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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/1389/FUL	ITEM 1	
Proposal:	6 no. detached dwellings with garaging and associated site work		
Address:	Land Adjacent To Barleythorpe Hall. Main Road. Barleythorpe		
Applicant:	S A Rutland Ltd	Parish	Barleythorpe
Agent:	Mr Malcolm Foulkes- Arnold	Ward	Barleythorpe
Reason for presenting to Committee:	At the request of the Head Of Development Control		
Date of Committee:	24th August 2021		

EXECUTIVE SUMMARY

The Council's approach to Barleythorpe being a Restraint Village is out of date as it can demonstrate that Barleythorpe is in effect a sustainable location.

This is a suitable site for residential development, providing housing on previously developed land. The design and layout is of good quality. It meets the 3 elements of sustainability, social economic and environmental. The proposed development does not have a detrimental impact on residential amenity, heritage assets or highway safety.

RECOMMENDATION

Referred to the Chairman of the Planning Committee for APPROVAL subject to signing of a Section 106 Agreement and 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,
Drawing Number: Drawing Number: 4611/BJ/18/001 Rev P0 - Location Plan
Drawing Number: 4611/BJ/19/003 Rev P9 - Proposed Master Site Plan
Drawing Number: F19138/01 Rev C - Improved Access Layout and Visibility Assessment
Drawing Number: 4611/BJ/19/005 Rev P0 - Proposed Plot 1 Ground, First & Roof Plans
Drawing Number: 4611/BJ/19/006 - Rev A - Proposed Plot 1 - Elevations
Drawing Number: 4611/BJ/19/007 Rev P0 - Proposed Plot 2 - Ground & First Floor Plans
Drawing Number: 4611/BJ/19/008 Rev B - Proposed Plot 2 - Roof Plan
Drawing Number: 4611/BJ/19/009 Rev E - Proposed Plot 2 Elevations
Drawing Number: 4611/BJ/19/010 Rev P0 - Proposed Plot 3 - Ground & First Floor Plans
Drawing Number: 4611/BJ/19/011 Rev B - Proposed Plot 3 - Roof Plan
Drawing Number: 4611/BJ/19/012 Rev P0 - Proposed Plot 3 Elevations
Drawing Number: 4611/BJ/19/015 Rev P0 - Proposed Plot 4 - Plans & Elevations
Drawing Number: 4611/BJ/19/016 - Proposed Outbuilding
Drawing Number: 4611/BJ/19/017 Rev P0 - Proposed Plot 5 - Plans & Elevations
Drawing Number: 4611/BJ/19/020 Rev P0 - Proposed Plot 6 Plans & Elevations
Drawing Number: 4611/BJ/19/032 Rev P1 - Proposed Garages
Drawing Number: 4611/BJ/19/033 Rev P0 - Proposed Garage for number 34, Main Street

Drawing Number: 4611/BJ/19/034 Rev P0 - Proposed Garage for number 36, Main Street

Drawing Number: 4611/BJ/19/035 Rev P0 - Proposed Plot 4 Garage

Drawing Number: 4611/BJ/19/036 Rev P0 - Proposed Plot 5 Garage

Drawing Number: 4611/BJ/19/037 Rev P0 - Proposed Plot 6 Garage

Drawing Number: 4611/BJ/19/040 Rev P0 - Proposed Plots 4 & 5 Site Section

Drawing Number: 4611/BJ/19/041 Rev P1 - Plot 4 Site Section C-C

Drawing Number: 4611/BJ/19/042 Rev P1 - Plot 5 Site Section D-D

Drawing Number: 4611/BJ/19/043 Rev P0 - Garage Site Section E-E

Drawing Number: 4611/BJ/19/045 Rev P0 - Plot 4 Site Section CC- CC

Drawing Number: 4611/BJ/19/046 Rev P0 - Plot 5 Site Section DD-DD

Drawing Number: 100410_01_0500_01 Rev A - Proposed Drainage Strategy

Drawing Number: 100410_01_0500_02 - Proposed Permeable Areas

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

4. No development above damp course 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, including boundary treatments, 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

5. 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.

