <p>The approved CEMP shall be adhered to and implemented throughout the construction</p>

	<p>period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.</p> <p>Reason - In order to protect the protected wildlife species and their habitats that are known to exist on site.</p>
17	<p>Drainage during Construction No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>Reason - To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase</p>
18	<p>Off-site Highway Improvements Notwithstanding the layout shown on the approved plans, a detailed plan showing a zebra crossing over Manton Road to the west of the main site access together with a fully iterative Stage 1 Safety Audit and Designers Response shall be submitted to the Local Planning Authority for approval in writing. Once approved, this together with all other off-site highway improvement works as shown on the Proposed Access Arrangements plan, 65201348-202-SWE-XX-XX-D-H-0001 Rev P03, will be fully implemented prior to first occupation.</p> <p>Reason - To ensure that appropriate loading/unloading facilities are available in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).</p>
19	<p>Removal of Redundant Highway Features Any redundant parts of existing accesses, dropped kerbs, pram crossings or footway around the frontages of the site shall be removed and the areas repurposed and remediated to suit the off-site highway improvement works.</p> <p>Reason - To ensure that appropriate loading/unloading facilities are available in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).</p>
20	<p>Construction Management Plan Condition No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-</p> <ul style="list-style-type: none"> a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action. b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received. c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway

	<p>in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.</p> <p>d) Haul routes to the site and hours of delivery</p> <p>e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.</p> <p>f) Details of site compounds, storage area and contractor/visitor parking/turning.</p> <p>g) Details of the site enclosure or part thereof and gated site security.</p> <p>h) Confirmation of any tree protection measures.</p> <p>i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.</p> <p>j) Details of site notice with contact details and a scheme for dealing with complaints.</p> <p>k) Details of any temporary lighting which must not directly light the public highway.</p> <p>l) Phasing plans where necessary.</p> <p>m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.</p> <p>n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.</p> <p>o) The development shall thereafter be carried out in accordance with the approved Construction Management Plan.</p> <p>Reason: To ensure that appropriate loading/unloading facilities are available in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).</p>
21	<p>Biodiversity Net Gain</p> <p>An application for approval of reserved matters which includes "layout" shall include a Biodiversity Gain Plan and Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.</p> <p>Reason - In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy CS21 of the Core Strategy (2011) and SP19 of the Site Allocations and Policies DPD (2014) and chapter 15 of the National Planning Policy Framework.</p>

Site & Surroundings

1. The application site is comprised of the existing Officer's Mess and associated buildings at St George's Barracks in Edith Weston.
2. The site is a self-contained part of the wider base, separated from the majority of the complex by North Luffenham Road to the east of the site. The land is currently completely enclosed by an existing security fence topped with barbed wire. Two accesses lead into the site, one from North Luffenham Road and one from Manton Road to the north.

3. The site contains a number of buildings, including the main Officer's Mess itself and original accommodation blocks, newer accommodation blocks, garages, and a language school.
4. The site also incorporates open space to the south, and a disused tennis court to the southwest corner of the site.
5. Adjacent to the site to the northwest is a grade II listed property known as 'School House' and identified in its listing description as a former school, dated 1864. The main village of Edith Weston lies to the north of the site, and with the nearest structures on the north of Manton Road including residential dwellings, The Wheatsheaf public house and an agricultural yard. An avenue of mature trees runs along the north boundary of the site inside the security fence, which are noted as being retained within the proposal documents.
6. In the wider vicinity, agricultural land is located to the west and south of the site, with the main St George's Barracks to the east. Rutland Water lies immediately to the north of Edith Weston.

Proposal

7. The proposal is an application in outline for the construction of residential dwellings and a small amount of commercial floorspace on the site. The application documents indicate a figure of up to 85 dwellings are proposed, although this is not specified in the application description and would therefore need to be included as a condition should permission be granted for the scheme. Open space provision is to be on-site in the southwest corner where the topography of the site also indicates is the best location for provision of a surface water retention basin as part of the drainage proposals.
8. The application form indicates 11 flats with a mix of one and two bedrooms are proposed, alongside 74 dwellings ranging from two to four bedrooms.
9. In total, the scheme represents a density of 21.9 dwellings per hectare, and the housing mix proposed is as follows:

1-bed	2 flats	2%
2-bed	9 flats 23 dwellings	11% 27%
3-bed	38 dwellings	45%
4-bed	13 dwellings	15%

10. The scheme includes provision of 168m² of commercial floorspace with dedicated parking, shown on the illustrative masterplan as being located near the entrance to the site off Manton Road.

Relevant Planning History

G/93/0498	Erection of security fence around Officers' Mess.	Approve
This notification proposed the erection of a security fence around the Officer's Mess. Notice was provided that the Local Planning Authority did not object to the proposal on 26 th October 1993.		

GOV/2001/0679	Erection of 2.9m high perimeter security fence	Does not object
This notification proposed the erection of a security fence around the Officer's Mess. Notice was provided that the Local Planning Authority did not object to the proposal on the 16 th October 2001 but requested additional tree planting was carried out within the grounds of the site to compensate for trees lost in carrying out the operations.		
FUL/2007/0277	Reconstruction of existing hangar 2 and construction of DET training facility and covered hardstanding for vehicles.	Approve
This scheme proposed works to the main base to the east of the site and did not include any alterations to the Officer's Mess site, it is therefore not considered relevant to the current proposal.		
FUL/2007/0665	Conversion of building 63B to provide office accommodation and parking bays.	Approve
This scheme involved the refurbishment of the most easterly building on the Officer's Mess site for office use. No external additions were proposed and the application is not considered to be relevant to the current proposal.		

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Core Strategy DPD (2011)

CS1 – Sustainable Development Principles

CS2 – The Spatial Strategy

- CS3 – The Settlement Hierarchy
- CS4 – The Location of Development
- CS6 – Re-use of redundant military bases and prisons
- CS8 – Developer Contributions
- CS9 – Provision and distribution of new housing
- CS10 – Housing density and mix
- CS11 – Affordable housing
- CS13 – Employment and economic development
- CS16 – The rural economy
- CS18 – Sustainable transport and accessibility
- CS19 – Promoting good design
- CS20 – Energy efficiency and low carbon energy generation
- CS21 – The natural environment
- CS22 – The historic and cultural environment
- CS23 – Green infrastructure, open space, sport and recreation

Site Allocations and Policies DPD (2014)

- SP1 – Presumption in favour of sustainable development
- SP6 – Housing in the countryside
- SP7 – Non residential development in the countryside
- SP9 – Affordable housing
- SP11 – Use of military bases and prisons for operational or other purposes
- SP15 – Design and amenity
- SP19 – Biodiversity and geodiversity conservation
- SP20 – The historic environment
- SP22 – Provision of new open space
- SP23 – Landscape character in the countryside

Neighbourhood Plan

The application site lies within an area specified as being **excluded** from the current Edith Weston Neighbourhood Plan. The emerging Edith Weston Neighbourhood Plan can be given limited weight due to its progression through the preparation process.

EW-SG02: St George's Barracks Officers' Mess

EW-GE01: Natural and Green Environments

EW-DH01: Sustainable Design

EW-DH03: Edith Weston Conservation Area

EW-TM01: Transport and Movement

Officer Evaluation

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
12. What follows therefore is an assessment of the proposal in relation to the policies of the development plan and consideration of any material considerations relevant to the scheme.
13. It should be noted that some elements of the evaluation of this application relate to the details that will need to be considered should outline planning permission be granted and reserved matters submissions made. This in no way implies that outline planning permission will be granted and is undertaken without prejudice to the decision to be taken in respect of the outline application.

Principle of the use

14. The application is made in outline with only matters of access for approval at this stage. Should consent be granted therefore further 'reserved matters' applications will be required to be submitted dealing with layout, appearance, scale and landscaping of the development. Some indicative details have been provided at this stage to facilitate consideration of the application.
15. There are a number of considerations that combine in relation to the acceptability or otherwise of the scheme with regard to the principle of the proposed use on the land, each of which is considered separately below, with a conclusion on this specific issue immediately following prior to consideration of the overall planning balance later in the report.

