

# **Rutland County Council**

Catmose, Oakham, Rutland, LE15 6HP.  
Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held via Zoom on **Tuesday, 17th November, 2020** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**Interim Chief Executive**

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

## **A G E N D A**

### **1) APOLOGIES**

To receive any apologies from Members.

### **2) MINUTES**

To confirm the minutes of the Planning and Licensing Committee held on 20 October 2020.

### **3) DECLARATIONS OF INTERESTS**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

### **4) PETITIONS, DEPUTATIONS AND QUESTIONS**

To receive any petitions, deputations and questions received from Members of the Public in accordance with the Virtual Meetings Regulations (s1 2020 392) and the subsequent RCC Procedure Rules agreed at Council on 20 May 2020 and revised by Council on 14 September 2020. (Please see link: [Revision to Virtual Meetings Protocol.](#))

The total time allowed for this is 30 minutes. Petitions, deputations and questions will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

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Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

**5) PLANNING APPLICATIONS**

To receive Report No.150/2020 from the Interim Strategic Director for Places.  
(Pages 3 - 82)

**6) APPEALS REPORT**

To receive Report No. 151/2020 from the Interim Strategic Director for Places.  
(Pages 83 - 86)

**7) ANY OTHER URGENT BUSINESS**

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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**TO: ELECTED MEMBERS OF THE PLANNING AND LICENSING COMMITTEE**

Mr I Razzell (Chairman)  
Mr P Ainsley  
Mr E Baines  
Mr N Begy  
Mr A Brown  
Mr W Cross  
Mrs S Harvey  
Miss M Jones  
Ms A MacCartney  
Mr M Oxley  
Mrs K Payne  
Mr N Woodley

**OTHER MEMBERS FOR INFORMATION**

REPORT NO: 150/2020

**PLANNING AND LICENSING COMMITTEE**

**PLANNING APPLICATIONS TO BE DETERMINED BY THE  
PLANNING AND LICENSING COMMITTEE**

**REPORT OF THE INTERIM STRATEGIC DIRECTOR OF PLACES  
(ENVIRONMENT, PLANNING, TRANSPORT & HIGHWAYS)**

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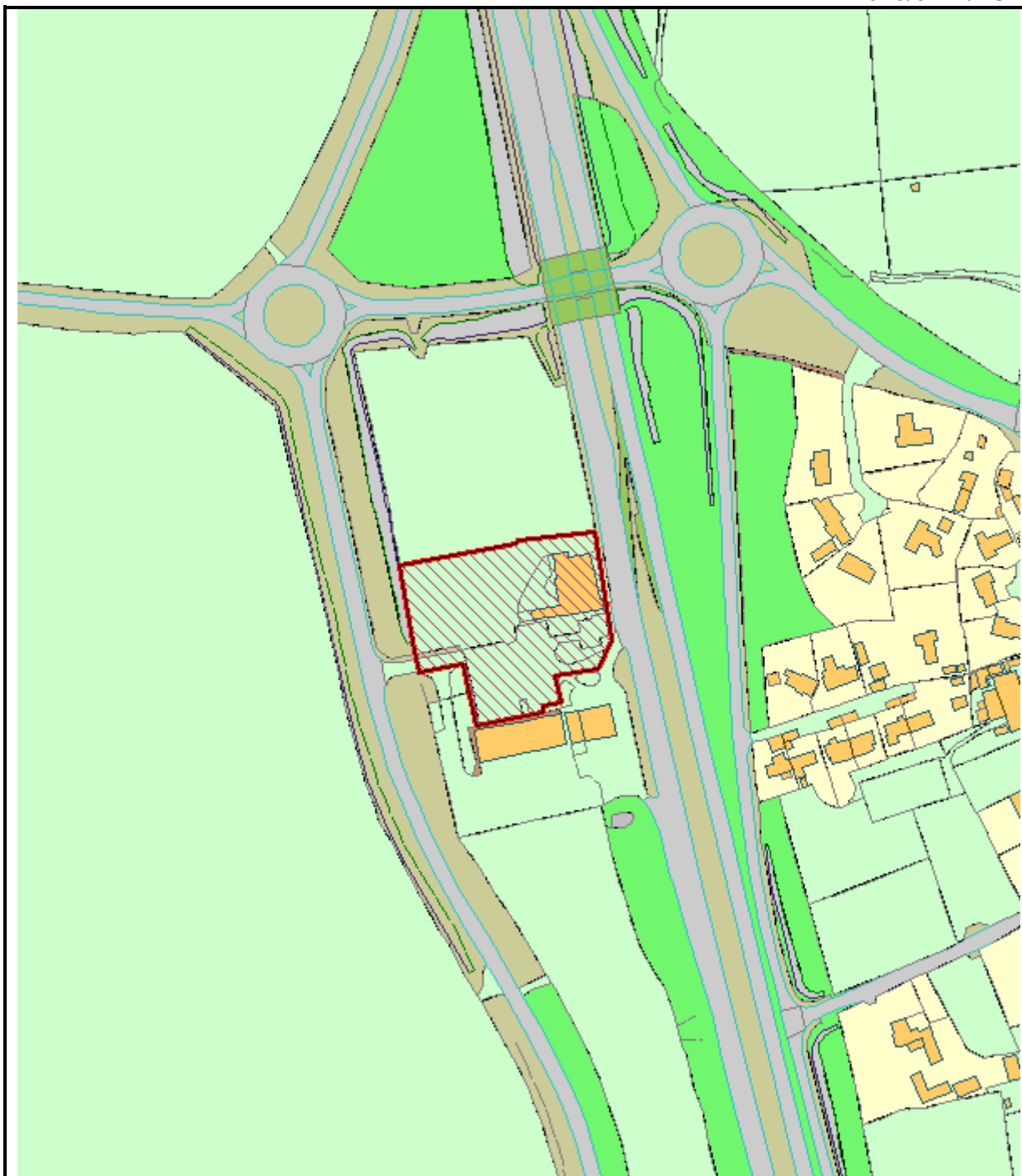
## Rutland County Council

