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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0604/MAF	ITEM 1	
Proposal:	Development of 93 no. dwellings including 30% affordable homes, and associated access, drainage and green infrastructure.		
Address:	Land at Mill Lane, Cottesmore		
Applicant:	William Davis Limited	Parish	Cottesmore
Agent:	Define	Ward	Cottesmore
Reason for presenting to Committee:	Level of public objection to the proposal and contrary to development plan		
Date of Committee:	18/4/2023		
Determination Date:	18/8/2022		
Agreed Extension of Time Date:	21/4/2023		

EXECUTIVE SUMMARY

The proposal is a full application for the construction of 93 dwellings including 30% affordable homes on the site. A new access is proposed onto Mill Lane opposite the Primary School, and the proposal also includes the provision of a large area of open space incorporating a community orchard, play equipment and additional landscape planting.

The application site lies outside the planned limits of development of the village of Cottesmore, in an area of countryside where development of this nature would not normally be supported.

Consideration is also given however to the matter of the 5-year housing land supply position and the need to maintain that supply until it can be addressed in the longer term by the new local plan. The application is in a sustainable location adjacent to the current edge of the village, and scored sufficiently high in its site assessment to be included in the 2017 consultation draft of the Local Plan.

The application is set apart from other proposals under consideration at present for a number of reasons including that it is made in full meaning it will be able to deliver completions on site earlier than the outline applications currently being made to the Local Planning Authority.

The application also brings a number of wider benefits to the community through the provision of relief parking for the Primary School and the proposed open space, which will not only provide assets to the community including an orchard and play equipment, but will also safeguard the western approach to the village along Mill Lane and improve the appearance of that approach over the existing situation.

Overall, it is considered that the benefits of the scheme outweigh the harm, and are sufficient to justify a recommendation for approval of the proposals.

RECOMMENDATION

APPROVAL subject to the following conditions and the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act.

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers..(Plans to be updated before Committee Meeting)

Reason: For the avoidance of doubt and in the interests of proper planning. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
 - ii. Details of site notice with contact details and a scheme for dealing with complaints.
 - iii. The construction access;
 - iv. Delivery, loading and unloading arrangements for plant and materials within the site including management and timing of deliveries, with exclusion periods running from 8:30am to 9:15am and 3:00pm to 3:45pm when no deliveries shall take place and no HGV's shall enter or leave the site;
 - v. Routing of construction traffic;
 - vi. Storage of plant and materials used in constructing the development;
 - vii. The erection and maintenance of security hoarding if required;
 - viii. Measures to control the emission of dust and dirt including the prevention of the deposit of mud and debris on the adjacent highway during development
 - ix.; Measures to mitigate against noise/vibration nuisance during development
 - x.; Measures to mitigate against light nuisance during development
 - xi. A scheme for recycling/disposing of waste (with particular reference to any hazardous materials such as asbestos) resulting from the works.
 - xii. Pre-construction surveys to determine potential presence of new badger setts. If active setts are identified, measures to protect setts where these can be retained or as a last resort removed under a Natural England derogation licence;
 - xiii. Measures to ensure safe working practices in respect of badgers.
 - xiv. Appropriate working methods during felling or pruning of trees assessed to have 'Low' suitability for roosting bats.
 - xv. Appropriate working methods to protect brown hare and resting hedgehog during site clearance.
 - xvi. General control measures to protect potential foraging and commuting badgers and hedgehog which may disperse across the construction site;
 - xvii. Protection measures for nesting birds during site clearances (trees, hedgerows and grassland and arable fields);
2. Appropriate measures to control construction lighting, noise, plant movement, run-off, waste and the potential for contaminants, to avoid disturbance and/ or harm to ecological receptors including all boundary habitats.

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: To ensure that the development of the site does not result in highway safety concerns and as far as possible does not result in nuisance to the occupiers of the adjoining and nearby properties during the construction phase.

3. Prior to any above ground works taking place, a Phase II ground investigation is shall be undertaken to determine more accurately the effect of the identified hazards on the development.

This shall include:

- A ground investigation designed to BS10175:2011 and BS5930:2015 and

comprising window sampling, trial pitting and cable percussion boreholes (if identified as being necessary) to confirm ground conditions and collect samples for analysis. Based on a site area of 4.5Ha and an investigation on a 50m grid, 20 No. exploratory holes shall be provided.

- Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined. ·
- A ground gas investigation designed to current guidance shall be provided to determine the ground gas regime beneath the site. Should they be necessary, mitigation measures shall be recommended. Geotechnical soil testing of the founding strata to assess its character and suitable grades of buried concrete.
- The report shall be submitted to the Local Planning Authority for assessment in conjunction with the Public Protection team, along with any remediation proposals necessary as a result of the investigation.

