

Application:	2022/0896/MAO	ITEM 1	
Proposal:	Outline planning application seeking permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on Land To The SW Of Belmesthorpe Lane, Ryhall, Rutland		
Address:	Land To The SW Of, Belmesthorpe Lane, Ryhall, Rutland		
Applicant:	Simon Boon Homes Ltd	Parish	Ryhall
Agent:	Sean Bennett	Ward	Ryhall and Casterton
Reason for presenting to Committee:	Departure from Development Plan		
Date of Committee:	17 March 2024		
Determination Date:	25 December 2023		
Agreed Extension of Time Date:	26 April 2024		

EXECUTIVE SUMMARY

The application is for outline planning permission for up to 11 dwellings. The site is adjacent to the Planned Limits of Development for Ryhall. The site is also between 2 No existing residential developments accessed via Gwash Close and Gwash Meadows.

The principle of development is acceptable in land use terms and revised plans have been submitted to ensure the proposal is acceptable on the grounds of highway safety, Ecology and the impact on the River Gwash.

Affordable housing would be provided on the site.

Approval is recommended subject to conditions and a Section 106 legal agreement.

RECOMMENDATION

APPROVAL, subject to a Section 106 legal agreement, and the following conditions:

1. 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.
2. 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.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, layout, landscaping 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BRY-ST-PL-A-01 'Location Plan' KA42696-BRY-00-PL-A-02 Rev A 'Existing Site Plan', Plan KA42696-BRY-00-PL-A-03 Rev D 'Proposed Site Plan'.
Reason: For the avoidance of doubt and in the interests of proper planning.

5. The Reserved Matters shall provide for a maximum of 11 dwellings.
Reason: To reflect the terms of the application and allow for satisfactory open space, sustainable drainage, ecological mitigation, to be incorporated in the development, in accordance with Policies SP5 and SP15.

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.
Reason - To ensure that appropriate details are approved by the Local Planning Authority in the interests of the appearance of the development and so that works are undertaken and completed in reasonable time.

7. Prior to the commencement of any development above damp course level shall the following details of the manufacturer and types and colours of the materials to be used in construction of each dwelling shall be submitted to and agreed, in writing, by the Local Planning Authority.

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

Such materials and details as may be agreed shall be those used in the development.

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

8. No development shall take place until the existing trees and hedgerows on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on drawing reference 'Proposed Site Plan KA42696-BRY-00-PL-A-03 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. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and

hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837: 2012 Trees in Relation to Construction.
Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

10. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.
Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.
12. Notwithstanding the details submitted and prior to the commencement of any above ground development, details of all boundary treatments, to include boundary treatment to separate the 10m wide buffer zone between the riverbank of the River Gwash from private gardens, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved details prior to the occupation of each relevant dwelling and will thereafter be so maintained. At no point will the area highlighted on the approved plan as the buffer zone be incorporated into any domestic garden and shall remain solely as an ecological buffer zone.
Reason: In the interests of residential and visual amenity and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
13. Notwithstanding the layout shown on plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan, a 2m footway will be installed along the site frontage and leading into the development, abutting the carriageway, and connect to the existing footway provision in both directions.
Reason: To ensure footways are constructed to an appropriate standard 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. The existing street lighting column opposite The Crescent will be replaced and relocated as part of the off-site highway works and where necessary additional street lighting will be installed to ensure that the minimum luminance levels are achieved along the site frontage.
Reason: To ensure street light is to an appropriate standard 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).

15. A detailed design of off-site highway works including the vehicular access, footways, drainage, street name plates and street lighting shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in full prior to first occupation.
Reason: To ensure roads/footways are constructed to an appropriate standard 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. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.
Reason: To ensure users of the public highway are not subjected to glare and dazzle from lighting within the development 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).
17. 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 prior to installation.
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).
18. Prior to commencement of development vehicle to vehicle visibility splays measuring 2.4m x 43m as shown on approved plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan will be provided and maintained clear of obstruction within 600mm in height above ground level in perpetuity.
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).
19. Pre-condition Highway Survey
Prior to commencement of development the developer must carry out and submit a pre-condition photographic highway survey to the Local planning Authority which will include verges from 100m south of the site in Belmesthorpe Lane to the A6121. A similar survey will be provided to the Local Planning Authority on completion of the development and any damage found associated with the construction vehicles will be remediated by the developer at nil cost to the authority.

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).
20. No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
 - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
 - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
 - d) Haul routes to the site and hours of delivery
 - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
 - f) Details of site compounds, storage area and contractor/visitor parking/turning.
 - g) Details of the site enclosure or part thereof and gated site security.
 - h) Confirmation of any tree protection measures.
 - i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
 - j) Details of site notice with contact details and a scheme for dealing with complaints.
 - k) Details of any temporary lighting which must not directly light the public highway.
 - l) Phasing plans where necessary.
 - m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
 - n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and residential amenity 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).

21. 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 lighting 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.
22. All private shared driveways, 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 in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

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

Reason: To ensure that the junction is available for use at the outset in the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

24. The mitigation measures set out in Chapter 5 'Conclusions & Recommendations of the Phase I Desk Study Report by EPS (October 2022, ref. UK22.6112) shall be adopted in full.

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

25. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

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

26. The development shall be carried out in accordance with the submitted flood risk assessment prepared by MTC Engineering, Ref: 2882 - FRA & DS - May 2022, in the following mitigation measures it details:

Finished floor levels to be no lower than 300mm above the 1 in the 1000 year (plus climate change) annual probability flood level

All dwellings to be located in flood zone 1

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason To reduce the risk of flooding to the proposed development and future occupants.

27. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 mitigation 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, recording, dissemination and archiving

28. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- Identification of potentially damaging construction activities
- identification of biodiversity protection zones
- practical measures and sensitive working practices to avoid or reduce impacts during construction
- timing of works to avoid harm to nesting birds
- responsible persons for overseeing sensitive works
- use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in the National Planning Policy Framework.

29. No development shall take place (including ground works or vegetation clearance) until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved scheme.

Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in the National Planning Policy Framework.

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

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), 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 where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and

f) A 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. To ensure that there is no flood risk on or off the site resulting from the proposed development.

Notes to applicant

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

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

Pre-Commencement Highway Survey

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

Utility Services - Section 50 NRSWA 1991

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

Off-site Highway Works - Section 278 Highways Act 1980

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

section 184 Highways Act 1980 ' temp construction access for site

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. 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.

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.

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.

Flood resistance and resilience As some dwellings will be within 20m of the River Gwash we advise that flood resilience and resistance measures are considered within the building design and development as an additional precaution.

To find out which measures will be effective for this development, please contact your building control department. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

Environmental permit Any works within 8m of the River Gwash (a 'main river') will need a flood risk activity permit.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on or in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and it is advised that the applicant consult the Environment Agency at the earliest opportunity.

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.

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached outline planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

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

Expected design process.

Proposals for development are expected to follow The Design Guidelines for Rutland (SPD). Section 1.5 of this document sets out a design process that should be followed, beginning with a thorough site and contextual analysis and then the next stage requires applicants to clearly show how this context has been responded to. A broad structure of the layout can then evolve from this work and only following these initial stages can a credible detailed design emerge.

All of this work should be undertaken at the pre-application stage and should be presented in the form of site studies, photographs taken on and around the site, along with plans and diagrams.

Chapter 3 of the Rutland Design Guide sets out this design process and what is expected at each stage in more detail. It is expected that this design process is followed and proposals for schemes that have not followed such a design process will lack credibility, background evidence and it will not be possible to make an informed assessment of them.

"the Council will expect to see how the design of proposals in planning applications have been crafted in response to their context." (Design Guidelines for Rutland SPD, 2022 - Chapter 3 introduction)

This approach to designing buildings and new places is also supported by the National Design Guide, with both the Context and Identity chapters making it clear that development proposals should respond positively to local context, character and identity.

"Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones." (National Design Guide, 2021 - paragraph 41)

Development proposals that have not followed the design process and that do not include a thorough site and contextual analysis and response to this context and that do not comply with guidance within the Rutland Design Guide SPD and National Design Guide will be rejected/refused.