### Planning & Licensing Committee – Tuesday 17<sup>th</sup> November 2020

#### Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2020/0142/FUL	GC NO. 24 Limited, Ram Jam Inn, Great North Road, Greetham, Rutland, LE15 7QX, Demolition of the existing Ram Jam Inn and redevelopment of the site to provide two drive-thru units (Use Class A3/A5), one drive-to unit (Use Class A1) and one drive-to unit (Use Class A3/A5) with associated parking and landscaping	Approval	7
2	2020/0891/FUL	Barrowden Parish Council, Barrowden Village Hall, Wakerley Road, Barrowden, LE15 8EP, Replacement of the existing Village Hall, Community Shop and Doctors Surgery, Community Shop and Doctors Surgery, with new and improved facilities on the existing soite, with new and improved facilities on the existing site, including car parking and landscaping to improve access.	Approval	39
3	2020/0739/FUL	Mr Richard King, Cherry Tree Farm, Braunston In Rutland, LE15 8QX, Replace existing hedge and fence.	Approval	67
4	2020/0844/FUL	Mr Kevin Seagrave, OFAHDevelopments.com, Land to the Rear of 1 Main Road, Barleythorpe, Proposed 1 no. dwelling	Approval	73
		<b>Appeals</b>		83

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Ordnance Survey [100018056]

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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/0142/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.</b>		
Address:	<b>Ram Jam Inn, Great North Road, Greetham, Rutland</b>		
Applicant:	<b>Godwin Developments</b>	Parish	<b>Greetham</b>
Agent:	<b>Rapleys LLP</b>	Ward	<b>Greetham</b>
Reason for presenting to Committee:	<b>Resubmission following Refusal of application No 2018/0539 and Dismissed Appeal</b>		
Date of Committee:	<b>17 November 2020</b>		

## EXECUTIVE SUMMARY

The proposal to the demolish of the existing Ram Jam Inn and redevelopment of the site to provide two drive-thru units and one drive-to unit with associated car parking, landscaping and alterations to the site access, at the site of the existing Ram Jam Inn, Great North Road, Greetham. The proposal will provide 961 sq. metres Gross Internal Area (GIA )floorspace in total and 72 no. car parking spaces, including 5 no. disabled parking bays. In addition, the scheme will provide a new landscaping scheme and alterations to the existing site accesses from the B668

It would provide roadside services on previously developed land primarily to serve users of the strategic highway network. Highways England has no objections. The revised scheme retains the row of preserved apple trees. The resubmission is considered to have addressed all the issues that result in the planning appeal for application No 2018/0539/FUL being dismissed. The use constitutes sustainable development and there are no reasons to refuse planning permission in this instance.

## RECOMMENDATION

**APPROVAL**, subject to the completion of a S106 agreement and the following conditions:

### Time Condition

- The development shall be begun before the expiration of three years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### Approved Plans

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers
  - Site Location Plan: B6509 PL 01
  - Site Plan: B6509 PL 021 B
  - Unit 1 plans: B6509 PL 22
  - Unit 1 elevations: B6509 PL 23
  - Unit 2 Plans: B6509 PL 24
  - Unit 2 elevations: B6509 PL 25
  - Unit 3 and 4 plans: B6509 PL 26



- Unit 3 and 4 elevations: B6509 PL 27
- Tree protection and removal plan: 19-145-01 A
- Tree Protection Plan: 19-145-02 A (Tree protection measures only not the layout)
- Landscape proposals: 19-145-03 A (Landscape not access arrangements)
- Visibility splays: J32-3395-PS-500B
- Unit 2 swept path analysis: J32-3395-PS-507 and J32-3395-PS-508
- Road signage: J32-3395-PS-505 Rev B

Reason - For the avoidance of doubt and in the interests of proper planning.

### **Pre-commencement Conditions**

3. No works shall commence on site, other than in association with archaeology or contamination, until such time as the off-site highway improvement works at the junction of the B668 have been completed.

Reason: To ensure that the improvements are in place before demolition and construction vehicles use the site in the interests of highway safety.

4. No development shall commence until a scheme to deal with potential contamination of the site by asbestos fibres has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the extent of the contamination and the mitigation measures to be taken, including a timetable, to avoid risk to the public when the site is developed.

Reason - The submitted ground investigation report found evidence of asbestos fibres in the ground and recommended that further investigation is carried out. The work is thereby required to ensure the safety of ground workers and future users of the site.

5. Prior to occupation of the development, the access at its centre line shall be provided in accordance with the submitted plan J32-3395-PS-500B. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times

Reason: In the interests of highway safety

6. No building or use hereby permitted shall be brought into operational use until the car/vehicle parking area shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of no less than 72 vehicles associated with the development

Reason: In the interests of highway safety

7. Prior to commencement of the development, the access at its centre line shall be submitted and agreed in writing. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with construction and retained free of any obstruction at all times

Reason: In the interests of highway safety

8. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development and updated on each change of operator of any of the retail units. The delivery and servicing plan shall include: a) The contact details of a suitably qualified co-ordinator; b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway; c) Details of any freight

consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety

9. No building or use hereby permitted shall be occupied or use commenced until a car park management plan setting out how the car park will be managed has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development. The car park management plan will be updated on each change of operator for any of the retail units and shall be for no less than 72 parking opportunities for visitors unless otherwise agreed in writing.  
Reason: In the interests of highway safety

10. The site shall not be brought into operational use until such time a signing strategy, to be agreed in writing, has been submitted and implemented.  
Reason: In the interests of highway safety.

11. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of highway safety

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

Reason - The trees, including a tree subject to a TPO, 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.