The scheme shall then be implemented in line with the recommendations of the remediation scheme.

Reason: To ensure that any contamination of the site is identified and mitigated so as to prevent its development from resulting in harm to the health of future occupants.

4. Within 3 months of the commencement of the development a further survey to provide an update on the presence of badgers on the site has been submitted to and approved in writing by the Local Planning Authority. If badgers are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason - In order to safeguard protected wildlife species and their habitats and because a further survey at this time period was identified in the original survey work in relation to the proposal

5. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure a satisfactory means of draining the site is provided and maintained for the lifetime of the development.

Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site in accordance with Policy SP15 of the Adopted Rutland Local Plan Site Allocations and Policies Development Plan Document 2014.

The scheme of off-site highway works for the new footway, pram crossing and extension to the ramp and carriageway tie ins as shown on plan 25013-400C S278 Works General Arrangement kerbing, shall be implemented in full prior to first occupation.

Reason: In the interest of highway safety.

Prior to commencement of works details of special measures to protect any existing trees within 30m of the works area in accordance with BS5837 must be submitted to and approved in writing by the Local Planning Authority. The approved special measures shall be in place for the duration of the works.

Reason: In the interests of highway safety and protection of existing trees.

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

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

The carriageway of the proposed principal junction with the existing public highway shall be constructed up to and including at least road base level or be constructed as a temporary access and be available for use prior to the commencement of any development including the delivery of materials.

Reason: To ensure that the junction is available for use at the outset in the interests of highway safety.

No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level. In the event any of the dwellings, No dwelling shall be occupied until the access road

or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the carriageway serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety.

Prior to first occupation of any dwelling, vehicle to vehicle visibility splays of 2.4m x 25m at internal junctions, vehicle to pedestrian visibility splays of 2m x 2m at all vehicle accesses and forward visibility splays of 18m and 25m shall be provided in accordance with the details shown on plans 25013 - SK03(2) and 25013-400C S278, and kept free of any obstructions over 600mm in height above ground level in perpetuity.

Reason: In the interest of highway safety.

The developer must carry out a pre-condition highway survey for the full extent of highway including verges for the full length of Mill Lane and Market Overton Road to its junction with the B668 before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to assess any damage and remediation required.

Reason: In the interests of highway safety.

Any external lighting required, either temporary lighting during building work, or permanent lighting post development, must be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat Conservation Trust, 2018)

(<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>).

Full details of any proposed external lightning shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. To reduce the impact of lighting on bats, lighting should consist of LED light sources fitted with downward deflectors (i.e. hoods, cowls, shields, louvres) at a low level, and, ideally, be on PIR sensors. No up-lighting should be used.

Reason: To ensure that any protected species which are legally protected under the Wildlife and Countryside Act 1981 are not compromised by the work hereby approved.

No above ground construction shall take place on the site until a scheme for the provision of a minimum of 35 integrated bat boxes/bat bricks has been submitted to and approved in writing by the Local Planning Authority. No development shall be undertaken on the site that is not in accordance with the approved mitigation

Reason: to ensure that adequate provision is made for bats within the development site.

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.

1.0 Site & Surroundings

- 1.1 The application site is an existing agricultural field adjoining the settlement of Cottesmore on its north side. The site is accessed via Mill Lane, but adjoins properties located on Sheepdyke, Lilac Way, Debdale and Cresswell Drive.
- 1.2 The topography of the area is relatively flat to this side of Cottesmore, with an agricultural landscape in the foreground and the Kendrew Barracks buildings located more remotely in the background of the site. The agricultural fields in this area are separated by traditional hedgerows, often containing specimen trees that add to the rural character of the area.
- 1.3 The Conservation Area boundary adjoins the site boundary along the Lilac Way development and part of the site access but excludes the Debdale and Cresswell Drive developments as these do not justify protection on heritage grounds.
- 1.4 Views over the land on which the development is proposed are obtainable from the west and northwest of the village.
- 1.5 The main village of Cottesmore is located to the south of the application site. Cottesmore is a local service centre within the settlement hierarchy of the Core Strategy, being one of the larger villages within Rutland with a number of local services not available to the majority of villages.
- 1.6 Cottesmore contains a combination of traditional historic development along its main street, with a strong history of the use of natural limestone in the construction of properties within the village, whilst around its edges are a number of more modern estate style developments, some with little relevance to the types of properties for which the village is known, and constructed from materials that bear little relation to the historic traditions of the area.
- 1.7 The village can therefore be considered to be comprised of two parts, the first being the historic core, largely encompassed by the Conservation Area where limestone and slate are used almost exclusively in construction projects and where development follows a linear pattern along the main street with relatively little depth. The second part comprises the modern additions to the village, comprising Wenton Close, Austhorp Grove and Burley Road to the west, Westland Road and Nether Close to the east, and Sheepdyke, Lilac Way, Cresswell Drive, and Debdale to the north. These developments do not follow the layout pattern or materials indicative of the first part.