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas and walls and fencing, 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.

7. 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.

8. 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) Flood water exceedance routes, both on and off site;
- c) A timetable for implementation;
- d) Site investigation and test results to confirm infiltrations rates; and
- e) 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 surface water is dealt with on site to prevent flooding of land nearby and downstream

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

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

REASON - To ensure that contractors and workers vehicles are managed in a way that minimises disruption to the safe operation of the highway, in the interests of highway safety.

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching and including photographic survey as necessary has been undertaken. 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 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

11. The development hereby approved shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Survey by Hillier Ecology dated January 2020.

Reason: In the interests of the protection of wildlife and their habitat.

12. The accesses shall be designed to ensure no surface water flows from the private area on to the 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 Site Allocations & Policies Development Plan Document Adopted October 2014.

13. Prior to commencement of the development details of a drive-thru jetted type wheel washing facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed, fully working and maintained during the period of construction period with all exiting vehicles driving through.

Reason: To ensure that mud, loose materials and spoil are not brought out onto the highway causing danger to users of the public highway, in the interests of highway safety in accordance with Policy SP15 of Site Allocations & Policies Development Plan Document Adopted October 2014

14. If the wheel wash equipment becomes ineffective and mud, slurry or detritus falls upon the public highway, the operator will be required to clean the affected areas immediately, or cease all movements from the site until the roads are clean.

Reason: To ensure that any mud, loose materials or spoil brought on to the public highway are clean and dealt with promptly, in the interests of highway safety in accordance with Policy SP15 of Site Allocations & Policies Development Plan Document Adopted October 2014.

15. No development shall take place 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 whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations and movements to be implemented 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 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) 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. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety in accordance with policies Policies SP15 and SP17 of Site Allocations & Policies Development Plan Document Adopted October 2014.

16. 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 dwellings shall be erected or carried out except with prior planning permission.

Reason: The local authority wishes to control further development of the site.

17. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and 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 wishes to control further development of the site.

Site & Surroundings

1. The site is located at the western edge of Main Road in Barleythorpe, Rutland. It comprises a rectangular shaped parcel of land with an area of approximately 0.55 hectares and is under the ownership of the residents at Property No. 36 Main Road (the Applicant). The site is bound by undeveloped land to the north, properties fronting Main Road to the east, residential dwellings fronting a private road off Manor Lane to the south and Rutland County College to the west
2. The site is currently served by a dropped kerb access at the western edge of Main Road which leads to the driveways of Nos. 36 and 38, Main Road.
3. Main Road is a single carriageway road subject to a 30mph speed limit at the site frontage. It extends in a north to south direction past the site frontage connecting to the A606 to the north and providing access into Oakham to the south

Proposal

4. The design of this private development revolves mainly around a central round-about with various private drives accessing the properties which sit around the edges of the site.
5. The composition of the dwellings on the site are as follows:

6. Plot 1 is a two storey dwelling 5 bedroom dwelling
Plot 2 is a two storey dwelling 5 bedroom dwelling
Plot 3 is a two storey dwelling 5 bedroom dwelling
Plot 4 is a two storey dwelling 4 bedroom dwelling
Plot 5 is a two storey dwelling 4 bedroom dwelling
Plot 6 is a two storey dwelling 4 bedroom dwelling

Relevant Planning History

- Application (2014/1077/FUL)

A planning application was originally submitted in November 2014 under reference 2014/1077/FUL for the provision of 8 detached houses and associated garages and gardens on the current application site.

The proposed access arrangements for that application were considered by Highways who objected to the proposal.

That application was subsequently refused for reasons relating to sustainability, impacts on Clock House Court and highway safety

- Application (2016/0048/FUL)

A second planning application was submitted in March 2016 under reference 2016/0048/FUL, which again sought consent for 8 detached houses and associated garages and gardens on the application site.