13. No demolition of the existing Ram Jam Inn shall commence until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of historic building survey and recording
  - The programme for post investigation assessment and analysis
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

### **On-going Conditions**

14. No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the approved details on Plan 22286-01-230-02 Rev T. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the management and maintenance plan in Technical Note January 2020.  
Reason: To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network
15. No development shall take place above damp proof course level until there has been submitted to and approved, in writing, by the Local Planning Authority a detailed 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.
16. 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.
17. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
Reason: To ensure that parking of vehicles on the adjoining highway network does not occur in the interests of highway safety and that appropriate parking is provided

18. Prior to the construction of the parking areas shown on the approved plans, details of the amount, location and design of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation of any part of the development in accordance with the approved details and retained for that purpose at all times.  
Reason: To ensure an appropriate level of charging for electric vehicles is provided in the interest of highway safety and provision of alternative fuels for sustainable means of travel.
19. The approved Travel Plan shall be implemented in all respects following the commencement of the operation of the units hereby approved.  
REASON: The site is within an area of restraint requiring a greater degree of control over sustainable travel to encourage reduced dependence on the car having regard to policies CS1, CS4, CS18, SP1, SP15 of the Development Plan together with the advice in the NPPF.
20. Within 6 months of the first unit being occupied on site, a piece of art or other feature that depicts or reflects the historic significance of the site and the Ram Jam Inn, shall be permanently displayed on site in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such details shall include the design, location and maintenance regime for the feature.  
Reason: In mitigation for the loss of the Ram Jam Inn that has some local historic interest, to ensure that there is a lasting presence on site to depict the history of the site for the benefit of its users in the future.
21. No unit shall be occupied until; such time as ecological mitigation has been implemented on site in accordance with the updated preliminary Ecology Appraisal & Internal Building Inspection Report (Wardell Armstrong, Report 001, April 2020).  
Reason: To ensure that adequate mitigation for ecology is undertaken as part of the development
22. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be agreed in writing by the local planning authority and then so positioned and shielded to ensure that users of the highway and the surrounding countryside are not affected by dazzle and/or glare.  
Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and to protect the rural character of the area.
23. Prior to any development taking place a method statement shall be submitted to and approved in writing by the local planning authority demonstrating how the impact on the protected verge will be mitigated. The development shall then only be implemented in strict accordance with the agreed method statement.  
Reason: The verge to the north and south of the access point is protected due to its botanical diversity.

**Notes to Applicant:**

- The Scheme of investigation for Archaeology shall in this case be a formal photographic record of the existing building, interior and exterior.
- The approved plans for the buildings include the materials shown thereon.
- This permission establishes 4 mixed use buildings from which there are no permitted changes of use without a further planning permission.
- The art or feature required by the above condition can be inside Unit 1 or on the open part of the site. It should take account of historic references in the existing

building.

- 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 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.
- The applicant would be required into a S278 agreement to undertake the works and no technical approvals are made at this time. At this time a Stage 1 Safety Audit has not been provided and this would be required prior to any commencement.

## Site & Surroundings

1. The site is located in open countryside adjacent to the A1 junction at Stretton, 12.8 kilometres (8 miles) east of Oakham and 2.5 kilometres (1.5 miles) east of the edge of Greetham.
2. The application site has an overall area of approximately 0.67 Hectares (1.66 acres).
3. The site comprises the historic Ram Jam Inn, an area of overgrown open land, a large car park and some mature trees. The Inn has been closed for around 7 years. Whilst it has historic associations with Dick Turpin, it is not listed and has been badly altered and extended during the 20<sup>th</sup> century in particular.
4. Adjacent to the site is the petrol filling station, (which includes a local convenience store) with access direct off the A1, to the rear of which is the newly built Greetham garage which has relocated out of the village. The main access to the Ram Jam and Greetham Garage is from the B668 Greetham Road to the west.
5. Access from the A1 is primarily for the petrol station, however there are legal access rights through the forecourt into the Ram Jam site itself.
6. The site is screened from Greetham Road by high hedging. An orchard was located inside the Greetham Road access but has largely been removed in the past 12 months. The remaining Orchard trees and a large Sycamore in the car park are the subject of the TPO.

## Proposal

7. The current application proposes the demolition of the existing Ram Jam Inn and redevelopment of the site to provide two drive-thru units and two drive-to unit with associated car parking, landscaping and alterations to the site access, at the site of the existing Ram Jam Inn, Great North Road, Greetham. The proposal will provide 961 sq. metres Gross Internal Area (GIA ) floorspace in total and 72 no. car parking spaces, including 5 no. disabled parking bays. In addition, the scheme will provide a new landscaping scheme and alterations to the existing site accesses from the B668
8. The site is set out as illustrated in the plan at Appendix 1. The parking and circulation area are indicated. Access would be primarily from the B668 rather than from the A1 but there is a right of way across the separately owned petrol station forecourt to the

application site. At the request of the Local Highway Authority this has been amended to be one way with a separate exit on to the A1. It is also proposed to provide a 3m shared footway/cycleway which extends northbound to tie in with the existing provisions, and provide the beginning of a route southbound for approximately 15m past the proposed junction into the site.

