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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/1268/FUL	ITEM 2	
Proposal:	Proposed residential development of 11 dwellings		
Address:	River Gwash Trout Farm, Belmesthorpe Lane, Ryhall		
Applicant:	Simon Boon Homes Limited	Parish	Ryhall
Agent:	Mr Peter Wilmot	Ward	Ryhall and Casterton
Reason for presenting to Committee:	Departure from Development Plan		
Date of Committee:	18 April 2023		
Determination Date:	24 January 2022		
Agreed Extension of Time Date:	28 April 2023		

EXECUTIVE SUMMARY

The proposal comprises the re-development of the site to accommodate 11 dwellings. The site is adjacent to the Planned Limits of Development for Ryhall and accommodates trout lakes. Following a re-evaluation of the business, the lakes are no longer needed and the site requires an alternative use. The principle of development is acceptable in land use terms and revised plans have been submitted to ensure the proposal is acceptable on the grounds of visual amenity, residential amenity, highway safety, ecology and drainage. Affordable housing would be provided on the site. Approval is recommended subject to suitably worded conditions and a s.106 legal agreement.

RECOMMENDATION

<p>APPROVAL subject to a s.106 legal agreement and the following conditions:</p> <ol style="list-style-type: none"> The development shall be begun before the expiration of three years from the date of this permission. <p>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.</p> <ol style="list-style-type: none"> The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: <ul style="list-style-type: none"> 01B Location Plan 02B Block Plan 03B Block Plan 04C Block Plan 05C Block Plan 06B Plot 1 Elevations and Floor Plans 07A Plots 2 and 3 Floor Plans 08B Plots 2 and 3 Elevations 09A Plot 4 Floor Plans 10B Plot 4 Elevations 11B Plot 5 Floor Plans 12A Plot 5 Elevations

13B Plot 6 Floor Plans
14B Plot 6 Elevations
15B Plot 7 Floor Plans
16A Plot 7 Floor Plans
17 Plot 7 Elevations
18B Plot 8 Floor Plans
19B Plot 8 Elevations
20B Plot 9 Floor Plans
21A Plot 9 Elevations
22B Plot 10 Floor Plans
23B Plot 10 Floor Plans
24A Plot 10 Elevations
25B Plot 11 Floor Plans
26B Plot 11 Elevations
27B Affordable Housing Location Site Plan
28B Plots 8, 9 and 11 Garage Plans
DWE/2794/01 Surface Water Drainage Strategy

Reason: For the avoidance of doubt.

3. Prior to the commencement of any above ground development, the following details to be used in the construction of the dwellings hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details prior to the first occupation of the relevant dwelling.

- Sample/details of all external walling materials
- Sample/details of all external roofing materials
- Details of coursing of the walling materials
- Details of all doors and windows, dormer windows and rooflights
- Details of window reveals
- Details of garage doors
- Details of rainwater goods
- Details of cills, lintols and door hoods

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

4. Notwithstanding the details submitted and prior to the commencement of any above ground development, details of all boundary treatments, to include boundary treatment to separate the buffer zone from private gardens, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved details prior to the occupation of each relevant dwelling and will thereafter be so maintained.

Reason: In the interests of residential and visual amenity and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft

landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837: 2012 Trees in Relation to Construction.

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. 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 and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order with or without modification), all bathroom, en-suite and w.c. windows shall be glazed in obscure glass to a level equivalent to Pilkington Level 3 or above before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To protect the privacy and amenities of the occupiers of adjoining property and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

8. Prior to the first occupation of the development hereby approved, details (including location and timeframe for installation) of bat and bird boxes, external lighting and hedgehog homes and fences to be installed on the dwellings or in the grounds in suitable positions, shall be submitted to and agreed in writing by the local planning authority. The agreed boxes, fences and homes shall be installed in accordance with the approved details prior to first occupation of the relevant dwelling hereby approved and thereafter retained.

Reason: Reason: In the interests of the protection of wildlife and their habitat and to comply with Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.