Location policies

16. The key policies of the Development Plan in relation to the location principle of the proposal are CS4 and SP6.
17. Policy CS4 states that *"Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs."* This policy goes on to state however that *"New development will be prioritised in favour of the allocation and release of previously developed land within or adjoining the planned limits of*

- development where it can support sustainable patterns of development and provides access to services by foot, public transport and cycling.”*
18. Policy CS6 states that *“The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner. Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.”* This policy goes on to list a number of key requirements of any proposals, including that they
- *re-use existing land and buildings, minimising built development on undeveloped airfield land*
 - *not lead to undue disturbance to nearby communities through traffic, noise, aircraft activity or other uses*
 - *protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage*
 - *be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network*
 - *be accessible by public transport and include measures to encourage walking and cycling*
 - *incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management*
19. The proposal is not in accordance with the provisions of policy CS4 although it is of a type and location that would be prioritised in terms of allocation and release should further sites be required (see also The Emerging Plan below).
20. Policy SP6 of the Site Allocations and Policies DPD (2014) states:
- “New housing development will not be permitted in the countryside except where:*
- a) *It can be demonstrated to be essential to the operational needs of agriculture, forestry or an established enterprise requiring a rural worker to live permanently at or near to their place of work in the countryside; or*
 - b) *Affordable housing would meet an identified local housing need as set out in Core Strategy Policy CS11 (Affordable Housing); (these sites may also include small numbers of market homes where exceptionally permitted by policy SP10 (Market Housing within rural exception sites)).*
- The development itself, or cumulatively with other development, should not adversely affect any nature conservation sites, or the character and landscape of the area, or cultural heritage.”*
21. The proposal does not meet any of the exceptions to the general presumption against development in the countryside set out in policy SP6 and is therefore contrary to this policy.
22. Policy CS9 allows for the release of greenfield sites within or adjoining the planned limits of development of Local Service Centres, but states that this will occur only *“where needed to maintain a sufficient and phased supply of*

deliverable and developable land.” Given the point below regarding the confirmed five-year housing supply, it is therefore concluded that policy CS9 is not a key policy for determining the current application, although as previously developed land adjoining the Planned Limits of Development CS9 would support the allocation and release of the site if it were needed to maintain the five-year housing land supply position.

Policies relating to development/redevelopment of military bases and prisons

23. Policy CS6 considers the wholesale redevelopment of such facilities in terms of setting out the need for a masterplan or development brief to form part of a supplementary planning document, but it is not considered that this application falls within this requirement due to its more limited scale and impact as a discrete, separate parcel of land that is capable of redevelopment without reference to the wider St George’s Barracks site (see Site Allocations consideration of this point later).
24. Policy SP11 considers the matter of development on or of military bases and prisons for operational or other purposes.
25. The policy states that *“The small-scale development of an individual building or part of a military base or prison for alternative uses not required for the operation of the establishment will be given favourable consideration provided that it complies with the key requirements set out in Core Strategy Policy CS6 (Re-use of redundant military bases and prisons) and that it would not adversely affect the operational use of the establishment.”* The explanatory text of the policy does not define the term small-scale but paragraph 7.5 notes that any larger scale reuse or redevelopment will be considered under policy CS6. The current application does not propose the wholesale redevelopment of the entire St George’s Barracks, but given the nature of the scheme is considered to be more than small-scale.

Neighbourhood Plan

26. The existing Edith Weston Neighbourhood Plan was made in 2014 and contains a number of policies that would be relevant to the proposed development, however the plan specifically excludes the Officer’s Mess site and the wider St George’s Barracks land.
27. The emerging plan has reached Reg 16 stage but has not yet been out for the consultation required at that stage. The policies of the plan can be given some limited weight at this stage.
28. The Neighbourhood plan does not undertake specific housing site allocations, but does have a policy (EW-SG02) regarding the Officer’s Mess site, which states the following:

Redevelopment of the St George’s Barracks Officers’ Mess for residential purposes will be supported, subject to:

- a. *The scheme should complement the existing Edith Weston Village, meeting the requirements of Policy EW-DH01;*

- b. *The mature trees and hedges to the north and east edges, flanking Manton Road and Edith Weston Road, should be retained as a landscape buffer and protected during construction;*
 - c. *Other mature trees within the site should be retained where possible and be protected during development, meeting the requirements of Policy EW-GE01;*
 - d. *The scheme should maximise pedestrian and cycle connectivity to the existing village centre, meeting the requirements of Policy EW-TM01;*
 - e. *The form and layout of development should take account of the site topography and allow for long views through the site towards Lyndon Valley;*
 - f. *The layout, landscaping and boundary treatment of the scheme should create a soft transition between the built development and surrounding landscape.*
29. This policy is clear that subject to the detailed development proposals for the site meeting the required standards as set out above, the principle of its development is considered by the Neighbourhood Plan to be acceptable. This policy should be attributed limited weight in the planning balance in favour of the approval of the scheme.

Five-year housing land supply.

30. The Local Planning Authority is able to demonstrate a five-year housing land supply, which is confirmed at paragraph 37 of appeal decision APP/A2470/W/22/3312763. This appeal decision also concluded that policies CS4 and SP6 of the Core Strategy (2011) and Site Allocations and Policies DPD (2014) respectively were not considered to be out of date (paragraphs 44 and 48). See appeal analysis below for further detail in this regard. On this basis it is considered that the tilted balance set out in paragraph 11 of the National Planning Policy Framework is not engaged, and the proposal falls to be determined under the relevant policies of the development plan unless material considerations indicate otherwise.
31. The latest position statement of the Local Planning Authority notes that it considers it is able to demonstrate a 7.4 year housing land supply.
32. Changes to the National Planning Policy Framework in December 2023 mean that due to the emerging plan (see later) having reached regulation 18 stage and containing a policies map and proposed allocations the Local Planning Authority is only now required to demonstrate a four-year housing land supply.
33. Whilst the provision of housing is noted and the land supply provision is a minimum and not a maximum, the housing land supply situation within Rutland is not considered to be marginal and therefore the benefits of housing provision above this requirement can only be given limited weight.

Appeals

34. The Local Planning Authority has now received a number of planning appeal decisions relating to development beyond the identified Planned Limits of Development of the settlements within the county and the following consideration sets out the details and the findings of those decisions with

specific reference to the current planning application. Elements of this assessment may be relevant to other applications but it is intended to be specific to the current proposal only.

Until the 31st December 2022 the Local Planning Authority accepted that it was unable to demonstrate a five-year housing land supply, and that the tilted balance set out in paragraph 11(d) of the National Planning Policy Framework (2021) was activated. After the 31st December, the Local Planning Authority produced a 9-month update to the Five-Year Land Supply & Developable Housing Land Supply Report, which concluded that it could demonstrate a 6-year housing land supply, and therefore the tilted balance was no longer engaged.

Appeal decision 3301737 (March 2023 - allowed) noted at paragraphs 21-26 that the Inspector considered some of the housing provision set out in the 9-month update could not be relied upon, concluding (at the time) as a result that the demonstration of a five-year housing land supply was brought into considerable doubt and therefore reverting back to the position that the Local Planning Authority cannot demonstrate a five-year housing land supply. The Planning Inspector then further considered the matter of policies CS4, CS9 and SP6, with these policies identified in the Statement of Common Ground at that appeal as being out of date. The Inspector noted that in the absence of any further evidence on the matter (RCC Planning Officer emphasis added) from the Local Planning Authority regarding this position changing, the key policies remained out of date and did not serve to boost housing supply and therefore considered the tilted balance to be engaged in this respect.

Appeal decision 3299719 (August 2023 - allowed) also noted that the Local Planning Authority could not demonstrate a five-year housing land supply, however it is noted that the statements for this appeal were exchanged during the time when the Local Planning Authority accepted it could not demonstrate such a supply, whilst the decision was issued 11 months later without the Planning Inspectorate seeking an update on this matter.

Appeal 3312763 (August 2023 - dismissed) considered the matter of the five-year housing land supply and the datedness of the policies as set out in the Inspector's decision on appeal 3301737 in detail and concluded that the Local Planning Authority could now demonstrate a five-year housing land supply, and that policies CS4 and SP6 were not out of date and were compliant with the National Planning Policy Framework.

Appeal 3314473 (July 2023 - dismissed) noted that the Local Planning Authority could not demonstrate a five-year housing land supply, however it is again noted that the statements for this appeal were exchanged following appeal 3301737 but prior to the updated five-year housing land supply report of 2023. The appeal was nonetheless dismissed.

Appeal 3318651 (October 2023 - dismissed) was considered at a time when the LPA accepted it could not demonstrate a five-year housing land supply. The appeal was considered by the Inspector to be compliant with policy SP6 and was dismissed on other grounds.

Appeal 3320461 – (December 2023 – dismissed). This appeal related to the construction of two dwellings in the countryside outside Empingham. The Inspector noted the decision made in respect of appeal 3301737, and also that of 3312763 along with the Five-Year Land Supply and Developable Housing Land Supply Report (May 2023) and concluded that the Local Planning Authority was

able to demonstrate a 5-year housing land supply. No comment was made regarding the datedness of policies in the plan.