2.0 Proposal

- 2.1 The applicant describes the application within their Design and Access Statement as *“The erection of 93 dwellings with associated access, drainage, infrastructure, and public open space.”*
- 2.2 In more detail, the scheme proposes 93 dwellings to be constructed on the site, 28 of which would be classed as affordable housing units (which constitutes over 30% of the proposed site). The properties would be accessed from a number of roads and driveways within the site, including adoptable roads and private

driveways to access certain parts of the developed area.

- 2.3 There would be a central green running alongside the main road leading to a balancing pond in the south eastern corner. The balancing pond is designed so as to retain some water at all times of the year, with landscaping around its perimeter and a pathway that allows it to double as an amenity feature benefitting the residents of the development. This pedestrian pathway extends along the eastern and northern boundaries of the development, leading eventually to the western parcel of the development, which is provided as public open space hosting a number of features.
- 2.4 Play equipment is to be located on the public open space nearest the entrance to the site along with a modest pond and footways connecting it to both the rest of the development site and the wider Cottesmore area. The remainder of this parcel of land would be landscaped and given over to a more open form of publicly accessible open space. This would be separated from the closest part of the development site by a hedgerow to provide an element of security and segregation of the open space from the access driveway to these properties.
- 2.5 The area immediately to the east of the site access would be used to provide a 13-space parking area to alleviate some pressures for on-street parking in relation to the school opposite and would also provide some parking that may facilitate more extensive use of the playing area immediately opposite.

3.0 Relevant Planning History

- 3.1 There is no relevant planning history on the site in terms of planning applications. A preliminary enquiry for development of the site was made in 2021 however this preceded the issues in relation to the five-year housing land supply and therefore circumstances have changed substantially since the response was provided.

4.0 Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development
SP5 - Built Development in the Towns and Villages
SP6 – Housing in the countryside
SP9 – Affordable housing
SP15 – Design and amenity
SP20 – The historic environment
SP22 – Provision of new open space
SP23 – Landscape character in the countryside

Core Strategy DPD (2011)

CS1 – Sustainable development principles

CS2 – The spatial strategy
CS3 – The settlement hierarchy
CS4 - The location of development
CS8 – Developer contributions
CS11 – Affordable housing
CS19 – Promoting good design
CS21 – The natural environment
CS22 – The historic and cultural environment
CS23 – Green infrastructure, open space, sport and recreation

Neighbourhood Plan

COT E&C1 – Built Form
COT E&C3 – Biodiversity and nature conservation
COT H1 – Housing provision and distribution
COT H2 – Housing density and mix
COT H3 – Affordable housing
COT H5 – Design Criteria
COT H6 – Housing Development principles
COT H7 – Areas safeguarded from development
COT H8 – Guidance to potential housing development

5.0 Officer Evaluation

Neighbourhood Plan

- 5.1 Cottesmore Neighbourhood Plan was made in May 2016, before being modified in November of 2016.
- 5.2 The Neighbourhood Plan makes no allocations of land for housing, and in respect of development proposals indicates that development should be within the planned limits unless special circumstances are demonstrated.
- 5.3 The special circumstances surrounding this proposal are discussed in the next section of the report.

Principle of the use

- 5.4 The application site is located outside but immediately adjoining the planned limits of development of the village.
- 5.5 Policy CS4 of the Core Strategy and policy SP6 of the Site Allocations and Policies Development Plan Document restrict development outside the planned limits of the villages to those types of development suitable to a countryside location, with the proposed use not being of a class supported by those policies.
- 5.6 The principle of the development is therefore contrary to the policies set out in the development and neighbourhood plans. Further consideration however must be given to the matter of principle in relation to both material considerations relevant to the scheme, and the position of the Local Planning Authority in respect of the five-year housing supply.

The Tilted Balance

- 5.7 Up until the 31st December 2022 the LPA accepted that it was unable to demonstrate a five-year housing land supply, and that the tilted balance set out in paragraph 11(d) of the National Planning Policy Framework (2021). After the 31st December, the Local Planning Authority produced a 9-month update to the Five-Year Land Supply & Developable Housing Land Supply Report, which concluded

that it could demonstrate a 6-year housing land supply, and therefore the tilted balance was no longer engaged.

