



© Crown copyright and database rights [2013]
Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0778/FUL	ITEM 1	
Proposal:	Erection of 8 dwellings, comprising 5 no. bungalows and 3 no. two-storey houses. Formation of a new access onto Main Street.		
Address:	Land South of Lodge Trust, Main Street, Market Overton, Rutland		
Applicant:	Mr & Mrs Hutton	Parish	Market Overton
Agent:	Class Q	Ward	Cottesmore
Reason for presenting to Committee:	Call-in		
Date of Committee:	14th March 2023		
Determination Date:	5th September 2022		
Agreed Extension of Time Date:	17th March 2023 (TBC)		

EXECUTIVE SUMMARY

The proposal is for the construction of eight new dwellings on the land, comprising three 2-storey properties and five single-storey dwellings. The properties would be accessed off a central spine road serving all eight properties and with a turning head at its north end.

The site lies outside the planned limits of development of the village of Market Overton, but there have been no objections from the public and the proposal is supported by the Parish Council seemingly due to the provision of a number of bungalows on the site, which are a type of development encouraged by the Neighbourhood Plan.

The scheme would result in a development that would provide amenity areas serving the dwellings that are overshadowed by a row of mature deciduous trees that would have a detrimental impact on the amenity of the gardens serving the dwellings, as well as parts of the rear of the dwellings themselves. These impacts are considered likely to result in increased pressure to removed the protected trees in order to provide acceptable amenity levels in the areas serving the dwellings. The proposals also result in the loss of a tree within the site whose value cannot be replaced by compensatory planting as part of the scheme. This would require a legal agreement to provide a contribution of equal value towards planting elsewhere within the county to make the development acceptable in planning terms.

The documentation supporting the scheme currently fails to demonstrate how the central spine road is able to adequately provide for longer vehicles such as a refuse lorry or fire appliance to turn around within the site so as to enter and leave in a forward gear. The parking arrangements for the two northernmost plots are also substandard as they are accessed from the corners of the proposed turning head.

Finally, the application fails to make provision for a contribution towards affordable housing, noting within its supporting documentation that it falls below the threshold for requiring provision to be made for affordable housing. This is not the case as the location is designated as a rural area, resulting in a reduced lower threshold for such provision of sites comprising 6 units or more.

Although it is considered that the preparation of a legal agreement including appropriate clauses, and the provision of tracking plans may be able to overcome some of the issues associated with the development, the issues remaining in relation to amenity and location beyond the planned limits of development remain and could not be overcome. Consequently, the application is recommended for refusal.

RECOMMENDATION

REFUSAL, for the following reasons:

1. Policy CS4 of the Core Strategy (2011) identifies that development beyond the planned limits of the villages requires special justification in order to gain planning policy support, identifying a number of types of development considered appropriate to the countryside. The application proposes the construction of 8 market housing units on a parcel of land that lies beyond the planned limits of development within a countryside location. The proposal does not accord with any of the exceptions to development within the countryside set out in the Core Strategy or Site Allocations and Policies Development Plan Document (2014) and therefore is contrary to policies CS4 and of the Core Strategy (2011) and SP6 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that outweigh these policies to justify approval of the application.
2. Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development to be designed so as to provide appropriate and adequate parking facilities for the development, as well as to ensure that it does not have an unacceptable adverse impact on the highway network. The proposed layout indicates unacceptable access proposals to the parking arrangements for plots 4 and 5, and fails to demonstrate adequately how a refuse vehicle/fire appliance would be able to enter and leave the site in a forward gear. The development is therefore contrary to the provisions of policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
3. Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development proposals to meet the requirements for good design as set out in policy CS19 of the Core Strategy (2011) as well as addressing a number of specific criteria set out in policy SP15. Plots 1-4 of the development have outlooks to the west where their main amenity spaces are located. The western boundary of the current site is formed from a row of mature deciduous trees that have been assessed during the consideration of the application and deemed worthy of protection under a Tree Preservation Order. The rear gardens of these plots are located under and immediately to the east of the canopies of these trees, and as a consequence will experience heavy shade once the sun passes the midday point. This will also result in shading of the rear elevation of the dwellings, and the combination of these effects will restrict the amenity levels experienced by residents of the proposed dwellings contrary to the provisions of policy CS19 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies Development Plan Document (2014).
4. The documentation accompanying the application states that the scheme falls below the threshold for providing an affordable housing contribution. The location of the site however is a designated rural area and therefore the threshold for provision of an affordable housing contribution is 6 units and above. The proposal also involves the removal of a tree from the site with a calculated value of £4088. The proposal does not allow for a new tree to be planted that could reach this value within the site. The proposal is not accompanied by a completed S106 agreement detailing an appropriate contribution towards affordable housing, nor compensatory tree planting elsewhere within the county, both of which are matters that would be required to make the development acceptable in planning policy terms.