Appeal 3321470 – (January 2024 – dismissed). The appeal concerned the proposal for the construction of eight new dwellings in the countryside near to the village boundary of Market Overton. The location of development was identified as one of the main issues for the appeal. The Inspector noted that CS4 does not provide specific justification for market housing beyond the planned limits of development and that the proposal was thereby contrary to this policy. The Inspector also noted that any support for the dwelling types proposed was to be considered in the context of the spatial strategy in the Local Plan, which the Neighbourhood Plan supported and therefore the scheme was also contrary to that plan. The Inspector noted that the development plan policies most relevant to the determination of the appeal were not out of date and were consistent with the National Planning Policy Framework. The Inspector noted that a challenge to appeal decision 3323586 (see below) had been made but confirmed that given the early stage of the challenge with no judgement having been made only limited weight could be attached to it. The challenge has not progressed any further at the time of writing.

Appeal 3323586 – (November 2023 - dismissed – the appellant has submitted an application for a statutory challenge to the appeal inspector’s decision). This application considered an outline proposal for the construction of up to 62 dwellings in the countryside outside the settlement of Edith Weston, to the east of the village and the north-east of the application site for the proposal being considered here. The location of the site in the countryside was identified as one of the main issues to be considered during the appeal. The Inspector concluded that policies CS4 and SP6 were in accordance with the National Planning Policy Framework to the extent that they should not be considered to be out-of-date. The Inspector concluded however that the harm arising as a result of the proposal in the matter of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements outweighed the benefits of the proposal in respect of contribution to housing supply, affordable housing and general economic and social benefits along with a lack of harm in respect of affordable housing, open space and biodiversity net gain provision.

Appeal 3325242 – (January 2024 – dismissed). The appeal was against the refusal of permission for the construction of four new units on land adjacent to the village of Empingham. The Inspector noted that arguments had been raised around whether the Local Planning Authority was able to demonstrate a five-year housing land supply, however they did not consider this point in detail, instead considering that even were that the case (a point they did not pronounce on) the harm arising from the development would outweigh its benefits.

Appeal 3328643 – (February 2024 – dismissed). The appeal considered a scheme for the erection of 41 dwellings, and the location of development was identified as the main issue. The Inspector found conflict with policies CS4 and SP6 as well as the related Neighbourhood Plan policies, confirmed that the Local Planning Authority was able to demonstrate a five-year housing land supply (but due to changes in the NPPF in December 2023 was only now required to demonstrate four years of such supply) and that this supply was **not marginal** (RCC Planning Officer emphasis added). They noted that the lack of evidenced need for further market housing limited the weight that could be given to the delivery of housing in this regard. Finally, the Inspector also noted that the most important policies for the determination of the appeal (CS4 and SP6 of the Local Plan along with policies in the Neighbourhood Plan) are consistent with the National Planning

Policy Framework and that conflict with these policies weighs significantly against the proposal.

35. As can be seen therefore, in the 12 months prior to the date of the committee only 2 out of 10 appeals where location of development was considered a main issue have been allowed.
36. Of these, one was made on the basis that the Local Planning Authority initially accepted it could not demonstrate a five-year housing land supply and as a result its policies were out-of-date, and the Inspector in that instance did not re-convene the hearing sessions to allow further consideration of this point following a supplementary evidence statement provided by the Local Planning Authority.
37. The second was also initially considered at a time when the LPA accepted it could not demonstrate a five-year housing land supply and the Inspectorate did not issue its decision until 11 months later when the position in this respect had changed significantly.
38. A further two appeals were considered during the time period when a five-year housing land supply could not be demonstrated but were both dismissed on other grounds.
39. Six appeals have been considered following the publication of the Local Planning Authority's Five-Year Land Supply and Developable Housing Land Supply Report (May 2023). None of these have been allowed with the Inspectors in question confirming on three occasions that the LPA is able to demonstrate a five-year supply (now required to be a four-year supply due to changes to the NPPF), and on four occasions that policies CS4 and SP6 are compliant with the National Planning Policy Framework. None of these six appeals found the Local Planning Authority could not demonstrate a five-year housing land supply or that policies CS4 and SP6 were not compliant with the National Planning Policy Framework with respect to sites outside the planned limits of development.
40. In conclusion therefore there is no evidence from an analysis of recent appeal decisions to indicate that the Local Planning Authority cannot demonstrate the requisite housing land supply, or that its policies with regard to development in the countryside are to be considered out-of-date.

Emerging Plan

41. The application site is allocated for housing (noted as 90 units) in the regulation 18 draft of the emerging Local Plan, with the planned limits of Edith Weston being proposed to be re-drawn around the site so that it is incorporated within the village boundary. Allocation through the emerging plan in this manner would be the preferred method for identifying the application site for residential development, however it is acknowledged that the application has come forward on the basis that the site is no longer required for operational purposes in relation to St George's Barracks and the MoD is under an obligation therefore to explore alternatives its disposal.
42. Given the Regulation 18 stage of preparation of the emerging plan, it currently carries **no material weight** in the determination of specific planning applications.

Material Considerations

43. National Planning Policy Framework
44. Paragraph 12 of the National Planning Policy Framework states that “*where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.*” It goes on to say however that “*Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*”
45. Paragraph 124 of the National Planning Policy Framework states that “*Planning policies and decision should:*
46. *d) promote and support the development of under-utilised land and buildings...*”
47. Paragraph 125 states that “*Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.*”
48. Paragraph 127 states that “*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.*”
49. With specific regard to the application site, the following are also deemed to be material considerations that should be taken into account in the determination of the application.
 - The proposal is for the re-use of previously developed land. The Development Plan (including the Neighbourhood Plan) did not foresee that the site would no longer be required for its current purpose at the time of its preparation and therefore the need for the Ministry of Defence to dispose of the land is not specifically accounted for within the policies of the Development Plan.
 - Appeal decision 222210 adjacent to the village of Greetham considered the matter of the redevelopment of previously developed land outside but adjacent to the planned limits of development of that village in May 2015. Two matters considered in that appeal are of relevance to the current application.
 - First, the Inspector considered the rural setting of the village and the relationship between the appeal site and the village itself, concluding that the buildings in that case appeared as being within the developed part of the village and not the wider countryside. The Inspector went on to note that the development of a sensitively designed housing scheme would enhance the character and appearance of that part of the village.

- Second, the Inspector concluded that due to its relationship with a local service centre (Edith Weston is also within this settlement category), the proposal would constitute sustainable development that would be supported by the National Planning Policy Framework and that this should be afforded **very significant weight** in the planning balance. Whilst it is accepted that each case must be assessed on its own merits, the similarities between the schemes in respect of their current appearance detracting from the setting of the village, their previously developed nature and the capability of the proposal to provide affordable housing and sustainable development are such that Officers consider these factors to also carry very significant weight in the determination of the current application.
- The scheme does not result in the intrusion of built development into the countryside beyond its existing extent – there would therefore be no harm arising from the scheme in terms of the safeguarding of the countryside, and the existing use of the site is residential in nature albeit atypical in specific detail.
- The development of the site would result in the removal of the existing security fence around the Officer's Mess and subject to an appropriately designed development that can be controlled through the reserved matters would result in a significant improvement in the contribution of the site to the character of the village and its setting.
- The existing buildings are in poor condition, unsuitable for conversion and will continue to deteriorate and detract from the village unless an alternative use is found for the site.

Conclusions regarding the principle of development

50. Development Plan policies relating to the location of development proposals seek to direct development to locations within the existing settlement boundaries unless for a specific set of exemptions. None of the specified exemptions apply to the current site.
51. Other policies relating to reuse or development of existing military bases (and/or prisons) however set out a number of criteria to be applied to such proposals, accepting that redevelopment of such sites will not be located within the Planned Limits of Development due to their existence beyond those limits at present and instead therefore seek to ensure that any such proposals are properly considered in a coordinated manner and not considered 'piecemeal'.
52. The Officer's Mess site is a discrete parcel of land forming part of the wider St George's Barracks and its redevelopment is neither dependant on nor has impacts in relation to any redevelopment of that wider site in the future should it also become redundant for its current purpose. On that basis it is not considered that a development plan document or wider masterplan is required to inform this current application and policy CS6 does not present a barrier to the determination of this application. The proposal is considered to comply

with the detailed requirements a) to f) of policy CS6 insofar as the outline nature of the application is able, with scope to control subsequent details in this regard through conditions imposed on any outline permission and/or details of the reserved matters submission.

53. There are a number of material considerations that are relevant to the determination of the proposal, none of which would indicate that the principle of development is unacceptable, with several indicating that redevelopment of the site (subject to detailed design considerations) would result in positive benefits to the area. The emerging Neighbourhood Plan also contains a policy supporting the principle of the development subject to detail-specific criteria.
54. When considering all of these issues, it is concluded that the balance of development plan policies and material considerations supports the approval of the application.