This application is the subject of a legal agreement, and this decision should only be read in conjunction with this agreement.

Site & Surroundings

1. The site comprises an area of undeveloped land comprising semi natural ruderal vegetation measuring approximately 0.42 hectares and is located on the southern side of Belmesthorpe Lane at the eastern side of the village of Ryhall. The site is roughly triangular in shape being wider at its northern end where the vehicular access is proposed to join the highway (Belmesthorpe Lane) before narrowing out to abut the River Gwash at the sites southern end.
2. The land is surrounded along the eastern and western side boundaries by residential development. To the northeast Gwash meadows and the rear side boundary of the former River Gwash Trout farm for which planning permission has recently being granted approval for residential development under reference No 2021/1268/FUL and 2023/0991/FUL and to the west Gwash Close.
3. There is also housing on the opposite side of the road to the north along Foundry Road, Manor Close, Back Lane, The Crescent, Flint Close and Belmesthorpe Lane, the highway runs along the eastern boundary with the cemetery and sewage works beyond, sporadic housing to the south and the River Gwash to the west.

Proposal

4. The proposal is seeking outline planning permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on land to the south of Belmesthorpe Lane, Ryhall. All other matters are reserved.
5. During the determination of the application the description of the application has been amended from

Outline planning application seeking permission for the erection of 11 no. dwellings and associated works, including construction of new access; provision of parking and turning areas; provision of cycle of refuse storage; provision of private amenity/garden areas and ecological enhancement works
To
Outline planning application seeking permission for the construction of up to 11 no. dwellings and associated works, with all matters reserved for subsequent approval, other than access on Land To The SW Of Belmesthorpe Lane Ryhall Rutland
6. In addition amended drawing have been submitted to show a revised location and radius of access into the site and footway along part of Belmesthorpe Road, the location of an existing mixed species hedgerow along the western boundary identified to have ecological importance, trees on the eastern and western boundaries and a 10 metre wide wildlife/ecology buffer zone between the top of the River Gwash river bank and any development within the site.
7. The proposed location and site plans are attached as Appendix 1

Relevant Planning History

2018/1109/PRE – proposed residential development on the application site

The applicants agent was advised given the proposed site adjoins an allocated site under construction and a proposed allocation in the draft Local Plan 2017, for the site to be considered through the Local Plan as a potential allocation.

This involved the applicant submitting a 'Call for Sites' form, site location and deliverability survey. The applicant was also advised as identified by Planning Policy, the time scale for submitting a site at this stage is very tight, the Council is proposing to go out to Reg 18 consultation on additional sites in August (2018), to meet committee deadlines the site will need to be submitted ASAP for the site at Ryhall to be considered.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 Achieving Sustainable Development
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 6 - Building a strong, competitive economy
Chapter 9 - Promoting sustainable transport
Chapter 11 Making Efficient Use of Land
Chapter 12 Achieving Well Designed Places
Chapter 14 – Meeting the challenges of Climate Change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment

Core Strategy DPD (2011)

CS01 Sustainable Development Principles
CS02 The Spatial Strategy
CS03 The Settlement Hierarchy
CS04 The Location of Development
CS08 Developer Contributions
CS10 Housing Density & Mix
CS11 Affordable Housing
CS18 Sustainable transport and accessibility
CS19 Promoting Good Design
CS21 The Natural Environment

Site Allocations and Policies DPD (2014)

SP1 Presumption in Favour of Sustainable Development
SP5 Built Development in the Towns and Villages
SP6 Housing in the Countryside
SP9 Affordable Housing
SP15 Design and Amenity
SP17 Outdoor Lighting
SP19 Biodiversity and Geodiversity Conservation
SP23 Landscape Character in the Countryside

Supplementary Planning Documents

Design Guidelines for Rutland
Planning Obligations
First Homes Informal Planning Guidance

Officer Evaluation

Principle of Development

6. The application site is located outside but immediately adjoining the planned limits of development of the village. The emerging Local Plan has this site included within an updated Planned Limits of Development. The site has been assessed by Planning Policy as being suitable for residential development with the site having a potential capacity of 12 dwellings (SHLAA Reference: SHLAA RYH09 Site ID34).
7. In addition, the site is allocated as a site for residential development referenced H1.7 in Chapter 6 – Housing of the Rutland Local Plan 'Preferred Options Consultation' November 2023 and on the land use plan for Ryhall in Rutland Local Plan 'Map Book' November 2023 however, this is not yet adopted and therefore does not carry any material weight.
8. Within the existing Local Plan Ryhall is classified as a Local Centre. Policy CS4 of the Core Strategy states in part that '..... the Local Centres can accommodate a level of growth mainly through small scale sites, affordable housing sites, infill developments and conversion or reuse of redundant suitable rural building' and CS9 of the Core Strategy states in part that '.....Greenfield sites within or adjoining the planned limits of development in Oakham , Uppingham and the Local Service Centres will only be allocated and released where need to maintain a sufficient and phased supply of deliverable and developable land....'
9. Policy SP6 of the Site Allocations and Policies Development Plan Document restrict development outside the planned limits of the villages to those types of development

suitable to a countryside location, with the proposed use not being of a class supported by this policy.

10. The principle of the development is therefore contrary to the policy SP6 but would comply with CS4 and CS9 set out in the development plan. Further consideration however must be given to the matter of principle in relation to both material considerations relevant to the scheme, and the position of the Local Planning Authority in respect of the five-year housing supply.
11. Until the 31st December 2022 the Local Planning Authority accepted that it was unable to demonstrate a five-year housing land supply, and that the tilted balance set out in paragraph 11(d) of the National Planning Policy Framework (2021) was activated. After the 31st December, the Local Planning Authority produced a 9-month update to the Five-Year Land Supply & Developable Housing Land Supply Report, which concluded that it could demonstrate a 6-year housing land supply, and therefore the tilted balance was no longer engaged.
12. On the 17th March 2023 an appeal decision APP/A2470/W/22/3301737 (March 2023) for a different housing site was received. This appeal decision noted at paragraphs 21-26 that the Inspector considered some of the housing provision set out in the 9-month update could not be relied upon, concluding (at the time) as a result that the demonstration of a five-year housing land supply was brought into considerable doubt and therefore reverting back to the position that the Local Planning Authority cannot demonstrate a five-year housing land supply.
13. The Planning Inspector then further considered the matter of policies CS4, CS9 and SP6, with these policies identified in the Statement of Common Ground at that appeal as being out of date. The Inspector noted that in the absence of any further evidence on the matter from the Local Planning Authority regarding this position changing, the key policies remained out of date and did not serve to boost housing supply and therefore considered the tilted balance to be engaged in this respect.
14. Since this appeal, an updated Five Year Housing Land Supply assessment has been undertaken, and prepared using the latest housing need figures (which used updated government data). This report concludes that the council does have a deliverable 5 year supply; however, without the continuous and ongoing supply of sites provided by an adopted Local Plan it is important to continue to take a positive approach to applications which are considered to be appropriate and deliverable to maintain an ongoing five year supply.
15. With regard to the other matter in respect of the tilted balance, the Local Planning Authority considers the following. Policy CS9 is not a key policy for the determination of planning applications and therefore cannot be used to engage the tilted balance as set out in paragraph 11(d). Policy SP6 seeks to restrict development in the wider countryside beyond the planned limits of development of the villages to that which is necessary to be so located. Paragraph 84 of the National Planning Policy Framework seeks to similarly restrict development in the countryside and therefore the Local Planning Authority considers that policy SP6 is not out of date and does not trigger the tilted balance.
16. Policy CS4 categorises the settlements within the county based on their sustainability criteria. It anticipates levels of development within the settlements up until 2026 and sets out an expected hierarchy within which development of certain types are likely to be acceptable based on an assessment of their sustainability and service provision. This approach is considered to be in accordance with that set out within paragraph 83 of the National Planning Policy Framework and despite the Inspector's findings in the aforementioned appeal decision there is no evidence to demonstrate that this approach is

insufficient to ensure development of an appropriate number of houses to maintain the five-year housing land supply.

