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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0355/FUL	ITEM 2	
Proposal:	Erection of no. 1 self-build dwellinghouse		
Address:	Land Adjacent to No 1 Water Lane Ashwell		
Applicant	Mr M G Evans	Parish	Ashwell
Agent:	Class Q Ltd	Ward	Exton
Reason for presenting to Committee:	Contrary to policy		
Date of Committee:	7 November 2023		
Determination Date:	1 June 2023		
Extension of time Date:	10 November 2023		

EXECUTIVE SUMMARY

**The site is outside the PLD for Ashwell but is surrounded by housing on either side and opposite.
The boundary for the PLD is along the front boundary of the site.
The scheme is well designed and would not have an adverse impact on the adjacent Article 4 Conservation Area, the character of the village or amenities of the adjacent residents.**

RECOMMENDATION

APPROVAL

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, numbered P001 Rev F, P010 Rev C, P011 Rev. P020 Rev C, P021 Rev C, CP022 Rev C, P030 Rev B, P031 Rev A, P032 Rev A
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall be commenced until
 - a) precise details of the manufacturer and types and colours of the external facing materials,
 - b) roofing materials
 - c) rooflight details
 - d) description of the joints proposed
 - e) Details of the mortar mix, profile and finish
 - f) timber cladding
to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application

4. No development above ground level shall be commenced until drawings to a scale of not less than 1: 50 fully detailing the new windows, rainwater goods, doors, and surrounds to be used and indicating precise details of the materials, manufacturer and types and colours shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in accordance with the approved details.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

5. The timber built garage, timber detailing on the rear elevation of the dwelling and timber garage doors shall be clad in vertical timber panels and shall be allowed to weather naturally and not stained or painted.

Reason: In the interests of the character and appearance of the local area.

6. No development above ground level 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, boundary treatments 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.

7. 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.

8. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority shown to be retained on Drawing No P001 Rev F 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.

9. A native hedgerows shall be planted on the inside of the estate fencing fronting Water lane along front boundary of the site as shown on drawing No P001 Rev F using a mixture of locally native hedgerow species including Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Dogwood (*Cornus sanguinea*), Blackthorn (*Prunus spinosa*), Dog Rose (*Rosa canina*) and Holly (*Ilex aquifolium*). The existing hedgerows shall be retained thereafter from first occupation of the new dwelling (at a height of no less than 1.6 metres).

Reason: In the interests of the amenity of the street scene and to enhance the biodiversity of the site.

10. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the southwest, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splay shall be provided before the access is first used by any construction traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

11. Development shall not commence until fully operational wheel cleaning equipment has been installed on the exit from the site and the area between the wheel wash and the public highway is hard surfaced in either concrete or tarmac and maintained free from mud, slurry or any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

Reason: In the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

12. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.

Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

13. Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwelling. 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 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

14. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back of the public highway.

Reason: To enable vehicles using the access to stand clear of the public highway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework

15. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, and the design should ensure that no private surface water can flow on to the public highway.

Reason: To avoid displacement of loose material or flow of private surface water onto the highway in the interests of highway safety. in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

16. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority Surfacing details to the driveway. Such materials as may be agreed shall be those used in the development.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in

writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

18. No demolition/development shall take place/commence 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, and;

' 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 & 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

19. No development shall take place until a mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. As a minimum, this should detail the badger mitigation strategy (including a design of the artificial badger sett) as well as enhancement measures such as bird and bat boxes and native planting. Any measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme unless otherwise agreed in writing with the LPA.

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

20. There shall be no external lighting on the site, any external lighting required, either temporary lighting during building work, or permanent lighting post development, must be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat Conservation Trust, 2018)

(<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). Full details of any proposed external lightning shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. To reduce the impact of lighting on bats, lighting should consist of LED light sources fitted with downward deflectors (i.e. hoods, cowls, shields, louvres) at a low level, and, ideally, be on PIR sensors. No up-lighting should be used.

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

21. 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), the first-floor window in south elevation of the new dwelling shall be glazed in obscure glass 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.

22. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional window shall be inserted in the north and/or south elevation of the new dwelling, except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of neighbouring property.

23. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, and no provision of buildings, enclosures, swimming or other pool, shall be erected or carried out except with prior planning permission.

Reason: In the interests of the character and appearance of the open countryside and surrounding residential amenity.

24. The land forward of the estate railings along the western boundary of the site shown on drawing no P001 Rev F shall remain open and shall not at any time form part of the residential curtilage of the new dwelling.

Reason: For the avoidance of doubt and in the interests of highway safety.

Informative:

1. Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or 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.

2. Section 149 Highways Act 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority

may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event 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.

3. 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.

4. 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 by emailing highways@rutland.gov.uk.

5. Section 184 Highways Act 1980 – permanent vehicular access for a dwelling

The development may involve modifications to the existing vehicular access within the public highway. If this is the case, these works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at highways@rutland.co.uk.

6. Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a

badger sett. Therefore, the badger sett should only be closed under a licence from Natural England.

7. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
8. 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.
9. 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 application site is an open parcel of land between No 1 Water Lane and Home Farm a Grade II Listed Building. The site is set back behind a wide grassed verge and enclosed by a low timber picket fence. An existing gated vehicle access is located in the northwestern corner of the site. The access arrangement is not typical, and the access abuts the adjacent shared private driveway which then joins Water Lane, which benefits from its own visibility splays.

Proposal

2. The current application proposes the construction of a one and a half storey dwelling with detached double garage on land adjacent to No 1 Water Lane Ashwell. The site is adjacent to but outside the planned limits of development for Ashwell. The boundary of the planned limits of development for Ashwell village and the Article 4 Conservation Area is along the front boundary of the site. To the north of the application site is Home Farm, A Grade II Listed Building. This property is within the planned limits of development for Ashwell village (PLD) and the Article 4 Conservation Area. During the determination of the application the site area has been increased to allow for the relocation of a badger sett, changes to the design, scale and form of the dwelling's materials and location and design of the detached garage.

Relevant Planning History

There have been 5 No previous application for residential development on the site, reference No FUL/2004/0452, FUL/2005/0601, FUL/2008/0270, 2014/0644 and 2022/0977/FUL. All the previous applications have been refused due to the development been outside the defined planned limits of development and in the open countryside, design, over development of the site, having an adverse impact on the setting and special character and appearance of the Article 4 Conservation Area. Application No FUL/2004/0452 proposed 2 No residential properties was also refused on the impact on residential amenities,

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

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)

SP6 - Housing in the Countryside

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

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

There is no adopted neighbourhood plan for the parish

Supplementary Planning Document

Supplementary Planning Document - Design Guidelines for Rutland SPD (2022)

Officer Evaluation

3. The main issues are planning policy, impact on the Ashwell Article 4 Conservation Area, heritage, highway safety, residential amenity, ecology, trees and archaeology.

Principle of the use

4. The site is outside the PLD and hence technically in open countryside. Policies CS4 and SP6 would ordinarily rule out this development where the local authority can demonstrate a 5-year housing land supply (5YHLS).
5. The site forms a gap in an otherwise mainly built up frontage with dwellings either side.
6. The Restraint Village Policy of the Core Strategy Policy CS4 is now out of date as it does not comply with the NPPF. On that basis Ashwell is a smaller village where infill etc can be allowed where it is suitable to meet other relevant policies

Impact of the use on the character of the area

7. The proposal would not have a negative impact on the character and appearance of the village, the adjacent article 4 conservation area or setting of the neighbouring Grade II Listed Building. It is sited in a gap between two existing dwellings and a vehicular access, albeit only 1, No 1 Water Lane being outside the PLD. Home Farm and the existing houses on the opposite side of Water Lane are all within the PLD and Article 4 Conservation Area.
8. Concern has been expressed by local residents about the retention of the grass verges forward of the existing picket fence. The revised plans show clearly that the grass verge running along Water Lane and in front of this proposed development is to be retained as it is in its current state and not reduced in size

in any way. This grass verge also forms a visibility splay for the access serving Home Farm, 3 Water Lane, a Grade Two Listed Building.

9. Although part of the grass verge is owned by the applicant the existing picket fence is set back to comply with a planning condition relating to a visibility splay for the access serving Home Farm. The existing site plan shows the existing picket fence replaced by an estate railing on the same alignment and a hedge planted on the inside.