Site & Surroundings

1. The application site is an existing field adjoining the main road leading into Market Overton from Cottesmore (to the south), it is flanked by a row of mature trees to the west, sporadic mature tree planting along the southern boundary, and further sections of similar land to the north and east.

2. The application site lies outside of the planned limits of development of the village of Market Overton and is therefore consequently located within the countryside. The Lodge Trust, a complex providing accommodation for adults with learning disabilities, lies further to the north with associated facilities including café open to members of the public, play equipment and log cabin/camping facilities also open to the public.
3. The application site is largely flat, its open land separated from the public highway by a post and rail fence. A roadside footway runs along the highway side of this fence. The land lies within flood zone 1, the lowest risk of flooding.

Proposal

4. The proposal is for the construction of eight dwellings on the land, accessed via a single spine road running directly north from the existing highway. Four dwellings lie to the east of this new road, with each of these properties being single-storey in nature with tandem parking adjacent to their built form. Three dwellings lie to the west of the new road, with a further dwelling located at the end of the new road to the north-west. Three of these four dwellings are proposed to be two-storey in nature.
5. Access would be provided from Main Street to the south, flanked on both sides by pedestrian footway and with a turning head at the northern end to allow vehicles to turn and exit the site in a forward gear.

Relevant Planning History

There is no relevant planning history.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places

Site Allocations and Policies DPD (2014)

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

Core Strategy DPD (2011)

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

Neighbourhood Plan

The Market Overton Neighbourhood Plan

MOP1 – Dwelling sizes and types

MOP2 – Landscape Character

MOP5 – The design of new buildings and extensions

MOP6 – Residential amenity and traffic management

Officer Evaluation

6. The main issues are the principle of the development, residential amenity including the impact of the adjacent trees, impact of the development of the site on the character of the area and its relationship with the settlement.

Principle of the use

7. The application is proposing the development of the site for the provision of 8 residential dwellings, four single-storey and four two-storey units. The site lies outside the established planned limits of development of the settlement, in an area defined as countryside where the development of open market residential dwellings such as these is not supported. Policy CS4 notes that development within the countryside will be strictly limited to that which has an essential need to be so located, meeting specific development types or affordable housing needs. Policy SP6 of the Site Allocations and Policies DPD identifies the specific instances where housing will be permitted in the countryside. The proposal does not meet any of the identified exceptions and there are no material considerations that indicate that permission should be granted contrary to those policies.
8. The Local Planning Authority has recently confirmed that it is able to demonstrate a five-year housing land supply (6 years) and as such it is considered that the tilted balance set out in paragraph 11 d) of the National Planning Policy Framework no longer applies.

