

PLANNING & LICENSING COMMITTEE

19TH MARCH 2024

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
45/2024	1	2022/0896/FUL	SOS TECH HOLDINGS	RYHALL PARISH COUNCIL

Legal Agreement

A draft legal agreement is being prepared.

Additional Objection to Planning Application 2022/0896/FUL

Additional comments have been received from Mr & Mrs Bayley 3 Gwash Close Ryhall stating.

'I am writing to express my strong objection to the proposed construction of a house behind my property, at SW Belmesthorpe Lane Ryhall. As a resident of 3 Gwash Close Ryhall, I am deeply concerned about the potential negative impacts this development could have on my property and the surrounding environment.

First and foremost, the proposed house's proximity to my property poses a significant threat to the privacy and enjoyment of my home. The increased height of the new structure could result in overlooking of my garden and living spaces, infringing upon my family's privacy and sense of tranquillity.

Furthermore, the construction of a house in such close proximity to my property could disrupt the natural habitat of wildlife, including birds and bats, which currently inhabit the area. These creatures play a vital role in maintaining the ecological balance of our neighbourhood, and their displacement could have far-reaching consequences for the local ecosystem.

Additionally, I am concerned about the potential impact of the new house on the amount of natural light reaching my property. The positioning and height of the proposed structure will cast shadows over my garden and living spaces, reducing sunlight exposure and negatively affecting the health and well-being of both my family and the plants in my garden.

Moreover, the proposed construction could result in the loss of benefits that I currently enjoy, such as unobstructed views and a sense of openness. The close proximity of the new house to my property boundary would diminish the aesthetic appeal of my surroundings and detract from the overall value of my home.

In conclusion, I urge you to reconsider the proposed construction of the house behind my property and explore alternative solutions that would minimize the negative impacts on both my home and the environment. I am open to discussing this matter further and would appreciate the opportunity to voice my concerns in person

Thank you for taking the time to consider my objections...'

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Report no.	Item no.	Application no.	Applicant	Parish
45/2024	2	23/0822/MAO	DEFENCE INFRASTRUCTURE ORGANISATION	EDITH WESTON

Additional Comments:

Two further public comments have been received asking the following questions, Officer responses to each query follow the italicised question text:

Please can the officers confirm that while this is a pre planning application, it does in fact give planning in principle.

The application is not a 'pre-planning' application, it seeks outline planning permission for the development proposed, with only matters relating to access presented in detail. All other matters are reserved for later submission for consideration by the Local Planning Authority. It does not grant 'planning in principle', which is a different application type. Should the application be approved, it would grant outline planning consent, that is to say permission for the redevelopment of the site for residential purposes subject to the conditions attached to that permission.

- 1. Given the number of units is a KEY factor in making this decision (point 66) - please can the officers confirm how the number of houses was arrived at? What is the justification for it?*

The specific number of houses for which permission is sought is a calculation that the applicant has undertaken prior to submitting the application, and the Local Planning Authority is not part of that process. The Local Planning Authority does assess capacity for specific sites in considering whether or not to allocate those sites in its Local Plan, and the methodology for this calculation is set out in the Strategic Housing Land Availability Assessment Methodology (December 2019), which is available on the County Council's website. In summary however, the gross site area is calculated, a factor applied to that figure to allow for infrastructure (such as roads, open space etc) and the remaining area multiplied by the development density policy of the Local Plan or any more detailed site-specific document that may have been produced. The calculation in respect of this particular site in the emerging Local Plan

produced a figure of 90 dwellings, which is proportionate to the figure proposed by the applicant.

- 2. There is NO evidence to support it and it deviated from both the local plan and the emerging neighbourhood plan (which carries the same weight as the emerging local plan)*

The evidence supporting the calculation is set out above. As noted in the main report, the emerging Local Plan carries no weight at present due to its stage in the preparation process. The emerging Neighbourhood Plan carries limited weight for the same reason. The emerging Neighbourhood Plan makes no indication of a dwelling limit on the site in the site-specific policy relating to development of the Officer's Mess.

- 3. Please can the officers explain why they agree to just using the Manton Road access point without any evidence to justify this decision?*

Not using the Normanton Road entrance (which has no obstacles) makes no sense when it could half the congestion onto Manton road - which has multiple drives, 2 bus stops, a pub, a route to school, a main tourist cycle & touring route, a known speeding issue and is at least 50% busier than Normanton Road.