17. On the basis of the above assessment and acknowledging that the Planning Inspector's decision is a material consideration in respect of determining planning applications, the Local Planning Authority considered that the tilted balance is not engaged in respect of the age of the relevant planning policies or their compliance with the National Planning Policy Framework as a whole.
18. Notwithstanding the above conclusion in respect of the tilted balance, the Local Planning Authority has a duty to ensure it has a five-year supply of housing land for development. In ensuring the security of that five-year housing land supply, the Local Planning Authority must be conscious of the need to approve a sufficient number of schemes in sustainable locations to ensure that in the period up to the adoption of a new local plan, the housing land supply figure does not again fall below five years.
19. In respect of the current scheme there are several factors to weigh in the balance. In preparing a new Local Plan, the Local Planning Authority would consider the allocation of sites beyond the current planned limits of development of the towns and villages, likely incorporating those sites within re-drawn planned limits.
20. The application site was previously submitted for consideration within the withdrawn Local Plan, and a detailed site assessment was undertaken at that stage in respect of its suitability for allocation as a housing site within that plan. In that assessment the site scored highly in terms of abutting the boundary of a Local Service Centre, being in close proximity to local services and facilities and being developable within a short time frame. No barriers to development were identified in this assessment. That assessment concluded that the site was suitable enough for inclusion within the that Local Plan as a proposed allocation.
21. The application site is sandwiched between 2.No existing residential developments and would not be physically seen as a material extension to the planned limits of development of Ryhall but more a kin to being an infill development .
22. As such, there is some conflict with policies with the site being beyond the settlement boundary as defined in the current Local Plan but would be adjoining the existing boundary (which is updated in the emerging plan to include this site). The site is also allocated as an housing site in the Rutland Local Plan 'preferred Options Consultations' November 2023 The site is not classed as previously developed under the definition in the NPPF; although the site was adjoining a former employment use prior to the residential development that now accessed from Gwash Close.
23. The principle of development is therefore a balanced consideration. This site previously scored positively on the assessment criteria used to assess the suitability of sites for allocation in the local plan review (now withdrawn) and the current version. The site was allocated in that document before it was withdrawn and is so again in the current document
24. The Council acknowledges the recent lack of 5-year housing land supply and the need to continue to ensure it has a 5-year supply until the matter is addressed in the long-term through the new local plan. Consequently, it is considered in this instance, given the previous and current support for the site in the local plan process, the site is classed as a preferential location for development in a sustainable location that will help to secure the 5-year housing supply in the longer term.
25. In this regard, it was also a relevant consideration at the time of the previous application that the proposal complied with the Adopted Interim Position Statement for Housing Development, that the site is deliverable within a short timeframe, the site is sustainably

located, of a scale and density appropriate to the settlement and the scale of the development will make a notable contribution towards housing supply over the five-year period.

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

Housing Density

27. The site area comprises 0.42 hectares and 11 dwellings are proposed; this equates to a density of development of 26 dwellings per hectare. Whilst this is below the sought 30 dwellings per hectare each case must be considered on its merits. The site is irregularly shaped, between two existing residential developments with a buffer is required adjacent to the River Gwash. Taking these factors into account, it is considered in this instance a lower density of development would be acceptable.

Impact upon the character and appearance of the area

28. It is not considered that residential development would have an adverse impact upon the character of the surrounding area. Notwithstanding the issue of the boundary of the planned limits of development for Ryhall, the development would appear, due to residential development existing on either side of the application site as an infill development.

Design, layout and housing mix

29. The proposed design, layout and housing mix and numbers are all reserved matters. The plans submitted showing the location of the proposed dwelling are indicative only as these matters are all reserved other than the creation of a new vehicular access. Planning considerations related to these will be assessed fully when details are provided at a later date..

Residential amenity / Impact on Neighbouring Properties

30. The plans submitted showing the location of the proposed dwelling are indicative only as these matters are all reserved other than the creation of a new vehicular access. The comments from the Parish Council and occupiers of nearby residential properties are noted. However planning considerations related to the impact on neighbouring properties on either side of the site are reserved matters and can only be assessed fully when details are provided at a later date.
31. During the determination period highway safety and the location of the access has been raised as detailed in the consultation responses above and else in this report RCC Highways raise no objection.

Affordable Housing/First Homes

32. The applicant has agreed to enter into a legal agreement to secure the provision and occupation of the affordable units.

Highway issues

33. Following revisions during the lifetime of the application showing specific details of the new access and footpath the Highway Authority had no objections, subject to conditions and informatives.

34. The proposal will not therefore have an adverse impact on highway safety and acceptable in this respect, in accordance with Section 9 of the NPPF (2021) and SP15 of the Site Allocations and Policies Development Plan Document (2014)

Ecology

35. LCC Ecology Team has reviewed the amended Biodiversity Impact Assessment produced by Ecology By Design (November 2023) and associated metric. The hedgerow proposed for retention has been classified as being in 'good condition' within the metric. As per previous LCC ecology comments, the lack of a buffer area will lead to its degradation and a negative BNG score. The proposed supplementary planting will increase the hedgerow score by enhancing this to a species-rich native hedgerow, and as shown in the metric will give a 11.58% increase in hedgerow biodiversity units. However, the current proposed plans will result in degradation due to the proximity of built surfaces as well as long-term management issues due to forming part of private gardens. Without adequate protection measures in place, it is likely that damage and degradation will possibly lead to a 'poor' rather than 'moderate' condition hedgerow. Protective fencing during construction should be used to reduce impacts on the hedgerow and can be covered by a CEMP. As per previous comments, the Biodiversity Net Gain metric shows a net loss of area habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary. A condition is recommended.
36. In addition to securing the provision of social housing on the site the legal agreement would also include the requirement to
- a. provide 10m wide the ecological buffer strip adjacent the River Gwash, and prevent it from being incorporated into gardens and/or any use, other than being a wildlife corridor/area at any future date.
 - b. A Landscape Ecological Management Plan which includes details of the long-term management of the ecological buffer strip
 - c. Retain the exiting hedgerow in a good condition on the site or provide offsite ecological compensation to achieve a net gain as part of the development proposals. A financial contribution must be made to an appropriate offset provider for the following units:
 - 0.96 habitat units; and
 - 0.02 hedgerow units.

37. Overall, the proposal is acceptable on ecological grounds and complies with Policies CS21 and SP19

Drainage

38. Suitably word conditions are proposed to address land and surface water drainage from new hardstanding areas as recommended by RCC Highways, and LLFA

Contaminated Land

39. A condition is recommended to deal with the concerns expressed by Environmental Protection.

Archaeology

40. The Leicestershire and Rutland Historic Environment Record (HER) has noted that the application lies just outside the historic settlement core of Ryhall, and within an area of wider archaeological interest. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application.
41. In this context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording.

Parish Council

42. The comments of the Parish Council are noted. Where relevant the issues identified have been addressed and conditions recommended, the application is also subject to a legal agreement. Other issues raised will be considered as part of the reserved matters stage.

Crime and Disorder

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

Human Rights Implications

44. 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

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

45. Parish Council

We have inspected the property at which this planning application refers.

Further more we have viewed the varying representations from the Official bodies listed with the application and note that these make a series of recommendations which we expect will be applied to any granting of planning permission.

Whilst we have no reason to oppose or support the application it is our opinion as the Planning Sub-Committee of Ryhall Parish Council that the following issues should receive further consideration before outline planning permission is granted'

1. The Planning Design & Access Statement submitted by Berry's states that ' The units will comprise either 3 or 4 bed dwellings, with a total of approximately 22 car parking spaces, together with private amenity (garden) space, cycle and refuse storage areas.' We note that this contradicts and is not compliant with the Rutland County Council Housing Strategy which states that " There is a requirement for 30% affordable housing on site, under Policy CS11 and the Planning Obligations SPD. To meet local need in the Strategic Housing Market Assessment Update 2019 and the requirement for 25% of affordable housing to be First Homes (as defined in the national Planning Practice

Guidance), these should consist of 2. no. affordable homes for rent and 1 no. First Home. These can be provided as 2 or 3 bedroomed houses and have an appropriate section 106 agreement.'