9. 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 the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

10. Off-site highway works shall be completed in accordance with the details shown on the approved plans prior to first occupation of any dwelling hereby approved.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

11. 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 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 in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

12. 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 and thereafter fully implemented.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

13. All private vehicular and pedestrian accesses shall 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 in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

14. The proposed principal junction with the existing public highway shall be constructed up to and including at least road base level 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 in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

15. No dwelling shall be occupied until the access road linking that dwelling to the public highway has been completed to a minimum of base course level and footways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the access road 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 access road shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

16. Prior to occupation of any individual dwelling the associated vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plans and kept free of any obstructions over 600mm in height above ground level.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

17. Vehicle to vehicle visibility splays as shown on the approved plans shall be provided at the new junction on to Belmesthorpe Lane prior to first use of the road and thereafter maintained and retained free from any obstructions over 600mm in height above ground height.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

18. The developer shall contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out a joint inspection of the condition of the public highway 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 shall take place on completion of the development.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

19. 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 park, 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 Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Informatives

Street Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-nameand-numbering/> Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, a joint inspection of the existing public highway, extent to be agreed once a haul route is agreed to within the CMP, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk.

Off-site Highway Works – Section 278 Highways Act 1980

The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email highways@rutland.gov.uk for further details.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway – Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Site & Surroundings

1. The site is located on the western side of Belmesthorpe Lane to the south and east of the main parts of the village of Ryhall. The site is narrower to the east where the vehicular access joins the highway before widening out to run adjacent to the River Gwash.
2. The site forms part of the larger River Gwash Trout Farm and accommodates a portal framed agricultural building of 140 square metres and 13 rectangular fish ponds.
3. There is housing abutting the north-eastern boundary of the site, the highway runs along the eastern boundary with the cemetery and sewage works beyond, sporadic housing to the south and the River Gwash to the west.

Proposal

4. The proposal comprises the erection of 11 dwellings. Plot 1 would front towards Belmesthorpe Lane with the vehicular access to the south. Plot 2 would face towards the access road with Plots 2-11 fanned around the turning area at the end of the access road.
5. A mix of housing is proposed and comprises single and two-storey dwellings with 2 x 2 bed, 2 x 3 bed, 5 x 4 bed and 2 x 5 bed properties. Plots 1 to 3 would be affordable houses (2 x 2 bed, 1 x 3 bed).
6. Revised plans have been submitted to address highway and ecology concerns and now include an ecological buffer between the rear garden boundaries and the River Gwash.

Relevant Planning History

There is a detailed history on the site, none relevant to this proposal.

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

Core Strategy DPD (2011)

CS01 Sustainable Development Principles
CS02 The Spatial Strategy
CS03 The Settlement Hierarchy
CS04 The Location of Development
CS08 Developer Contributions
CS10 Housing Density & Mix
CS11 Affordable Housing
CS19 Promoting Good Design
CS21 The Natural 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 Biodiversity and Geodiversity Conservation

Supplementary Planning Documents

Design Guidelines for Rutland
Planning Obligations

Officer Evaluation

Principle of Development

7. The application site is located outside but immediately adjoining the planned limits of development of the village. 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.
8. The principle of the development is therefore contrary to the policies set out in the development plan. 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.
9. Up until the 31st December 2022 the Local Planning Authority 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) was activated. 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.

10. 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 was brought into considerable doubt and therefore reverting back to the position that the Local Planning Authority cannot demonstrate a five-year housing land supply.
11. 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 Local Planning Authority 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.
12. 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.
13. 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. These are 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.
14. 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 a positive approach to applications which are considered to be appropriate and deliverable to maintain an ongoing five year supply.
15. With regard to the other matter in respect of the tilted balance, the Local Planning Authority considers the following. 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). 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 Local Planning Authority considers that policy SP6 is not out of date and does not trigger the tilted balance.