9. The application is accompanied by a Travel Plan, Arboricultural impact assessment, Statement of Community Involvement, Structural survey, Transport and Planning Statements, Drainage Strategy, Ground Investigation Report, Landscape proposals and ecology assessment.
10. The four units would provide:
  - Unit 1 (Use Class A1) – the unit will have a Gross Internal Area (GIA) measuring 418 sq.m and is located in the eastern section of the site.
  - Unit 2 (Use Class A3/A5) – the unit will measure 307 sq. m (GIA) and will be situated on the southern area of the site.
  - Unit 3 (Use Class A3/A5) – the unit will measure 166 sq. m (GIA) and will be situated to the north of the site adjacent to Unit 4.
  - Unit 4 (Use Class A3/A5) – the unit will measure 70 sq. m (GIA) and will be situated adjoining Unit 3.
11. The units would have the following approximate heights:
  - Unit 1 – 8.5m
  - Unit 2 – 6.5m
  - Unit 3 – 8.5m
  - Unit 4 – 8.5m
12. The buildings have been designed to reflect the character and appearance of the surrounding area. It is proposed to use reclaimed existing stone from the Ram Jam Inn in the construction of unit one along with reconstituted stone, Scotlarch Timber vertical cladding and fibre cement slate roof tiles, across the whole site.
13. In compassion the development proposed under application No 2018/0539 (see appendix 2) was also to demolish the existing Ram Jam building but erect 4 new buildings as described below. A1 uses are for normal retail purposes, A3 is for Restaurants and Cafés and A5 is for hot food takeaways. The proposal involved a mixed use for the units as set out below
14. The four units would have provided:
  - Unit 1 - 506m<sup>2</sup> drive through (2 storey)
  - Unit 2 – 229m<sup>2</sup> drive through
  - Unit3 – 167m<sup>2</sup> drive through
  - Unit 4 – 70m<sup>2</sup> drive to
15. This compares to the previous approval in under reference No 2017/0278/FUL (see appendix 3) which comprised:
  - 260m<sup>2</sup> of B1 Office,
  - 993m<sup>2</sup> of B2 industrial,
  - 268m<sup>2</sup> of retail plus associated circulation areas; and
  - 118m<sup>2</sup> of café.
16. The building proposed under application 2018/0539/FUL would have been the following heights:
  - Unit 1 – 7.5m (8.6 plant on roof)
  - Unit 2 – 4.5m at rear, 5.3m at front
  - Units 3/4 – 5.1m (tower 6.9 max)

17. These dimensions compare to the previously approved granted approval under reference number 2017/0278/FUL as follows:
  - Main Ram Jam Inn – 9.08m (highest part)
  - Unit B (adj Greetham Garage) – 7.16m
  - Unit C – 7.5m
18. A sequential test has been undertaken to establish if there is a suitable site for the specific development in a local town centre. An assessment of Oakham, and Uppingham was undertaken and it is concluded that no site is available for the proposal, which in any event is intended to primarily operate as a roadside service for users of the A1.
19. A retail impact assessment has also been undertaken that concludes that the development would not have a detrimental impact on Oakham or Uppingham Town Centres.
20. Prior to the submission of the current application a presentation was made to Ward Councillors on 28<sup>th</sup> November 2019.

## Relevant Planning History

Application	Description	Decision
2017/0278/FUL	Mixed Use Development for retail; offices and business use	Approved Sept 2017
2018/0539/FUL Appeal Ref APP/A2470/W/18/3 218899	Demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping	Refused by Planning and Licencing Committee Appeal Dismissed 11 September 2019

Planning Application Ref. 2017/0278/FUL for a mixed use development comprising the following:

### Existing Ram Jam Inn

Demolition of the later additions and use of the ground floor as part retail showroom (Use Class A1) for furniture display (comparison goods) and part as coffee shop (Use Class A3). The furniture store would be 268 sq. m, the café 118 sq. m with staff and storage areas of 51 sq. m and circulation areas of 47.5 sq. m. The first floor offices would amount to 260m<sup>2</sup> with additional staff and storage areas of 29 sq. m and circulation areas of 94 sq. m.

### New B2 industrial units

2 new 2 storey buildings are proposed providing a mix of units with sizes ranging from 60 sq. m to 297 sq. m. The size and split of internal arrangement of these buildings is flexible, and each could provide one to three units. One building would be on the car parking area adjacent to and 4.2m from the facade of Greetham Garage, measuring 30m x 10m, and the other on the open land to the west of the Ram Jam, at 42m x 16.5m.

The application was approved was approved at the Committee Meeting on 29th August 2017 and

the decision notice was issued on 21st September 2017.

Planning Application Ref: 2018/0539/FUL for the demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping. The application was refused at planning committee with the following reasons for refusal given in the Decision Notice (25th October 2018):

1. The proposal would constitute an over-development of the site resulting in a prominent, poorly designed development in close proximity to the A1 which would be detrimental to visual amenity on this major entry to the County of Rutland, contrary to policies CS19 of the Core Strategy (2011) and SP7 and SP15 of the Site Allocations and Policies DPD (2014).
2. The density of development would lead to a shortage of parking for the predicted level of employees at the site. There is no local bus service to allow employees to travel in the evenings, resulting in increased use of private cars and potential for vehicle parking on the local highway network to the detriment of highway safety, contrary to Policies CS18 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies DPD (2014).
3. The development would result in the loss of the Ram Jam Inn which is acknowledged as an iconic historic building on the main entry to the County of Rutland and its loss would not be mitigated by the design and layout of the proposed development. The proposal would thereby result in the loss of a non-designated heritage asset and there is insufficient public benefit to offset the resulting substantial harm, contrary to Policies CS22 of the Core Strategy (2011) and SP20 of the Site Allocations and Policies DPD (2014) and the advice in Para 197 of the NPPF.
4. The over-development of the site would lead to the loss of a row of preserved trees that is not justified and would be detrimental to visual amenity, contrary to Policy SP15 of the Site Allocations and Policies DPD (2014).

A subsequent appeal against refusal was heard by way of a Hearing on 18th June 2019 (Appeal Ref: APP/A2470/W/18/3218899) and subsequently dismissed on 11th September 2019 with the Inspector concluding that the harm to the character and appearance of the area would be significant and overriding.

Under the heading 'Planning Balance' the Planning Inspectorate stated

28. There would be harm to the character and appearance of the area in conflict with policy CS19 of the CS, and policies SP15 and SP7 of the DPD. There would be no harm arising from matters of highway safety and thereby no conflict with policy CS18 of the CS and policy SP15 of the DPD in this respect. However, the harm to the character and appearance would be significant and long-standing. Consequently, despite the reduced weight to the DPD SP7 policy conflict, the proposal would conflict with the development plan as a whole.
29. The development would generate up to 160 local jobs, in addition to short term construction jobs. The roadside facility would serve the strategic road network, complementing the adjacent PFS, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal would regenerate a vacant, brownfield site which would make efficient use of land. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would



weigh heavily in favour of the proposal.