Highway issues (Access)

55. As the only detailed matter submitted for approval at this time, the proposed access to the site is considered next. Further consideration of the associated potential impacts of the development will follow, however these will be subject to the detailed reserved matters submissions.
56. There are two existing access points serving the existing site. The first of these is off Manton Road, whilst the second is located on Edith Weston Road to the southeast corner of the site.
57. The proposal would see the upgrading of the existing access point on Manton Road to a 5.5m wide access with 2m wide footways to either side, tying into and widening the existing footways on the south side of Manton Road.
58. The access point to the southeast of the site would be 'downgraded' to restrict access for vehicular traffic so that it functions as an access for pedestrians, cyclists and emergency vehicles only.
59. A new pedestrian access would be provided at the northeastern corner of the site to facilitate access to the footway on the eastern side of Edith Weston Road, and a new private access 5.5m in width would be provided to serve a private drive of no more than 6 properties directly off Manton Road.
60. The Local Highways Authority provided an initial response stating that the main vehicular access into the site was acceptable but requested further information regarding the downgraded access to the southeast and the private access along Manton Road.
61. Subsequent information has been provided and the updated Local Highways response notes that whilst they have some concerns regarding the internal arrangement of the site, these are not proposed for approval at this stage.
62. The LHA has confirmed that it does not consider the trip generation associated with the proposal would result in highway safety issues, subject to off-site works as proposed with slight amendments. This relates to the provision of a zebra crossing over Manton Road to the west of the main entrance to facilitate access to the local Primary School, and a safety audit of the scheme, although the LHA is confident a safe design solution can be achieved and therefore these elements are proposed as conditions.

Drainage & Flooding

63. The site assessment undertaken as part of the preparation of the emerging Local Plan indicates that the site is at low risk of fluvial flooding and rated the site as green in both fluvial and surface water flood risk categories.
64. The Lead Local Flood Authority has reviewed the Flood Risk Assessment and Drainage Strategy submitted alongside the application and has confirmed that it concurs with the principals set out in those documents, concluding that it raises no objection to the scheme in this respect subject to the imposition of conditions requiring proposals to manage the surface water on the site during construction, and approval of full details of the proposed drainage scheme.

Impact of the use on the character and appearance of the area

65. As noted above, the existing site is physically separated from the rest of the village of Edith Weston, being surrounded by security fencing topped with barbed wire and generally presenting its rear facing to any public vantage point. Its materials of construction are also notably different from the traditional materials used in the construction of dwellings within Edith Weston. The main beneficial element of the existing site to the character of the village is the line of mature trees along the northern boundary of the site, located just inside the security fence. These trees are noted within the application details as being retained, and a condition to secure their protection during construction would be appropriate and proportionate should consent be granted.
66. As an outline application it is not possible to be specific at this stage about the precise impact on character of any proposed development on the site as this would be controlled through the reserved matters submissions regarding layout, appearance and scale. It is appropriate however to consider such impacts in respect of character from the broader development proposal for the site and there are a number of key characteristics that will impact on this that are able to be considered at this stage, by means of condition requirements should consent be granted.

The significance of trees and tree planting to the character of the site.

67. As noted elsewhere in the report, a significant feature of the existing site is the mature tree avenue lining Manton Road to the north and its impact on the overall 'feel' of Edith Weston when travelling along this road. These trees would be an important feature to retain within the development proposals, and there are a number of other trees and groups of trees within the site that should also be retained to ensure landscaping proposals are as integrated as possible. The Forestry Officer at RCC has noted in this respect that there should be a requirement for a tree protection plan to be produced, and Officers consider this would be suitable for a planning condition, as well as to inform any reserved matters regarding layout of the site to ensure these key features are not adversely impacted upon wherever possible.

Density

68. The proposed number of dwellings on the site is a key factor in the consideration of the outline planning application. Should consent be granted, a condition should be imposed detailing the upper limit of dwellings considered to be acceptable within the site, although this should not be seen as a target figure and may need to be reduced subject to specific design considerations undertaken during preparation of the reserved matters. Nonetheless, the Local Planning Authority should be satisfied at this stage that the proposed density and therefore total number of dwellings to be located on the site is likely to be feasible and would be appropriate to the scheme in all other respects.
69. Consideration in this regard cannot simply be arrived at from a single source however, and a number of matters must be considered in arriving at the appropriate figure. In this instance the following matters are considered relevant.
- The density must take into consideration policies CS10 (which seeks to achieve densities of 30 dwellings per hectare in the villages), CS19 and SP15 (which seek to ensure development are appropriate to their setting).
 - The additional infrastructure required to be provided on site
 - The proposed dwelling mix
 - The number of dwellings proposed must allow the development to be viable financially for the developer.
70. In consideration of this matter, it is noted that the typical density of development within the historic core of Edith Weston (which is most closely related to the site) is low, with more recent development on the edges of the village generally higher. The proposed density of 21.9 dwellings per hectare is therefore more dense than that historic core, but significantly below the stated aim of 30dph set out in policy CS10. The emerging plan in consideration of the site at the Regulation 18 consultation stage of the plan sets out approximately 90 dwellings would be expected to be provided on the site.
71. Taking into account the existing settlement, infrastructure provision, the proposed public open space to the south west of the site and the village space noted at the entrance to the site on the masterplan, Officers consider it is reasonable to reduce the density from the CS10 levels to ensure a development that is not significantly at odds with its surroundings in this regard.
72. The proposed housing mix shows a development of predominantly 2-3 bedroomed properties, which is unusual for a scheme of this scale in not seeking a higher proportion of larger properties that tend to attract more substantial profits. The current Neighbourhood Plan does not provide commentary on the type of properties required by the village, however it is generally accepted within the county as a whole that the key requirement in this respect is for properties of a smaller scale generally in the region of 2-3 bedrooms rather than larger dwellings of 4-5 bedrooms. The application therefore proposes a scheme that makes a significant contribution in this regard, but inevitably as a consequence of that provision results in a higher dwelling density as a result. Any consideration of the number of properties

- proposed must therefore also be tempered by consideration of the types of properties proposed rather than a simplistic assessment of headline numbers.
73. Note is made that the proposal includes the provision of nine flats within the development, and a number of representations on the scheme have noted this is not typical of the existing settlement. The lack of such provision at present however does not indicate that it would be unacceptable subject to the design of such provision not detracting from the character of the settlement. The provision of flats would allow the village to widen its demographic in terms of providing residential options for those who may seek to live in such properties for reasons of personal preference or necessity.

Scale of development proposed (specifically heights of buildings)

74. The proposal documentation states that the proposed dwellings will all have private garden spaces, and are proposed to be between one and three-storeys in height (by utilising roof spaces). It is noted that the predominant scale of dwellings within Edith Weston is of two-storey, although there are some examples of both single-storey and three-storey development in some locations. As an outline application the precise distribution of development scales within the site is not presented for approval at this stage, however the principle of this range of property scales is not out of character with the existing village and therefore is not considered to justify refusal of the proposal.

Style and materials

75. The Design and Access Statement identifies the following key characteristics of the village of Edith Weston in this respect. It notes that the village is a clustered settlement with non-planned lower density properties around its Main Street with newer, higher density dwellings located to its edges. Stone dominates the period houses and boundary walls, with cottage style properties displaying irregular window sizes and locations, with most properties being two-storeys in height. Officers consider this is an accurate portrayal of the village character insofar as it goes, and would expect this to be reflected in development proposals for the site at reserved matters stage. In particular, specific examples of development types and characteristics within the historic core of the village should be used to inform design proposals and to reinforce these character types at the reserved matters stage to ensure the existing character of the settlement is enhanced by any development on the application site.

Conclusion regarding character impact

76. In conclusion with regard to the impact of the proposal on the character and appearance of the area, the scheme is considered to have the capability to be designed in such a way that would be reflective of traditional development in the Edith Weston area, and if a suitable design is proposed, would result in a positive impact on the character of the area.

Impact on the neighbouring properties

77. Only one property immediately adjoins the application site, which is 'The Old School House' to the northwest of the site. No representations have been received from this property. This property is also listed, therefore further and separate consideration is given to this matter in the following section titled 'Heritage'.
78. The indicative masterplan shows that it would be possible through detailed layout design to avoid any likely harm arising from the proposed development to the amenities of this property, in all likelihood resulting in an improvement to its amenities through removal of the existing unattractive residential block located immediately to its south. The indicative masterplan shows the dwelling adjoined by a single residential property, with the village green are located alongside its boundary to the east.
79. Further properties are located within the village on the north side of Manton Road however these dwellings are separated from the site by that road and the existing mature tree screen along the northern boundary and would not therefore be adversely affected in terms of amenity provision by the proposal. Traffic impacts are considered elsewhere in the report.

Conclusions on neighbouring property impact

80. The impact of the development on neighbouring properties is considered to be acceptable at this outline stage, given the scope for the reserved matters to control specific relationships between the site and the nearby residential uses.