Impact on the neighbouring properties

10. The proposal would be set well away from adjacent property boundaries. The scheme would thereby avoid any adverse impact on the amenities of neighbours to justify refusal. No objections have been received from neighbours concerning impact on residential amenities. To control any changes in the size and/or the addition of any more first floor windows in the side elevations permitted developments are proposed to be withdrawn.

Heritage

11. The NPPF makes reference the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
12. At the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies adjacent the Ashwell Article 4 Conservation Area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act
13. The Conservation area Officer has confirmed that with regards to the amended drawings there is no heritage objection to one dwelling adjacent to No. 1 Water Lane Ashwell given the reduction to the scheme and the improved design and layout. Therefore there is a less than substantial harm to the grade II listed building or its setting.

Highway issues

14. No objection from the Highway Authority. A condition to ensure adequate visibility is retained to the southwest of the access only. We note that. Furthermore, whilst there is currently adequate vehicle visibility to the southwest of the existing access, we would like to ensure that this secured long

term given the extent of the site edged red. In summary, the LHA have no objection to the proposal subject to the conditions and informatives being appended to the decision notice.

Flooding

15. Photos have been provided of historic flooding along Water Lane. This has been investigated by the LLFA who have concluded that 'the development is 1 dwelling with hard standing only for the property and the access road. This will not have a significant impact on Water Lane and any existing situation. However, this is not in relation to this section of land or will the situation be made worse by this development. The property will need to ensure it manages its own surface water, and no surface water from the site runs onto the highway. This is secured by condition 17.

Ecology

16. The Senior Planning Ecologist has confirmed that there is no objection following the inclusion of an artificial badger sett within the plans and condition being attached to any planning permission which should detail the design of the proposed badger sett and mitigation strategy, as well as incorporating any biodiversity enhancements.

Archaeology

17. The application area is within the medieval and post-medieval historic settlement core, in an area that appears to have a track and pond marked on the late C19th 1st edition OS map. The site is on a street frontage and lies close to recorded archaeological remains such as medieval pottery, a stone wall and drain (HER Ref. No. MLE15806). Suitably worded conditions are proposed.

Trees

18. One tree adjacent the access would be felled in the northwestern corner of the site. A revised drawing has been submitted as requested by the Forestry Officer to show protection of the existing trees to be retained.

Crime and Disorder

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

Human Rights Implications

20. 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

21. **Local Highway Authority**

When considering the visibility requirements, due to the intensification of use of the existing access, the LHA would recommend a condition to ensure adequate visibility is retained to the southwest of the access only. We note that the access arrangement is not typical and the access abuts the adjacent shared private driveway which then joins Water Lane, which benefits from its own visibility splays. Furthermore, whilst there is currently adequate vehicle visibility to the southwest of the existing access, we would like to ensure that this secured longterm given the extent of the site edged red.

In summary, the LHA have no objection to the proposal subject to the conditions and informatives being appended to the decision notice

22. **Lead Local Flood Authority**

In response to photographs of the road flooding The LLFA stated that 'I don't think 1 property on this land would result in further flooding in this area or make the situation worse that what has previously happened. The flooding looks as though the river is over capacity and therefore has burst its banks. We can condition that the developer carries out ground investigations pre commencement to ensure there is not a "pond" on the site. Additionally we can request the developer carry out works on the site to ensure no surface water runs off the site into the river which could make the situation worse during heavy rainfall.'

In response to the amended scheme

It has been suggested that there is a large pond on this site. The LLFA have carried out some preliminary investigations including a site visit and have not found evidence of this. Additionally, from site investigation it is been identified that there are badger sets on the site that need to be removed/relocated. Badgers do not like wet or marshy land, and they burrow.

The development is 1 dwelling with hard standing only for the property and the access road. This will not have a significant impact on Water Lane and any existing situation. Photos have been provided of historic flooding along Water Lane, however this is not in relation to this section of land or will the situation be made worse by this development.

The property will need to ensure it manages its own surface water, and no surface water from the site runs onto the highway. This can be conditioned:

SuDS

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated

into this proposal.