30. The inn does not merit the status of a designated or non-designated heritage asset. Reduced weight has been given to the proposal's conflict with DPD policy SP7. However, the NPPF still requires development to be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the unbroken expanse of built form across the site. Importantly, the development would not establish or maintain a strong sense of place. The arrangement of streets, spaces, building types and materials would not create an attractive, welcoming and distinctive place to live, work and visit. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. For these reasons, such design failings would be determinative for this particular proposal. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

A copy of the appeal decision letter is attached as Appendix 4

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Para 11: Presumption in favour of Sustainable development. Para 8 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Supporting a prosperous rural economy (Para 83):

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

Chapter 9 - Promoting Sustainable Transport

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Chapter 12 – Achieving well designed places.

### **The Rutland Core Strategy (2011) Core Strategy (2011)**

Policy CS1 – Sustainability Principles  
New development in Rutland will be expected to:

- minimise the impact on climate change and include measures to take account of future changes in the climate;
- maintain and wherever possible enhance the county's environmental, cultural and heritage assets;
- be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport;
- make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;
- contribute towards creating a strong, stable and more diverse economy
- include provision, or contribute towards any services and infrastructure needed to support the development

#### Policy CS3 – the Settlement Hierarchy

Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Greetham as a Local Service Centre, this is one of the largest villages in Rutland with a range of facilities and access to public transport. Stretton is classed as a restraint village.

#### Policy CS4 – The Location of Development

The site by definition is in open countryside, albeit alongside the A1, approximately 1.7 miles from the village of Greetham which will be a focus for small scale development. Stretton is clearly nearer but is a Restraint Village where new development will not be allowed in the current Development Plan unless it is appropriate to the countryside.

#### Policy CS7 – Socially Inclusive Communities

#### Policy CS16 – The Rural Economy

CS16 deals with the rural economy and (inter alia) seeks to:

- Safeguard existing rural employment sites and encourage their improvement and/or expansion (providing other policy requirements are met);
- Support small scale developments for employment generating uses (adjacent or closely related to the local service centres or smaller settlements) provided it is of a scale appropriate to the existing development where it would be consistent with maintaining and enhancing the environment and contributes to local distinctiveness of the area.
- Support the retention of community facilities such as pubs and shops.

CS18 - Sustainable Transport and Accessibility.

CS19 – Promoting Good Design

### **Site Allocations and Policies DPD (2014)**

SP1 – Presumption in favour of sustainable development:

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

#### SP7 - Non-residential development in the countryside

The policy allows for sustainable development in the countryside for small scale employment growth providing:

- The amount of new build or alteration is kept to a minimum
- The development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of nearby villages (Greetham & Stretton)
- The development would not adversely affect the character of, or reduce the intervening open land between settlements
- The development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

The policy also sets out where the conversion, re-use or replacement of buildings for employment use will be permitted. In particular if the building is capable of being converted and the proposal respects the form and character of the existing building. The type and scale of use must be appropriate to its location; in particular the use should not generate significant traffic movements in an unsustainable location.

SP15 – Design & Amenity - Various paragraphs on design, amenity and highway issues

#### Greetham Neighbourhood Plan

##### Policy CH1 – Built Form

Development within the Parish should be of a scale and density in keeping with the built form of the character area within which it is located, taking account of surrounding buildings, streets and spaces. Development should integrate with the street scene, through particular attention to boundary treatments; and where appropriate, conserve the character and appearance of the Conservation Area and its setting.

##### Policy CH2 – Green Infrastructure

Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planting of indigenous trees and shrubs to enhance biodiversity, soften the impact of development and/or enhance local character, will be supported.

#### Department for Transport Circular 02/2013

This sets out advice on the strategic road network and the delivery of sustainable development. On roadside facilities, it advises that the maximum driving distance between services should be 30 minutes but that the distance can be shorter. In determining applications for new or improved sites, LPA's should not need to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Nor should they seek to prevent competition. There is a preference for new facilities to be at on-line locations i.e. accessed immediately off the road in question and not sited away from the strategic network (e.g. for HGV parks this talks about 2 or 3 miles).

The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

Operators of roadside facilities are encouraged to provide refuelling facilities for low emission vehicles, including recharging facilities for plug-in vehicles and other arrangements that meet the needs of emergent low carbon and alternative fuel technologies as appropriate

Within the Planning Inspectors decision letter particular reference was made to Policy SP7 in so far as, stating that this policy is inconsistent with the NPPF and out-of-date.

5. Policy SP7 of the Council's Site Allocations and Policies Development Plan Document (DPD) 2014 states sustainable development will be supported in the countryside where it is for certain developments, mainly rural-based. This includes essential investment in infrastructure including road side services for public safety purposes. This is provided, subject to amongst other matters, that such investment would not be detrimental to the character and appearance of the landscape and visual amenity.
6. The policy seeks to accommodate sustainable development in the countryside whilst at same time conserving and enhancing the natural environment which is reflective of the National Planning Policy Framework (NPPF). However, it does not match the more positive vision of the NPPF in supporting the expansion of all types of business in rural areas. It also does not match its broader vision supporting an appropriate mix of uses across an area to minimise the number of trips needed, such as shopping, and the identification and protection, where there is robust evidence, of sites and routes which could be critical in developing infrastructure to widen transport choice. For these reasons, the policy is inconsistent with the NPPF and out-of-date. The tilted test set out in NPPF paragraph 11 d ii will therefore apply, and the weight to any policy conflict would be moderate.