Design/Layout

9. The proposal is of a simple design, comprising a central access road and turning head at its north end. The driveways serving the dwellings are accessed directly from the central spine road, including the two northernmost properties, whose driveways are directly adjacent to the turning head.
10. In design terms the dwellings themselves are relatively simplistic, the three two-storey properties fronting the road with a central access door under a canopy porch. Symmetrical front elevations sit under a pitched roof with parapets to the gable side elevations. Internal chimneys are located on either gable and visual clutter to the front elevations of the properties is minimised. Materials are shown as being natural stone although this would need to be secured by an appropriately worded condition.
11. Four of the bungalows follow a similarly simplistic design style, with limited architectural features that add to the appearance of the properties and ensure a connection with the local vernacular. Only plot 1, the first bungalow to the southwest corner of the site does not follow this approach, being of a more complex layout and external design including a detached single garage, southern projecting element of the property and an enclosed projecting porch to the front elevation. Notwithstanding this more complex appearance of the proposed property however, it does not appear overtly out of place within the development proposals and would not impact adversely from an appearance point of view with the local vernacular.

12. This point will be explored in more detail later in the report however the proposed layout of the properties within the site combined with the number of dwellings proposed and the number of single-storey dwellings proposed results in a layout that provides substandard amenity space for the proposed dwellings. This takes the form of limited private space to the properties on the eastern side of the access road, and amenity space dominated and overshadowed by mature trees protected by a TPO to the west of the site.

Impact of the use on the character of the area

13. The application site lies outside the planned limits of development of the village of Market Overton as set out in the Site Allocations and Policies Development Plan Document. In 2012 a landscape sensitivity and capacity study was carried out on land adjoining a number of villages including Market Overton, and this particular site was examined in respect of its contribution to the village and its character. In particular, the line of trees adjoining the boundary of the site to the west is mentioned in the report, which states:
“The exception to this is the south-western field which is slightly detached from the main area by a strong line of mature deciduous trees which run south to north from Main Street. These are an important local landscape feature and contribute to the relatively soft delineation between the village and open countryside when viewed from the south.”
14. It is clear therefore that the trees adjoining the boundary of the site to the west form a significant part of the visual definition of the village at this point, marking the extent of the formal built development and softening its edge into the countryside to the east.
15. Development to the east of this line of trees would therefore allow the formal built form of the village to spill beyond this visual boundary and into the wider countryside landscape resulting in harm to the current character of this edge of settlement location.

Impact on the neighbouring properties

16. The site does not immediately adjoin any residential dwellings, although properties are located immediately to the west of the western boundary on the other side of the row of mature trees that form the delineation of the western edge of the site. Plots 1-4 are orientated so that their rear gardens are located between the dwellings and these nearby properties.
17. In considering the impact of the proposal on those neighbouring dwellings, the existing mature tree line makes a significant contribution to the relationship between the properties, and the recently served Tree Preservation Order would, if confirmed, ensure that privacy and amenity between the two developments would be protected.
18. On that basis, it is not considered that the proposal would result in unacceptable impact on the amenity of the neighbouring dwellings contrary to the relevant policies of the Development Plan.

Amenity Provision

19. Amenity is not a matter for consideration in relation to neighbouring properties alone, and it falls upon the Local Planning Authority to ensure that dwellings approved are fit for purpose, whilst the relevant policies of the Development Plan contain aspirational aims to ensure that dwellings approved meet high standards of design, including matters relating to amenity.
20. The site is an unusual one in terms of its constraints, in particular its relatively limited scale and its relationship with the significant row of trees along the western boundary. These trees and their significance to the wider character of the settlement impose a limitation on

the development with regard to their impact on daylight and sunlight received by the proposed properties, as well as limiting the level of amenity provided by the external areas associated with the proposed properties. This has resulted in the scheme being designed to allow for larger gardens on the western side of the proposed properties, which has also resulted in the siting of the properties on the eastern side closer to the boundary than would otherwise have been necessary, and this siting limits the scale and amenity provision made by those properties.