Heritage

81. The Local Planning Authority is required to ensure that special regard is given to preserving Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). 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 2023). 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.
82. Policies CS22 and SP20 of the Development Plan set the Local Plan framework for consideration of the heritage impacts of the proposal.
83. In this respect there are three main strands to consideration of heritage impact, each considered separately below. The impact on the listed building and conservation area is considered to be classed as less than substantial in line with the requirements of the NPPF, and therefore that harm must be weighed against the public benefits arising from the proposal.

Listed Buildings and their setting

84. As noted above only a single listed building is directly affected by the proposals, the adjacent dwelling known as The Old School House. There are further listed buildings located to the north of the site within the core of the village off King Edward's Way and Well Cross, and a cluster at the junction of Pennine Drive with Normanton Road.
85. Given the nature and character of the existing buildings on the site Officers consider that the current Officer's Mess development has a detrimental effect on the character and setting of the listed buildings in the vicinity of the application site. Development of the site controlled through the reserved matters process in respect of the layout, appearance and scale of any proposed development on the land would be able to ensure that the development results in a positive contribution to the setting of these designated heritage assets, and therefore it is not considered to be reasonable to recommend refusal of the application on these grounds.

The Conservation Area and its setting

86. The Edith Weston Conservation Area encompasses the land and properties on the north side of Manton Road, but excludes the road itself and the application site.
87. The main relationship between the existing site and the Conservation Area is the visual connection between the two, with the site currently having a detrimental impact on that setting through the presence of the unsympathetic design of the buildings within the site, and the existing boundary security fencing and barbed wire. This is mitigated to an extent by the existing row of mature trees inside the security fence, however the net impact of the site is still negative, whilst the retention of the trees as part of the development could be secured at this stage by condition should consent be granted. This could be reviewed later should there be a need to consider if the trees would justify being subject to a Tree Preservation Order.

Archaeology

88. The heritage statement accompanying the application identifies that there is potential for archaeological remains to be present within the site, with the interest in this respect primarily within background potential for prehistoric, Anglo-Saxon, medieval and post-medieval remains. The assessment concludes that there is no suggestion any of these remains would be significant enough preclude development of the site.
89. The Local Planning Authority's advisors in respect of archaeological matters has requested trial trenching be provided to support the application within the grassed areas to the southern portion of the site.
90. The applicant has responded to this request indicating that it does not consider there is a need for such investigation to be undertaken prior to the determination of the application, particularly given the design work still required should consent be granted to reach the reserved matters submission stage, a period which could accommodate archaeological fieldwork and reporting. This could be controlled through imposition of a planning condition

requiring the work to be undertaken prior to the submission of reserved matters details regarding site layout.

91. In considering this point, Officers have noted the request of its advisors and the response of the applicant, alongside the extent of the site that would/could be subject to such investigations, and the approach of the LPA to such matters on other sites for development within the County. In this regard, Officers accept the response of the applicant indicating that fieldwork could be required by condition on the application and that such work could be undertaken in such a way that it informs the final layout of the scheme without impacting unacceptably on the potential archaeological resource. Should consent be granted therefore, conditions should be imposed to require the proposed work be undertaken subject to a suitable brief, and undertaken prior to the submission of the reserved matters layout. Any condition limiting the number of dwellings on the site should also be explicit that any such limit is dependant on the impact of other constraints on the developable area of land. Any limit imposed therefore is not a guarantee that such number will be permitted.

Other matters

92. In addition to the above matters, the contribution of the heritage of the site itself and the buildings currently located upon it is also considered as follows.
93. St George's Barracks was originally built as a training airfield and opened in 1940 (know as RAF North Luffenham), subsequently being taken over by RAF Bomber Command during the war and expanded to include the provision of concrete runways. It was transferred to the Royal Canadian Airforce in 1951 before reverting back to RAF control in 1955. It was used as a base for the PGM-17 Thor intermediate ballistic missiles from 1959 to 1963 when the RAF Aviation Medical Training Centre moved in. The Joint Services Language School was also based here from 1965 to 1997 (located on the Officers Mess site). The station was taken over by the British Army and renamed St George's Barracks in 1998.
94. The Officer's Mess was put forward for consideration as a listed building with a decision not to list the site issued on the 25th June 2019. The reasons given for not listing the site/building are given as:

Architectural interest:

- It is a building of simple design and a late example of its type
- The degree of alteration including the replacement of the windows has compromised the architectural interest

Historic interest:

- There are no events or figures of national note which are directly associated to or with the building
95. Consequently, whilst the site would be considered to be a non-designated heritage asset under the National Planning Policy Framework, that document advises that *"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

96. Given the assessment above in respect of the application to list the premises, the significance of the heritage asset is assessed as being low, with the existence of the buildings themselves contributing little to that significance. The removal of the buildings from the site would allow for significant benefits to the wider area to be realised through an improvement of the built environment and the contribution of the site to the character of the area, the securing of Biodiversity Net Gain on the land, and the provision of housing including affordable housing on the site. Consequently the loss of the site from as a non-designated heritage asset is not considered to outweigh the positive benefits of the proposal.

Natural Environment, Habitat Regulations Assessment & BNG

Natural Environment

97. The application is accompanied by an Ecological Impact Assessment in order to understand the baseline ecological conditions at the site, detailing any mitigation measures required as part of the development to ensure impacts on that ecological baseline lie within acceptable limits.
98. This impact assessment has been reviewed by the Ecological Advisors to Rutland County Council as the Local Planning Authority, and the response of that ecological advisor is summarised towards the end of this report.
99. The assessment undertaken identifies a number of impacts arising from the proposal as follows:
- Temporary loss of terrestrial habitat and minimised disturbance during site clearance and construction for amphibians, including Great Crested Newts, reptiles, breeding birds, bats, badgers and other notable species (brown hare, fox, rabbits and hedgehog)
 - Loss of seven summer day roosts for soprano and common pipistrelle bats
 - Permanent loss of foraging resource for breeding birds, bats and badger through an increase in built environment on site from 1.59Ha pre-development to 1.72Ha post-development and loss of approximately 41 trees
100. The Ecological Advisor indicates that these impacts can be controlled through the need for a European Protected Species Licence for bats prior to building demolition (dealt with under separate legislation to Planning), and the imposition of a Construction Environment Management Plan specifying how the development is to be carried out. This plan would detail identification of damaging construction activities, biodiversity protection zones within the site, practical measures and working practices to avoid or reduce impacts, timing of works, identification of responsible persons and the use of protective fencing where required. Such a condition would be considered to meet the six tests and could therefore be imposed should planning permission be granted for the scheme.
101. The Ecological Advisor indicates in addition to the above referenced condition, a number of informatives should be placed on any planning decision notice regarding protection granted for nesting birds and Great

Crested Newts under the Wildlife and Countryside Act 1981, and the need for an EPS licence.

Habitat Regulations Assessment

102. HRA Screening has been undertaken as part of the Neighbourhood Plan preparation process, including specific assessment of policy EW-SG02 relating to the development of the application site.
103. The screening process concluded that there would be no likely significant effect and a full HRA is not required.

Biodiversity Net Gain

104. BNG requires that developers must provide 10% net gain in biodiversity on the site after development when compared to the pre-development baseline.
105. Schedule 14 of The Environment Act 2021 made Biodiversity Net Gain mandatory under Schedule 7A of the Town and Country Planning Act 1990. This mandatory requirement however only applies to major applications (those proposing more than 10 dwellings, 1000m² of commercial floorspace or sites exceeding 1Ha) submitted on or after the 12th February 2024.
106. Notwithstanding that point, the applicant has undertaken an assessment in relation to Biodiversity Net Gain for the site, the result of which conclude that the scheme is (indicatively – subject to detailed design proposals) capable of delivering a 61% increase in area habitats and a 198% increase in linear habitats.
107. This has been assessed by the Local Planning Authority's Ecological Advisors who have raised no objection to the proposals. Conditions should be placed on the development to ensure this is carried through to the detailed design stage, with the reserved matters submission stage including detailed finalised Biodiversity Net Gain calculations.
108. There is therefore considered to be no grounds to refuse the application on this matter.

Noise, Dust and Contaminated Land

Noise

109. The design guide accompanying the application indicates that air source heat pumps are proposed to be incorporated into the design of the development as part of a suite of sustainability measures to reduce the site's reliance on fossil fuels. The design guide notes that these should be located in rear or side gardens out of site from the public and installed with acoustic dampeners.
110. RCC's Public Protection team have reviewed this information and note that there is potential for significant impact on the noise environment should all the proposed premises be equipped with devices of this type. They have therefore requested that prior to development commencing a Noise Impact Assessment be submitted for the proposals to be assessed by the Local Planning Authority in conjunction with the Public Protection team, with any approved scheme to be implemented in accordance with the approved details and thereafter maintained as such in perpetuity.