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.
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.
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. 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.
19. In respect of the current scheme there are several factors to weigh in the balance. 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.
20. 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 (H1.15). In that assessment the site scored highly in terms of abutting the boundary of a Local Service Centre, being in close proximity to local services and facilities and being developable within a short time frame. No barriers to development were identified in this assessment. That assessment concluded that the site was suitable enough for inclusion within the that Local Plan as a proposed allocation.
21. 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 within year 3 rather than year

4 which would be the case if the scheme were in outline. This is a material factor in the consideration of the application.

22. As such, there is some conflict with policies with the site being beyond the settlement boundary as defined in the current Local Plan but is well related to the boundary. The site is not classed as previously developed under the definition in the NPPF; however, it has been operating as a trout farm for several years, accommodates an established vehicular access, large farm building and has a managed appearance with the formality of the rectangular bodies of water.
23. A convincing case has been provided in support of the application to demonstrate use of the site cannot viably continue as a trout farm. The owners are reorganising their business for financial, business and operational reasons and state that whilst the site has operated for 25 years, nationally the sector is in decline, the site is supplied by water from the River Gwash which suffers from seasonal parasite problems that have worsened over the last decade to the extent that production during the warmer months is not now viable and that the operation would continue at their other site.
24. The principle of development is therefore a finely balanced consideration. 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 that document before it was withdrawn in light of the St George's Garden village proposal.
25. The Council acknowledges the recent lack of 5-year housing land supply and the need to continue to ensure it has a 5-year supply until the matter is addressed in the long-term through the new local plan. Consequently, it is considered in this instance, given the previous support for the site in the local plan process, the site is classed as a preferential location for development in a sustainable location that will help to secure the 5-year housing supply in the longer term.
26. In this regard, it is also a relevant consideration that the proposal complies with the Adopted Interim Position Statement for Housing Development in that the application is submitted with full details of the proposed development and not in outline with a number of matters reserved, that the site is deliverable within a short timeframe, the site is sustainably located, of a scale and density appropriate to the settlement and the scale of the development will make a notable contribution towards housing supply over the five-year period.
27. On this basis, the proposal is supported in terms of the principle of development.

Housing Density

28. The site area comprises 0.494 hectares and 11 dwellings are proposed; this equates to a density of development of 22.67 dwellings per hectare. Whilst this is below the sought 30 dwellings per hectare each case must be considered on its merits. The site is irregularly shaped with a narrow entrance and a buffer is required adjacent to the River Gwash. Taking these factors into account, it is considered in this instance a lower density of development

would be acceptable. Furthermore, as the site occupies an edge of settlement location, the transition between countryside and settlement can be more satisfactorily achieved visually through a less intensive form of development.

Housing Mix

29. The housing mix is considered acceptable in providing 2, 3, 4 and 5-bedroom properties, a single storey dwelling and three affordable houses (2 x 2 bed, 1 x 3 bed).

Visual Impact

30. The proposed layout has been subject to revisions in order to address concerns raised by Officers; the resultant scheme is considered appropriate to the site and surroundings. Plot 1 would provide a frontage onto Belmesthorpe Lane to be in keeping with the more recent residential development immediately to the north of the site.
31. Within the site, plots 2 and 3 would provide an active frontage adjacent to the internal access road with the remaining plots fanning around and fronting onto the highway. The dwelling types address the shape of the site with Plots 7 and 10 being L-shaped to reflect the corner nature of those plots. Garages occupy relatively prominent locations; however, these now have steeper pitches to respond better to the proposed dwellings.
32. The proposed dwellings would generally be set off the site boundaries which would reduce their visual impact from outside of the site. Appropriate boundary treatment, to assimilate the development into the bordering countryside, can be subject of a condition. A buffer zone is provided adjacent to the river; this area is beyond the domestic gardens.
33. The proposed housetypes are considered to be acceptable for the site and surroundings.
34. Overall, no objection is raised on visual grounds and the proposal complies with Policy CS19 and SP15.

Residential Amenity

35. The proposals have been carefully designed to ensure there would be no undue harm to occupiers of existing neighbouring dwellings. The north-eastern corner of the site borders the recent housing development; however, the separation distances and orientation of properties would ensure there would be a satisfactory relationship. No other existing dwelling would be unduly affected.
36. The proposals would result in a satisfactory level of amenity for future occupants. There would be no undue overlooking between properties, sufficient separation distances would be achieved, and adequate private rear gardens would be provided.
37. Overall, the proposal is acceptable on the grounds of residential amenity and the proposal would comply with Policy SP15.