21. Concerns in this regard were raised with the agent prior to the application being reported to committee, and their response was to undertake an 'Internal Daylight Report' regarding the properties.
22. This report states that all four of the proposed dwelling on the western side of the site meet the BRE guidance for sunlight provision, and of the 19 rooms considered as part of the survey six would fall short of the guidance for daylight provision in summer, with all spaces complying with this provision in winter. Of those six spaces, the report notes one falls only marginally short (but short all the same) whilst three others are considered secondary bedrooms.
23. Notwithstanding the findings of this report, as alluded to above the overall impact on amenity levels of the trees forming the western boundary does not simply relate to light received within the rooms of a house. Consideration must also be given to the outdoor space available, the nature and quality of that outdoor space and the impacts of the trees upon it, particularly in view of the recently placed Tree Preservation Order.
24. In the professional opinion of the Officers of the Local Planning Authority, the proximity of the proposed dwellings to the trees would lead to significant pressure from amongst the residents of those properties to reduce the height of the trees or to remove them entirely due to their impact on the quality of the amenity space, an opinion which is shared by the Forestry Officer who has visited the site to undertake a formal assessment of the trees.

Highway issues

25. The Highways Authority has responded to the proposal indicating that the layout plan provided in relation to the scheme does not demonstrate that the turning head shown makes sufficient provision for turning of refuse vehicles/fire engine, whilst the parking provision at plots 4 & 5 is compromised as a result of being accessed via the corner of the turning head as shown on the layout plan.
26. There is the potential for the applicant to overcome this matter through the submission of further information, however it is considered that the addressing of this matter would not overcome the outstanding issues in respect of the proposed development and therefore the applicant has not been requested to amend the plan prior to the reporting of the matter to the Planning Committee.

Section 106 Heads of Terms

27. The Housing Strategy and Enabling Officer has confirmed that an off-site affordable housing contribution would be required in relation to this development due to the designation of the majority of the county as a 'rural area'.
28. No such agreement has been made at this time and the overall recommendation to refuse is such that the Officer has not sought to progress such an agreement. Should Members consider that approval of the scheme is appropriate, determination should therefore be delayed until such time as an appropriate agreement has been completed.

Crime and Disorder

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

Human Rights Implications

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

Consultations

32. Market Overton Parish Council

The Parish Council supports the application, and considered the density level on the site in keeping with the forthcoming Neighbourhood Plan, particularly the inclusion of bungalows.

The adjacent site would make provision for affordable housing to meet the village's needs.

33. Highways

No tracking provided to demonstrate how a refuse lorry or fire engine would turn within the site.

Parking for these plots is accessed from the corner of the footpath, encouraging vehicles to access their parking over this area, bringing them into conflict with pedestrians and potentially resulting in damage.

The Local Highways Authority therefore recommends refusal on the above grounds.

34. Housing Strategy & Enabling Officer

Consideration should be given to whether policy SP9 applies or not. The Planning Statement is noted regarding provision of affordable housing, however as almost the entirety of Rutland is classed as a 'designated rural area' as defined by the NPPF and Statutory Instrument 2004/418, a commuted sum for off-site provision of affordable housing would be required prior to the issuing of a decision notice in that respect.

35. Forestry Officer

Inaccuracies within the tree survey

Amendments required to root protection areas due to species sensitivities

Cellular confinement system required pre-development to serve the access and cover the root protection areas of the retained trees

T7's value requires replacement, but the site does not allow for planting that could reach this value. S106 contribution will therefore be required for planting off-site.

The four units to the west of the site are likely to result in complaints about the trees to the west and pressure for their removal.