The Local Highways Authority has indicated in its comments set out in the main report the justification for accepting the use of the Manton Road junction – namely that the geometry of the proposal is acceptable and the predicted traffic impact of the use of this access point (alongside the additional private access also off Manton Road) does not result in harm to highway safety. It is understood that there were some concerns raised during the pre-application public consultation events relating to the scheme that residents of the village considered that the scheme could become a 'rat run' if through traffic was allowed.

- 4. Please can the officers explain why they feel this site differs from the many reasons given by the inspector when determining the dismissal of the appeal of the site on Normanton Road? The adopted policies quoted remain the same - (including the EW adopted Neighbourhood plan policies). He did not use the Green belt/brown belt as any differential as the application failed at RCCs policies to protect the countryside and provide housing in the right location.*

Paragraphs 14-54 of the main report set out in detail the matters relating to the consideration of the principle of development on this site. These include the policy framework relevant to the determination of the application, the housing land supply position, a review of appeals considering matters relevant to the application (including the site at Normanton Road where an extremely limited summary of the decision is that the scheme's impact on the undeveloped countryside was considered unacceptable – a matter entirely at odds with the redevelopment of this site), the policies of the emerging plan(s) and material considerations relevant to the scheme.

Officers also offer a point of clarity in respect of the last part of this question, noting that there is no designated green belt within Rutland – this is a national policy aimed

at restricting development around larger towns and cities, none of which exist in Rutland.

- 5. The Inspector in the Appeal Decision APP/A2470/W/23/3323586 Land to east of Normanton Road, Edith Weston, LE15 8HD (decision date 21/11/23) stated that the Edith Weston existing Neighbourhood Plan 2014 (NP1) "still carries material weight". Inspector, Mr W Johnson, stated at para 21 of his decision "that the most important policies in the determination of this appeal are NOT out of date." QUESTION: Therefore, we ask the Planning Committee: What are the material considerations that enable this application to deviate from the original NP1 and the latest emerging Edith Weston Neighbourhood Plan (NP2) which RCC have now approved and which will be published for consultation shortly? The existing NP Policy EW1 wishes housing growth to take place in a sensitive and managed manner so as to meet the needs of the community whilst respecting the character of the village.*

Paragraphs 14-54 of the main report set out in detail the matters relating to the consideration of the principle of development on this site. These include the policy framework relevant to the determination of the application, the housing land supply position, a review of appeals considering matters relevant to the application, the policies of the emerging plan(s) and material considerations relevant to the scheme.

- 6. QUESTION: How does excessive housing numbers, 3 storey flats, unnecessary and unwanted commercial buildings and unsafe traffic build-up comply with this policy? None of these aspects respect the character of our village!*

Please see the answer to question 1 above in respect of the calculation of housing provision on the site. The Officer recommendation is made on the balance of weighing all the relevant issues. Not all matters will weigh in favour of a particular recommendation but the main report sets out clearly the matters relevant to the consideration of the application and the weight given to those matters in arriving at the recommendation. The question also makes unsubstantiated assertions regarding the need and desire for commercial provision within the site, and the Local Highways Authority has been clear that they consider the development does not compromise highway safety. The main report notes that 3-storey residential provision exists within Edith Weston and therefore is not out of character in principle (subject to appropriate detailed design). Detailed design proposals will be submitted at the reserved matters stage.

- 7. The proposed 85 dwellings exceeds the housing needs numbers in the NP2 which shows our Housing Needs Assessment for the village which was carried out by RCC's own recommended consultant, AECOM, who came to the conclusion that 21 new houses would be Edith Weston's required contribution to Rutland's housing needs for the period 2023 to 2041. This was amended by RCC as Edith Weston was deemed to be a larger village and an indicative target of 51 was forced onto the village for the next 18 years. The emerging NP2 stipulates that the village should use some of this housing "quota" for sympathetic infill buildings, 7 of which have already been allocated and therefore a figure of 44 would be available for future infill and elsewhere. Even on these numbers, 51 new dwellings on a parish of 380 is a huge 13.4%*

increase for this village. The proposal seeks an increase of 22.4%.

QUESTION: What material considerations enable the proposal to deviate from housing numbers presented in the emerging NP2 and the indicative housing allocation given to the village by RCC?

The main report considers the matter of housing numbers on the site within paragraphs 49 and 68-73. It is relevant to note that any housing figures indicated within either the Local Plan or a Neighbourhood Plan are a minimum and not a maximum.

