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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0861/FUL	ITEM 1	
Proposal:	Erection of no. 8 dwellings on land to the south-east of Main Street, Cottesmore		
Address:	Land off Main Street, Cottesmore		
Applicant	Mr Mel Evans	Parish	Cottesmore
Agent:		Ward	Cottesmore
Reason for presenting to Committee:	Called in by Cllr Harvey		
Date of Committee:	8 August 2023		
Determination Date:	23.09.22		
Agreed Extension of Time Date:	21.07.23		

EXECUTIVE SUMMARY

The proposal is considered acceptable in principle, would be visually acceptable and have no undue impact on the residential amenities of occupiers of neighbouring properties. The development would provide a high standard of amenity for future occupants, would be acceptable in terms of highway safety and ecology. The recommendation to approve is on balance and is considered in accordance with local and national planning policies and guidance.

RECOMMENDATION

APPROVAL, subject to a S106 Agreement to secure the satisfactory provision of affordable housing/lump sum in lieu of on-site affordable housing provision and the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
 - 1073/009 C Location Plan
 - 1073 001 D Site Plan
 - 1073 002 C Proposed Floor Plans Dwelling A
 - 1073 003 C Proposed Elevations Dwelling A
 - 1073 004 C Proposed Floor Plans Dwelling B
 - 1073 005 C Proposed Elevations Dwelling B
 - 1073 006 C Proposed Floor Plans Dwelling C
 - 1073 007 C Proposed Elevations Dwelling C

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.

3. Prior to the commencement of any above ground development, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved plans.

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. Prior to the commencement of any above ground development, details of all boundary treatment including maintenance, repair and management of any retained boundaries 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 first occupation of the dwelling to which it relates.

Reason: To ensure that detailing, materials and finishes are of an acceptable quality and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. Prior to the commencement of any above ground development 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, details of construction techniques within root protection areas, 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 shall be submitted to and approved in writing by the Local Planning Authority.

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

7. No development (including vegetation clearance) shall take place until an ecological mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. This should expand upon the Recommendations section within the Preliminary Ecological Appraisal (Craig Emms and Linda Barnett/ M. G. Evans, May 2022) and Section 3.3 (Proposed – Site Habitat Creation and Enhancement) of the Biodiversity Net Gain Assessment (Allied Ecology, December 2022). Any mitigation, compensation or enhancement measures need to be clearly shown on all relevant submitted plans/elevations (such as integrated bird and bat boxes). All works are to proceed strictly in accordance with the approved scheme prior to the first occupation of the dwelling to which this relates.

Reason: To safeguard protected species within the site and in accordance with Policy SP19 of the Site Allocations and Policies DPD.

8. No development shall take place within the buffer zone and a post and rail fence shall be erected prior to the first occupation of any dwelling adjacent to the buffer zone and shall thereafter be so retained.

Reason: In the interests of ecology and in accordance with Policy SP19 of the Site Allocations and Policies DPD.

9. No development shall take place until the potential risk of land contamination been assessed with respect to the proposed development using the conceptual model. This is to be submitted to and approved in writing by the local planning authority. If a potential risk exists a site investigation determining the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that any contamination is adequately dealt with.

10. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no

demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording and in accordance with policy CS22 of the Core Strategy and policy SP20 of the Site Allocations and Policies DPD.

11. The development shall be carried out in accordance with the following drawings found in the appendix of the Transport and Highways Technical Note:

B-22-0019-002 A Site Access Visibility splays

B-22-0019-001 A Existing and Proposed Site Access

Reason: In the interests of highway safety and in accordance with SP15 of the Site Allocations and Policies DPD.

12. Before first occupation of any dwelling hereby approved, details of the pedestrian infrastructure improvements shall be submitted to and approved in writing by the Local Highway Authority. This shall be in the form of a dropped kerb (with tactile paving) and supporting footway to tie in with existing provision to the north of Main Street. The footway improvements shall be undertaken before the development is first occupied and shall be delivered as part of the Section 278 Agreement with Rutland County Council for the formation of the site access.

Reason: In the interests of highway safety and in accordance with SP15 of the Site Allocations and Policies DPD.

13. No dwelling shall be occupied until the vehicle access linking that dwelling to the public highway has been completed to a minimum of base course level and footways/cycleways shall be completed to surface course level. In the event the dwelling is occupied with the roads at base course level then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with SP15 of the Site Allocations and Policies DPD.

14. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:-
- a) A scheme for the 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 tarmacadam, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.

d) Haul routes to the site and hours of delivery.

e) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.

f) Details of site compounds, storage area and contractor and visitor parking.

g) Details of the site enclosure or part thereof and gated site security.

h) A scheme for dealing with complaints.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and in accordance with SP15 of the Site Allocations and Policies DPD.

15. Before any above ground development takes place, details of the drainage to serve the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby approved.

Reason: To ensure adequate drainage is provided for the site.

16. Before any above ground development takes place, details of the energy efficiency measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby approved.

Reason: To ensure energy efficiency measures are incorporated into the development.

Informatives

Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore any vegetation clearance should take place outside the breeding season (March - August inclusive) unless carefully checked beforehand by a suitably qualified person.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Off-site Highway Works Section 278 Highways Act 1980

The development involves 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 contact highways@rutland.gov.uk

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.

Public Right of Way

- (a) There shall be no diminution in the width of the right of way available for use by members of the public
- (b) No building materials shall be stored on the right of way
- (c) No damage or substantial alteration, either temporary or permanent, shall be caused to the surface of the right of way
- (d) Vehicle movements shall be arranged so as not to interfere with the public's use of the way
- (e) No additional barriers (e.g. gates) shall be placed across the right of way, of either a temporary or permanent nature

(f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures shall be placed across the right of way or allowed to interfere with the right of way

(g) The safety of members of the public shall be ensured at all times.

Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal:
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Site & Surroundings

1. The site comprises an approximately rectangular parcel of land to the south of Main Street. There is an existing access which serves neighbouring properties and leads to the application field. To the north and west the site is bordered by existing residential properties; to the east the site is bordered by a community building with the football ground to the south.

Proposal

2. The proposal comprises the erection of eight dwellings (3 bungalows and five two-storey dwellings) on a site measuring 1.26 hectares and adjoining the Planned Limits to Development of Cottesmore. Access would be taken from an existing access onto Main Street. Within the site the dwellings would be accessed of the single internal road in a cul-de-sac arrangement.

Relevant Planning History

3. 2014/0885/OUT for the erection of 20 residential dwellings with all matters reserved was refused on the following grounds:
The proposal is located beyond the planned limits of development in an area defined within the development plan as Countryside. Policy CS4 of the Rutland Core Strategy (July 2011) and policy SP6 of the Site Allocations and Policies Development Plan Document (October 2014) address this type of development. The proposal for 20 market dwellings does not qualify as one of the types of

development that these policies identify are acceptable in countryside locations, and the proposal is therefore contrary to those policies.

4. The proposal makes no provision for developer contributions in line with policy CS8 of the Rutland Core Strategy (July 2011) and is therefore contrary to that policy, and the Supplementary Planning Documents on Planning Obligations and Developer Contributions (July 2010) and Developer Contributions to Off-site Affordable Housing (June 2012).
5. The Habitat Survey accompanying the application does not contain a habitat suitability index survey, nor a great crested newt survey in relation to the pond identified in the habitat survey. Without such a survey, the proposal is contrary to policy CS21 of the Rutland Core Strategy (July 2011) and SP19 of the Site Allocations and Policies Development Plan Document (October 2014).
6. No flood risk assessment has been provided with the application, and no indication is provided within the application documentation as to how surface water drainage is to be addressed on the site. Without this information, the proposal is contrary to the provisions of Policy CS19 of the Rutland Core Strategy (July 2011), which requires the proposal to minimise the risk of flooding to and from the development.
7. 2022/0248/OUT for the construction of five detached dwellings was withdrawn.

Planning Guidance and Policy

National Planning Policy Framework 9NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting Sustainable Transport

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

SP15 - Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy
CS03 - The Settlement Hierarchy
CS04 - The Location of Development
CS19 - Promoting Good Design
CS21 - The Natural Environment
CS22 - The Historic and Cultural Environment

Neighbourhood Plan

COT E&C1 – Built Form
COT E&C3 – Biodiversity and Nature Conservation
COT EN1 – Energy Efficiency of New Developments
COT H1 – Housing Provision and Distribution
COT H2 – Housing Density and Mix
COT H4 – Conservation Area and Listed Buildings
COT H5 – Design Criteria
COT H6 – Housing Development Principles
COT H8 – Guidance of Potential Housing Development

Supplementary Planning Documents

Design Guidelines for Rutland

Officer Evaluation

Principle of Development

8. The application site is located outside but immediately adjoining the planned limits of development of the village. Policy CS4 of the Core Strategy, policy SP6 of the Site Allocations and Policies DPD and policy H1 of the Neighbourhood Plan restrict development outside of 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.
9. 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.
10. 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.