Planning permission was refused on 3 grounds on 4 May 2016 referring to sustainability and impacts on Clock House Court

Planning Guidance and Policy

National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development – Presumption in favour of sustainable development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well designed places

Chapter 16 – Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

CS3 – Settlement Hierarchy

CS4 – Location of Development

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

SP5 – Development in Towns and Villages

SP6 – Housing in the Countryside

SP9 – Affordable Housing

SP15 – Design & Amenity

SP20 – The Historic Environment

Supplementary Planning Document

Planning Obligations

Consultations

7. **Highway Department:** No objection subject to conditions
8. **Lead Flood Authority:** No objections subject to conditions
9. **Conservation Officer:** No objection
10. **Rutland Tree Officer:** No objections subject to conditions.
11. **Rutland Design Officer:** No objection
12. **Ecology:** No objection subject to condition
13. **Archaeology:** No objections

Neighbour Representations

14. Objections have been received from 11 objectors in relation to the amended scheme mainly revolving around impact on residential amenity, impact on the setting of listed buildings, drainage and highway safety.
15. The issues raised are as follows:
 - The creation of an additional vehicular entrance will create a potentially dangerous situation. Object on the grounds of unsatisfactory and unsafe access.
 - Concern that the vehicular access way to the proposed development will create a traffic hazard by increased traffic flow at this point immediately adjacent to our existing access which is shared with number 38 Main Road
 - Parked vehicles on the road already make access and egress from 38 & 40 extremely difficult and the additional vehicle movements would surely create a potentially dangerous situation.
 - the garage would be approximately 6 metres from the rear of our property which is unacceptably close considering that our property is a listed asset.
 - The 2016 application found that the application for smaller units, further away from existing buildings and of a smaller scale was unacceptable both in terms of residential amenity and impact of heritage assets
 - the proposals will cause harm to residential amenity given their proximity and overbearing presence.
 - the residential dwelling at Plot 5 is approximately 12 metres from the rear of 3 Clock House Court. It is clear that this small distance is unacceptable and will cause harm to the setting of the listed asset(s).
 - the land could be used in such a manner that met Local and National planning regulations and gave due consideration to the feelings of the immediate neighbours.
 - provision has been made regarding the parking of vehicles on the pavement/road thus restricting the visibility in the direction of Oakham
 - The size and scale of the proposed development is totally inappropriate for this site
 - plan which is unworkable given the existing access rights of number 40 which appear

- to have been completely ignored.
- the vehicular access way to the proposed development will create a traffic hazard by increased traffic flow at this point immediately adjacent to our existing access
 - An application for 8 No. bungalows was refused and garage to Plot 5 is the same height and only 6m from rear of 3, Clock House Court.
 - Due to height, proximity and scale, current application should also be considered to have an adverse impact with regards to the listed buildings.
 - The built form of Plot 5 will be overbearing and intrusive over 3 Clock House Court
 - The proximity, height and scale of current proposals are worse and impact more on residential amenity than dwellings under 2016/0048/FUL Refusal
 - Lowering of adjacent ground will impact on neighbouring walls and tree roots.
 - No information regarding the future maintenance of the green fencing
 - Serious road safety issues caused by the access to the Main Road, will remain irrespective of the number of dwellings
 - traffic hazard caused by access to the proposed development from the Main Road. Parked vehicles in the Main Road seriously limit the vision of vehicles leaving the site which, with traffic frequently passing through the village at 40mph
 - proposed buildings adjacent to our home look straight into our dining/living room.
 - Plots 5 and 6, which now directly over look our home. This new proposal does not maintain privacy and does not prevent overlooking or overbearing
 - The site is on a considerable slope and we are now concerned about the possibility of flooding by run-off water into our garden.
 - We also have significant reservations surrounding the access road particularly the visibility towards Oakham. This is exacerbated by local residents parking their vehicles on road/pavement day and night further reducing the view in that direction
 - Plot 5 will be overbearing over No. 4 Clock House Court
 - The kitchen and utility windows on the West side of Plot 2 will be looking straight into our house
 - Plot 2 is too close to our plot we would suffer a significant loss of privacy and light
 - plot 4 would have considerable impact upon 5 Clock House Court concerned about my privacy and the light that will be blocked out by the new house due to houses being considerably higher in accordance with higher land levels on the site

Planning Assessment

16. The main issues are the principle of development, design and impact on the character and appearance of the conservation area, impact on the setting of adjacent listed buildings, residential amenity, highway safety, impact on trees, drainage and the delivery of affordable housing.