- 5.8 On the 17th March 2023 appeal decision APP/A2470/W/22/3301737 was received. This appeal decision noted at paragraphs 21-26 that the Inspector considered some of the housing provision set out in the 9-month update could not be relied upon, concluding as a result that the demonstration of a five-year housing land supply is brought into considerable doubt and therefore reverting back to the position that the LPA cannot demonstrate a five-year housing land supply.
- 5.9 The Planning Inspector then further considered the matter of policies CS4, CS9 and SP6, with these policies identified in the Statement of Common Ground at that appeal as being out of date. The Inspector noted that in the absence of any further evidence on the matter from the LPA regarding this position changing, the key policies remained out of date and did not serve to boost housing supply and therefore considered the tilted balance to be engaged in this respect as well.
- 5.10 The Five Year Housing Land Supply assessment is due to be undertaken in full during April to reflect changes in supply over the full year 1st April 2022 to 31st March 2023 (note the supply paper published at 31st December 2022 showed a 9 month update). Officers have always taken a cautious approach to determining housing supply and delivery and are therefore surprised at the Inspectors comments in the appeal decision. Nevertheless his comments regarding the inclusion of two sites which are allocated and have pending planning applications have been noted as have the comments regarding the application of assumptions for delivery timeframes in the update paper. These comments will be borne in mind when the new supply statement is prepared.
- 5.11 The new statement will be prepared using the latest housing need figure (which will use updated government data) and will include at least 2 additional large sites which have gained planning permission since the December update. Namely the appeal site referenced above located north of Braunston Road, Oakham for 100 homes and the site off Burley Road, Oakham for 213 homes. Whilst not all of the homes on these two sites will be delivered within the five-year period it is expected that at least 130 homes from these sites will be added to the supply. This equates to about one year supply. The new assessment of housing supply as at 31st March will also be based on the updated Local Housing Need (LHN) figure. It is expected that this will be less than the LHN used in the 31st December 2022 update.
- 5.12 Officers are confident that the new 5-year supply statement will conclude that the council does have a deliverable 5-year supply, however without the continuous and ongoing supply of sites provided by an adopted Local Plan it is important to continue to take positive approach to applications which are considered to be appropriate and deliverable to maintain an ongoing five-year supply
- 5.13 With regard to the other matter in respect of the tilted balance, the Local Planning Authority considers the following.
- 5.14 Policy CS9 is not a key policy for the determination of planning applications and therefore cannot be used to engage the tilted balance as set out in paragraph 11(d).
- 5.15 Policy SP6 seeks to restrict development in the wider countryside beyond the planned limits of development of the villages to that which is necessary to be so located. Paragraph 80 of the National Planning Policy Framework seeks to similarly restrict development in the countryside and therefore the LPA considers that policy SP6 is not out of date and does not trigger the tilted balance.
- 5.16 Policy CS4 categorises the settlements within the county based on their sustainability criteria. It anticipates levels of development within the settlements up

until 2026 and sets out an expected hierarchy within which development of certain types are likely to be acceptable based on an assessment of their sustainability and service provision. This approach is considered to be in accordance with that set out within paragraph 79 of the National Planning Policy Framework and despite the Inspector's findings in the aforementioned appeal decision there is no evidence to demonstrate that this approach is insufficient to ensure development of an appropriate number of houses to maintain the five-year housing land supply.

- 5.17 On the basis of the above assessment and acknowledging that the Planning Inspector's decision is a material consideration in respect of determining planning applications, the Local Planning Authority considers that the tilted balance is not engaged in respect of the age of the relevant planning policies or their compliance with the National Planning Policy Framework **as a whole**.