11. 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 could not demonstrate a five-year housing land supply.
12. 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.
13. Officers have always taken a cautious approach to determining housing supply and delivery and were 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.
14. These comments were borne in mind when the new supply statement was prepared. In May 2023 the Council published the Five Year Land Supply and Developable Housing Land Supply Report. This calculated the Council could demonstrate a 7.4 year amount of supply.
15. The new statement was prepared using the latest housing need figure (which used updated government data) and included 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 was also based on the updated Local Housing Need (LHN) figure.
16. Therefore, the council has 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. The site was allocated in the now withdrawn replacement Local Plan as H1.7, Land off Main Street, Cottesmore with an indicative eight dwellings.
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 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. On this basis, the proposal is supported in terms of the principle of development.

Housing Density

29. The site area comprises 1.26 hectares and 8 dwellings are proposed; this equates to a density of development of 6.34 dwellings per hectare. Whilst this is significantly below the sought 30 dwellings per hectare each case must be considered on its merits. In assessing the site as part of the preparation of the now withdrawn local plan the capacity of the site was reduced to meet highway requirements and to limit the number of dwellings being served off the access point; this therefore reduces the capacity of the site, resulting in a low density development. It is considered in this case the density proposed is appropriate for the context of the site and the limitations of the access.

Housing Mix

30. The proposal comprises three housetypes as follows:
 - Type A (3 bed bungalow) 3 units
 - Type B (2-storey 4 bed dwelling) 3 units
 - Type C (2-storey 6 bed dwelling) 2 units
31. It is noted that Policy COT H2 states future development should predominantly be a mix of three-bedroomed and 1/2 bedroomed starter homes and that developments of larger dwellings (over 3 bedrooms) should only be considered if applicants could show exceptional circumstances.
32. The proposals comprise 3 x 3-bedroom bungalows, 3 x 4 bedroom and 2 x 6 bedroom two-storey dwellings. Although this does not comply with the sought housing mix in the Neighbourhood Plan it includes a significant proportion of the sought three-bedroom dwellings, provides bungalows and the site constraints reduce the capacity of the site considerably. On balance, no objection is raised to the housing mix.

Affordable Housing

33. Policy COT H3 of the Neighbourhood Plan requires the provision of affordable housing and states that where affordable housing is not provided on site, an equivalent commuted sum payment should be made towards the provision of affordable housing as a first priority elsewhere within the Cottesmore parish. The Agent has confirmed such a payment is anticipated and is acceptable in principle and noted the Council has accepted an off-site contribution in line with the local commuted sum rates on another recent application in the County and seeks a similar approach to this application.
34. Discussions are on-going on this aspect of the application and an update report will be provided at committee.

Visual Impact including Heritage Assets

35. The Local Planning Authority is required to ensure that special regard is given to preserving listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
36. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
37. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets and advises that development and alterations to designated assets and their settings can cause harm.
38. Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014) both seek to protect historic assets and their settings and their character and special features. Policy CS19 and SP15 refer to visual amenity. Policies COT E&C1, COT H4 and COT H5 refer to design and conservation.
39. In terms of heritage assets, the site borders the conservation area on the northern and western boundaries and the access serving the site is within the designation. The proposal would change the character of the site from a paddock to a small housing development; however, it would be a low density development with only eight dwellings set in spacious grounds and all set off the boundaries to the north and west.
40. The site is not clearly visible from the designation with housing, landscaping and the separation distances preventing views from Main Street. The paddock plays a role in the setting of the conservation area, providing a rural, undeveloped backdrop. However, the siting and spaces between the proposed dwellings would ensure the character of the site remained partially open and landscaped and the site would border built development to the east and west.