Policy Context and the Principle of Development

17. The starting point for determination is the development plan and whether there are any material planning considerations that would justify setting aside the development plan policies.
18. Policy CS4 states that a minor level of development can be accommodated in Smaller Service Centres. This is defined in the supporting text as 5 units (but within the PLD).
19. Since the Core Strategy was adopted in 2011, planning advice has moved on and the government encourages the re-use of brownfield land, especially to provide housing in sustainable locations. The appeal that was allowed at Greetham Garden Centre

- established that the development of a brownfield site adjacent to the PLD of a settlement can be considered acceptable, provided it is acceptable in all other planning considerations, even where the local planning authority can demonstrate a 5 year housing land supply. Whilst Barleythorpe village lacks a range of services it is located close to Oakham which provides a wide range of local services.
20. It is necessary to consider the position of Barleythorpe as a restraint village when considering this planning proposal against the policies in the adopted Local Plan.
 21. The following information needs to be taken into account when determining this proposal:
 22. **Cores 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.
 23. Barleythorpe village adjoins Oakham, the site is accessible on foot to the full the 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.
 24. **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.
 25. 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.
 26. It is considered the Council's approach to Barleythorpe being a Restraint Villages is out of date and that Barleythorpe is in effect 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.
 27. Therefore, the exceptional release of this land for residential development will need to be justified in accordance with the provisions of the NPPF.
 28. 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.

The main issues are:
 29. Whether the proposal for 6 dwellings is an efficient use of the site sufficient to meet the economic dimension of NPPF Paragraph 11 by providing housing to support economic

- growth;
30. the social dimension and whether this is met, although affordable housing is not provided on site, a commuted sum has been calculated and will be subject to a legal agreement
 31. finally whether the proposal meets the environmental dimension and whether this proposal for 6 dwellings constitutes sustainable development and whether the proposal will harm the character and setting of Barleythorpe.
 32. A commuted sum has been calculated and subject to the final signing of the Section 106 Agreement the affordable housing provision is set to be met.
 33. Overall, the Council needs to be satisfied the proposal constitutes sustainable development in accordance with the NPPF and that it is unlikely to have any adverse effect on the surrounding environment or character of the area to meet the presumption in favour of sustainable development in a sustainable location. Otherwise the proposal is contrary to 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.
 34. Whilst Barleythorpe is a restraint village in the adopted Local Plan, the emerging draft Local Plan, the settlement hierarchy has been reviewed and now includes Barleythorpe in with Oakham, due to its sustainability and accessibility to a full ranges of services, facilities and transport.
 35. This site is a brownfield site in a sustainable location within the PLD and is considered an acceptable form of development due to the sustainability of the site. Whilst the proposed development is contrary to the 'restraint village' designation for Barleythorpe the proposal is in accordance with the more up-to-date national planning policy with its presumption in favour of development and the NPPF para 120 c) which refers to utilising brownfield land within a settlement.
 36. The Council can currently demonstrate a 5 year housing land supply. However, this development will help retain that requirement in the short term, avoiding risk of undesirable development on greenfield land elsewhere.
 37. It is unlikely that a refusal on the grounds of sustainability here would be upheld on appeal. The government encourages the re-use of brownfield land for housing

Design

38. The dwellings are of a design and form which complements the range of properties that surround the site and are to be constructed from a pallet of materials and include details which will further assimilate them with the prevailing character of the village.
39. The original submission was for 8 No. dwellings but was reduced to 6 to overcome issues relating to the impact on the setting of the listed Clock House Court dwellings and dwellings being too close to a group of Yew Trees which benefit from a Tree Preservation Order (TPO).
40. The proposed amended development comprises the erection of 6 residential dwellings, on land to the rear of Property No. 36 Main Road. Plots 1 and 2 and 4 to 6 are all provided with 2 off-street parking spaces and a double garage, whilst Plot 3 is provided with 3 off-street parking spaces and a triple garage. The proposed development would be served by an improved access from Main Road, further details of which are outlined in Section 4 of this report.