Highway Safety

38. The proposals have been amended in order to address the initial concerns of the Highway Authority who now raise no objection subject to conditions and informatives.
39. The proposal would use the existing access into the site and providing parking and turning for each dwelling.
40. Overall, the proposals are deemed acceptable in terms of traffic generation and impact on the local highway network, highway safety and parking provision, in accordance with Policy SP15.

Ecology

41. A preliminary ecological appraisal was submitted with the application and concluded the trees on site had negligible potential to support roosting bats, the site and surrounds offer suitable foraging and commuting habitat for bat species, the building had negligible potential to support roosting bats and there was no evidence of bats. The report concluded no further bat surveys were required, there was no evidence of barn owls in the building and no further owl surveys were required, a wide range of birds were in the locality but that no further surveys were needed, no badgers or setts were found, the ponds were not suitable for great crested newts and no further surveys for reptiles or voles were needed. The report concluded the site is of moderate ecological potential and would benefit from the opportunity to enhancement through the development.
42. The County Ecologist now raises no objection but seeks a barrier to separate the rear gardens with the river buffer zone; this can be achieved through a condition. A landscaping scheme can also be imposed to secure native species and an ecological gain.
43. Overall, the proposal is acceptable on ecological grounds and complies with Policies CS21 and SP19.

Crime and Disorder

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

Human Rights Implications

45. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

46. Parish Council

We welcome the proposed openness of the site as referred to in the Planning, Design and Access Statement, as there has been some concern over the over-development of a green space between the villages of Ryhall and Belmesthorpe. We also welcome the intention that a conservation and ecological area is to be set aside from the remaining ponds still in existence. We ask that the conservation (wilding) area (mentioned above), be attached to the 15 metre wildlife corridor that is proposed to run between the proposed development and the River Gwash. It is noted that a number of trees are being considered for removal for the development to be undertaken; can we have an assurance that a significant number of trees are replanted on the site after development to more than compensate for the loss that will be incurred. In respect of the development we note that there are two, two bedroomed properties proposed for the front of the development; are these to be sold/marketed as affordable housing (this being a point raised at the original local plan application 29/09/2020). With the on-going drive for a more eco -friendly world can we have some form of encouragement that the properties would include items such as electric charging points/ solar panels and consideration given for the use /implementation of ground source heating. With an awareness of the site can an assurance also be given that the existing agricultural building be reused in its entirety and that the site as a whole will be left with at least 10% more biodiversity than prior to the work commencing. With the points noted above we submit a no objection. Please note any comments from neighbours.

47. Highway Authority

The revised plans address the earlier concerns and now raise no objection subject to conditions and informatives.

48. LLFA

No objection now that the outfall into the river has been removed. Assume a sustainable draiange system will be provided.

49. Conservation Officer

No objection.

50. LCC Ecology

No objection, seek a form of boundary treatment to prevent the buffer becoming subsumed into the private gardens.

51. Public Protection

No objection following assessment of the Phase 1 contamination report, seek a condition regarding unexpected contamination.

52. Environment Agency

No objection subject to a condition regarding unexpected contamination.

Neighbour Representations

53. No comments received.

Other Matters

54. The comments of the Parish Council are noted. Conditions can be imposed regarding landscaping, ecology and renewable energy.

Legal Agreement

55. The application will be subject to a s.106 legal agreement to secure the provision and occupation of the affordable units.

Conclusion

56. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the visual amenities of the site and surroundings, would be acceptable in terms of residential amenity, ecology and highway safety. The proposal is in accordance with Sections 2, 5, 11 and 12 of the NPPF, Policies CS01, CS04, CS08, CS10, CS11, CS19 and CS21 of the Core Strategy, Policies SP1, SP5, SP9, SP15 and SP20 of the Site Allocations and Policies DPD.