

## PLANNING & LICENSING COMMITTEE

24<sup>TH</sup> AUGUST 2021

### ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
103/2021	1	2019/1389/FUL	S A RUTLAND LTD	BARLEYTHORPE

#### Amendments to Conditions Required

The Highway Department has requested that various conditions stated within the report are removed and replaced. This is to remove some duplication.

Conditions 9 & 13-15 are to be removed.

The following condition is to be added:

*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 parking, 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 residential amenity and highway safety in accordance with policies Policies SP15 and SP17 of Site Allocations & Policies Development Plan Document Adopted October 2014.*

### **Additional Comments from Members of the Public**

Since the report has been published the local authority has received the following comments from Members of the public:

Letter 1:

*"I write regarding our objections to Town & Country Planning Proposal: 2019/1389/FUL.*

*Further to our objections dated 16.01.2020 and 06.07.2020 we wish to comment on the Revised Plans and Additional Analysis – Supporting Document dated 19.07.2021 and their impact upon us and our property 5 Clock House Court.*

*No Accurate Sectional Drawings are provided to show the final Ground Levels of the proposed development and the TRUE impact of the development of plot 4 on the properties 5 & 6 Clock House Court.*

*Our French windows, at ground floor level, must be considered 'Principal Windows' and would be overlooked by the proposed development on plot 4.*

*For the reasons stated previously and those given above we feel that a property in the proposed position on plot 4 would have considerable impact upon 5 Clock House Court.*

*It would, in our opinion be a shame to lose the line of Yew trees, on the south of the site, altogether. The Yew trees provide shelter for birds all year round and a considerable number of bats can be seen flying around them at dusk on warm summer evenings, they may even live there.*

*We look forward to the day when the site is developed in a sustainable, appropriate and sympathetic manner. We do not feel that planning application 2019/1389/FUL meets these required criteria and would therefore recommend refusal.*

*Richard & Annie Gosden.”*

Letter 2:

*“We write again with regards to the above planning proposal.*

*We feel that the same concerns have not been addressed at all and furthermore it would seem that Mrs Duckering, is now suggesting that ALL of the trees be removed.*

*We believe she has also stated that most houses nowadays are overlooked, which is total nonsense and there is a massive difference between choosing to purchase a house that you know is overlooked when you decide to buy it and purchasing a house that you want to move to, because it has privacy and beautiful established trees.*

*As previously suggested, they should be a site meeting to discuss all aspects.*

*We look forward to hearing from you.*

*Regards*

*Terry & Pam Pryke*

*2 Clock House Court”*

The local authority consider that the material planning considerations raised in these comments have been addressed within the report and that the recommendation remains as stated.

### **Additional Information from the Applicant**

The applicants Agent has submitted the following statement regarding objections we have received from residents of Barleythorpe Mews.

*'The first floor window relationships to properties in Barleythorpe Mews are in compliance with separation distances and as such where windows are present would not impinge on the adjoining properties privacy or provide overlooking issues.*

**Plot 2** has a gable end facing Barleythorpe Mews with only a bathroom window facing.

*The distance between the two properties is just over 19.00metres.*

*The gable end to Plot 2 faces the front elevation and entrance drive area of the Barleythorpe Mews property.*

**Plot 6 and Plot 7** have been located so that the rear elevations face the garage and end gable of the Barleythorpe Mews property which itself has a small secondary window within it.

*The first floor rear elevation distance between Plot 6 and the Barleythorpe Mews property is over 16.00 metres and is not in line with the rear garden.*

*The design has sought to overcome any potential overlooking or loss of privacy by careful positioning of both Plot 6 and Plot 7.*

*You will also agree , I hope, that over the last 20 months we have redesigned the scheme to accommodate your and other stakeholders requests and to overcome the objections received.*

*There is now total clarity in the scheme we are proposing and we feel we now have a scheme which should be viewed favourably by the Local Authority as an attractive addition to Barleythorpe whilst being an excellent use of a redundant site.'*

### **Further Planning Officer Comment - Heritage Impact.**

In addition to the comments on heritage impacts within the report the local authority would like to add that whilst there would be a less than substantial harm to the setting of various surrounding listed buildings on both the Main Road and Clock House Court, on balance, the harmful elements of the proposal are justified and outweighed by public benefit through the provision of dwellings on a redundant site within a

sustainable location in accordance with paragraphs 194 and 196 of the National Planning Policy Framework (NPPF 2021).

In reaching our conclusion and recommendation the local authority have considered the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.