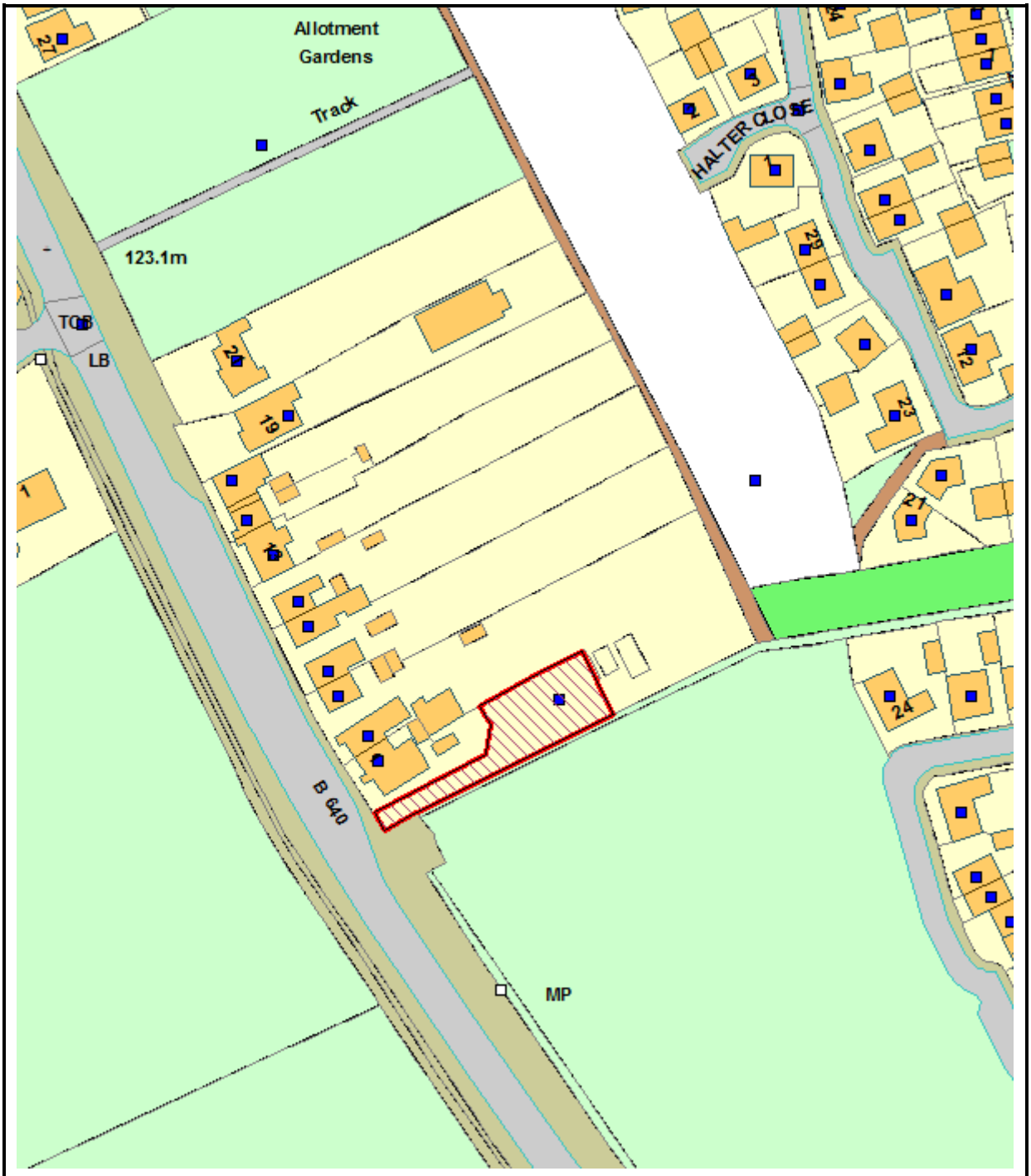
2020/0844/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	**2020/0844/FUL**		**ITEM 4**
Proposal:	**Proposed 1 no. dwelling.**		
Address:	**Rear of 1, Main Rd. Barleythorpe, Rutland.**		
Applicant:	**Mr Kevin Seagrave**	Parish	**Barleythorpe**
Agent:	**Mr Trevor Briggs**	Ward	**Barleythorpe**
Reason for presenting to Committee:		**Contrary to Development Plan**	
Date of Committee:		**17th November 2020**	

EXECUTIVE SUMMARY

The site is within the Planned Limits to Development for Barleythorpe which is a restraint village. The main issues in this case are the size and design of the proposed development, highway matters and whether this constitutes sustainable development.