Maintaining Housing Supply

- 5.18 Notwithstanding the above conclusion in respect of the tilted balance, the Local Planning Authority has a duty to ensure it has a five-year supply of housing land for development.
- 5.19 In ensuring the security of that five-year housing land supply, the Local Planning Authority must be conscious of the need to approve a sufficient number of schemes in sustainable locations to ensure that in the period up to the adoption of a new local plan, the housing land supply figure does not again fall below five years.
- 5.20 In respect of the current scheme there are a number of factors to weigh in the balance therefore.
- 5.21 The National Planning Policy Framework advises that planning for larger-scale development is often the best way to achieve delivery of a significant number of new homes. In preparing a new Local Plan, the Local Planning Authority would consider the allocation of sites beyond the current planned limits of development of the towns and villages, likely incorporating those sites within re-drawn planned limits. The application proposes the construction of 93 dwellings, which is in excess of 60% of a year's dwelling supply.
- 5.22 The application site was previously submitted for consideration within the withdrawn local plan, and a detailed site assessment was undertaken at that stage in respect of its suitability for allocation as a housing site within that plan. This site previously scored positively on the assessment criteria used to assess the suitability of sites for allocation in the local plan review (now withdrawn). The site was allocated in the first draft plan but was not allocated in the submitted version of the plan, as it was not required to meet need in light of the St George's Garden village proposal. The current application extends beyond the boundaries of that previously considered application, however the only additional elements of the proposal incorporated within that extended boundary are parking provision for the existing school to help alleviate concerns, and the incorporation of the landscaped open space to the west of the site.
- 5.23 The application is made in full, and the consideration of it in respect to provision of dwellings for the five-year housing land supply is therefore that it will commence delivering completions on site earlier than would be the case if the scheme were in outline. This is a material factor in the consideration of the application.
- 5.24 In addition to the above considerations, following on from the point at which the LPA considered it was unable to demonstrate a 5 year housing land supply, it prepared interim guidance for proposals to indicate where and how development proposals should come forward in order to address that point and to boost housing supply. Whilst as noted above, the LPA does not consider that the document is

currently in effect due to a lack of housing land supply, it is worth noting that document lists a number of criteria for development proposals if they are to be considered acceptable. That document also encourages the submission of 'full' applications such as this rather than outline proposals with minimal detail provided.

- 5.25 The proposal complies with the requirements of policy COT H6 with regard to its compliance with Core Strategy policies as well as its proximity to the centre of the village, whilst the scheme is accompanied by a Road Safety Audit (stages 1 & 2) sufficient to satisfy the Local Highways Authority with regard to the impact on highway safety along Mill Lane with particular reference to traffic associated with the Primary School opposite the site.

Impact of the use on the character of the area (including design)

- 5.26 The application site lies on the northernmost edge of the settlement of Cottesmore, and the site itself is visible on the approach to the village from the road between Cottesmore and Market Overton, over the largely flat landscape in this location. Kendrew barracks is visible on the horizon, albeit at an angle across the fields not conducive to clear views for drivers of vehicles travelling along the road. The approach to Cottesmore from this direction is therefore of the dwellings accessed from Sheepdyke and directly from Mill Lane itself, with some more heavily screened views of the Primary School on the opposite side of the road.
- 5.27 These views therefore are not representative of the type of development visible within the historic core of the village, being of more modern properties in materials that do not reflect the local vernacular.
- 5.28 The proposal would be likely to have a significant impact on the character of the village in this regard, in two key areas.
- 5.29 The first of these is a detrimental impact, arising from the development of an area of greenfield land adjacent to the village and visible on the approach to the settlement from one of the three directions it can be accessed from. The application site extends approximately twice as far from the highway as the current rearmost part of Sheepdyke and therefore the visual impact would not be insubstantial.
- 5.30 The second area however relates to the mitigation and softening of the entrance to the village that would arise as a result of the public open space provision included as part of the scheme. This open space, indicated as containing sporadic tree planting as well as a community orchard, extends approximately 120m beyond the current western edge of the village, and as far back from the road as the housing development. As a consequence, the approach to the village from this direction will be improved, with the majority of views being of the public open space and the tree planting within it rather than of the side elevation of the development proposals. In this regard, the scheme is considered to satisfy the relevant policies of the development plan, as well as policies COT E&C1 and COT E&C2.
- 5.31 With regard to the impact of the development on the character of the settlement itself, the applicant has considered the responses made to the initial application by members of the public as well as the feedback provided by the Local Planning Authority and has completely revised the proposed dwelling types pack, as well as providing updated alternative proposals in relation to materials to be used within the development.
- 5.32 The revised dwelling types are now considerably more appropriate to the style of properties within the settlement, introducing a simpler design form, more sympathetic detailing and including the use of chimneys on a number of the dwellings types used within the proposals.