Therefore it is the opinion of Ryhall Parish Council that consent to this planning application should be paused whilst this matter be resolved and recommend that approval of the application be made dependent upon compliance with the Housing Strategy's requirements itemised in the preceding paragraph.

2. We are concerned that further consideration of the environmental impact of the development be made to ensure that :

2.1 Contamination of the land known to be present is prevented from runoff into the River Gwash and the adjacent Trout Farm ponds during the construction phase and prevented from emergence subsequent to the development's completion.

2.2 Flooding from the high ground to the north of the development onto Foundry Road is known to occur in winter and there is concern that this coupled with the hard surfaces of the development could result in surface water spillage contaminated by petrol/oil residues entering into the River Gwash and adjacent Trout Farm Ponds.

3. We note the comments submitted by a neighbour to the development at No 12 Gwash Close about proximity of one of the new proposed properties to his residence and consider this needs to be assessed for acceptability.

We also note the point made about the exterior surface design of the properties and agree that consideration should be given to use of Limestone cladding to match adjacent properties.

We also note that a nearby neighbour at No. 20 Foundry road had raised several concerns in R.C.C.'s documentation.

4. We are concerned at the number of buildings proposed and feel that consideration should be given to a lower density of occupation.

46. **Highway Authority**

Highways I have reviewed the above-mentioned application on behalf of the LHA and make the following comments:-

Notice on the LHA

The site edged red, as detailed on plan 03, includes part of the public highway. I could not find any evidence to confirm notice has been served on the local highway authority as is required. This should be regularised.

Query on what is included

The application appears to include access, parking, turning, amenity/garden areas, etc, but does not include siting of the dwellings. This would appear a little odd, as the comments made on other elements seemingly included would have an impact on the siting of the dwellings. This application almost lends itself to be a full application.

Access/Parking/Turning

1.The geometry of the main access off Belmesthorpe Lane is rather odd with small radius kerbs and entrance and exit tapers. The access should be designed using a minimum standard radius of 6m.

2.The proposed site plan 03 does not show any dimensions other than vehicle to vehicle visibility at the main access, which is acceptable to the LHA as it conforms in size and is included either within the public highway (to the southeast of the access)or land under the control of this applicant (to the northwest of the access). As access, parking and turning are included, road widths together with kerb radii, junction visibility splays, forward visibility

and pedestrian visibility splays must be shown. All internal junctions must have 2.4 x 25m splays, forward visibility splays of 25m measure from a 1m offset from the channel line and all vehicular accesses to have a 2m x 2m pedestrian visibility splay either side of the access (with no obstruction within 600mm above ground level). It is likely that this exercise will result in the repositioning of several features including the proposed planting.

3.All garages must have a minimum of 6m between the back of the adjacent carriageway/footway. Several do not conform to this and in their current location can not be amended due to the constraints of the site/other areas of the design.

4.It is not possible to assess the parking provision, even though this is specifically included and not a reserved matter. Detailed floor plans are required for all the dwellings as the minimum parking provision is based upon habitable room sizes as set out in Appendix 2 of the Site Allocations & Policies DPD 2014.

5.It is not clear how the design will work in terms of kerbs and transition between the various areas within the site. For instance, it is assumed a full height kerb will be used where this abuts an adjacent footway, but it is not clear what the kerb will be on the opposite side of the carriageway.

6.There is no pedestrian connectivity between the site and the existing footway on the opposite side of Belmesthorpe Lane.

7.It is not clear what the various different areas of grey shading are within the internal layout as there is no key. Key to be added.

8.It would appear that the frontage dwellings, in particular plots 1-4, have a rear parking provision, which is not supported by the LHA as this leads to vehicles parking on the frontage and within Belmesthorpe Lane on the inside of a bend or on a verge area. The layout for these dwellings should be reconsidered, and any rear parking provision removed. Whilst it is noted that 'siting' is not included in this outline application, by virtue of parking being included, this must be addressed within this outline application.

9.The layout will require swept path analysis to ensure refuse collection vehicles can enter and leave the site in forward gear.

10.Once the layouts have been amended and additional information provided to address the above points, the LHA will review again.

As the application stands the LHA are minded to recommend refusal for a lack of information and poor design which results in highway safety concerns. We look forward to receiving revised and additional information to address the above comments. However, in the event you are minded to determine the application as it stands, please let me know so I can provide our formal LHA reasons for refusal.

Highways

The LHA are still waiting for additional information on this site. The application is for 11 dwellings with all matters reserved except for access.

The issues raised previously by Julie have not been addressed by the application and some of their comments state they will revise the drawing – no drawings have been received.

The LHA therefore require a detailed drawing of the site access to include dimensions.

The applicant has suggested that they will look at dimensions and visibility information on an indicative site plan, again please note that all matters are reserved except for access.

Included in this all off site works should be included, as Julie has stated this should include pedestrian connectivity. The applicant has made reference to application 2021/1268/FUL and lack of pedestrian links. On this application a new footpath has been created directly opposite Flint Close with a suitable dropped kerb. There is no footpath on the northern side of the road and therefore the development links suitably. This dropped kerb is also on the pedestrian desire lines, as pedestrians will be walking towards the village.

On this application the applicant has not provided any dropped crossing facilities for pedestrian/wheelchair users or pushchairs. Therefore these users will be required to walk into the carriageway to access the footpath on the northern side of Belmesthorpe Road. The LHA require the footpath proposed with this development to be extended further west and provide a suitable dropped kerb crossing facility.

Highways

..... We do not seem to have received any revised plans to address the LHA's previous points, although I now note that the applicant was awaiting a further response from the LHA. As such, I have added **blue** comments as an update below to be sent to the applicant/agent:-

Access/Parking/Turning

1. The geometry of the main access off Belmesthorpe Lane is rather odd with small radius kerbs and entrance and exit tapers. The access should be designed using a minimum standard radius of 6m. *Noted. We will look to revise the design of the radii.* **RCC - Awaiting a revised plan.**
2. The proposed site plan 03 does not show any dimensions other than vehicle to vehicle visibility at the main access, which is acceptable to the LHA as it conforms in size and is included either within the public highway (to the southeast of the access) or land under the control of this applicant (to the northwest of the access). As access, parking and turning are included, road widths together with kerb radii, junction visibility splays, forward visibility and pedestrian visibility splays must be shown. All internal junctions must have 2.4 x 25m splays, forward visibility splays of 25m measure from a 1m offset from the channel line and all vehicular accesses to have a 2m x 2m pedestrian visibility splay either side of the access (with no obstruction within 600mm above ground level). It is likely that this exercise will result in the repositioning of several features including the proposed planting.

Noted. We will look to add the necessary dimensions and visibility information on a revised Indicative Site Plan. However, attention is drawn to the fact that the proposed modest road network through the site will provide only a total of two internal junctions through the site. The rearmost junction only serves two no. properties and has been designed as a shared access (with sufficient space for both vehicles and pedestrians. Moreover, the rearmost junction has an arm which immediately becomes a cul-de-sac and does not serve any properties. Is it really necessary to show visibility splays at this junction? **RCC - Yes**

We would be happy to show visibility splays at the other junction within the site but we again query the need to relocate the one tree as shown on the Plan. We stress that the Proposed Site Plan is indicative only, and should not be used as a definitive or final plan. It appears that the request to relocate any indicative tree would fall under either layout and/or landscaping reserved matters, neither of which are being sought under this application. **RCC - As parking, turning, etc are included within the description of this application the LHA will require internal visibility splays to be added to the layout and any obstructions to be moved.**

- 3 All garages must have a minimum of 6m between the back of the adjacent carriageway/footway. Several do not conform to this and in their current location can not be amended due to the constraints of the site/other areas of the design.

Noted. We will look to resolve this issue by removing all of the garages and using open car park spaces only. **RCC - Revised plan awaited.**

- 4 It is not possible to assess the parking provision, even though this is specifically

included and not a reserved matter. Detailed floor plans are required for all the dwellings as the minimum parking provision is based upon habitable room sizes as set out in Appendix 2 of the Site Allocations & Policies DPD 2014.