41. The internal layout comprises a single access road that extends from Main Road to the centre of the site. It then forms a small roundabout which serves private driveways to the 6 proposed dwellings.
42. Regarding the density of the scheme, although allocated in the emerging Local Plan for eight dwellings the site layout provides a density of six as requested by the Local Authority. Affordable housing will be dealt with an offsite contribution under a section 106 agreement.
43. Concern was raised about the original plan and the height of Plot 3 against Plot 2 and 40, Main Road believing this dwelling to be too large in form and overly high in relation to the houses within the site and the properties to the east that front Main Road. It was considered that this house would be visible within the roofscape of the area and will be visually intrusive.
44. Plot 3 has been lowered into the ground to be more in keeping with the height of Plot 2 as indicated in the submitted cross-section 'A' plan. The cross-sections show that the dwelling are not large in form or overly high in relation to other houses within the site and the properties to the east that front Main Road. Elements of the houses will be visible within the roofscape of the area but will not be visually intrusive.
45. The front boundary treatment and other landscaping will be the subject of a more detailed submission under condition should consent be granted. However the site plan now reflects that low hedges and dwarf walls with railings will form the front boundary treatment to plots.
46. A large proportion of the site's boundaries are formed of tall walls that have heritage value and are likely to be associated with Barleythorpe Hall. The development preserves these walls and by retaining them, uses them to enhance the character of any proposed scheme.
47. The entrance to the site is sensitive in that it is very close to an existing property and its front boundary wall. The highway design is sensitive to this with the edge materials proposed on the plan along the access street being of high quality and adding to the historic character of the development.
48. The central roundabout is a key focal point within the scheme and features sensitive landscaping within it. A full landscaping proposal will be submitted for approval under condition once consent is received. It is envisaged that a semi-mature tree could be included as the focal point on the roundabout within the site providing a much stronger feature. It is also envisaged that the proposal will include a rich variety of native species creating a strong element of Biodiversity. All of this will be subject to approval by the Local Authority.
49. The local authority has a Design Officer who has been formally consulted to assess all the important design considerations. The Officer considers that this proposal for 6 dwellings constitutes sustainable development which will not harm the character and setting of Barleythorpe. The development is considered sensitive to the setting of the designated and non-designated heritage assets within the site and the surrounding area.
50. The scheme has taken account of the mature trees close to the site boundary, including their root protection areas. Trees within the site have been assessed and been used as features within the site to enhance its character and biodiversity value.
51. By virtue of the design, scale and materials to be used, the proposal would be in

keeping with the area, streetscene and surrounding context in accordance with Section 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Heritage Matters

52. The Conservation Officer has been able to assess the full submission, including the cross-sections.
53. The Conservation Officer has been consulted particularly to gauge if he considers that the scheme has been designed to preserve and enhance the setting of the conservation area and designated heritage assets and non-designated heritage assets.
54. Given that the built development immediately to the rear of the buildings on the Main Road frontage will now comprise only garaging and other single storey elements and, therefore, the two storey houses will be further removed from the rear boundary to the existing houses, the Conservation Officer does not consider, even allowing for the difference in ground levels, that the development as now proposed would have an adverse impact on the setting of the Listed and unlisted buildings on the Main Road frontage.
55. Also, it is considered that there would be no adverse impact on the setting of the Grade II Listed Clock House and Stables to the south.

Neighbouring Amenity

56. The original scheme for 8 dwellings showed Plot 4 is very close to the rear boundary of No. 32, Main Road and would have sited built form at a two storey height the full width of the rear garden creating a dominant and oppressive environment. The garden area would have encountered increased levels of overshadowing and lose a significant amount of light compared to what it currently enjoys. Similar impacts would have been felt to the closest elevation of No. 28, Main Street with two storey built form being sited in very close proximity to habitable room windows and amenity space.
57. Concern was raised about the original plan and the height of Plot 3 against Plot 2 and 40, Main Road believing this dwelling as too large in form and overly high in relation to the houses within the site and the properties to the east that front Main Road. It was considered that this house would be visible within the roofscape of the area and will be visually intrusive. Plot 3 has been lowered into the ground to be more in keeping with the height of Plot 2 as indicated in the cross-section A.
58. Following objections and inaccurate details an amended sections and Additional Neighbour Impact document was submitted.
59. These sections show the development in relation to the listed Clock House Court.

