

Application:	2023/0577/FUL	ITEM 1	
Proposal:	Section 73 for Variation of Condition No. 24 (Landscaped Buffer to the Northern Boundary with The Glade) on planning permission ref: 2021/1423/MAO (Erection of up to 50 no. dwellings with associated access, highways, open space and drainage infrastructure (all matters reserved except access)). The variation will reduce the minimum landscaped buffer from 20m to 10m.		
Address:	Land On The North Side Of, Cold Overton Road, Langham, Rutland		
Applicant:	Langton Homes	Parish	Langham
Agent:	Andrew Granger & Co.	Ward	Langham
Reason for presenting to Committee:	Ward Member Referral		
Date of Committee:	22 August 2023		
Determination Date:	1 September 2023		

EXECUTIVE SUMMARY

Outline permission for the housing development has previously been approved, and the current application seeks to reduce the minimum landscaped buffer along the northern boundary of the site from 20 metres to 10 metres. Objections have been received from local residents and the Parish. Notwithstanding this, the 10 metre buffer zone originally proposed by the development is considered to be acceptable. It would provide acceptable separation distances between the new and existing dwellings, and would not adversely affect the biodiversity of the wildlife corridor. The overall quality of the development would not be materially diminished as a result of the change

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

4. The Reserved Matters shall provide for a maximum of 50 dwellings.
REASON - The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development and in accordance with Policies SP5 and SP15.

5. The Reserved Matters shall be based upon the following plans and documents:

- Drainage Strategy Plan ADC2813/DR/051 P2 contained the ADC Report ADC2813-RP-C
- Proposed Access Junction Layout plan ADC2813-DR-001-P3.
- The recommendations for biodiversity enhancements in sections 4 and 5 of the Feasibility Study For Biodiversity Net Gain by Fauna Forest Ecology dated February 2022.
and shall have regard to:
- The revised Illustrative Master Plan Ref. GL1655 SK1, received on 25 February 2022.
- The Design & Access Statement, Goldby & Luck, November 2021.

REASON - To ensure that the final development accords with the parameters set out in the outline application has an acceptable relationship with the adjoining properties, provides adequate open space and a sustainable drainage scheme and in the interests of proper planning.

6. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.

Reason: To ensure that the relationship of the proposed dwellings to each other and to adjacent dwellings is acceptable, in the interests of residential amenity.

7. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason: To ensure that appropriate boundaries are installed in the interests of visual and residential amenity.

8. The landscaping scheme to be submitted as part of the reserved matters shall be designed in accordance with the Feasibility Study For Biodiversity Net Gain by Fauna Forest Ecology dated February 2022.

Reason: To ensure that the development provides the requisite increase in biodiversity for the site.

9. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 3 above, 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, in the interests of residential and visual amenity.

10. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

11. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON- The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

12. The development hereby permitted will be restricted to a maximum discharge rate of 5l/s for the whole site in accordance with the Flood Risk Drainage Strategy Addendum Version 3.

Reason: To ensure that there is no flood risk off the site resulting from the proposed development.

13. The development hereby permitted shall not commence until full details of the design, implementation, maintenance and management have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts and ditch clearance where relevant);
- c) Flood water exceedance routes, both on and off site;

- d) A full capacity and condition assessment of the existing ditches from the discharge point, upstream for 500m and downstream to through Langham Brook to Whissendine Brook;
- e) A timetable for implementation;
- f) Site investigation and test results to confirm infiltrations rates; and
- g) A detailed management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason : To ensure that the proposed development can be adequately drained whilst ensuring there is no flood risk on or off the site resulting from the proposed development.

14. The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall into the adjacent ordinary water course.

REASON: To prevent the increased risk of flooding off-site resulting from the proposed development.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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 25m shall be provided in accordance with the details shown on plan the approved plan.

Reason: In the interest of highway safety.

21. The developer shall carry out a joint pre-condition highway survey for the full extent of highway including verges with the Local Highway Authority 500m either side of the proposed access on Cold Overton Road 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.

22. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- Hours of working on site

Reason: To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

23. The development shall be carried out in accordance with the recommendations in Chapters 4 and 5 of the Preliminary Ecological Appraisal Report by Fauna Forest Ecology, dated November 2021.

Reason: To ensure that the ecological interests of the site are protected during and after the development.

24. Notwithstanding the illustrative Masterplan, the development shall provide a minimum 10 metre landscaped buffer to the northern boundary with The Glade. No public access shall be allowed in this area.

Reason: To protect the amenities of the residents to the north and to provide an area that can be used to contribute to biodiversity.

Informatives:

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.

This development may be subject to a Community Infrastructure Levy (CIL) liability. This will be assessed at the time the reserved matters application is submitted.

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-name-and-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.