Overall it is considered that the proposed development is a sustainable form of development which would not result in any adverse impact on the character and appearance of the area, highway safety or on the residential amenities of the occupiers of the adjacent property. The development is therefore 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, numbers: Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 , Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01 & Drawing PR02-OFA-00-XX-DR-A-01 Rev H
   Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the occupation of the dwelling hereby approved the parking layout and visibility works shall be completed in accordance with the details shown on Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 & Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01
   Reason :In the interests of highway safety.
4. Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and finished floor levels of all buildings] with reference to [neighbouring properties/an off-site datum point] shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
   Reason: In the interests of the visual amenities of the area.
5. 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:
   (i) Times and days of activity
   (ii) the parking of vehicles of site operatives and visitors
   (iii) loading and unloading of plant and materials
   (iv) storage of plant and materials used in constructing the development
   (v) neighbour liaison including village green
   (vi) Reparation strategy
   Reason: In the interests of highway safety.
6. No development above ground level shall be commenced until precise details, including samples, of the manufacturer and types and colours of the external facing and roofing

materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except with prior planning permission.
Reason: The local authority wish to be able to assess the impact of such development.

8. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except with prior planning permission.
Reason: The local authority wish to be able to assess the impact of such development.

9. Before any groundworks in relation to the construction of the bungalow hereby approved commence the works to install the sheet pile Root Protection Barrier as shown on Drawing Number: PR02-OFA-00-XX-DR-A-01 Rev H shall be completed and shall remain in-situ thereafter.
Reason: In the interests of the protection of a neighbouring Oak Tree.

10. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels 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.

11. 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.

12. The existing hedges to the boundary of the site shall be retained.
Reason: In the interests of preserving the character of the area.

13. Before occupation of the dwelling hereby approved the below ground Rainwater Harvesting Unit shall be installed in accordance with the details shown on Drawing Number: PR02-OFA-00-XX-DR-A-01 Rev H.
Reason: In the interests of the prevention of flooding.

14. The sustainable construction, low carbon and low energy measures contained within the submitted Development Report shall be implemented and maintained and shall remain as such in perpetuity.
Reason: In the interests of securing a sustainable form of development.

Notes to Applicant

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. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to

cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Site & Surroundings

1. The site originally formed party of the garden to No. 1, Main Road but has been fenced off to form an elongated strip of land to the southern side leading to a rectangular area which is mainly grassed with various types of ornamental planting.

Proposal

2. This is an application for the erection of a bungalow to the rear of 1, Main Road, Barleythorpe.

3. The development will make use of 12No. 250w Solar PV Panels and combined with an air-source heat pump. The applicant's intention is to include a 4m3 rainwater collection tank. The stored water will then be used as clean grey water for the WC's, washing machine and Irrigation System.

4. The WC, ensuite, dressing room, main bathroom and the hallway which are without natural light will be lit using Velux type light tubes. This will reduce the need for artificial lighting. Areas including the kitchen etc. the lights will operate on a PIR which are in turn controlled by a light photocell. The lights will simply not operate unless the light conditions dictate.

5. The site will have the facility to connect an electric car to the new charging point which will be located on the external wall of the house under the car port.

Relevant Planning History

6. The site has been subject to planning application reference 2019/1018/FUL, and refused by dated 3rd April 2020 for the following reason:

    a. *The proposal lies within a Restraint Village in an area of land forming the rear garden of 1, Main Street, Barleythorpe. The site is not allocated for housing development, and is not within the planned limits of development of a sustainable settlement. The proposal is for a new open market dwelling and is not proven as essential to meet an identified operational need and is not to fulfil an identified need for Affordable Housing. The proposal is therefore contrary to policy CS4 of the Core Strategy (July 2011), policy SP6 of the Site Allocations and Policies Development Plan Document (October 2014) and the advice in Section 5 of the National Planning Policy Framework (2019). There are no material considerations that justify approval of any subsequent planning application contrary to these policies.*

Planning Guidance and Policy

National Planning Policy Framework (2019)

Section 2 - Achieving sustainable development

Section 5 -Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 – Achieving well designed places

Rutland Core Strategy (2011)

CS1 – Sustainable development principles

CS4 – The Location of development

CS19 – Promoting good design

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside

SP15 – Design and Amenity

SP23 - Landscape Character in the Countryside

Supplementary Planning Document

Supplementary Planning Document - Extensions to Dwellings (2015)

Consultations

7. **Highways**

   No objection subject to conditions.