We are of the firm view that floor plans are not required in this instance. As noted elsewhere in our response, the planning application seeks permission for outline consent only. As you will be aware, floor plans are not required to support outline planning applications and we do not propose to prepare and/or submit them in this instance. **RCC - As the description of this application includes parking, turning, etc the LHA will require housetype plans to assess the parking provision. Alternatively, the application description should be changed to omit parking, turning, etc.**

5. It is not clear how the design will work in terms of kerbs and transition between the various areas within the site. For instance, it is assumed a full height kerb will be used where this abuts an adjacent footway, but it is not clear what the kerb will be on the opposite side of the carriageway.

A standard height for a HB2 kerb of 125 mm upstand in height will be used where there are adjacent footways, and dropped kerbs will be used for the transition with proposed parking spaces and elsewhere across the site where there is no footway, in accordance with 'shared access' principles. **RCC - Thanks for the clarification, but it is still not clear what the kerbs opposite a footway (where there is no dropped kerb requirement). It is not good practice to have a dropped kerb running along a full length of road opposite a full height kerb/footway for both design and aesthetic reasons. It is also not clear what the darker grey shaded panels are within the carriageway.**

6. There is no pedestrian connectivity between the site and the existing footway on the opposite side of Belmesthorpe Lane.

For clarification it is not proposed to provide a pedestrian link between the site and the existing footway on the opposite side of Belmesthorpe Lane. Attention is drawn to the fact that the recently-submitted planning application (planning permission ref. 2021/1268/FUL) immediately to the south and south-east of the application site does not propose a link between the site and the opposite side of Belmesthorpe Lane and we query the need for our application to do so. Moreover, it is understood that the recently-built out housing development for 7 dwellings (LPA planning permission ref. 2016/1143/FUL), immediately to the south of the application site, has indeed provided a pedestrian crossing (in the form of dropped kerbs and tactile paving) over Belmesthorpe Lane close to our application site. We therefore suggest that the area already has a crossing and to add more along this section of Belmesthorpe Lane would be excessive and potentially dangerous. We look forward to your comments on this. **RCC - The current plan shows no pedestrian connectivity whatsoever to any public highway footway, not even on the site side of Belmesthorpe Road, therefore it is not acceptable to the LHA. The current officers can not explain why adequate pedestrian connectivity was not required for the 2016 application, but the 2021 application is connected adequately to the existing public highway footway on the site side of Belmesthorpe Road and a crossing point has been requested, with the application yet to be determined. A lack of consideration of pedestrian connectivity on older applications does not justify the lack of provision on current applications being assessed. Footway connectivity is considered part of 'access' on outline applications and must be addressed sufficiently.**

If necessary and with the agreement of the Local Highways Authority we would however be pleased to extend the length of the proposed footway northwards towards Ryhall to provide a continuous footway along the site frontage. Clearly we cannot put forward any

proposals for extending the footway any further towards Gwash Close because this is outside the application site/development boundary. **RCC - The proposal is noted, thank you. We look forward to receiving updated plans to demonstrate this. However, as this footway will not connect to an existing public highway footway on the site side, a pram crossing will be necessary to provide a safe routes for pedestrians to cross on to the one opposite. From looking at the highway records, the site frontage verge area is only partly public highway, so there may be a need for part of it to be dedicated as public highway under Section 38 of the Highways Act 1980, which will be dealt with post approval, should approval be consented to. The alternative is to provide a footway with pram crossings within the existing public highway area only. If you have not already obtained a copy of the highway records, please contact highways@rutland.gov.uk to obtain a copy. The extent of the highway should be shown clearly on the site layout plan so the footway provision can be further assessed.**

7. It is not clear what the various different areas of grey shading are within the internal layout as there is no key. Key to be added.

Noted. We will look to add a key and resubmit an amended plan once we have agreement with you on the other counter points we raise. **RCC - Awaiting an updated plan.**

8. It would appear that the frontage dwellings, in particular plots 1-4, have a rear parking provision, which is not supported by the LHA as this leads to vehicles parking on the frontage and within Belmesthorpe Lane on the inside of a bend or on a verge area. The layout for these dwellings should be reconsidered, and any rear parking provision removed. Whilst it is noted that 'siting' is not included in this outline application, by virtue of parking being included, this must be addressed within this outline application.

We note your comments as regards the proposed rear parking proposals to plots 1-4. However, you will be aware of the Rutland County Council's Design Guidelines for Rutland SPD, published in March 2022, which states:

'Where it is necessary to site parking spaces in front of the building line, they should be limited in number and located sensitively within a development. This parking should be located away from main streets or streets where it does not fit with the desired character' (underlined by author for our emphasis). It is standard urban design advice that car parking be concealed as much as possible away from prominent viewpoints or hidden away from the street scene. Although the guidance advises that rear parking courtyards should be only used as a last resort, you will agree that the proposed parking does not in any way comprise a 'courtyard'. **RCC - Urban design advice sometimes conflicts with the views of the LHA, which on this particular point it does. For this reason, it is often the planning officer who has to consider both views and make an on-balance view. It is noted that Gwash Close properties are set well back, so in our humble view it is not essential for the properties on this site to be set as far forward as shown, but as stated this will be a matter for the LPA to consider and make a view on. The LHA remain of the view that rear parking as shown will result in vehicles parking on the inside of the bend on Belmesthorpe Road, which could lead to highway safety issues and therefore should be avoided.**

It is considered that a sufficient amount of parking can be delivered to serve these smaller terrace dwellings along the site frontage and we trust you will agree with the proposed design and parking solution. **RCC - Refer to comment above, plus it has not yet been demonstrated that the parking provision is adequate as we have not had sight of the housetype plans.**

In any case, the need to justify the parking is queried. We reiterate that the application is in outline only, with sufficient supporting information to assist with an explanation and

*justification of the development proposals. It is entirely within the applicant's gift to decide which type of application is submitted. The additional information provided, including the Indicative Proposed Site Plan, has been submitted as per the Council's validation list requirements. However, it precisely serves the purpose of what most plans and drawings supporting any outline application is, i.e. an indicative plan only. It is not the intention to submit an application seeking approval of the layout reserved matters, so we are somewhat confused as to why 'the layout for these dwellings should be reconsidered'. Put simply, approval of layout is not being sought at the current time. **RCC - If this is the case, the description of the application must be changed.***

9. The layout will require swept path analysis to ensure refuse collection vehicles can enter and leave the site in forward gear.

*We draw attention to the fact that an application seeking planning permission for the erection of 11 no. dwellings immediately to the south and south-east of the site (LPA planning application ref. 2021/1268/FUL) has been submitted and has been commented on by the Local Highways Authority. In your advice and comments (as published on the Council's website), it is acknowledged that if a minimum 6 metre kerb radii can be achieved, then tracking is not needed. We trust that the same advice will be applicable to our application as well. **RCC - The LHA have raised concerns over the geometry of the access shown and lack of dimensions. In the event a fully dimensioned plan is provided which meets the minimum requirements of 5m wide carriageway with 6m kerb radii's then the LHA will reconsider the request for swept path analysis of a refuse truck at the point of access. In the event the application description is changed to remove all internal elements, swept path analysis internally will be reconsidered at a reserved matters stage, should the outline consent be granted.***

10. Once the layouts have been amended and additional information provided to address the above points, the LHA will review again -

Noted, but we trust the above points and right of reply will be taken fully into account by the Local Highways Officer prior to any alterations made to the planning application.

*Before additional time and expense is incurred by the applicant, we would be grateful if you could confirm that the above points are acceptable and we will make the necessary alterations as set out above. However, we remain of the view that some of the requests made by the Local Highways Authority are inappropriate and too detailed for an application of this type. We look forward to receiving your agreement that this is the case. **RCC - A full response is provided above and the LHA await revised plans for further review, together with confirmation about the change in description of the application.***

Highways

The LHA are still waiting for additional information on this site. The application is for 11 dwellings with all matters reserved except for access.

The issues raised previously by Julie have not been addressed by the application and some of their comments state they will revise the drawing - no drawings have been received.