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 comprises an agricultural field located off Cold Overton Road to the west of the village centre of Langham.
2. The Site covers an area of approximately 3.75 ha (9.3 acres) and consists of a single arable field. Sloping from north to south by around 5 metres, the field is bounded to the south by a significant hedge on Cold Overton Road; to the west by open countryside; and to the north/east by residential properties located within Ranksborough Hall and the previously consented scheme for 18 residential dwellings (ref. 2020/0380/OUT).
3. The Site is located outside of the “Planned Limits of Development”, as set out in the Council’s Development Plan Inset Maps. It is therefore considered as “open countryside” in accordance with policy, although it adjoins the existing – and consented – built form of the village.
4. The Site is not within the designated Conservation Area for Langham, the boundary of which adjoins the previously approved outline site to the east although there is nothing of particular historic or architectural interest to the west of the A606.
5. The Site is located solely within Flood Zone 1 of the Environment Agency’s Flood Risk Maps. Therefore, the Site is assessed as having low risk of flooding (less than 1 in 1000 annual probability of river flooding).
6. Overhead lines cross the south west corner of the site and the applicants retained adjacent land to the west.

Proposal

7. Members approved an outline application for permission in principle to erect up to 50 dwellings in 2022 (reference no. 2021/1423/MAO). At the time Council did not have a five-year housing supply, and therefore while the site was beyond the Planned Limits of Development, Paragraph 11(d) of the National Planning Policy Framework (NPPF) was engaged.
8. The permission was subject to numerous conditions, including one requiring a 20

metre landscape buffer at the north of the site between the new houses and the Ranksborough Hall mobile houses adjacent to the site;

'Notwithstanding the illustrative Masterplan, the development shall provide a minimum 20 metre landscaped buffer to the northern boundary with The Glade. No public access shall be allowed in this area.'

'Reason: To protect the amenities of the residents to the north and to provide an area that can be used to contribute to biodiversity and to comply with the objective in the submission Langham Neighbourhood Plan.'

9. The applicant now seeks to amend the wording of condition 24 of that permission, reducing the buffer distance from 20 metres, to its original distance of 10 metres as it is shown on the illustrative Masterplan.
10. The Masterplan is attached as an Appendix.

Relevant Planning History

2021/1423/MAO - Erection of up to 50 no. dwellings with associated access, highways, open space and drainage infrastructure (all matters reserved except access). –
Approved 27/09/2022

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

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

Site Allocations and Policies DPD (2014)

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

Core Strategy DPD (2011)

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

Neighbourhood Plan

The Langham Neighbourhood Plan allocated the approved site to the east with which this site would share access. The Plan contains the following relevant policies:

- Policy SG1 – Housing Allocation
- Policy SG2 – Meeting Housing Needs
- Policy SG4 – Reducing Flood Risk
- Policy BD1 – Buildings & Materials
- Policy BD2 – Housing Density & Layout
- Policy BD3a – Water Management & Quality
- Policy BD3c – Energy Efficient Construction
- Policy BD4 – Architectural Features
- Policy RS2 Development in the Countryside
- Policy RS5 - Biodiversity
- Policy VC3 – Street Character

Officer Evaluation

11. The main issue is the proposed variation of condition 24, reducing the buffer zone from 20m wide, to 10m, taking into account biodiversity and the impact upon the residents of the Ranksborough Hall mobile home site to the north. The principle of development has been established, and other site-specific issues are either conditioned or subject to a Reserved Matters application(s) at a later date.

Variation of condition 24

12. Paragraph 135 of Section 12 of the National Planning Policy Framework (2021) states that; *'Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.'*
13. The objections from local residents and the Parish are noted, and have been given due consideration. The illustrative Masterplan shows a 10 metre buffer zone at the top of the site, superseded by condition 24. The 10 metre buffer was the result of officer negotiations during the lifetime of that application. However, at Committee Members resolved to approve the application subject to including a condition increasing the buffer distance beyond 10 metres (with the Council's Committee minutes noting that *'the applicant had expressed willingness to agree an extension beyond the 10 metres to the proposed buffer zone between the north of the site and neighbouring Ranksborough mobile homes to address concerns raised by local residents'*).

14. At the time the 2021 application was determined, the Langham Neighbourhood Plan was not made, and the 'submission' version referenced a 20 metre buffer zone, and this informed condition 24.
15. The current planning application states that the reason for the proposed change is due to the Langham Neighbourhood Plan not being made at the time of the previous approval, and that it has since being amended to remove reference to a 20 metre buffer zone. The wording of the made Neighbourhood Plan is as follows;
- 'As more sites are considered for development and with the threat of Presumption in Favour of Development hanging over our parish, we need to protect this community from the noise and disturbance that they moved to Ranksborough to avoid. To that end we propose a buffer zone around this community where building is banned and people cannot go.'* (Page 24-25, Item 8).
16. Reference to a buffer zone therefore remains in the Neighbourhood Plan, however it does not specify a distance. In their consultation response to this application, the Parish have stated the reason a 20 metre buffer was not explicitly included was due to the National Assessor for the Langham Neighbourhood Plan advising them not to include mention of it for this development as the stipulation had already been met via the existing permission. This is noted, however the acceptability of a reduced buffer distance would rest on whether this would adversely affect biodiversity, or the amenity of the adjoining residents, as set out in the reasons for the condition.