41. In terms of listed buildings, several listed buildings front onto Main Street, adjacent to the site. The Limes (grade II) and 17 Main Street (grade II) are offset to the east of the access road. Given the separation distance and the nature of the proposals, the setting of these buildings would not be affected. The Thatch (grade II) is due north and backs onto the site with the paddock forming part of the setting of the building. However, the most significant part of the setting is the roadside elevation with the paddock providing a limited contribution through an undeveloped and rural space. Given that the proposed dwellings would be set well off this boundary and that boundary treatment and landscaping can be controlled through conditions, it is considered the proposals would not be harmful on the setting of The Thatch.
42. The proposed layout essentially is formed of two loose rows of dwellings with the northern row comprising three bungalows with the proposed two-storey dwelling set at an angle on the western part of the site. The southern row of dwellings are all two-storey with large spaces in between the units.
43. A traditional design approach has been taken to the dwellings which reflects the historic core of the settlement with materials comprising random coursed Lincolnshire stone with natural slate roofs. The massing of the two-storey dwellings would be effectively broken up through the use of ancillary wings.
44. Overall, no objection is raised to the proposal on visual grounds subject to conditions controlling materials, fenestration details, construction details, landscaping and boundary treatment. The proposal would not result in harm to the character or appearance of the conservation area, would be of an appropriate layout and design and would not affect the setting of adjacent listed buildings.
45. Taking the above into account, the proposal is in accordance Sections 12 and 16 of the NPPF (2021), policies CS19 and CS22 of the Rutland Core Strategy (2011), policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), policies COT E&C1, H4 and H5 of the Neighbourhood Plan and the above-mentioned Act.

Residential Amenity

46. The site is somewhat self-contained and inward facing with the dwellings placed around the highway. Separation distances between the proposed dwellings and neighbouring dwellings would ensure there would be no undue overlooking or loss of privacy between the dwellings. Within the site a high standard of amenity would be provided with no undue overlooking or loss of privacy and generous private gardens.
47. The proposed dwellings would be served via the existing access; this is sited between dwellings. However, although this would generate a degree of noise and disturbance, vehicle speeds would be low and it is not considered this would be unduly harmful to the residential amenities of occupiers of neighbouring properties.
48. Concerns have been raised regarding the proximity of the football club to the proposed dwellings and noise, disturbance and light pollution. However, the proposed dwellings have been sited away from the boundaries with the football club, the site is well landscaped and it is not considered the use of the adjacent

land for football would result in an unacceptable level of amenity for future residents.

49. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway Safety

50. The site would continue to be accessed off the existing access that leads onto Main Street to the north. During the Site Allocation Assessment for the withdrawn Local Plan, highways was a focal point of the site selection process and the assessment noted planning permission has been refused on highway grounds. However, during on site consultation with the site promoter and Highways Authority it was identified that the work would involve the removal of the large hedge leading into the site, the whole road constructed to an adoptable standard, and a maximum of 8 dwellings proposed in order to be acceptable in highways terms. The assessment concluded there would be no or little impact on the wider road network.

51. During the assessment of this planning application the Highway Authority initially raised concerns and sought additional information on visibility splays, access dimensions, turning head dimensions, materials to be used, off-site works (pedestrian connectivity) and surface water.

52. In response, the applicant submitted a Transport and Highways Technical Note which demonstrated that visibility in accordance with Manual for Streets could be achieved from the site access. It noted that access to the site is provided by a private access road which is within the applicant's ownership. The existing track comprises loose gravel together with grass verge on the western border of the track. An existing hedge is located along the western border of the track which currently restricts the usable carriageway width to approximately 3.8 metres.

53. The report states the proposed access would be provided in the form of a shared surface arrangement measuring 4.8 metres with additional service margins provided on either side of the access road. The report states this provides sufficient width for a two-way traffic flow of two cars (4.1 metres) or a car and HGV (4.8 metres). It states the shared surface is suitable to accommodate all vehicle types including emergency vehicles (fire and ambulance) which require a minimum width of 3.7 metres together with refuse vehicles.

54. The proposed access would continue to serve the existing residential property in addition to the proposed eight dwellings. Within the site a cul-de-sac arrangement is proposed with a turning head provided. The report confirms that the proposal would not prevent the neighbouring property from being able to access the adjacent garage stating a vehicle could travel in a forward gear over the proposed access with forward visibility of any vehicles emerging from the proposed site before reversing into the garage.