The LHA therefore require a detailed drawing of the site access to include dimensions.

The applicant has suggested that they will look at dimensions and visibility information on an indicative site plan, again please note that all matters are reserved except for access.

Included in this all off site works should be included, as Julie has stated this should include pedestrian connectivity. The applicant has made reference to application 2021/1268/FUL and lack of pedestrian links. On this application a new footpath has been created directly

opposite Flint Close with a suitable dropped kerb. There is no footpath on the northern side of the road and therefore the development links suitably. This dropped kerb is also on the pedestrian desire lines, as pedestrians will be walking towards the village.

On this application the applicant has not provided any dropped crossing facilities for pedestrian/wheelchair users or pushchairs. Therefore these users will be required to walk into the carriageway to access the footpath on the northern side of Belmesthorpe Road. The LHA require the footpath proposed with this development to be extended further west and provide a suitable dropped kerb crossing facility.

Highways

The description also includes parking, turning, refuse storage, amenity/garden areas, hence my request for house details to assess the parking/turning provision. I now note in a much earlier email dating back to Oct last year that the agent is challenging the need for housetypes. The only way the LHA could ignore parking provision was if it was removed from the description, as the way I understand it parking, turning, etc is not a reserved matter.

I will review the red written response below and update further....

No, unfortunately the plans do not address all the points raised, unless they have removed parking and turning from the application description, which can be dealt with at reserve matters. Looking at the portal, the description appears to be the same. If these elements are not removed, then as mentioned several times before, we would need the housetypes to determine if the parking provision is acceptable. It really does seem odd that the internal road layout, parking and turning are included yet not siting (of the dwellings).

It is noted in their written email that the garages have been removed and replaced with parking spaces instead, which is fine, but this should be made very clear on the decision notice if consent is granted, as it is not particularly clear on the plans.

Proposed Site Plan - KA42696-BRY-00-PL-A-03 Rev A

The vehicle to vehicle visibility splays at the main access are acceptable.

It is noted that a footway and pedestrian crossing point is now being shown along the frontage, however the length of footway between the pedestrian crossing and the western boundary is superfluous as it will not connect with any other footway, so should be removed. The indicated footways are dimensioned on the other plan as 1.2m wide, which is not acceptable, the minimum width for a footway is 2m.

A footway connection must also be made from the site access to the southeast and connect to the existing footway.

The bellmouth arrangement is acceptable with 6m radius kerbs.

It is noted that dropped kerbs are indicated for all driveways and parking spaces, although there still appears to be an odd arrangement with double sets of lines along the channel lines from the bellmouth inwards.

The pedestrian crossing part of the carriageway appears to be indicated as block paving, which is not ideal or acceptable for pedestrians as a route to cross.

There remains to be a number of concerns about the internal layout to address, along with the additional plan, which are listed in more detail under those comments.

Proposed Site Plan Junction Visibility Splays - KA42696-BRY-00-PL-A-04 Rev -

Comments above also to be noted and addressed within this plan.

The vehicle to vehicle visibility splays within the internal roads do not terminate at the correct location, the channel line of the near side kerb.

It is unclear what the red dashed line within the carriageway is meant to be indicating.

The forward visibility splay around the inside of the bend of the access road is not shown.

The carriageway width appears to be 5m from back of kerb to back of kerb, which is an

insufficient width, the carriageway should be a min of 5m between channel lines. The distance behind parking spaces must be a minimum of 6m to allow for manoeuvring into and out of the parking spaces. Using the dimension of the carriageway, this requirement is not met. Parking spaces are not dimensioned, either on plan or as part of a key, so it is not clear if these are the minimum standard of 2.4m x 5.5m.

General Layout comments applicable to both plans

As mentioned previously, the LHA would not wish to see rear parking provision for the frontage dwellings, particularly in this location, as this is highly likely to lead to parking along the site frontage on the inside of a bend and opposite two junctions, which would create a highway safety issue.

The parking spaces for plots 5 & 9 are not orientated at 90 degree to the adjacent access road, which is not acceptable.

In summary, there remains numerous points to still be addressed to satisfy the LHA who at this point can not support this application for the reasons stated above. It may be helpful to offer a meeting with the applicant/agent, so the above points can be explained in greater detail if needs be and we can find a way forward. One other solution, as mentioned before, is to remove items such as parking and turning from this application, so they can be dealt with as part of a reserved matters application, however that will still leave other items to be addressed, such as the footway along the frontage.

In the event you are minded to determine this application as it stands, please reconsult the LHA for refusal reasons.

Highways

The LHA have reviewed the revised plans and make the following comments :-

Revised plans received :-

Plan KA42696-BRY-00-PL-A-03 Rev C ' Proposed Site Plan

Plan KA42696-BRY-00-PL-A-04 Rev B ' Proposed Site Plan Junction Visibility Splays

Whilst both plans are titled differently, they would appear to be almost identical in terms of visibility splays and dimensions in relation to 'access'. As mentioned previously, the LHA are concerned with the internal layout, inability to fully assess the parking provision (due to no house types) and rear parking provision for the front dwellings, we would recommend that plan 03 is approved only. Furthermore, as the application description has now been changed to outline with all matters reserved except 'access', the internal layout is irrelevant at this stage.

The footways shown along the frontage are welcomed and necessary, however, they currently include a narrow strip of what is assumed to be verge between the carriageway and the footways, which is not acceptable to the LHA. The footways must abut the carriageway. Furthermore, the one leading to the southeast, will need to extend and connect to the footway to the southeast. Ideally the block plans should be updated, however this could be conditioned.

The layout of the new access and the vehicle to vehicle visibility splays shown are acceptable to the LHA.

The indicative internal layout is not acceptable to the LHA, as mentioned previously, for a number of reasons and the LHA reserves the right to comment fully on any future reserved matters application.

If the LPA are minded to approve the application as it stands, the LHA raise no objection to the proposal subject to the following conditions and informatives being appended to the decision notice :-

CONDITIONS

Footway Provision

Notwithstanding the layout shown on plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan, a 2m footway will be installed along the site frontage and leading into the development, abutting the carriageway, and connect to the existing footway provision in both directions.

Reason: To ensure footways are constructed to an appropriate standard 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).

Street Lighting

The existing street lighting column opposite The Crescent will be replaced and relocated as part of the off-site highway works and where necessary additional street lighting will be installed to ensure that the minimum luminance levels are achieved along the site frontage.

Reason: To ensure street light is to an appropriate standard 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).

Off-site Highway Works

A detailed design of off-site highway works including the vehicular access, footways, drainage, street name plates and street lighting shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in full prior to first occupation.

Reason: To ensure roads/footways are constructed to an appropriate standard 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).

Lighting affecting the highway

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

Reason: To ensure users of the public highway are not subjected to glare and dazzle from lighting within the development 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).

Tree Root Protection

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 prior to installation.

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).

Visibility Splays

Prior to commencement of development vehicle to vehicle visibility splays measuring 2.4m

x 43m as shown on approved plan KA42696-BRY-00-PL-A-03 Rev C Proposed Site Plan will be provided and maintained clear of obstruction within 600mm in height above ground level in perpetuity.

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).

Pre-condition Highway Survey

Prior to commencement of development the developer must carry out and submit a pre-condition photographic highway survey to the Local planning Authority which will include verges from 100m south of the site in Belmesthorpe Lane to the A6121. A similar survey will be provided to the Local Planning Authority on completion of the development and any damage found associated with the construction vehicles will be remediated by the developer at nil cost to the authority.

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).

Construction Management Plan Condition

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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

Reason: In the interests of highway safety and residential amenity 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).

INFORMATIVES

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

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-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.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, a photographic survey of any damage on the public highway including verges will be carried out from 100m to the south of the site on Belmesthorpe Lane to the A6121 and submitted to the Local Planning Authority. The route should then be surveyed again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Utility Services - Section 50 NRSWA 1991

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

Off-site Highway Works ' Section 278 Highways Act 1980

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

Section 184 Highways Act 1980 ' temp construction access for site

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. 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.

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.

47. **LCC Ecology**

I still cannot see any Biodiversity Net Gain information uploaded with the application as requested with our previous comments.