Biodiversity

17. LCC Ecology have advised they have no objections to the changing of the wording from an ecology perspective. Given this, the biodiversity element of the reason for the condition would not be negatively impacted by the proposed change. Their comments regarding an updated Biodiversity Net Gain metric are noted, and would be dealt with at the Reserved Matters stage.

Impact on the neighbouring properties

18. The main neighbouring properties are located on the southern edge of Lodge Park at Ranksborough Hall. They are single storey lodges located close to the boundary of this site with conservatories and short gardens.
19. Rutland's Design Guidelines specify a separation distance of 21 metres for back-to-back two storey buildings. In this case the dwellings along this northern part of the site are shown to be bungalows/1.5 storey dwellings, reducing their bulk and the potential for overlooking, and therefore would not justify the full 'two storey' separation distance. Notwithstanding this, while the lodges are close to the Ranksborough Hall southern boundary, the distances between buildings (aside from plot 5) would still comply with or exceed the 'two storey' distance guidance. While plot 5 falls short of this, being lower than two storey it would not have an unacceptable impact upon the residential amenity of the adjacent properties (and its final position could be further into the site as part of the reversed matters process). The Design Officer has no objection to a 10 metre buffer zone between

the rear of the Ranksborough Hall site and the garden boundaries of the new properties, and it would not be unacceptable from a design or amenity perspective.

Other Issues

20. The other conditions imposed on the 2021 permission are still relevant and have been carried over.
21. With regard to some objections from local residents, Members are aware that no-one has a right to a view and whilst the development of the site would be disappointing for those on the southern edge of Lodge Park, this is not a reason for refusal in itself. Additionally, while there may be some short-term disturbance from construction phase, members are also aware this is not a reason for refusal.
22. Clause 16 of the existing Section 106 legal agreement for the development provides for Section 73 applications such as the current application to be bound by the original agreement. There is therefore no need for a deed of variation in terms of the provision of Affordable Housing/open space if Members resolve to approve the application.

Crime and Disorder

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

Human Rights Implications

24. 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

25. Langham Parish Council

The Parish Council finds this proposal unacceptable, for the reasons which follow:

The original planning application 2021/1423/MAO, reviewed by RCC Planning Committee on 15.03.2022, included in its supporting documents a site diagram showing a proposed 10 metre buffer, and was refused.

The application was reconsidered on 28.04.2022. Item 3 of the Minutes of the meeting state, It was noted that the applicant had expressed willingness to agree an extension beyond the proposed 10 metres to the proposed buffer zone between the north of the site and neighbouring Ranksborough mobile homes to address concerns raised by local residents. It was moved by Councillor G Brown that the application be approved subject to the conditions in the report and addendum, with the incorporation of an expanded buffer zone as a further condition to be negotiated and agreed with the applicant.

The planning application was approved subject to the Conditions in the report and addendum and the incorporation of an expanded buffer zone as a further Condition to be agreed with the applicant. Condition Item 24 in the Major Outline Permission document for 2021/1423/MAO of 27.09.2022 September 2022 says, 'Notwithstanding the illustrative Masterplan, the development shall provide a minimum 20 metre landscaped buffer to the northern boundary with The Glade. No public access shall be allowed in this area.'

Thus, it is clear from the above that the concept of the importance of a buffer zone, was accepted at an early stage in discussions on the development of the Cold Overton site, and, further, that this buffer should be of sufficient size to be effective: hence the refusal of a 10m buffer zone, and the subsequent acceptance of a 20 metre zone. The importance of a substantial buffer zone is also recognised, not only from an amenity perspective in relation to the quality of life of the age 50+ residents of The Glade, Ranksborough, but also in relation to bio-diversity and the 'quality of life' of the plant and animal species that the forthcoming housing development will inevitably affect.

The current proposal 2023/0577/FUL for a variation seeks to reverse an important contributory item in the approval of planning application 2021/1423/MAO etc. In his 'to whom it may concern' letter to RCC, dated 02.06.2023, Andrew Green, Langton Homes planning consultant, offers little justification for the proposal, beyond the intention to address what 'the applicant believes to be an unreasonable overly excessive landscaped buffer to the northern boundary of the site'. No adequate reasons are offered to explain why the applicant, having already agreed to a 20-metre buffer zone, now considers this to be 'unreasonable' and 'overly excessive', and that it should be reduced by 50%.