- 5.33 Materials within the scheme have been re-assessed, and although the use of natural limestone throughout the development has been declined by the applicant as being cost-prohibitive, it is now proposed to use reconstituted stone in the key parts of the development, specifically the properties facing the central green and those visible through and into the development from Lilac Way. The remaining materials proposed for use within the development would be red brick, a material that does see some use within the historic core of the settlement and as such is preferable to the materials used in some of the modern developments near the application site.
- 5.34 The applicant has also included the provision of a number of walls fronting public spaces within the development, these walls being introduced at the request of the Local Planning Authority to reflect a traditional feature common within the historic core of the settlement.
- 5.35 The proposals include a number of single-storey properties located around the southern boundary of the site, which will ensure that the development does not become unduly prominent when viewed from Mill Lane, Lilac Way and Debdale, where the existing dwellings adjoining the application site are also of a single-storey construction.
- 5.36 In terms of housing distribution, the proposal is for a density of development in the region of 20 dwellings per hectare once the open space is discounted from the site area, and 69% of the properties proposed are of 2 or 3 proposed bedrooms. In this regard the proposal is considered to comply with the requirements of policy COT H2 as being less than 30 dwellings per hectare and predominantly 2-3 bedroomed development.
- 5.37 Overall therefore, the proposal is considered to meet the requirements of the relevant policies of the development plan and the Cottesmore Neighbourhood Plan in terms of its impact on the character of its surroundings, and will result in a notable improvement in the character and appearance of the approach to the village from the north west along Mill Lane itself.

Impact on the neighbouring properties

- 5.38 The application site adjoins a number of existing properties that form the northern boundary of the settlement of Cottesmore, in particular 2-storey dwellings off Sheepdyke and Cresswell Drive, and single-storey dwelling on Lilac Way and Debdale.
- 5.39 As noted above in the section considering character impact of the proposals, the application has considered carefully the impact of the proposals along the northern boundary of the existing settlement. It responds to the existing pattern of development in kind, ensuring that bungalows adjoin bungalows where privacy would otherwise be an issue, and taking care to site two-storey dwellings in such a way as to minimise the impact of windows and utilising blank elevations where views would otherwise be possible into adjacent properties.
- 5.40 In addition, the proposed balancing pond has been located adjacent to the boundary of the southeast corner of the site near Cresswell Drive, which will ensure no impact on those properties from built form.
- 5.41 It is accepted that the scheme will result in an impact on the amenity and views from the properties adjoining the site to the south. It is a well-rehearsed point however that these properties have no 'right to a view' and whilst it is likely that the proposed development will be more intrusive than an agricultural field, the

proposed garden to garden relationships would not be expected to result in an unacceptable level of harm.

Heritage

- 5.42 As noted above, the application site is located adjacent to the Cottesmore Conservation Area in two places – where it adjoins Lilac Way, and alongside 41 Mill Lane at the entrance to the site.
- 5.43 There are also a number of listed buildings along Mill Lane, specifically 17-21 and 37-39 Mill Lane are both listed, as are a number of properties along the southern side of the road. None of these buildings are adjacent to the site, and all are separated from it by two-storey development.
- 5.44 The development is accompanied by a Heritage Impact Assessment, which has been considered by Officers.
- 5.45 Planning policy requires that where a development results in harm, an assessment must be made of the level of that harm, and if the harm is less than substantial, it is weighed against the public benefits of the proposal.
- 5.46 In this instance, the harm arises from the presence of additional built development within the setting of both listed buildings and the Conservation Area. Given the existing presence of similar types and scales of development within that setting and the detachment of the proposals from the listed buildings, the level of harm is considered to be less than substantial.
- 5.47 The application proposals incorporate a number of significant public benefits, including the provision of housing towards the LPA's five year housing land supply, the provision of affordable housing, and the provision of a substantial area of public open space including play equipment and a community orchard.
- 5.48 Officers consider these benefits are sufficient to outweigh the less than substantial harm arising from the impacts on the settings of the Cottesmore Conservation Area and the nearby listed buildings.
- 5.49 A programme of trial trenching has been undertaken at the request of the LPA's archaeological advisors and a findings report has been submitted. This report detailed no findings of note within the site, and final comments of the archaeological advisor are awaited but not anticipated to contain any comments that would prevent the granting of planning permission.

Biodiversity

- 5.50 The application is accompanied by an Ecological Assessment report, and a completed biodiversity metric demonstrating that the application proposals will result in an uplift in biodiversity levels within the application site as a result of the proposals.
- 5.51 These documents along with the Landscape and Ecological Management Plan have been examined by the LPA's Ecological advisors, who have indicated that the proposals are satisfactory, with Net Gain being achieved on the site and the programme of works linked directly to the assessment metric.
- 5.52 Maintenance of the works associated with the biodiversity net gain will be secured through an appropriately worded section within a S106 legal agreement in relation to the application, details of which are noted later in the report.
- 5.53 On this basis, whilst it is acknowledged that impacts on wildlife as a result of the proposal were a concern of residents of the village, the application demonstrates that it meets the requirements of planning policy and as a result there is no

justification for refusal of the scheme on these grounds, subject to appropriate conditions ensuring development proceeds as detailed in the relevant reports.