Dust

111. The Air Quality Assessment indicated that limited information was available at the time of the application to inform a construction dust risk assessment. No unusual constraints are expected to affect the site in this respect and therefore the Public Protection Team have indicated a need for the applicant to outline dust mitigation methods during construction prior to the commencement of development on the site. This would take the form of a construction management plan condition setting out a number of requirements for the construction phase and requiring the developer to comply with its requirements throughout that phase of the project.

Contaminated Land

112. The application is accompanied by a Land Quality Assessment report which sets out the investigation undertaken in respect of the potential for contamination of the land at the application site.
113. The report sets out the detailed process undertaken to inform the assessment and has been reviewed by RCC's Public Protection Team. The report identified potential sources of contamination including 'made ground', which has the potential to include asbestos containing materials and the former boiler house.
114. The Public Protection Team have recommended that should consent be granted a condition should be imposed on any consent requiring a full assessment of the nature and extent of contamination on the site. The condition would then require (if contamination is found) submission of a proposed remediation scheme for their approval, implementation of any approved remediation scheme during the course of construction and the reporting of any unexpected contamination found on the site.

Community Infrastructure Levy

115. Notwithstanding any specific requests from consultees for contributions to be paid towards infrastructure provision, should permission be granted for this development payments made towards provision of infrastructure from the Community Infrastructure Levy must be approved separately by the Council as CIL collecting authority.

Section 106 Heads of Terms

116. Officers are engaged in discussions with the applicant in respect of infrastructure provision not covered by the Community Infrastructure Levy and other matters covered under section 106 of the Town and Country Planning Act 1990.
117. These relate to the provision of affordable housing associated with the scheme, which generates a requirement for 26 affordable units on the site based on the reserved matters bringing forward a scheme for 85 dwellings. Other matters to be included in such an agreement are Biodiversity Net Gain, Open Space provision within the site and the potential for a marketing

strategy relating to the commercial floorspace on the site with an emphasis on ensuring local businesses are able to occupy the space.

118. Should Members resolve to approve the application this decision should be subject to the completion of a legal agreement in this respect.

Crime and Disorder

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

Human Rights Implications

120. 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.

121. It is considered that no relevant Article of that act will be breached.

Consultations

122. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

Parish Councils

123. Responses to the proposals have been received from eight Parish Councils/Meetings (Officer note: the site is entirely located within Edith Weston Parish)

Edith Weston:

- Supports the principle but has reservations over the details
- Density takes no account of existing village character or housing need
- Agree with Police Architectural Liaison Officer's comments
- Concerned the MoD is ignoring outcomes of earlier community engagement and policy
- Proposed open space appears to be an afterthought, should be located closer to Manton Road and the northern boundary of the site
- BNG uplift should be detailed on landscaping plan
- Note highways objection (initial comment) and would assume detailed scheme would meet required parking standards and give priority to active travel
- Impact on viability of existing services
-

Lyndon Parish Meeting:

- 85 houses is too many for the site
- Even the previous RCC assessment of 51 dwellings exacerbates the traffic problem

- The local infrastructure is inadequate
- Even 51 dwellings would not be in keeping with the appearance of Rutland villages

Manton Parish Council:

- Development could result in a sink estate or commuter housing
- Impact of additional traffic flow through Manton
- Lack of infrastructure (healthcare, education, public transport)
- Policies CS3 and CS4 don't support the size of development proposed

North Luffenham Parish Council:

- No overall masterplan therefore in conflict with policy CS6

South Luffenham Parish Council:

- Too much traffic impacting on the surrounding area

Ketton Parish Council:

- Concerned regarding the change of plans from the community engagement and the removal of a village hub from the site

Empingham Parish Council:

- Application doesn't give sufficient information
- Too many dwellings proposed
- Site is outside the PLD of Edith Weston
- Infrastructure impact
- Traffic impacts
- Contrary to CS6 regarding the whole of the barracks site

Lyddington Parish Council:

- Too many dwellings proposed, if this is allowed it could affect all the Local Service Centres in Rutland
- Healthcare provision already oversubscribed
- Plans for Highways infrastructure inadequate

Forestry Officer

124. Tree protection plan will be required

Highways Authority

125. Some concern regarding the internal layout and implications for the number of dwellings proposed on the site however acknowledge the detailed layout is not proposed for approval at this stage. Would seek to secure provision of a zebra crossing over Manton Road, and safety audit of the scheme. Recommend conditions.

LLFA

126. No objections raised

Anglian Water

127. The site layout should take into consideration AW's assets
128. The foul drainage is in the catchment of Empingham Water Recycling centre that will have available capacity for these flows.
129. Condition requested requiring a phasing plan and/or drainage strategy for the site.
130. No comments on surface water drainage.

LCC Ecology

131. No objections raised, conditions requested.

Police Architectural Lision

132. Recommend consideration of gable windows to increase natural observation, pedestrian access routes should be illuminated to British Standards (as with all lighting). An agreement to install an electrical spur to nearest lampposts would allow for installation of CCTV if required, and consideration of this including ANPR capability is recommended.
133. Wheelie bin & cycle storage should be in secure areas where possible, foliage recommended to be no more than 1m high and trees trimmed to allow no foliage below 2m. Perimeter enclosure recommended to a minimum of 1.2m to front and 1.8m to rear. Standard recommendations included.

Environmental Health

134. No objection subject to conditions regarding noise impacts of the proposals, dust management during construction, and land contamination.

LCC Archaeology

135. Programme of work requested. Comment indicates this should be prior to determination. Agent has responded on this point noting that as an outline application the work could be conditioned to be undertaken prior to the submission of any reserved matters applications regarding layout

Active Travel England

136. No comments

NHS

137. Healthcare contributions will be requested from CIL to support the increased population and improve primary care services in the area

Neighbour Representations

138. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)
139. 53 objections have been received in relation to the proposal, 8 responses noting neither objection nor support and 1 response indicating support.
140. The objections can be summarised in relation to the following matters:
- Traffic Impacts from the development and in relation to existing traffic matters
 - Too many properties for the size of the site/density too high
 - Commercial premises is not required
 - No guarantee the commercial premises would be available to the existing shop to move into
 - Insufficient parking for the shop
 - Open space should be located adjacent to the main road
 - Main access should be on North Luffenham Road
 - There should be a pedestrian crossing provided across Manton Road
 - Mini roundabout should be moved
 - No flats in the village at present
 - Soil contamination risks
 - Tree planting in the site should be increased
 - Proposal would breach the human rights act.
 - Adjacent dwelling should be better protected
 - Site should be returned to agricultural land
 - Officer's Mess should be listed and preserved as a monument/museum
 - The land should be ringfenced and protected from future development
 - Public consultation carried out by the applicant was a "total sham"
 - Time frame of lodging the application seems designed to reduce comments and objections
 - Wildlife protection requirements
 - No detail of house types/materials
 - Insufficient green space/buffer provision from the village
 - Community space too close to Manton Road
 - Limited public transport
 - No need for the development
 - Proposal is contrary to local and national policy
 - Adverse impact on the conservation area
 - No incentives offered to villagers and military families towards purchase of any of the properties
 - Reduces the utility of the base to the military
 - The heritage report lacks detail on the historic use of the site
 - Buildings should be retained and reused not demolished
 - Application is premature as the site has not been vacated and is therefore not brownfield
 - No provision for industrial or small business units on the site