23. Conservation Area Officer

The siting of one dwelling appears to have a scale and massing that would be generally consistent with the street scene and would not therefore provide a dominant form of development, although, in design terms, it must be addressed that the elongated appearance of the dwelling appears to virtually fill the width of the plot. An improved design here would be to detach the garage from the house which will break up its linear appearance considerably, therefore the appearance of the dwelling would sit more comfortably in the plot.

The dormer style bungalow would appear improved if the dormers were included on the rear and therefore providing a simple frontage to the dwelling, which would be more consistent with the neighbouring bungalow. The use of materials and traditional detailing would be important to reflect the local vernacular in respect of the neighbouring listed building.

The wide grass verge to the frontage of the site appears to remain intact by the proposal, this verge is an important visual characteristic along the pleasant aspect of Water Lane from entry point to the east of the village and must continue to remain in situ for the benefit of maintaining the setting and special character and appearance of the Conservation Area, as required by Section 72 of the Planning (listed buildings and conservation areas) Act, 1990.

24. Planning Policy

In reference to section 16 of the NPPF and the requirements of paras. 200 - 202 then the principle of one dwelling here in the context of the Article 4 Conservation Area would lead to less than substantial harm on the significance of the Conservation Area. It is nevertheless harm to which great weight should be attached. The NPPF guides that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance the present scheme for achieving one dwelling is capable of outweighing the harm caused to the heritage asset - being the Conservation Area and the nearby listed building, by virtue of that the proposal achieves a scale and massing which appears consistent with the street scene and will provide one dwelling within the village which would allow for a future occupier to reside in the village. However, it will be necessary to achieve simple form and vernacular design for a new dwelling here so as specifically not to compete with the appearance of the neighbouring bungalow nor draw the eye away from the neighbouring listed building. The proposal, with minor design alterations, would not then likely to harm the setting or special character and appearance of the Article 4 Conservation area.

You must therefore consider the proposal on the basis of policy requirements in the Core Strategy and the Site Allocations Document, which amongst other things seek to preserve the historic environment in village settings across Rutland.

In regards to the amended drawings there is no heritage objection to one dwelling adjacent to No. 1 Water Lane Ashwell given the reduction to the scheme and the improved design and layout.

25. **Ecology**

It is understood that the badger sett will be closed under licence and an artificial sett will be constructed. This artificial sett will need to be incorporated into plans (which may involve the red line boundary of the application area to be amended).

I am now happy that the artificial badger sett has been included within the plans.

I have reviewed the badger survey report produced by Craig Emms and Linda Barrett November 2022. Whilst this is more specific about the location of the sett entrances, no specific badger mitigation has been confirmed e.g. will the sett be retained and protected or will the sett be lost and the construction of an artificial sett be necessary (the location of this should be defined if this is the chosen route). This information is required prior to determination.

I recommend the following condition is attached to any planning permission, which should detail the design of the proposed badger sett and mitigation strategy, as well as incorporating any biodiversity enhancements.

No development shall take place until a mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. As a minimum, this should detail the badger mitigation strategy (including a design of the artificial badger sett) as well as enhancement measures such as bird and bat boxes and native planting. Any measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme unless otherwise agreed in writing with the LPA.

I also recommend the following informatives are attached to any planning permission:

Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore the badger sett should only be closed under a licence from Natural England.

Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

26. **Archaeology**

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. The application area is within the medieval and post-medieval historic settlement core, in an area that appears to have a track and pond marked on the late C19th 1st edition OS map. The site is on a street frontage and lies close to recorded archaeological remains such as medieval pottery, a stone wall and drain (HER Ref. No. MLE15806). Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 194-195 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 16, paragraph 205), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's 'Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland' and with relevant Institute for Archaeologists 'Standards' and 'Code of Practice'. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.