## Consultations

### 21. Greetham Parish Council

#### 3<sup>rd</sup> March 2020

- Greetham Parish Council note the comments of the Inspection from the Appeal which was dismissed from a previous planning application. - paragraph 16 [Notwithstanding the findings on heritage asset status and the trees, the harm to the character and appearance of the area would remain significant by reason of the unsightly over-development. Consequently, the proposal would be contrary to policy CS19 of the Rutland Core Strategy Development Plan Document (CS) 2011 and policy SP15 of the DPD, which amongst other matters, requires all new development to contribute positively to local distinctiveness and a sense of place, being appropriate and sympathetic to its setting in terms of scale, density, layout, appearance and materials. In terms of DPD policy SP7, the development would be essential investment in infrastructure road side services for public safety purposes, but it would be detrimental to the landscape and appearance, and visual amenity considerations for similar reasons. As indicated, the weight to this policy conflict would be moderate]. Greetham Parish Council believes that whilst the appearance is better than the previous one, this is still an over-development and suitable for only one drive through unit.
- A development of this size should have a clearly defined traffic flow plan from the A1 and B668, which has not been submitted.
- In the event of any approved planning for a food outlet, a contract for clearing up rubbish is required.
- The transport and travel plan refer to access for workers by walking and cycling. There are no suitable footpaths or cycle routes.
- If this planning goes ahead there should be a condition of joining the Ram Jam by a public footpath to the Rutland network of paths and cycleways.
- It is suggested there should be a mini roundabout at both the B668 entrance and prior to the entrance to petrol station. Cross traffic from the B668 will create a

hazard as they will be facing oncoming traffic on the A1 when using the petrol station.

### **14<sup>th</sup> May 2020**

We stand by all our original comments. In particular, we are not happy that the footpath/cycleway and sewage issues have not been addressed. The footpath/cycleway is imperative to get people to work and the response from Anglian Water is not satisfactory as we already have ongoing sewage issues in Greetham.

## **22. Stretton Parish Council**

Whilst we welcome the development of a site that has become derelict for several years and also welcome the job opportunities this provides for the local community, there are still several concerns with regard to this development which we would ask RCC to resolve before granting approval.

- In 2019 we raised our concerns about the ability of the current sewage system to cope with the increase in sewage needs for the development. We note that a further letter from Anglia Water states that the system can cope but we asked that Anglia Water acknowledges the current situation, that sewage is routinely pumped from Clipsham and Stocken HMP via Stretton to Greetham and Cottesmore, often at night when demand is lower. There have been failures of the pumping infrastructure late in 2019 and in January this year. (RCC Cllr G Brown has details). We also understand that available electricity supplies limit the size of pumps being used at Stretton and that HMP Stocken is in process of increasing its population. Therefore, we ask that Anglian Water specifically address this issue and provide a renewed assurance that the sewage infrastructure can satisfactorily cope with the additional requirements.
- The local community currently has regular access to the Petrol Filling Station (PFS) and mini supermarket (SPAR). Indeed, southbound A1 traffic would need to use the same entrance as locals. There is a bottle neck leading onto the garage forecourt where local traffic faces vehicles coming from the A1. This is an important feature to local people and, given that the orientation of the shop is about to change, we ask that further consideration be given to the traffic flow, protecting the ability of local people to obtain petrol.
- There is an issue with southbound traffic. Access to the site must come from the Stretton roundabout and underpass. With the traffic flow proposed, southbound traffic would enter the site via the B668 and then retrace steps back onto the B668. It is likely that this traffic will wish to refuel, in which case the point above is relevant.
- It is disappointing that, despite comments from the local community, the developers wish to go ahead with 'fast food' outlets. Several members of the public suggested that a 'high end' outlet, such as M&S Food, would provide benefit to the local community. The developers should state why this cannot be the case. Clearly, the development is biased towards passing trade and does not demonstrably benefit the local community.
- There is much concern about the litter being created by fast food outlets. We ask that a precondition is that contractors are obliged regularly to clean up the roads in the vicinity. If southbound traffic is given access, the most likely litter drop location is on the southbound slip road past Stretton and The Shires. A clean up contract must include the slip road up to The Shires.
- We support the view that a mini roundabout on the B668 would benefit traffic flow.
- In last year's application, there was some concern about a medieval sundial which was not affected by the first plans but now will be, should the Ram Jam be demolished. If demolition is agreed, care should be taken to preserve these artefacts and make a full photographic record.
- Cycle Path. The transport plan refers to workers walking or cycling to work. While this can be done from Stretton, it cannot be done from Greetham. We suggest that a

cycle/walking path would benefit both villages. Policy CS8 states that developer contributions will be sought for on and off site infrastructure needs. Agreement to contribute to the cycle path would provide benefit to the local community and provide a sustainable means of staff members getting to work

### 23. **Anglian Water**

No objection on water treatment works capacity or sewage network capacity.

### 24. **Ecology**

- This application is supported by an Ecological Appraisal (Wardell Armstrong, April 2020). This survey indicates that the site comprises predominately species-poor semi-improved grassland, a small area of plantation woodland, scrub and hard standing. None of the habitats on site would meet Local Wildlife Site criteria.
- The building on site has been subject to a series of bat surveys over the last three years, summarised within this submitted report. The building has been found to support a small number of Brown Long-eared bats and a small number of Common Pipistrelle bats (non-breeding day roosts). I am unable to find a bat mitigation plan submitted with the application, but am confident that given the low level use of the building by bats mitigation will be possible within the proposed development. The previous application on this site proposed the installation of bat boxes on retained trees on site and this is likely to be an appropriate way forward for this application. A bat mitigation plan could be submitted prior to the determination of the application, or it could be required as a pre-commencement condition. Any proposed lighting should not be directed at the replacement bat roosts.
- The recommendations in section 5.2.12, 5.2.14 and 5.2.15 should also be followed.
- Section 3.3.1 of the report states that 'it is considered unlikely that any of the Local Wildlife Sites will be adversely impacted by the proposed development'. I disagree with this statement and it has been confirmed that the application will require re-profiling of the verge to the south of the access on Greetham Road. The verge to the north and the south of the access point meets Local Wildlife site criteria due to its botanical diversity. It is my understanding that an area of this verge will be lost (as hatched in the attached plan), which will lead to the loss of a small area of the Local Wildlife Site. This will require some mitigation and working methodology. Most importantly is the need to minimise the area of loss/impact to the verge; prior to any works we would recommend that protective fencing is installed along the area to be retained, thereafter no works will take place, or machinery or materials stored, within the fenced area – all works should take place from the road. This will minimise the impact on the retained habitat. The use of removing and retaining the turf from the impacted area of the verge to replace on the re-profiled area has been discussed. Whilst we are not against this idea it would require the correct removal and storage of the turf to try to maximise the likelihood of it regenerating. This could be costly and may be disproportionate to the impact, but would be worth trying if the LPA felt it reasonable; it would help to retain the existing seedbank on site and, if works, will allow the diversity of the new verge to be in line with the retained verge. I appreciate that these highway works are outside of the red-line boundary and would therefore defer the acceptability of these requests to the LPA. However, I would recommend that a method statement is submitted demonstrating how the impact on the verge will be minimised. This can be submitted as a pre-commencement condition.