Highway issues

- 5.54 A number of highways issues have been identified in relation to the proposal throughout its life, by both the Local Planning and Highways Authorities and by residents of the village making representations on the application. It is reasonable to state that highways impact was one of the most mentioned reasons for objections to the scheme from residents.
- 5.55 The application site is proposed to be accessed from Mill Lane, almost directly opposite the existing Primary School, and it is for this reason that the Local Planning Authority and the Local Highways Authority expressed concerns initially with the scheme regarding its impact on highway safety, particularly during the time when the school's pupils were arriving and leaving.
- 5.56 The applicant undertook an additional amount of survey work as a result of these concerns, undertaking Stage 1 & 2 Road Safety Audits, which included on-site presence during the key school drop-off and pickup times.
- 5.57 After a number of amendments at the request of the Local Highways Authority, they have now confirmed that there are no highways grounds to refuse the application, subject to the inclusion of a number of conditions attached to any permission (detailed in the recommendation section of this report above).

Levels

- 5.58 The applicant has provided a plan showing the proposed finished floor levels of the development, which details the floor levels of the dwellings in relation to the existing topography of the adjacent land. Officers have considered these proposals and have no concerns that the proposed development would be raised unduly above the existing ground levels within the site, and would therefore not have a dominating effect on the neighbouring properties by virtue of their construction heights.

Noise & Dust

- 5.59 Members will no doubt be aware that effects of construction projects are temporary in nature and persist only for the period it takes for the development to be completed. They are not therefore in and of themselves justification for refusal of the scheme. It is however appropriate for larger scale sites to seek to ensure that the construction minimises its impact on the adjacent landowners and residents, and to this effect it is recommended above that a condition is imposed requiring provision of a construction management plan to cover a number of key aspects of the development of this site, including but not limited to limitation of deliveries to the site during school drop off and pickup periods, wheel washing, and dust suppression.

Section 106 Heads of Terms

- 5.60 A s106 agreement had been instructed and is currently being prepared in conjunction with the applicant's representatives.
- 5.61 The agreement will cover a number of areas, including the provision of affordable housing, the management and maintenance of the public open space and its associated play equipment and a contribution towards off site provision,

contribution towards provision of travel plan mitigation measures, the maintenance of the biodiversity net gain proposals.

Crime and Disorder

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

Human Rights Implications

- 5.63 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.
- 5.64 It is considered that no relevant Article of that act will be breached.

6.0 Consultations

LCC Ecology

- 6.1 The Ecological Assessment Report is satisfactory. An updated badger survey should be undertaken within 3-6 months of commencement of the works. A construction Ecological Management Plan should be provided, including measures for protection or removal of setts if required.
- 6.2 Landscape & Biodiversity Management Plan and an Artificial Lighting Strategy should be secured by conditions.
- 6.3 A minimum of 35 integrated bat bricks/boxes should be incorporated within the site.

Cottesmore Parish Council

- 6.4 Previously included within the 2017 Consultation Draft of the Rutland Local Plan, and generated significant local opposition.
- 6.5 Site wasn't included within the 2020 version of the plan, and reasons cited are still relevant – outside PLD, contrary to Neighbourhood Plan, no overwhelming reason for loss of countryside, access not acceptable to highways and development not required.
- 6.6 Current application is larger than that proposal. Parish considers the application fails the tests of good sustainable development.
- 6.7 Parish Council considers the 5-year housing land supply arguments to be unconvincing. The scheme is considered to be premature pending the outcome of the 2022 Call for Sites and the emerging Local Plan.
- 6.8 Accept the need for some development over the next plan period, but do not consider a single large development to be the best option. Site will increase the village population by about 25-30%.
- 6.9 Plans are in place to significantly increase the number of regiments at Kendrew Barracks in the next few years. Strain on services would be significant even without the proposals.
- 6.10 Impact on highway and pedestrian safety around the school is unacceptable.
- 6.11 View through to countryside from Lilac Way would be lost if development permitted.
- 6.12 Parish Council does not consider the scheme results in wider benefits to the Parish.
- 6.13 Should permission be granted, seek reassurances that no more than 93 units would be accepted on the site, and that affordable provision would be secured and enforced.
- 6.14 Concerned over wildlife loss. Layout doesn't have the 'wow' factor. Likely to be dependent on car use.