27. **Design Officer**

Repeat of many of original pre-app comments – although some improvements made – the boundary should reflect the predominant front hedges and stone walls along water lane – taking the positive examples to back up the chosen

approach. The garage is still dominating and should be more recessive – set back or on the other side of the dwelling. The levels look like they still need resolving based on comments from neighbours and the accuracy of plans. The water on the site needs addressing. The architectural detailing to discuss with conservation officer and relate to positive local character examples. Happy to discuss and write slightly longer comments/more formal comments

The site is located on Water Lane which has a character defined by landscape, including grass verges abutting the carriageway, front boundary hedges and stone walls, mature trees and an open watercourse. Building materials and styles are mixed, but the adjacent Home Farm built of stone is the nearest building with a positive impact on character. The settlement as a whole contains positive buildings built of stone and red brick.

In proportion to the scale and sensitivity of development, it would be expected for this proposal for a study of the most characterful and positive examples of local architectural styles and materials, characteristics of water lane, landscape, views towards the site, existing features within the site to be analysed and responded to. The document referenced in the DAS (Site and Contextual Analysis (SCA) document) cannot be located on the application RCC webpage with the other documents? Improvements have been made to materials and detailing and I understand that the applicant has been in discussion with the RCC Conservation Officer - the improvements are welcomed and dialogue should continue to ensure that materials and architectural detailing are high quality and reflect those found locally.

Areas of concern that remain at present include the roof pitch being shallow and not reflecting traditional properties with steeper pitches and dormer window and chimney positioning, size and detailing not appearing to reflect those found locally. Window detailing should also be studied.

It should be clearly stated that the hedge along boundaries will be native mix to fit with the rural edge of the settlement. Any timber fencing is less in-keeping with the predominant style of the street, that being largely hedges with the adjacent property having a stone wall.

It is still questionable whether the garage should sit on the end of the building, in the foreground of the key view and approach to the dwelling, focus instead should be of a strong boundary to this corner of the plot along with the more attractive elevation / corner of the building. The garage could be set back or placed on the other, less prominent, side of the dwelling.

There have been some comments about levels and this should be communicated clearly with illustrations and visuals.

Any issues with water on site also need to be addressed.

Amended comments

Removal of boundary fence and hedge / wall instead welcomed – if sections

of wall – could they show where? Happy to have it as all hedge though – ensuring native species to fit with rural context;

Garage shifted back – but should go further back as it's a large structure still having impact visually;

Garage could be stone too? If timber discolours over time this could have a negative impact? Less prominent if set further back though – as above;

in terms of study of local character – this is welcomed - need to have the response to context stage covered more thoroughly for the roof pitch, architectural detailing on the chimneys, dormers etc taking positive / characterful / typical local examples.

Further to previous comments the design has progressed in terms of building design. The garage is set further back making it more recessive and allowing the dwelling to be more visible and also revealing a ground floor window on the side elevation.

Although some improvements made – the boundary should reflect the predominant front hedges and stone walls along water lane – taking the positive examples to back up the chosen approach. The garage is still dominating and should be more recessive – set back or on the other side of the dwelling. The levels look like they still need resolving based on comments from neighbours and the accuracy of plans. The water on the site needs addressing. The architectural detailing to discuss with conservation officer and relate to positive local character examples. Happy to discuss and write slightly longer comments/more formal comments

The typical front boundary treatments along the street are stone walls and hedges. The proposed railing does not fit in with this and the front boundary should be formed of a native mix hedge or a stone wall and hedge.

Fine if hedge planted behind and it grows through (the character forming front boundary treatments are hedges and stone walls on this street).

28. Forestry Officer

A plan to show how the existing trees will be protected, and which will be removed is recommended. This does not need to be highly detailed as the trees on site are confined to the borders. All that is needed is a basic plan showing where the construction exclusion zone will be.

The construction exclusion zone will exclude any activity relating the development including fueling zones, parking, storage of materials, toilets, working zones and anything else construction related.

No objections to revised drawings.

29. Parish Council

The proposed building is outside the planned limits of development, has no

essential need to be there and would therefore set an unacceptable precedent. Ashwell, categorised as a Small Village, is not considered sustainable for further development due to its lack of facilities and employment opportunities. Preferred locations for new housing are towns and local service centres, i.e. sustainable locations. Water Lane is a high flood risk area, with many occasions of flooding, a new build with hard surfaces would increase the flood risk to other dwellings in Water Lane. The property boundary line facing Water Lane is incorrectly drawn and should follow the existing picket fence line, leaving the grass verge as a visibility splay line for neighbouring properties. There is insufficient space for 4 cars to exit the property safely, in a forwards direction. It is considered essential that the footprint of the dwelling is set back on the plot to maintain the frontage to the property, retain the fence line, and not diminish the grass verge. The building materials would fit the street scene.