Neighbour Representations

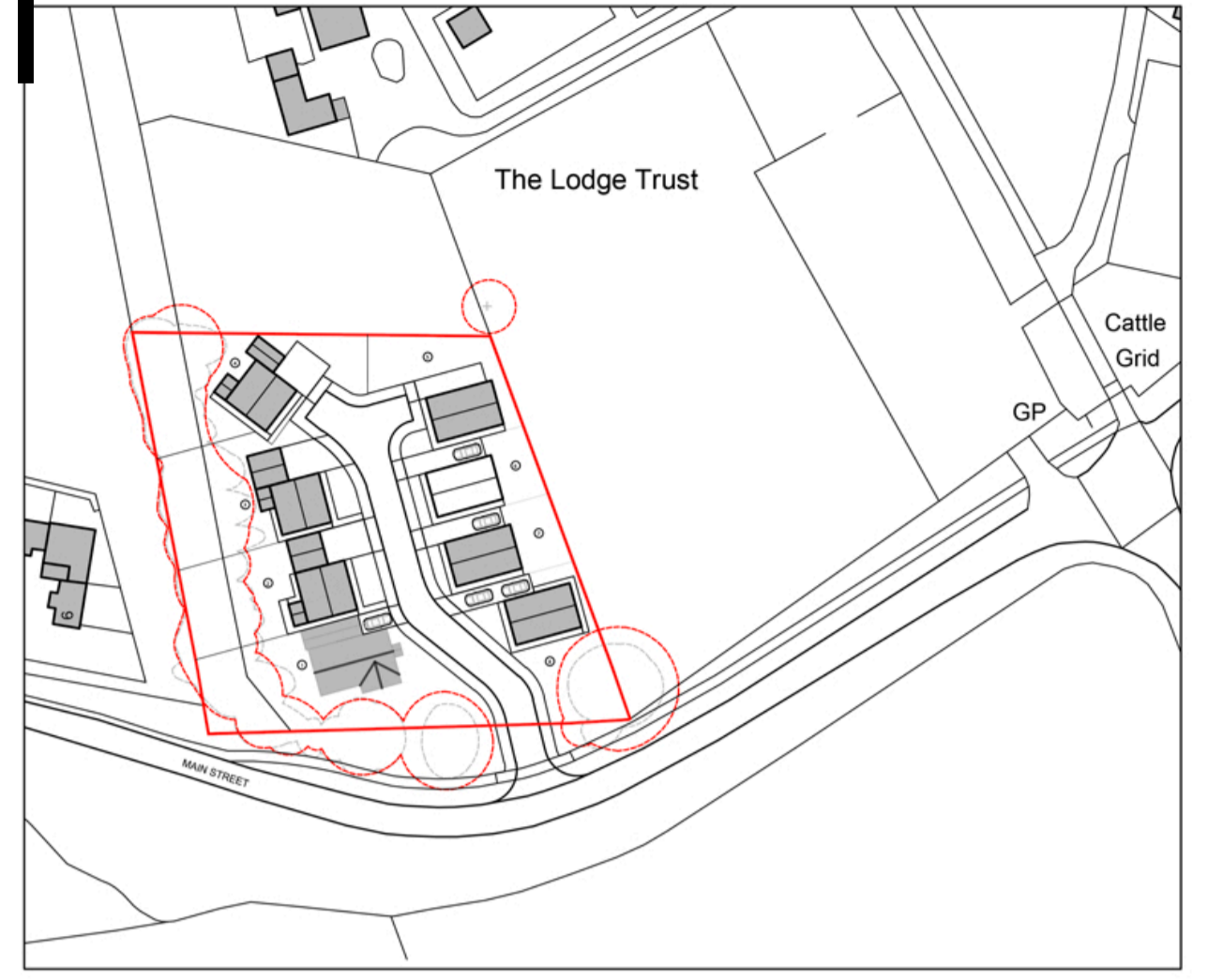
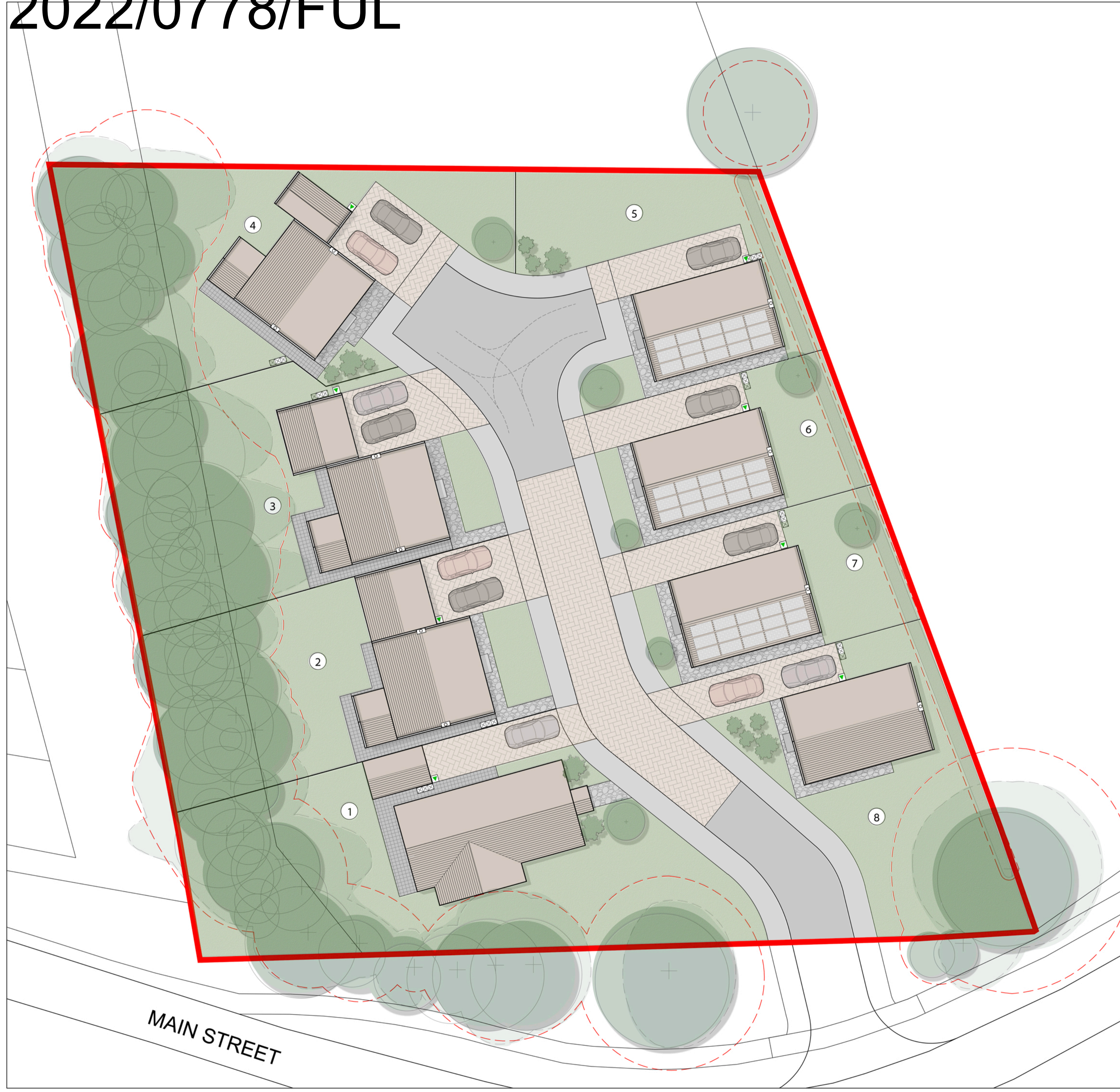
36. Two responses were received in relation to the proposal, neither expressing support for nor objection to the proposal.
37. The first sought to establish what the intention is for the remainder of the land and where access for future housing may come from. In this regard, the response has no bearing on the proposal as the only consideration for the Committee is the application before them. No application has been submitted for the remainder of the land nor any proposals for accessing the land.
38. The second response stated no objections to the proposal, but also confirmed its expectation that the proposal would not have a detrimental impact on the Lodge Trust's land and its residents.