8. *QUESTION: How can the Planning Committee support this application's proposal when it deviates from Policy CS4, SP6 and NP Policy EW1? Your planning officer's report at Para 19 states that the application is not in accordance with the provisions of Policy CS4. Furthermore the same report at Para 21 states that "the proposal does not meet any of the exceptions to the general presumption against development in the countryside set out in Policy SP6 and is therefore contrary to this policy"*

Paragraphs 14-54 of the main report set out in detail the matters relating to the consideration of the principle of development on this site. These include the policy framework relevant to the determination of the application, the housing land supply position, a review of appeals considering matters relevant to the application, the policies of the emerging plan(s) and material considerations relevant to the scheme.

9. *The planning officer's report at Para 17 refers to Policy CS4: This land is outside the Planned Limit of Development (PLD) and can only justify consideration when adjoining the PLD "where it can support sustainable patterns of development and provides access to services by foot, public transport and cycling". QUESTION: Where is the evidence that the residents from potentially 85 homes (85 x 2.5 average household = 213 residents) can have access to services by these means? There are limited local services and insufficient employment opportunities within walking or cycling range and the public transport service is ineffective and likely to deteriorate under budget cuts! Therefore the Planning Committee must conclude that the proposal is contrary to CS4?*

The site has been classed as brownfield as it is deemed to have been developed. However, only 45% has actually been built on with the balance as green space, tennis courts and open verges/trees/hedges (which should be retained). The fact that the application seeks to use some of this land as a water basin or pond is testament to this.

Edith Weston is classified as a Local Service Centre in the settlement hierarchy and is therefore within the highest settlement category within the County outside the two main towns. The representation indicates in an earlier question that the employment provision on the site is "unnecessary and unwanted" and yet here states that there is insufficient local employment provision, which appears contradictory. The previously developed classification of the site applies to the site as a whole, not to individual built elements within it. The site boundary is clearly defined at present by the security fencing.

10. *The planning officer's report at Para 20 & 21 outlines that "The proposal does not meet any of the exceptionsand is therefore **contrary to Policy SP6**". These exceptions are for rural workers to live permanently at or near their work.....and the development should not adversely affect any nature conservation sites, or the character and landscape of the area, or cultural heritage. The landscape and street scene of the village will be changed and there is insufficient rural work for residents to be near their work. The proposal should be rejected for not meeting this policy! It will also have an adverse effect on protected wildlife conservation sites at the edge of nearby Rutland Water. QUESTION: How can this application be accepted when it is contrary to Policy SP6 as defined by your own planning officer?*

The proposed access routes in and out of the site are too close to 3 other roads (plus an extra new proposed road) on the busiest road in the village near the roundabout with Normanton Road/Edith Weston Road and Pennine Way Industrial Site. The applicant has missed the opportunity to use an existing road accessing Edith Weston Road to and from the east which could reduce traffic numbers by filtering southbound vehicles away from the village. The proposal is unsafe (especially for school children) and contravenes sustainability policies to utilise existing facilities/resources.

As noted earlier, the recommendation is based on assessment of the proposal in relation to the relevant planning policies, both national and local, as well as any material considerations that are relevant to the scheme. The main report acknowledges the site is not in accordance with policies CS4 and SP6 however these are not the only factors that must be considered in making a recommendation. The whole range of matters for consideration are set out in detail in the main report and officers conclude that when taking all of these factors into account the balance lies in favour of a recommendation for approval.

Two further identical responses have been received from members of the public submitted as objections to the proposal and raising the following matters:

- Agree that the site will benefit from being redeveloped appropriately.
- Concerned about the proposed number of houses being so high.
- Increase in traffic impacting on Manton Road.
- Biodiversity impact.
- Noise impact of construction given the single-glazed windows in the Old School House adjacent.
- Already raised potential impact of proposed garage direct with the MoD.
- Would look to avoid any houses being built directly behind the Old School House.
- Important to ensure character of the village is retained through use of appropriate materials.

Officers consider that none of these matters raise any new issues relevant to the consideration of the outline application. Housing numbers and traffic impacts are addressed in the main report, biodiversity impact is to be addressed through noise,

as are the potential noise impacts of the development. Specific relationships such as location of dwellings and garages and materials of construction are matters to be addressed through both the design code condition and the reserved matters submissions.

PLANNING & LICENSING COMMITTEE

19.03.24

ADDENDUM REPORT

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45/2024	3	2023/1367/FUL	MR OLIVER HEMSLEY	LANGHAM

Consultee comments:

Highway Authority

The LHA have reviewed the application and raise no highway objection. The site is very remote from the highway and whilst the plans do not show any details regarding parking or turning, it is evident there will be sufficient provision.

Officer Comments:

Noted.

Environmental Health

No objection.

Officer Comments:

Noted.