No. 5 Clock House Court

60. The separation distance between the proposed Plot 4 and the existing property at No.5 Clock House Court satisfies the requirement of 22m between principle windows at First Floor. Two of the three small windows to the First Floor of No5 Clock House Court would not be considered 'Principle' windows as they serve the En-suite to Bedroom 1 and the Family Bathroom.
61. Due to the size and location of the First Floor windows in question it is considered that any potential for overlooking is negligible given the size of windows, the purpose of the

- space served by these openings and the considerable distance between them and the proposal. The existing fencing is also evident in these images and this will be retained, with an additional 1.5m maintenance / access path to the new boundary and green fence screening.
62. Any potential for overlooking or loss of amenity space would be negated through the inclusion of the new, 1800mm high, green screen boundary fence shown in the sections.
 63. Regarding impact on residential amenity, the impacts of overlooking from Plot 4 first floor front windows has now been reduced over the rear garden of No. 34, Main Street.
 64. Plot 4 has also been moved away from the rear boundary of No. 32 and elevation of No.28, Main Road reducing the dominant and oppressive environment that the previous siting created.

No. 2 Clock House Court

65. The Ground Floor openings of Plot 5 face what is mainly the blank gables of No.2 Clock House Court as the only opening from No.2 is the door avoiding the resident's access to the rear garden, therefore no principle windows are adversely affected.
66. Plot 5 will have a blank gable to the first floor so no openings will face No. 2, Clock House Court.
67. The Ground level within the adjacent site will be lowered to accommodate the proposed 2 storey dwelling at Plot 5 which will bring it more in line with the existing level of No.2 and minimise any potential for overlooking. As with Plot 4, a maintenance / access path will be retained between the existing boundary and the new boundary of Plot 5, which will also have a 1.8m green screen.
68. The information contained within the neighbouring impact document demonstrates that the potential for overlooking has been reduced to an acceptable level with suitable levels of separation. The proposed development would therefore have no adverse effect on the privacy and amenity space of the adjacent properties at Clock House Court.
69. Plot 5 is the closest property to No. 7, Barleythorpe Mews. Plot 5 has a single storey rear projection which has glazed double doors. Taking into account the height of this opening and the existence of boundary treatments it is considered that this will not impact on neighbouring privacy.
70. The rear first floor windows are set further back in the site and will look in the direction of the side elevation of No.7. Due to the levels of separation maintained between these upper floor windows and neighbouring habitable room windows the privacy that No. 7 currently enjoys will not be impacted to an extent that weighs against the proposed development.
71. Plot 6 is sited further away and will have longer obscure views towards No. 7. These views are further obscured by the siting of a large mature Wellingtonia tree adjacent to the boundary.
72. Plot 2 is the closest to No. 1 Barleythorpe Mews but is orientated so that its side elevation faces this adjacent property. There are no upper floor windows to the side elevation of Plot 2 which faces No. 1, Barleythorpe Mews so reducing any adverse impact on their private residential amenity.