- Healthcare implications
- Lack of a design code

141. The support can be summarised in relation to the following matters:

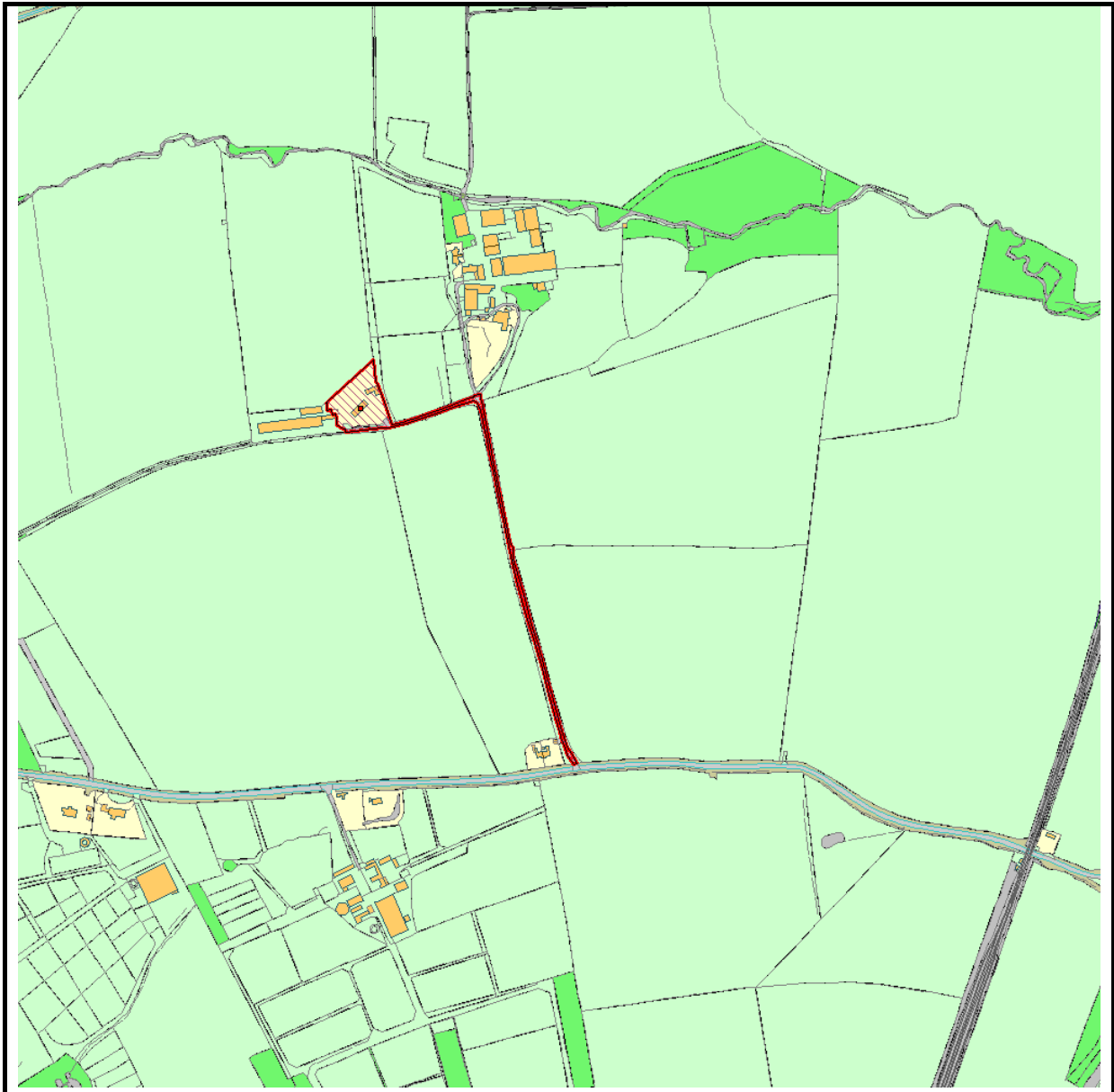
- More housing in the village would be beneficial and make good use of the site
- Current site is an eyesore

Conclusion

142. The application is made in outline and proposes the construction of up to 85 dwellings on the land, alongside 168m² of commercial floorspace. Provision is indicated within the submission documents for open space provision within the site as well as drainage infrastructure and parking for the proposed dwellings.
143. The application site lies outside the Planned Limits of Development of the village of Edith Weston where development would normally be resisted however the site is previously developed land adjacent to a Local Service Centre and is therefore considered to be sustainable development as defined in the National Planning Policy Framework. The emerging Neighbourhood Plan anticipates the development of the site and supports this proposal subject to detailed design criteria.
144. The access to the proposed scheme utilises and upgrades the existing vehicular access point serving the Officer's Mess, whilst providing an additional private access point for part of the development proposals, and further cycle and pedestrian accesses at other points to facilitate travel by such means. The Highways Authority has not identified any harm to highway safety arising from the proposals at this time.
145. The existing site is detrimental to the general appearance and character of the settlement, and designated heritage assets in its immediate vicinity. The proposal would facilitate (subject to detailed design) a general improvement in the character and appearance of the area as well as the setting of both the adjacent listed dwelling and the Edith Weston Conservation Area.
146. The scheme has also been assessed in terms of its impact on Heritage, Amenity, Ecological Impact, Flooding as well as the potential to generate noise and dust, and the implications of contamination within the application site. None of these factors are considered to justify the refusal of the scheme and therefore after weighing all factors in the planning balance, it is considered that the proposal is acceptable.

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2023/1367/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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Application:	2023/1367/FUL	ITEM 3	
Proposal:	Single storey side and rear extension, detached garage with annexe in roofspace, demolition of timber stable and replace with a 3 bedroomed annexe (ancillary dwelling).		
Address:	Mickley Lodge, Burley Road, Langham		
Applicant	Mr Oliver Hemsley	Parish	Langham
Agent:	Mr Tony Ansell	Ward	Langham
Reason for presenting to Committee:	The applicant is the Ward Councillor		
Date of Committee:	19 March 2024		
Determination Date:	27.02.2024		
Agreed Extension of Time Date:	21.03.2024		

EXECUTIVE SUMMARY

The proposal comprises the erection of a single storey side and rear extension, a triple detached garage with an annexe in the roofspace and the demolition of the timber stable and the erection of a detached single storey annexe building. The principle of the development and annexe accommodation, subject to appropriate conditions in this countryside location, is considered to be acceptable. The proposals are appropriate in scale and design and would not be unduly prominent or dominant visually. The proposal would not be harmful to residential amenity or highway safety. Accordingly, subject to the imposition of appropriate conditions, the application is recommended for approval.

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:

Location Plan

Block Plan

Floor Plans Extension and Garage OH/02/PL2023

Replacement Ancillary Dwelling Floor Plans and Elevations OH/03/PL/2023

Elevations Garage and Extension OH/01/PL/2023

Reason: For the avoidance of doubt and in accordance with Policy CS19 of the Core Strategy and Policies SP7 and SP15 of the Site Allocations and Policies DPD.

3. Development shall be carried out in accordance with the materials contained in the application.

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with Policy CS19 of the Core Strategy and Policies SP7 and SP15 of the Site Allocations and Policies DPD.

4. The annexe accommodation above the garage and detached annexe building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Mickley Lodge. They shall not be used as separate dwellings and no separate curtilages shall be created.

Reason: To define the terms of this permission for the avoidance of any doubt and to accord with Policy SP7 of the Site Allocations and Policies DPD.

5. No development shall take place until a pre-condition footpath (E148) survey has been carried out and a report submitted to and approved by the Local Planning Authority. The developer must contact the Highway Control Team to agree the extent of the pre-condition survey and carry out a joint inspection of the condition of the public highway before site traffic uses the footpath. A similar inspection will take place on completion of the development and any repairs needed shall be agreed and carried out prior to the first occupation of the accommodation hereby approved.

Reason: In the interests of highway safety and to accord with Policy SP15 of the Site Allocations and Policies DPD.

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:-

- a) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the highway and offloading of materials shall only take place within the site and not from the public highway.
- b) Traffic Management arrangements to ensure construction traffic/vehicles do not park on or obstruct the public footpath.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and to accord with Policy SP15 of the Site Allocations and Policies DPD.

Informatives

The applicant must ensure that:

- (a) There is no diminution in the width of the right of way available for use by members of the public
- (b) No building materials are stored on the right of way
- (c) No damage or substantial alteration, either temporary or permanent, is caused to the

surface of the right of way (d) Vehicle movements are arranged so as not to interfere with the public use of the way (e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature (f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way (g) The safety of members of the public is ensured at all times.

Site and Surroundings

1. The site is currently residential with a large expanse of hardstanding to the east and a stable block to the north-east of the site. The site contains several trees to all boundaries. Immediately to the west is a building containing small industrial/commercial units and beyond the site to the north-east is Langham Lodge Farm.
2. The site is accessed off a shared driveway with Langham Lodge and the units to the west of the site.
3. The site outside of any settlement limits, beyond the settlement of Langham to the west and beyond the settlement of Oakham to the south.

Proposal

4. The scheme comprises three elements:
 - 1) The erection of a single storey side and rear extension to the west of the dwelling. The extension would wrap around the rear and side creating a sunroom to the rear and bedroom to the side. It would project from the side of the dwelling by 6 metres and would span some 13 metres across the rear of dwelling. The extension is to be constructed in stone and timber with concrete roof tiles to match the existing dwelling.
 - 2) The erection of a detached triple garage with annexe accommodation in the roof space comprising a bedroom; this is to be sited to the east of the dwelling. The triple garage would measure 8.6 metres in length by 6.4 metres in width, with an external staircase to the side elevation and dormer windows in the rear elevation.
 - 3) The demolition of the stables and erection of a detached single storey annexe building comprising an open plan living/kitchen/dining area, three en-suite bedrooms and utility and wc. The annexe creating a T-shaped building would measure a total of 17 metres by 15.2 metres. The proposals are to be constructed in timber with concrete roof tiles.