8. **Parish Council**

   With this revised submission (Rev. E on the Floor Plans and Elevation) it has become clear that this proposed dwelling will be built on a small plot with tight clearances to 3 sides of the building.
   There is effectively no garden as the only green area is taken up by 4 apple trees.
   There appears to be inadequate turning space for vehicles which could force visitors or commercial vehicles to reverse out on to the main carriageway.
   The block plan suggests that the drive exit is splayed. It is in fact skewed across the front of the existing 1 Main Road driveway because of an existing utilities pole and inspection covers set in the pathway. We have yet to see any evidence that the current drive layout was approved by Rutland County Council.

9. **RCC Tree Officer**

   No objection subject to condition.

Planning Assessment

Policy Context

10. The recent refusal on the site was reached taking into account paragraph 38 of the National Planning Policy Framework.

11. The emerging Local Plan does propose a significant change to local policy removing "restraint villages" from the spatial strategy and recognising that Barleythorpe now functions as a satellite settlement to Oakham, largely as a result of the proximity of the Oakham north development to the village. As such development within the Planned Limits of Development of Barleythorpe would be considered acceptable in principle by the emerging Local Plan policies.

12. Only limited weight can be given to the emerging Local Plan and the fact this proposal is a potential allocation. This is garden land within a restraint village closely adjoining Oakham.

13. Therefore, the following information will need to be taken into account when determining this proposal:

14. Core Strategy Policy CS3 – sets out the defined settlement hierarchy for Rutland and identifies Barleythorpe as a Restraint Village. The Core Strategy definition of a 'restraint village' means it is one of the smallest villages with few services and facilities making it an unsustainable location for development. Policy CS4 states Restraint Villages are not considered sustainable locations for further development, unless it is development normally acceptable in the countryside.

15. Barleythorpe village adjoins Oakham, the site is accessible on foot to the full range of services, public transport, services and facilities, including supermarkets, hospital, secondary school and train station. Therefore, Barleythorpe can demonstrate it is a sustainable location. In the emerging plan the settlement hierarchy has been reviewed and Barleythorpe will jointly be with Oakham in the settlement category given its sustainable location.

16. SAPD Policy SP1 – Presumption in Favour of Sustainable Development states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of sustainable development in line with Paragraph 11.

17. Where there are no policies relevant to the application or relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

18. It is considered the Council's approach to Barleythorpe being a Restraint Villages is out of date and is in a sustainable location. The National Planning Practice Guidance (NPPG) states that all settlements can play a role in delivering sustainable development and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

19. Therefore, the exceptional release of this land for residential development will need to be justified.

20. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social, and environmental. The main factors to consider are whether the proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

21. The main issues are:

- The proposal for a dwelling is an efficient use of the site sufficient to meet the economic dimension of NPPF Paragraph 11 by providing housing to support

economic growth;

- The size and nature of the development means that an affordable housing requirement is not triggered but the provision of bungalow accommodation will provide a type of dwelling suitable for this location.

- The proposal meets the environmental dimension as the erection of the dwelling constitutes sustainable development which will not harm the character and setting of Barleythorpe.

22. The proposal whilst not in accordance with Policies in the Core Strategy and the Site Allocations & Policies DPD in relation to the location of development for restraint villages and housing in the countryside is considered to be compliant with more up-to-date national policy.

23. Overall, the local authority are satisfied the proposal constitutes sustainable development in accordance with the NPPF and it does not have any adverse effect on the surrounding environment or character of the area meeting the presumption in favour of sustainable development in a sustainable location.

Impact on the character and appearance of the area

24. The submitted scheme shows a bungalow with modest built form and low-profile height. Due to the existing boundary treatment only a small part of the bungalow roof will be seen over the boundary sited along the neighbouring southern access.