## 25. **Archaeology**

- The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site is situated within an area of archaeological interest, the Ram Jam Inn was constructed in the 18th century as a stone built coaching inn, originally called the Winchelsea Arms. Historical accounts traditionally associate the building with the Dick Turpin, the 18th century highwayman, whilst the latter is unlikely to leave any archaeological trace it contributes to the historical significance of the structure.
- The submitted information indicates that the 18th century core remains at the centre of the building, with later alterations and additions to the south and west. We also hold a record on the HER to indicate that a stone medieval sundial is set within the front elevation (HER ref.: MLE5324).
- Appraisal of the submitted details indicates that the proposed works may affect or expose significant archaeological information, including surviving historic fabric within the affected building and buried archaeological remains within its vicinity. As such we recommend the appropriate investigation, in this case a level 3 historic building record is undertaken prior to the building demolition.
- No objections have been raised subject to conditions securing the recording of the existing building prior to demolition.

## 26. **RCC Highways**

The parking requirement is acceptable by RCC. The applicants have amended the layout in order to address the highway authority's original concerns. The proposed scheme is considered to be policy compliant and acceptable from a highway safety point of view.

## 27. **Highways England**

Following further meetings and discussions there is no objection subject to conditions as set out above in the recommendation.

## 28. **Environmental Protection**

No Objections subject to the following condition:

- No development shall commence until a scheme to deal with potential contamination of the site by asbestos fibres has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the extent of the contamination and the mitigation measures to be taken, including a timetable, to avoid risk to the public when the site is developed.

## 29. **Rutland History and Record Society**

- I am again writing on behalf of the committee of the Rutland Local History and Record Society. We commented in 2018 on the proposal to change this site and cannot really see any change to our narrative with regards to the proposal. We appreciate the substantial Planning Statement directs us to every single planning law applicable to the site, however the statements associated with these display a somewhat biased attrition.
- I refer you to the comments made in 2019. "The proposal to develop this site to provide two drive through units does need considerable care and consideration, as

the history of the building and the context within the landscape is of importance. We therefore object to any demolition of the building. Because of the location it is essential that archaeology specialists are involved throughout any major works, not just as a 'desk top' assessment but with an archaeologist to attend any ground works, as a condition for consent as well as a building survey at level 4.

- We would refer to the letter of Simon Loaring from the Planning Department to previous applications dated 18th July which has recommended archaeological intervention, we are in complete agreement with the recommendations and would add further information from Victoria County History which notes that the "The Ram Jam Inn has a Saxon sundial, found in excavating the new foundations, is inserted in the walling, and above the doorway is a carved stone, formerly on a house in Stretton, depicting the fight between Cribb and Molyneux at Thistleton Gap in 1811. As a non-designated heritage building this is of historical importance to the narrative for the area.
- The Greetham Neighbourhood also states that any development should preserve the character and heritage of the village and ensure that any new development complements this rather than distracts from it. Item 7.3 b) states than any new development visible on entry to the village reflects the character of the historic core and does not detract from the charm of the village, as a Society we feel that this development does not address these statements to any satisfaction"

## Neighbour Representations

30. 7 letters of representation have been received and these are summarised below, full details of the responses are available to view on the Council's website:
- Nothing has been done to address the Inspectors previous reasons for refusal and the requirements for the historic Ram Jam Inn to be retained,
  - Concerns about highway especially vehicle movements to and from the site on to the A1,
  - Stretton Pumping station is already struggling to cope with sewage issues,
  - The redevelopment of the site under application 2017/028/FUL would be far better as this retains the Ram Jam Inn,
  - The amount of paperwork submitted with the application puts people off commenting on the application,
  - The Inspector confirmed that the retention of the Ram Jam Inn was important as it possesses local distinctiveness and a sense of place because of its local vernacular construction and landscaped nature. He said its removal would be detrimental to the landscape and appearance, and visual amenity of a site that is set in an attractive rural area surrounded with fields, substantial hedgerows and trees,
  - Nothing in the structural report indicates that the building is unsafe,
  - There is no way 70 full time, minimum wage and zero hours contract, jobs can be fulfilled by local residents within walking or cycling distance of the site. The site has no Bus access so workers will need alternative transport access which is not addressed in the Transport Statement,
  - Insufficient parking on site and space for HGV vehicles to manouver when delivering to the site,
  - Poor access provision to the site, detrimetnal to highway safety,
  - Concerns about the uses proposed on the site and the amount of traffic this will bring to the site,
  - No reference to McDonald Site which have recently been allowed in the area and the fact that there are far more sustainable sites for this type of development,



- The Ram Jam Petrol Filling station has recently had consent to extend the shop which will also provide similar 24 hour facilities,
- It would also be helpful if details of the meeting with RCC on the 28th November 2019 were given in the list of documents to this planning application,
- Concerns about conflict with vehicular movements with users of the adjacent petrol station forcourt,
- Concerns about overdevelopment of the site,
- The TPO trees should be retained on site no matter what the development,
- A mini roundabout should be installed on the B668 to help slow traffic,
- Concerns about tree planting blocking guttering of adjacent buildings,
- Concerns about litter,
- Concerns about impact on archaeology,

## **Planning Assessment**

31. The main issues are policy, retention of the existing building, design/visual amenity, loss of preserved trees and highway safety.