Relevant Planning History

No relevant planning history in relation to Mickley Lodge. Immediately to the west of the site 2023/1255/FUL for the erection of 12 unheated storage units (B8) is pending consideration. Application 2003/0985/FUL for the change of use from poultry houses to storage units (Class B8) was approved on 27.11.03.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2023

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Core Strategy DPD (2011)

CS4 – The Location of Development

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP7 – Non-Residential Development in the Countryside

SP15 – Design and Amenity

Neighbourhood Plan

Langham Neighbourhood Plan

BD1 Building and Materials

RS1 Landscape Character

RS2 Development in the Countryside

Other

None

Officer Evaluation

Principle of Development

5. The site is on land classed as countryside. Extensions and alterations to an existing property in the countryside are considered to be acceptable in principle, subject to all other matters being adequately addressed.
6. As the proposal seeks permission for annexe accommodation above the garage and a separate detached annexe building, ancillary to the host dwelling, the proposals would need to accord with the tests to determine whether the annexes are appropriate.
7. In terms of occupation/need - the uses would be for ancillary living accommodation and would be secured by planning condition to ensure that both buildings/elements would remain ancillary to the main dwellinghouse.
8. In terms of size and facilities whilst the detached annexe outbuilding is large, in land use terms the site is of sufficient size to accommodate this. In respect of facilities, the annexe would be relatively self-sufficient; however, it would share amenity space, the access, driveway and parking provision with the host dwelling. The annexe accommodation above the garage space would be small and would share services with the main dwelling.
9. In terms of physical separation both the proposed annexe outbuilding and garage annexe building would be detached from the main dwelling. However, their occupation could be controlled by a planning condition to ensure that both

annexe buildings remain ancillary to the main dwelling so that neither can be severed from the main planning unit.

10. Ultimately, whilst the occupant of the detached annexe outbuilding would not be highly dependent on the main dwelling for services, the annexe cannot be reasonably severed from the main planning unit. Accordingly, it is considered that the annexes could be supported in principle and through the imposition of a condition to control the occupancy the principle of development can be supported. As such, the proposal complies with policy SP7 of the Site Allocations and Policies DPD and policy RS2 of the Neighbourhood Plan.

Impact of the use on the Character of the Area

11. Policy CS19 of the Rutland Core Strategy requires new development to contribute positively to local distinctiveness. Policy SP7 of the Site Allocations and Policies Development Plan Document requires development to not be detrimental to the character and appearance of the landscape, visual amenity or setting of villages and Policy SP15 relates to design. Policy RS1 of the Neighbourhood Plan refers to landscape character and BD1 to building and materials.
12. The single storey side and rear extension would be sympathetic to the host dwelling in terms of size, scale, massing and design with materials to match. The detached garage with annexe accommodation above, whilst sizeable, would remain subservient in scale to the host dwelling and the design and materials are considered acceptable in this countryside setting.
13. The proposed detached annex building is to be sited on the footprint of the existing stables which would be demolished. It would be of a near identical footprint to the stables and is proposed to be single storey and constructed in timber. The proposed scale, design and materials are considered to be acceptable in this countryside setting.
14. In terms of public views towards the site, the buildings would be set well back from the highway and proposals would also be screened by mature tree planting to the boundary with the footpath.
15. As such, the proposals are appropriate in scale and design and would not be unduly prominent or dominant. The proposals are therefore in accordance with Section 12 of the NPPF, Policy CS19 of the Rutland Core Strategy, Policies SP7 and SP15 of the Site Allocations and Policies Development Plan Document and policies BD1 and RS1 of the Neighbourhood Plan.

Impact on the Neighbouring Properties

16. There are no immediate neighbouring properties that would be impacted upon as a result of the proposal. The proposals are therefore acceptable in this respect, in accordance with Section 12 of the NPPF, Policy CS19 of the Rutland Core Strategy and Policy SP15 of the Site Allocations and Policies Development Plan Document.

Highway Issues

17. The site is accessed off a shared driveway with Langham Lodge and the adjacent units. It is not considered that the proposed use would generate an additional level of traffic that would be detrimental to the local highway network or be harmful to highway safety. The site is of sufficient size to provide adequate parking and would utilise the existing access.

18. The Public Rights of Way Officer confirms that there would be no direct impact on the network although recommend conditions.
19. The proposals would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF and Policy SP15 of the Site Allocations and Policies Development Plan Document.

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. Langham Parish Council recommend approval stating whilst the works involve considerable alteration/addition to the property, the site is large, relatively isolated, cannot be seen from Burley Road, and the proposed extensions and additions appear to be proportionate to the size of the site. Additionally, the materials to be used are in keeping with those used in the current building.
24. Rutland CC Public Rights of Way Officer confirms no direct impact on the right of way network, however the construction phase could damage the path E148 and suggest a condition requiring a survey of paths surface condition prior to commencing, and a requirement to reinstate, and traffic management arrangements to prevent construction traffic/vehicles from parking on the footpath.
25. Public Protection raise no objection.

Neighbour Representations

26. No letters of representation have been received.

Conclusion

27. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle and would not result in harm to the character or appearance of the countryside. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Section 12 of the NPPF, Policies CS4 and CS19 of the Rutland Core Strategy, Policies SP7 and SP15 of the Site Allocations and Policies DPD and policies RS1, RS2 and BD1 of the Neighbourhood Plan.

PLANNING AND LICENSING COMMITTEE

19th March 2024

APPEALS

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Paul Browne - Portfolio Holder for Planning and Property	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/D/23/3334892 – Dr Hayley Travers – 2023/0789/FUL**
19 Main Road, Barleythorpe LE15 7EE
Increase roof height to provide second floor accommodation. Front and rear extensions.

Delegated Decision - The plot that the house sits on is tight, with the house spanning almost the full width of the plot, and the neighbouring properties are of a similar height to the existing dwelling. By virtue of the design, scale of the increase in the roof height of the original dwelling the proposed development would result in an incongruous addition and result in overdevelopment of the original dwelling, and have an adverse impact on the streetscene and the amenities of a neighbouring property contrary to NPPF (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP5 and SP15 of the Site Allocations and Policies Development Plan Document (2014) as well as the guidance within the Council's Supplementary Planning Documents (SPD) on Extensions (2015), Design Guidelines for Rutland (2021) and Policy 2 (delivering Good design) of the Oakham & Barleythorpe Neighbourhood Plan.

2.2 APP/A2470/W/3338385 – Mr T Fiducia, Fiducia Enterprise Ltd – 2023/1200/FUL
New Quarry Farm, Holywell Road, Clipsham

Change of use of agricultural access track to a mixed use of an agricultural access and residential access including a new section of access track for residential access.

Delegated Decision - The applicant seeks this change of use of this agricultural access track to a mixed use of an agricultural access and residential access including a new section of access track for residential access over a substantial length over a bridleway which is in poor condition and would need substantive upgrading. It is considered that the access running a substantial length and taking into account the nature of the surfacing and use of the track by large agricultural and forestry vehicles will lead to an unacceptable access for domestic vehicles. Furthermore, in order to bring the access track up to a standard which may be suitable for use by a domestic vehicle throughout the year the nature of the works that would have to be carried out would impact adversely on the character of this rural area. As a result of these factors the proposal is considered contrary to Section 12 of the NPPF (2023), Policy CS19 of the Rutland Core Strategy (2011) and Policies SP15 and SP23 of the Site Allocations and Policies Development Plan Document (2014).

2.3 APP/A2470/W/24/3339373 – Mr Shaun Alexander – 2023/0076/FUL

Land South of Back Lane, Ryhall
Erection of one detached dwelling

Delegated Decision - The proposal, by reason of the access along Back Lane, would be harmful to highway safety for the following reasons:

- a) The proposed access route along Back Lane from Crown Street to Foundry Road is inadequate and below the standard required by reason of substandard construction, width and height, for construction vehicles and servicing or emergency vehicles post-construction. As a consequence, the routing of such vehicles is either not possible or existing mature trees and foliage will be damaged.
- b) Back Lane between Crown Street and Foundry Road is considered unsuitable in its present condition and form to serve as a safe and accessible route for

pedestrians and cyclists associated with a dwelling due to the route being unmetalled, unlit and remote.

- c) Back Lane between Crown Street and Foundry Road is unsuitable in its present condition and geometry to take the type and amount of traffic associated with this development either during construction or post-construction.
- d) Back Lane between Essendine Road A6121 and Crown Street is considered unsuitable for construction vehicles associated with this development due to the restricted width and construction makeup of both the metalled and unmetalled parts of the route.

The proposal would therefore have an adverse effect on other users of the highway, increasing the risk of accidents, endangering vulnerable users, damage to existing verges and vegetation and a detrimental impact on the character of this Byway Open to All Traffic.

The proposal is therefore contrary to Policy SP15 (I) of the Site Allocations and Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2023).

3. DECISIONS

3.1 None

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

- 12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

- 14.1 There are no such implications

15. APPENDICES

- 15.1 None

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