Planning Policy

- 6.15 Online comments in relation to the 5-year housing land supply are superseded by the section in the report above.
- 6.16 Planning Policy considers the site to be in a sustainable location and meets the NPPF's core approach to sustainable development. The site is adjacent to the planned limits of development and as such the principle is likely to be acceptable.
- 6.17 The SHELAA site assessment deemed the site suitable for inclusion in the 2017 Consultation draft Local Plan. Neighbourhood Plan Policies should be considered.

NHS Leicester, Leicestershire and Rutland

- 6.18 CIL contributions would be crucial for health infrastructure to support the increase in population as a result of the development.

Housing Strategy

- 6.19 Overall mix of affordable housing is acceptable. A suitable S106 agreement would need to be in place to ensure local needs are met.

Anglian Water

- 6.20 No objections identified

PROW Officer

- 6.21 No objection

6.22 LCC Archaeology

Field evaluation required.

Public Protection

- 6.23 No objections. Support the inclusion of a condition in line with the contaminated land report.

Designing out Crime Officer

- 6.24 Permeability not an issue, and emergency services access is effective.
- 6.25 Vehicle parking offers good natural observation. Gable end windows would increase natural observation. CCTV and number plate recognition at site entrance should be considered. Secure storage should be considered and foliage trimming recommended.

Highways

- 6.26 No objections subject to conditions

7.0 Neighbour Representations

- 7.1 71 Neighbour responses were received in relation to the proposal, 4 in support and 67 against.

Comments Against

Infrastructure Impacts.

- 7.2 These include impacts on health and education provision and capacity.
- 7.3 As members will be aware, Rutland County Council is a CIL charging authority, and the Community Infrastructure Levy is designed to ensure that development

makes an appropriate level of contributions towards set infrastructure requirements, with both education and healthcare provision falling within the remit of CIL funding. As such, there is no justification for refusing the development on these grounds.

Traffic Impacts

- 7.4 Highway implications are addressed specifically above.

Amenity Impact

- 7.5 The amenity impacts of the development in this regard (impact on amenity of residential properties) is considered earlier in the report.

Wildlife and Biodiversity Impacts

- 7.6 The biodiversity impacts of the development are considered above.

Character and Design

- 7.7 Character and Design is considered separately in the report above

Loss of Agricultural Land

- 7.8 The application site lies wholly within an area identified as grade 3 agricultural land. Grade 3 agricultural land is split into grades 3a and 3b, with grade 3a qualifying as 'best and most versatile' and grade 3b falling outside that definition. As the land in question is grade 3a at best, and therefore in the lowest category of 'best and most versatile' and Cottesmore as a village is surrounded entirely by land falling within this category, any expansion of the village would therefore have to fall on land of this grade. It is therefore not a consideration as to whether development of an alternative site would result in the loss of lower grade land, and on that basis officers do not consider the loss of grade 3 land in this instance to outweigh the benefits of development of the site as identified within the section of the report considering the principle of development.

Drainage

- 7.9 The Lead Local Flood Authority has identified no objection to the proposals if built in accordance with the plans. It is noted that in this regard, the plan in question has been revised following discussions with the LLFA following an initial objection to the scheme.

Contrary to plans.

- 7.10 See the earlier section regarding principle of the development for consideration of this matter.

Comments in favour

- 7.11 The development will go some way towards providing housing for younger people within Rutland. The site provides for a number of affordable homes.

- 7.12 The green space proposals accompanying the application would be beneficial to the village.

- 7.13 The parking proposal will benefit the school.

8.0 Conclusion

- 8.1 The matters relevant to the determination of the application have been explored in considerable detail above, with each section providing a conclusion in terms of its overall impact on the determination of the application.
- 8.2 In conclusion to the consideration of the scheme therefore, it is acknowledged that the proposal lies beyond the planned limits of development of the village of Cottesmore in a location that would not normally be supported and is contrary to planning policy.
- 8.3 The particular circumstances prevailing at the time of this report however make it clear that there are special circumstances affecting the consideration of the application and which are considered to override the normal approach to development beyond the planned limits.
- 8.4 The application is located in a sustainable location and is well related to a local service centre as identified within the development plan. It would bring with it substantial benefits to the wider community through the provision of affordable housing and a number of community assets that could be used by not only the residents of the proposal but also the wider community of Cottesmore.
- 8.5 The Highways Authority has confirmed that they have no objection to the scheme, and its proposed access in relation to the Primary School.
- 8.6 On that basis, there are considered to be no material considerations that justify the refusal of the application subject to the conditions set out above and the completion of a satisfactory S106 agreement to secure the community benefits of the scheme.