Neighbour Representations

30. 3 neighbour representations have been received, 2 from the same property. These objections are summarised as follows:
- This planning proposal falls outside the Planned Limits of development of Ashwell. It is therefore an application to build on a green field site never previously been built on
 - It is for a large dwelling sited between a Listed building and a low-level bungalow.
 - It seems there is an assumption that this is a level site. It is not. It slopes significantly to the rear of the plot. The street scene projection is therefore inaccurate.
 - This green field site contains a badger sett. To allow planning consent would mean that the sett would have to be closed and removed. In giving any planning consent, RCC should commit to ensuring correct Licences are obtained and conditions fully adhered to.
 - During periods of persistent rainfall, a pond forms on this site which means that runoff from local fields finds its way here before dispersing. If this pond is not allowed to form, there will either be localised flooding of this site, or runoff out of the proposed driveway and across the road into the stream.
 - The stream is known to flood across Water Lane, and threatens Home Farmhouse as well as The Croft, on Cottesmore Road. Both these properties have to rely on sandbags when this happens. This proposal could make this flooding worse.
 - Grass verges are an important aspect of Water Lane and any agreed development should ensure they are protected from damage from vehicles or machinery associated with the construction.
 - There are several maturing trees on this site and they should be protected.
 - The Application Form states there is no risk to flooding. This is incorrect as it was highlighted in comments made on the last planning

application that there is history of flooding on Water Lane. In particular, two recent examples on the 14th January 2021 and also on the 14th November 2019, when Water Lane flooded opposite this proposed development. The presence of a pond on this land forms the function of a natural drain which would reduce the risk of flooding and this proposed development would increase the risk. The issue of flooding does not appear to have been addressed in this application.

- The plot of land subject to this application is fronted by a picket fence, with a grass verge to Water Lane. The site plan for the application shows the boundary of the development going beyond the picket fence, utilizing the grass verge towards Water Lane. This grass verge splay allows visibility to vehicles leaving and entering the driveway to properties adjacent and to the rear of this proposed development and should be retained. This verge is maintained by Parish Council contractors.
- Water Lane at this proposed development is a single track carriageway and is a pinch point, with traffic travelling in both directions. It is close to the busy main road junction of Oakham Road. Traffic travelling along Water Lane towards Oakham Road and traffic travelling from Oakham Road onto Water Lane are not able to pass side by side and so often use the driveway to 1 Water Lane as a passing place, or drive onto the grass verges. The driveway to properties adjacent and to the rear of this development at its junction with Water Lane is also used as a passing place too. Water Lane is a busy road as it is used as a 'cut through' to Cottesmore and the surrounding areas.
- Ashwell village and Water Lane are in a conservation area and the open aspect and landscape of Water Lane, and the approach to the village from Oakham Road are an important feature of this village and this street scene and open aspect in a conservation area should be preserved and protected, otherwise it will be lost forever. If permission is granted then a precedent will be set to allow for further future development on pasture land adjacent to Water Lane.
- In relation to the Agents email, dated 1st June 2023, and his comments relating to Highways, can we please confirm and clarify that the grass verge running along water Lane and in front of this proposed development is to be retained as it is in its current state and not reduced in size in any way. This grass verge is bordered by the picket fence, forming the boundary of this plot of land, and the roadway of Water Lane. Our concern is that the site plan for this application shows the boundary for this development going beyond the picket fence and so utilising this grass verge to increase the size of this development plot. This grass verge forms a visual splay to improve the visibility of vehicles leaving and entering the driveway to properties adjacent and to the rear of this proposed development. I understand that this visual splay was a requirement when planning permission was granted to the current applicant to develop Home Farm some time ago. This grass verge splay also mirrors the one on the other side of the drive

bordering Home Farm, 3 Water Lane, a Grade Two Listed Building.

Conclusion

Whilst outside the PLD this small infill development is well designed, will not cause harm to any interests of importance and can be supported.