55. The report also notes the proposed access road is within land controlled by the applicant up to the point at which it abuts the adopted highway boundary. A swept path analysis has been submitted which demonstrates a fire engine and refuse

collection vehicle would be able to manoeuvre within the site using the turning head.

56. The Highway Authority raised no objection to the proposed based on the Transport and Highways Technical Note and the plans contained in that report. Conditions have been recommended.

57. Therefore, the proposal would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

58. A Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment has been submitted. LCC Ecology accepted the conclusions and evaluations made and require the hedgerows and woodland to be protected during the construction. The site is located within a swift alert area and therefore swift boxes (ideally integrated boxes) should be incorporated with the new buildings as recommended within the PEA. Conditions are recommended seeking an ecological mitigation, compensation and enhancement strategy.

59. As such, the biodiversity issues have been addressed, in accordance with Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.

Other Matters

60. The application has been subject to objections including on the grounds of being outside of the planned limits of the settlement, the housing mix, the absence of affordable housing, no energy efficiency/climate change proposals, no forethought for pedestrians, no waste management proposals, the unsuitability of the access, maintenance of abutting properties, noise and disturbance from the adjacent football club, ecology and increased flood risk.

61. The majority of these issues have been addressed above. However, in terms of energy efficiency and drainage/flood risk, conditions are proposed.

62. An objection has also been received from the neighbouring property which is served by the proposed access road. This states the access road is not wide enough to take the traffic flow for 8 dwellings, there is no pedestrian footway along the access road, buildings abut the access road and would not be able to be maintained.

63. The issue of the access has been addressed above and no objection is raised subject to conditions.

Crime and Disorder

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

Human Rights Implications

65. 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.
66. It is considered that no relevant Article of that act will be breached.

Consultations

67. Cottesmore Parish Council object on the grounds that the application presents a number of issues relating to access to the property, there are too many dwellings on the plot, the application does not meet the criteria for affordable housing, there is no need for 6 bedroom dwellings. The application is contrary to the Neighbourhood Plan.
68. LCC Highway Authority raise no objection subject to conditions and infomatives.
69. LLFA stated the runoff of 4.97 l/s is acceptable for the site. No infiltration tests have yet been completed and therefore it is recommended these are carried out as the entire site may be able to drain into soakaways within the site. The pond for the proposed runoff is is 3rd party ownership and during heavy rainfall pond levels rise significantly and works may be required to ensure the neighbouring property does not flood.
70. Housing Strategy stated there is a requirement for two affordable dwellings.
71. Public Rights of Way Officer stated no objection subject to an informative.
72. Forestry Officer raises no objection.
73. Public Protection raise no objection subject to a condition regarding contamination.
74. LCC Archaeology raise no objection subject to a condition for a written scheme of investigation.
75. LCC Ecology raise no objection subject to a condition for ecological mitigation, compensation and enhancement.

Neighbour Representations

76. Objections have been received from 7 households on the grounds of being outside of the planned limits of the settlement, the housing mix, the absence of affordable housing, no energy efficiency/climate change proposals, no forethought for pedestrians, no waste management proposals, the unsuitability of the access, maintenance of abutting properties, noise and disturbance from the adjacent football club, ecology and increased flood risk.

Conclusion

77. Taking the above into account, the proposal is appropriate for its context and is in accordance with the NPPF (Sections 2, 5, 9, 12, 15 and 16), Policies CS1-4, CS19, CS21 and CS22 of the Rutland Core Strategy (2011), Policies SP1, SP5, SP6, SP7, SP15, SP19 and SP20 of the Site Allocations and Policies Development Plan Document (2014), COT E&C1, COT E&C3, COT EN1, COT H1, COT H2, COT H4, COT H5, COT H6 and COT H8 of the Neighbourhood Plan and the above-mentioned Act. There are no material considerations that indicate otherwise although conditions have been attached.
78. The Council as Local Planning Authority has had regard to the relevant policies of the development plan and considers that subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan as set out above, would not materially harm the living conditions of neighbouring occupiers, result in any unacceptable highway safety impacts, harm the special interest of the surrounding Conservation Area and would be acceptable in all other planning considerations. The Council has taken into account all other matters, none of which outweigh the considerations that have led to its decision.