From reviewing the Preliminary Ecological Appraisal (Ecology by Design, April 2022), I would question the 'modified grassland' classification if that was to be inserted into the metric. Perennial rye-grass was only mapped as frequent (e.g. <30%), with cowslip occasionally recorded (typically associated with nicer grasslands). The survey was carried out in the beginning of April by an Assistant Ecologist therefore it is possible that other species were missed. I would be more inclined to classify the habitat as 'other neutral grassland' within the metric.

Please can the application be delayed until the Biodiversity Net Gain metric has been submitted with the application and an indication as to how the lost Biodiversity Units will be offset.

Ecology

I have received the updated metric by Ecology by Design. I am a bit confused why the hedgerow in the calculations is now showing as lost but then will be recreated in the same location, ideally habitats should be retained (following the mitigation hierarchy). Given the current plans include some of the hedgerow in garden areas this will be unlikely to be achievable. However as the layout will be left to reserved matters this can be dealt with then.

As this is an outline application, an Ecological Constraints and Opportunities Plan (ECOP) would be my one recommended Condition. The main purpose of this document is to inform and lead the overall design process. It should show the key biodiversity constraints and opportunities associated with the development as currently proposed. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.

3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
5. Areas needing protection on site and/or in adjacent areas (eg from physical damage on site or pollution downstream) during the construction process.
6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

If vegetation clearance is required for access I recommend the following informative: 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.

Ecology

I have now reviewed the Biodiversity Impact Assessment produced by Ecology By Design (September 2023). I am pleased to see that an updated visit was varied out and the grassland is now assessed as 'other neutral' rather than 'modified', which I feel better reflects the species present. The metrics show that there is a net loss of area habitats and no net gain in hedgerow habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary.

I was not aware of the presence of the hedgerow on site as this was not included within the original Preliminary Ecological Appraisal report. I can't see this hedgerow in the BIA Proposed drawing. I am concerned that the current plans show there being no buffer area between construction works and the hedgerow. The condition assessment within the report shows the hedgerow being in a good condition however it has been inputted as moderate condition in the metric. Please can this be clarified. As the plans currently stand the hedgerow would no longer be feasible in a good condition, with the proposed road, building and paving touching the hedgerow (and most going into the vegetated gardens). As the application is outline stage and all matters reserved, the site layout is not set in stone so the hedgerow buffer can be addressed at a later stage, but it needs to be clarified the current condition and what protection measures are required to maintain the current condition (so that the Reserved Matters design can be influenced by ecology requirements e.g. what buffer area is required and should be incorporated within the developers management). If this is not possible then the hedgerow would need to be shown as being lost, which would need to be offset.

Please can my above queries be addressed prior to determination.

Ecology

I have reviewed the amended Biodiversity Impact Assessment produced by Ecology By Design (November 2023) and associated metric.

The hedgerow proposed for retention has been classified as being in 'good condition' within the metric. As per previous LCC ecology comments, the lack of a buffer area will lead to its degradation and a negative BNG score.

The proposed supplementary planting will increase the hedgerow score by enhancing this to a species-rich native hedgerow, and as shown in the metric will give a 11.58% increase in hedgerow biodiversity units.

However, the current proposed plans will result in degradation due to the proximity of built surfaces as well as long-term management issues due to forming part of private gardens.

Without adequate protection measures in place, it is likely that damage and degradation will possibly lead to a 'poor' rather than 'moderate' condition hedgerow. Protective fencing during construction should be used to reduce impacts on the hedgerow and can be covered by a CEMP.

As per previous comments, the Biodiversity Net Gain metric shows a net loss of area habitats. It will need to be stated at the Reserved Matters stage how this loss will be offset, or if the design can be altered to include net gain within the site boundary.

I therefore recommend the following Condition is attached to any permission (which replaces the previously suggested ECOP):

No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

48. **Public Protection**

We would like to have a phased contaminated land assessment for the site.

Public Protection

We have reviewed the Phase I Desk Study Report by EPS (2022, ref. UK22.6112) and we are satisfied that the findings of the report do not indicate there are any pollutant linkages that pose a risk to the future users of the site and further site investigation is not warranted.

The responsibility for safe development and secure occupancy of the site rests with the developer; and this response has been determined on the basis of the information available, but this does not mean that the land is free from contamination.

Therefore, in the case planning permission is granted the following condition for unsuspected contamination should be applied:

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

49. **Environment Agency**

50. Nearly all the site lies in flood zone 1, with a small area adjacent to the River Gwash in flood zones 2 and 3. A flood risk assessment (FRA) has been submitted and a sequential approach has been followed, locating the dwellings in flood zone 1.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition The development shall be carried out in accordance with the submitted flood risk assessment prepared by MTC Engineering, Ref: 2882 - FRA & DS - May 2022, in the following mitigation measures it details:

- Finished floor levels to be no lower than 300mm above the 1 in the 1000 year (plus climate change) annual probability flood level
- All dwellings to be located in flood zone 1

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development Reason To reduce the risk of flooding to the proposed development and future occupants.

As you are aware the discharge and enforcement of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of the Planning Practice Guidance (Use of planning conditions section, paragraph 004). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our advice covers the risk of fluvial flooding only. Advice to the applicant Flood resistance and resilience As some dwellings will be within 20m of the River Gwash we advise that flood resilience and resistance measures are considered within the building design and development as an additional precaution.

To find out which measures will be effective for this development, please contact your building control department. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

Environmental permit Any works within 8m of the River Gwash (a 'main river') will need a flood risk activity permit.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

51. **LCC Archaeology**

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements.

The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies just outside the historic settlement core of Ryhall, and within an area of wider archaeological interest.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered 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 following 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:

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 mitigation 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, recording, dissemination and archiving

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.

Please will you ensure a copy of the Decision Notice is sent to us in due course, to enable us to continue to monitor and safeguard the archaeology of this site. Should you or the applicant have any further queries please do not hesitate to contact us.

52. **Design Officer**

The proposed scheme is only Outline but some elements of detail have been submitted and these can be commented upon. The proposed layout and indicative street scene are premature in that they have been produced ahead of a detailed site and contextual analysis and response to context - as required by the Design Guidelines for Rutland SPD (see the text below).

The submitted planning, design and access statement lacks the required detail in terms of physical and character assessments of the site and the surrounding area and lacks diagrams and photographs.

Examples of key observations would include - key views towards the site - for example along Belmesthorpe Lane and also terminating the view from both Back lane and The Crescent. Front boundary treatments on the nearby streets - for example stone walls - see image below, proximity of adjacent dwellings and assessments of overlooking and distances etc, positive characteristics of the settlement generally and Belmesthorpe lane specifically.

In terms of the submitted layout - although the properties set forward fronting Belmesthorpe lane are welcomed, they appear to be staggered which can look awkward, with aligned frontages often looking stronger. A front boundary treatment would be needed and in studying the street character, a stone wall would be suitable - this needs designing together with any visibility splays. Some properties about the pavement and this could also be considered. Getting this frontage to the plot right will be a key design element.

The indicative street scene reveals a blank side elevation as you enter the site, along with rear parking to the frontage plots that is not overlooked. It also shows entrance properties dominated by fencing on their side elevations. These elements at the detailed design stage will not be acceptable.

The Design Guidelines for Rutland SPD, National Design Guide and Building for a Healthy Life will be used in order to assess any detailed application and these documents should be used in drawing up any proposals.

Expected design process

Proposals for development are expected to follow The Design Guidelines for Rutland (SPD). Section 1.5 of this document sets out a design process that should be followed, beginning with a thorough site and contextual analysis and then the next stage requires applicants to clearly show how this context has been responded to. A broad structure of the layout can then evolve from this work and only following these initial stages can a credible detailed design emerge.

All of this work should be undertaken at the pre-application stage and should be presented in the form of site studies, photographs taken on and around the site, along with plans and diagrams.

Chapter 3 of the Rutland Design Guide sets out this design process and what is expected at each stage in more detail. It is expected that this design process is followed and proposals for schemes that have not followed such a design process will lack credibility, background evidence and it will not be possible to make an informed assessment of them.