73. Plot 1 is sited between the curtilages of Nos. 1 and 7 Barleythorpe Mews. The closes first floor window serves an en-suite and will have obscure glazing. Of the three other windows that face in the direction of Barleythorpe Mews, one serves a bathroom which again will have obscure glazing. The two bedroom windows maintain a sufficient distance of separation from the properties on Barleythorpe Mews and will offer obscure views.
74. The scheme has been designed and laid out such that there would be no unacceptable levels of impact on the amenities of adjacent residents. There is sufficient distance between all properties within and adjoining the development to avoid loss of privacy or over-dominance/overshadowing. The levels are such that the new dwellings would be higher than those existing to the south but the differences over the distances involved are not significant to make them unacceptable
75. Comments have been made about the future maintenance of the access along the boundary of Plots 4 & 5. The applicant states that there will be clauses inserted in the Contracts and corresponding TP1 Transfers for the sale of Plots 4 and 5 ensuring that the buyers will maintain the green boundary / hedge to ensure that at all times an access pathway of at least 900 mm width exists between the said green boundary/hedge and the boundary fence. The covenant will also allow access for the owners or occupiers of (the coach house 2-6) to repair and maintain the boundary.
76. Potential disturbance from construction will be over a short period and will be no greater than could be expected from the development of such a residential site.
77. Furthermore, it is not considered that additional vehicles from this development would disturb neighbours to the extent that it weighs against the proposed development.
78. 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 (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Tree Matters

79. The site includes a group of Yew trees that benefit from the protection of a Tree Protection Order (TPO).
80. A tree survey was undertaken at the above site. Rutland's Tree Officer is satisfied with the submitted details and has no objection to the development.

Drainage

81. Regarding the drainage information that was submitted, the Lead Flood Authority are requesting that should the application be approved then conditions will be required requiring the final details of the drainage solution and a maintenance strategy to be approved in writing.

Highway Safety

82. Concern has been raised about the access arrangements and parking.
83. The existing site access currently serves 2 residential dwellings at Property No. 36 and 38 Main Road. The proposed development comprises the erection of 6 new residential dwellings, which would result in the improved site access serving a total of 8 dwellings.

84. Alterations are proposed to an existing garden wall at No. 36, Main Street to achieve the required visibility.
85. The existing stone and rendered flank wall serving the access and enclosure to 38-40 Main Road will be repaired and refurbished subject to gaining final approval from the owners of these adjacent properties. The access through the wall is to be repaired and a new pier built to the southern part of the entrance tidying up the existing damaged brickwork.
86. The access for the first 7.0 m will be tarmac and the roadway accessing the site will be in resin bound gravel with a granite sett border to reduce the visual impact of the road as it moves into the site. All Kerbs will also be granite along the access roadways. Street material samples will be provided as part of the landscaping submission for Local Authority approval under condition following consent.
87. A suitable servicing strategy is proposed with the provision of a bin storage area adjacent to Plot 3. This location would be within 25 metres of Main Road and therefore within the maximum carrying distance for refuse collection workers.
88. The Highways Department have no objections to the development, subject to conditions. The proposed development would not result in an excessive increase of car movements from the improved site access and as such it is considered that the proposed development would not have a significant impact on the surrounding highway network.
89. Issues of rights of way and ownership are a private civil matter and not one which would weigh against this proposal from a planning perspective.
90. 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 (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Affordable Housing

91. The developer has agreed to pay a commuted sum for affordable housing which will be secured through a Section 106 Agreement.
92. The Strategic Housing Officer has been consulted to work out the commuted sum which the scheme now commands.

*'As we're now in a new financial year, I've used the ***forecast*** index to produce the /m2 rate, which is likely to change.*

The average GIA size of dwelling exceeds 107m2 and that there are now 6 dwellings.

£188.90 [the cost/m2] x 107 x 6 = £121,273.80

Applying the Vacant Building Credit, 48.92m2 x £188.90/m2 = £9,240.99

Therefore the commuted sum would be £121,273.80 - £9,240.99 = £112,032.81. They would also have to pay the Council's legal costs.'

93. At the time of writing the report the Section 106 has not be finalised and signed and the application cannot be approved until this process has been completed.

Conclusion

94. The Council's approach to Barleythorpe being a Restraint Village is out of date as it can demonstrate that Barleythorpe is in effect a sustainable location.
95. This is a suitable site for residential development, providing affordable housing on previously developed land. The design and layout is of good quality. It meets the 3 elements of sustainability, social economic and environmental. The proposed development does not have a detrimental impact on residential amenity, heritage assets or highway safety. There are no technical issues that cannot be overcome so the development can be approved. It is recommended that the application be approved subject to the completion of the legal agreement and that any other minor issues be dealt with in consultation with the Chairman.