Conclusion

39. In conclusion, the application proposal is in a location where development is not supported unless it meets one of a number of exceptions, and it is acknowledged that the proposals do not meet any of those exceptions. The principle of the application is therefore not supported by the development plan and planning law requires the decision is made in accordance with the policies of that plan unless material considerations indicate otherwise.
40. In addition to the principle of the development being contrary to the policies of the development plan, the proposal would also result in residential dwellings being provided where the amenity levels of those properties is compromised by the existing constraints of the site. Such impacts would be contrary to the relevant policies of the development plan, resulting in further justification for refusal of the scheme.
41. It is acknowledged that the proposal makes provision for single-storey dwellings in line with the Neighbourhood Plan, and that the scheme has the support of the Parish Council, however the Neighbourhood Plan acknowledges and supports the planned limits of development set out in the Site Allocations and Policies Development Plan Document (2014) and on that basis, the site is not considered to conform to the policies of the Neighbourhood Plan. The weight attributed to the support from the Parish Council is therefore considered to be less than would be required to justify a recommendation of approval contrary to the policies of the development plan.
42. The proposed internal layout does not satisfactorily demonstrate that it is possible to turn a refuse vehicle/fire engine within the site, and the advice of the Local Highway Authority is that it would require amendments to the positioning of the dwellings and the turning head to facilitate this. The application is not accompanied by evidence demonstrating how this is possible, and therefore the scheme is considered not to comply with policy SP15 of the Site Allocations and Policies DPD, along with Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021). It may be possible to overcome this matter through submission of appropriate tracking details, however given the earlier conclusions it is not considered appropriate to require the applicant to undertake to provide them at this stage as they would not be sufficient to outweigh the justification for refusal.

2022/0778/FUL

Appendix 1



Location Plan
Scale 1:1250

- Refuse storage
- EV Charging point
- Solar Panels
- Tree Canopy
- Root Protection Area
- Boundary Line

Internal Areas	Total	External Areas
Plot 1 GF GIA: 122m ²	122 m ²	Plot 1 GEA: 156m ² Curtilage: 778m ²
Plot 2 GF GIA: 111m ² FF GIA: 70m ²	181 m ²	Plot 2 GEA: 130m ² Curtilage: 557m ²
Plot 3 GF GIA: 111m ² FF GIA: 70m ²	181 m ²	Plot 3 GEA: 130m ² Curtilage: 600m ²
Plot 4 GF GIA: 111m ² FF GIA: 70m ²	181 m ²	Plot 4 GEA: 116m ² Curtilage: 632m ²
Plot 5 GF GIA: 96m ²	96 m ²	Plot 5 GEA: 133m ² Curtilage: 378m ²
Plot 6 GF GIA: 96m ²	96 m ²	Plot 6 GEA: 133m ² Curtilage: 285m ²
Plot 7 GF GIA: 96m ²	96 m ²	Plot 7 GEA: 133m ² Curtilage: 300m ²
Plot 8 GF GIA: 96m ²	96 m ²	Plot 8 GEA: 133m ² Curtilage: 463m ²
	1049 m²	

Date	Revision	Description	By
27/05/22	B	Plot updates	CC
28/03/22	A	General updates	CL
07/02/22	/	First Issue	CL



PLANNING | ARCHITECTURE | PROJECT MANAGEMENT
Willoughby House, 2 Broad Street, Stamford PE9 1PB
017802339181
www.classq.co.uk

Project
211052 Main Street
Main Street, Market Overton

Drawing Title
211052_001_Proposed Site Plan

Date	Revision	Scale @ A1
March 2022	B	As Indicated

Copyright of this drawing is vested in Class Q Ltd (Reg. 11587961) and must not be copied or reproduced without consent. Only figured dimensions are to be taken from this drawing. All dimensions are in millimetres unless noted otherwise. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work.

Site Plan
Scale 1:200