"the Council will expect to see how the design of proposals in planning applications have been crafted in response to their context." (Design Guidelines for Rutland SPD, 2022 - Chapter 3 introduction)

This approach to designing buildings and new places is also supported by the National Design Guide, with both the Context and Identity chapters making it clear that development proposals should respond positively to local context, character and identity.

"Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones." (National Design Guide, 2021 - paragraph 41)

Development proposals that have not followed the design process and that do not include a thorough site and contextual analysis and response to this context and that do not comply with guidance within the Rutland Design Guide SPD and National Design Guide will be rejected/refused.

53. **Housing Strategy**

There is a requirement for 30% affordable housing on site, under Policy CS11 and the Planning Obligations SPD. To meet local need in the Strategic Housing Market Assessment Update 2019 and the requirement for 25% of affordable housing to be First Homes (as defined in the national Planning Practice Guidance), these should consist of 2. no. affordable homes for rent and 1 no. First Home. These can be provided as 2 or 3 bedroomed houses and have an appropriate section 106 agreement. For the First Home, the developer should be mindful of the Development Standard in the model section 106 clauses published by the Government and referenced in the First Homes section of the national Planning Practice Guidance. The developer should contact me if they have difficulty in delivering the specific affordable housing mix.

54. **Lead Local Flood Authority**

I have also reviewed the application on behalf of the LLFA and provide the following comments:-

Having read the Flood Risk Assessment & Sustainable Drainage Strategy dated May 2022, it is clear that the existing greenfield run-off rate and QBAR rate will be exceeded from the preliminary desktop work carried out so far. Given this, the LLFA have no option but to recommend refusal based on the information provided. It is noted that an attenuation pond has been ruled out primarily as a small flow control is required, but this can still be achieved by adding an additional form of control which could be a hydrobrake between the attenuation pond and the watercourse, but it is acknowledged that an attenuation pond will result in less developable area. Permeable paving is being proposed, which is acceptable, however it is not clear where utilities will be placed which would need to be within impermeable areas further reducing the capacity. I would also like to point out that the images in Appendix 4 are not correct with part of the image seemingly mirrored for some reason.

In summary, based on the information provided the LLFA recommend refusal for the following reason:-

The Flood Risk Assessment & Sustainable Drainage Strategy dated May 2022 failed to demonstrate that surface water discharge from the site could be restricted to greenfield run-off rate and as a result could lead to flooding locally which is contrary to the Design Guidelines for Rutland March 2022 and the NPPF 2021.

In the event the agent provides revised information to demonstrate that the site is capable of restraining surface water run-off to greenfield rates, the LLFA will reconsider their position.

1/2/23: Lead Local Flood Authority

Thank you for the revised information.

The developer has been provided calculations that would restrict the site to the Qbar outfall/greenfield rate and therefore the LLFA would have no objections as this is an outline application.

The developer should note however that if they proposed a crated drainage system under the carriageway then the road cannot be offered up for adoption. The only drainage the LHA adopt is permeable paving, gullies and swales.

The applicant has suggested in their Flood Risk assessment that permeable paving will be used on driveways and shared surfaces. One option that could be explored at a more detailed design stage/at RES matters is changing the development road to a shared surface as it only served 11 dwellings and there is no through road. The road can then become permeable paving and no outfall into the river is required; and then each plot should have individual soakaways to manage private surface water.

As this is only an outline application with all matters reserved, the LLFA would recommend the following condition.

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

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), 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 where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A 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. To ensure that there is no flood risk on or off the site resulting from the proposed development.

55. NHS Leicester, Leicestershire & Rutland CCG

We acknowledge your letter for the above development which identifies a proposed housing development of 11 dwellings. We note that based on census data 2021, a household averages of 2.4 patients per dwelling. The housing development will result in a minimum population increase of 26.4 patients. This figure would evidently be higher dependent on the number bedrooms in each dwelling.

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

The calculation below shows the likely impact of the total increased population in terms of number of additional consultations/treatment rooms at the practice which will be required by local general practice healthcare.

	Consulting Room	Treatment Room
Proposed Population	26.4	
Access Rate	5260 x 1000 patients	
Anticipated annual contacts	138.864	138.864
Assume 100% patient use of room	138.864	-
Assume 20% patient use of room	-	27.7728
Assume surgery open 50 weeks per year	2.77728	0.555456
Appointment duration	15 mins	20 mins
Patient appointment time per week	0.69432	0.185152

<p><u>GP practice most likely to be affected by growth and therefore directly related to the housing development</u></p>	<p><u>The practice(s) that are close to this development:</u></p> <table border="1" data-bbox="400 181 1461 297"> <thead> <tr> <th data-bbox="400 181 927 226"><u>Practice / List Size</u></th> <th data-bbox="935 181 1461 226"><u>Distance from development</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="400 226 927 297">Empingham Medical Centre List Size: 9,554</td> <td data-bbox="935 226 1461 297">6 miles</td> </tr> </tbody> </table>	<u>Practice / List Size</u>	<u>Distance from development</u>	Empingham Medical Centre List Size: 9,554	6 miles
<u>Practice / List Size</u>	<u>Distance from development</u>				
Empingham Medical Centre List Size: 9,554	6 miles				
<p><u>Commissioner comment on proposed provision of health care facility within the development</u></p>	<p>GP Practices are contracted to provide healthcare provision for its registered patients. A practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and Leicester, Leicestershire & Rutland have no practices with a closed list.</p> <p>Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity.</p> <p>We are requesting healthcare contributions to support the increased population and therefore improve primary care services for the area.</p>				
<p><u>Community Infrastructure Levy requested</u></p>	<p>The ICB would like Rutland County Council to consider:</p> <p>The development will generate 26.4 number of patients in the Rutland. There is no capacity at the GP practices above and any CIL contribution would be crucial for health infrastructure to support the increase in population. The practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore both the ICB and the practice would wish for any secured contributions to be released.</p>				

Neighbour Representations

56. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)
57. Letters of objection were received from 4No. local residents and can be summarised as follows
- a. Not in keeping with the development on either side
 - b. Adverse impact on the amenities of properties in Gwash Close and Foundry Road
 - c. Materials not sympathetic to local area or to neighbouring developments
 - d. Too many properties proposed on the site
 - e. Concern over the impact on the existing boundary hedge on the western side boundary
 - f. Not enough car parking provision on site
 - g. Adverse impact on road safety

- h. Adverse impact on boundary fences owned by occupiers of properties adjacent to the application site
- i. Adverse impact on nesting birds
- j. Adverse impact on wildlife habitat and wildlife using the site
- k. Loss of trees.

Legal Agreement

58. The application is the subject to a Section 106 legal agreement to
- secure the provision and occupation of the affordable units,
 - To provide 10m wide the ecological buffer strip adjacent the River Gwash and prevent it from being incorporated into gardens and/or any use, other than being a wildlife corridor/area at any future date.
 - A Landscape Ecological Management Plan which includes details of the long-term management of the ecological buffer strip.
 - To retain the exiting hedgerow in a good condition on the site or provide offsite ecological compensation to achieve a net gain as part of the development proposals.
 - A financial contribution must be made to an appropriate offset provider for the following units:
 - 0.96 habitat units; and
 - 0.02 hedgerow units.

Conclusion

59. Taking the above into account, it is considered that subject to the imposition of conditions the application for outline planning permission is acceptable in principle, for up to 11 dwellings is appropriate for its context and is in accordance with the NPPF (Sections 5, 9, 12, and 15), Policies CS01, CS03, CS04, CS9, CS10, CS11, CS18, CS19, and CS21 of the Rutland Core Strategy (2011) and Policies SP1, SP9, SP15 and SP19 of the Site Allocations and Policies Development Plan Document (2014) and Adopted SPD. The issues relating to drainage, scale, form, location landscaping, ecology, biodiversity enhancements, impact on trees, and materials are material considerations but, subject to the conditions attached to this outline permission, are issues that can be dealt with the reserved matters applications and not sufficient at this time to indicate against the proposal and to outweigh the policies referred to above.