It should also be noted that in his letter Mr Green says that the current, updated Langham Neighbourhood Plan of December 2022d makes no mention of the buffer zone. The reason for this is specifically because the National Assessor for the LNP advised LPC's Planning Committee not to include mention of the 20-metre buffer zone in relation to the proposed Langton Homes development because the stipulation had already been met.

Therefore, Langham Parish Council's view is that the application for variation of an already thoroughly considered and accepted Condition is without merit and should be refused.

26. Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

27. Design Officer

If the buffer zone was 20m then the front play area etc could get squeezed or the site could lose plots – a 10m buffer zone is ok.

28. Ecology

I have no objections to the changing of this wording from an ecology perspective. For the Reserved Matters application I will need to see an updated Biodiversity Net Gain metric as I can see lots of errors in the existing version (as well as it does not seem to match current plans).

29. Highways

No comment - this application does not have any impact on the adopted highway or traffic generation

30. Housing Strategy

If this is to be approved, a replacement section 106 agreement or Deed of Variation may be needed to ensure continued validity. Legal advice should be sought by the Case Officer.

31. PROW Officer

No impact on PROW network

32. Forestry Officer

No objection

33. Anglian Water

There is no connection to the Anglian Water sewers, we therefore have no comments.

34. NHS Leicester & Rutland CCG

The Section 73 for Variation of Condition does not change the number of dwellings on planning application 2021/1423/MAO, therefore the ICB does not have further comment.

35. Leicestershire Police Architectural liaison Officer

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In relation to the Section 73 for Variation of Condition No. 24 (Landscaped Buffer to the Northern Boundary with The Glade) on planning permission ref: 2021/1423/MAO (Erection of up to 50 no. dwellings with associated access, highways, open space, and drainage infrastructure (all matters reserved except access)). The variation will reduce the minimum landscaped buffer from 20m to

10m.

Land On The North Side Of Cold Overton Road, Langham, Rutland.

I have now visited, and have reviewed the proposed development. There is a vehicle entry point at Cold Overton Road to the south east of the site where an access road leads westward to allow access to all dwellings within the development. There are no through routes with three turning points or hammerhead turning points allow access to dwellings but no through routes. Emergency Services access is appropriate for a site of this size in my opinion. To the south west side there is open space which abuts farm land to the west. There is further open land and water attenuation to the south east corner. The remaining open space is in the central core of the development or to the north east near to the completed phase 1.

Lighting recommendations are to illuminate the main vehicle entry point and walkways as well as open space and any other key areas to BS5489.

Vehicle parking is in curtilage to dwellings within the development and I would recommend consideration of gable end windows where possible to increase the possibility of natural observation available. There are no communal parking in within the development so illumination should be concentrated near to dwellings or any recreational areas.

A Section 38 Agreement is recommended to install an electrical spur to the nearest lamppost to the junction to site the CCTV camera.

CCTV coverage of the area should include the vehicle access point with the capability to capture number plate images. Appropriate Data Compliant signage is recommended should this be required but I recommend consideration of it after occupation due to the size and scale.

Wheelie bin storage and cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for bins or mode of escape in respect to cycles.

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Perimeter enclosure is recommended to be to a height of 1.2m at the front and 1.8m to sides and the rear in a material in keeping with the development.

General Recommendations

All door and window sets will be to PAS24 (2022) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also, BS EN 50131 and PD 6662 in relation to wired systems.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate and will increase the demand on Policing within the area of the development.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.
11. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.
12. Consideration of Safe Routes through open space and walkways should account for the use of women and girls

Neighbour Representations

36. Nine objections have been received from local residents. The objections are summarised as follows:

- Loss of view and tranquillity
- 20m corridor should be upheld to keep privacy and countryside
- Impact on mental health of Ranksborough Hall residents
- Disturbance during construction
- Loss of biodiversity/impact on bats
- Light pollution
- Suggested compromise of 15m buffer
- Height of boundary fence should be increased to 2 metres
- Seeks to change a key part of what made the previous application acceptable

In addition to this, one local resident has questioned the purpose of the buffer zone for the benefit of the Ranksborough Hall residents and how it would be maintained.

Conclusion

37. The 10 metre buffer zone originally proposed by the development is considered to be acceptable. It would provide acceptable separation distances between the new and existing dwellings, and would not adversely affect the biodiversity of the wildlife corridor. The overall quality of the development would not be materially diminished as a result of the change, and would not be contrary to the aims and objectives of the National Planning Policy Framework (2021), the Adopted Core Strategy (2011), the Site Allocations & Policies Development Plan Document (2014), the Design Guidelines for Rutland & South Kesteven: Supplementary Planning Document (2021), or the Langham Neighbourhood Plan (2022).