25. The dwelling will be set a considerable distance away from the Main Road frontage and only a small section of the front elevation will be captured at the end of the long driveway.

26. All existing hedgerows are to be retained and a suitable landscaping scheme can be secured trough condition that can further screen the development from neighbouring land to the north.

27. A condition has been attached which will ensure that the sustainable construction, low carbon and low energy measures contained within the submitted Development Report shall be implemented and maintained and shall remain as such in perpetuity.

28. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, streetscene and surrounding context in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbours' residential amenities

29. The proposed bungalow is only single storey and due to its position height reduces any potential for overlooking / over-dominance

30. The windows are on the ground floor only and any aspect towards neighbouring properties or land would interrupted by existing or proposed boundary treatments.

31. Various other concerns have been raised by a neighbour as a result of the public consultation process.

32. One of the issues relates to the impact of the bungalow on a neighbouring Oak tree. The plans show the footprint in close proximity to a mature oak in the neighbouring garden. Due to the size and position of the tree the local authority needed to establish if the new house was within the Root Protection Area as a building can significantly damage the oak if its roots are damaged by the new build.

33. A site visit was carried out by the Rutland Tree Officer. The tree has various large branches that already cross over the boundary and would be in very close proximity to the roof and guttering of the bungalow. The Tree Officer considers that as the tree is an Oak the future pruning of the tree to allow a distance of relief from the bungalow will not affect its health.

34. The Officer considers that the bungalow is on the cusp of the RPA of the tree and the development could impact on the root system and in turn the roots could eventually impact on the stability of the bungalow. Whilst slightly within the RPA it is considered that this is not sufficient to weigh against the proposal as the tree has a substantial area away from where the bungalow is to be sited where root growth can continue and will maintain its health. With this regard the Officer considers a root barrier is suitable to mitigate against future pressure to remove the tree due to the impact of the roots on the bungalow.

35. Suitably scaled plans have been submitted showing a sheet pile root barrier which will provide complete ground separation at the boundary.

36. As a result of this detail, and subject to a suitably worded condition ensuring the works to put the root barrier in place before construction works take place, the Tree Officer has no objection to the proposed development.

37. Concerns have been raised regarding the method of drainage and impacts of localised flooding. The drainage / surface will be approved under building regulations. The submitted drawings indicate that the proposed property will have a harvester system.

38. Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

39. Objections have been received in relation to inadequate parking provision, access and visibility.

40. Comments have been received that there appears to be inadequate turning space for vehicles which could force visitors or commercial vehicles to reverse out on to the main carriageway.

41. Also that the block plan suggests that the drive exit is splayed when it is in fact skewed across the front of the existing 1 Main Road driveway because of an existing utilities pole and inspection covers set in the pathway.

42. The Highway Department has no objections if built in accordance with:

- Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 showing the visibility Splays

- Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01 showing the parking bays under the redesign cantilever car port.

- Drawing PR02-OFA-00-XX-DR-A-01 Rev H showing the revised plans and elevations and the car port removed.

43. A condition has been attached ensuring that the layout for parking and visibility is completed prior to occupation and also for a construction method statement to be submitted for approval.

44. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Crime and Disorder

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

Human Rights Implications

46. 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.

Conclusion

47. The proposal lies within a Restraint Village in an area of land forming the former rear garden of 1, Main Street, Barleythorpe. The local authority are satisfied the proposal constitutes sustainable development in accordance with the NPPF and it does not have any adverse effect on the surrounding environment or character of the area meeting the presumption in favour of sustainable development in a sustainable location. Whilst he proposal does not conform to policy CS4 of the Core Strategy (July 2011) and policy SP6 of the Site Allocations and Policies Development Plan Document (October 2014) it does conform to the up-to-date advice contained within the National Planning Policy Framework. The local authority has worked with the applicant to overcome issues such as impacts on visual amenity, neighbouring residential amenity and trees the policy reason for refusal cannot be overcome. There are no material considerations that justify refusal of this planning application contrary to these policies.

48. Taking the above into account, and on balance, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 2, 9 and 12), Policy CS19 of the Rutland Core Strategy (2011) and Policies SP1 & SP15 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.