### **Policy**

32. The site is in open countryside but constitutes previously developed land. There is an extant permission for a scheme for conversion and erection of 2 new units for employment, retail and coffee shop uses which is larger in terms of floorspace. Permission was granted on the adjoining land for the re-location of Greetham Garage to the wider site, behind the existing petrol station.
33. This proposal is primarily for a roadside facility to serve the strategic highway network. There are no specific policies in the Development plan that deal with this type of development so it needs to be assessed in that context rather than normal development in the countryside.
34. The site is in a sustainable location insofar as it is a roadside facility serving the strategic road network, complementing the adjacent petrol filling station, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal will also generate up to 160 local jobs, in addition to shorter term construction jobs and is a good use of a brownfield site.
35. The scheme complies with Government Guidance in the Circular set out above and Policy SP1 (Sustainable Development).

### **Retention of the existing building**

36. There has been opposition to the scheme on the basis that the Ram Jam has historic interest, including associations with Dick Turpin. It is unlikely that there is much of the building remaining from Dick Turpin's time, as he died in 1739. Details of the origin of the core of the building are unknown.
37. Historic England has confirmed that the building is not worthy of listing. Whilst the building is highly regarded locally the appeal inspector when determining application 2018/0539 stated that "Nevertheless, the exterior only in part retains a coaching house form due to significant extensions and alterations. There is some ornate plasterwork within the building, but this only reflects a 'olde English' idiom of the interwar years. The interior of the building has not survived leaving little evidence of its original form or how it functioned. As a result, there is little heritage significance that can be attached to the building and a designated or non-designated heritage status cannot be justified." A

photographic record as requested by Archaeology would be appropriate in the circumstances.

38. In terms of the loss of a local facility (public house) there is a public house in Stretton approximately 850 metres from, the site and the Ram Jam itself has been closed for several years with little prospect of re-opening as a pub and hotel. Policy CS7 states that the loss of a public house will not be supported unless an alternative facility to meet local needs is available and equally accessible to the local community.
39. The policies of the Greetham Neighbourhood Plan are noted, together with the comments of Rutland History and Record Society.
40. The Policy seeks to ensure that development should be of a scale and density in keeping with the built form of the character area within which it is located. In this case that is isolated from the main part of the village and well away from the conservation area. The proposal does respect its surroundings and provides a well-designed roadside facility on a derelict brownfield site.
41. The applicant has previously agreed to provide a piece of art or other feature on site to depict the history of the site for the long term benefit of its users.

### **Design/Visual Amenity**

42. The design of the building adjacent to the A1 is a modern take on a traditional design using glazing and stone for the elevations. The new building together with new landscaping and appropriate boundary treatments will represent an appropriate design approach.
43. The other 2 blocks of building are similar in design and together with existing screening and new landscaping will enhance the appearance of the site. It is reasonably well screened from the B668 by existing hedging and trees which will be retained and supplemented. As set out under the description of the proposal above, the proposed buildings have a similar height to the previously approved scheme
44. The owner of Greetham garage has raised issues relating to boundaries etc. but these are essentially private legal matters.

### **Loss of preserved trees**

45. The recent TPO on the apple trees by the access from the B668 was served in response to the loss of the majority of the orchard before the site was acquired by the current applicants. The applicant has been asked to consider a layout that retains these trees. In response to the previous refusal which showed the majority of the trees being removed the applicant has now shown them as being retained.
46. The retention of these protected trees is a significant improvement over the previously refused scheme. It is considered that subject to conditions securing the protection of the trees and additional landscaping that the proposals can be supported.

### **Highway Safety**

47. The scheme provides for parking for 72 vehicles (inc 5 disabled bays) and 3 Sheffield cycle racks (6 spaces).
48. The submitted Travel Plan sets out how each unit would appoint a Travel Plan Co-ordinator who would survey staff and implement a travel plan for each unit with a view to reducing staff vehicles to site by 10% over the initial 5 year period.

49. There are no serious accident records from around the area that would indicate existing safety concerns that may be exacerbated by the proposal.
50. The Transport Assessment states that a Servicing Management Strategy will be drawn up to ensure that deliveries of goods take place outside of peak times as there is no specific off-loading areas proposed. It will also specify routes to the site via the B668. A Construction Traffic Management Plan is also to be secured by condition.
51. The Assessment concludes that the proposal would result in an additional 68 and 63 two way vehicle movements during the peak am and pm periods compared to a fully functioning Ram Jam and hotel as currently exists. This is less than one additional 2-way trip every minute which is negligible in terms of the local and strategic highway network and how it operates at present and no changes are required to local junctions.
52. Access to the site is available from the B668 Greetham Road together with a right of way onto the site from the petrol filling station. This will split the potential additional traffic so reducing the impact on one access. Favour is given to the B668 access and signs are proposed to direct traffic from the northbound carriageway in that direction.
53. The priority access junction off Greetham Road which currently serves the Ram Jam Inn, is proposed to be upgraded to incorporate a ghost right turn facility. The B668 carriageway will be realigned, with the give-way/access to the development site built out further into the existing carriageway.

#### **Other matters**

54. A condition requiring details of any lighting scheme to be submitted is attached in order to ensure that any lighting scheme for the site is acceptable and respects the rural location.

#### **Conclusion**

55. The proposed development would provide roadside services on previously developed land primarily to serve users of the strategic highway network. Highways England and the local highway authority has raised no objections to the proposed development. The revised scheme retains the row of preserved apple trees. The resubmission is considered to have addressed all the issues that result in the planning appeal for application No 2018.0539/FUL being dismissed. The use constitutes sustainable development and there are no reasons to refuse planning permission in this instance.

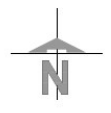
Appendix 1: -2020/0142









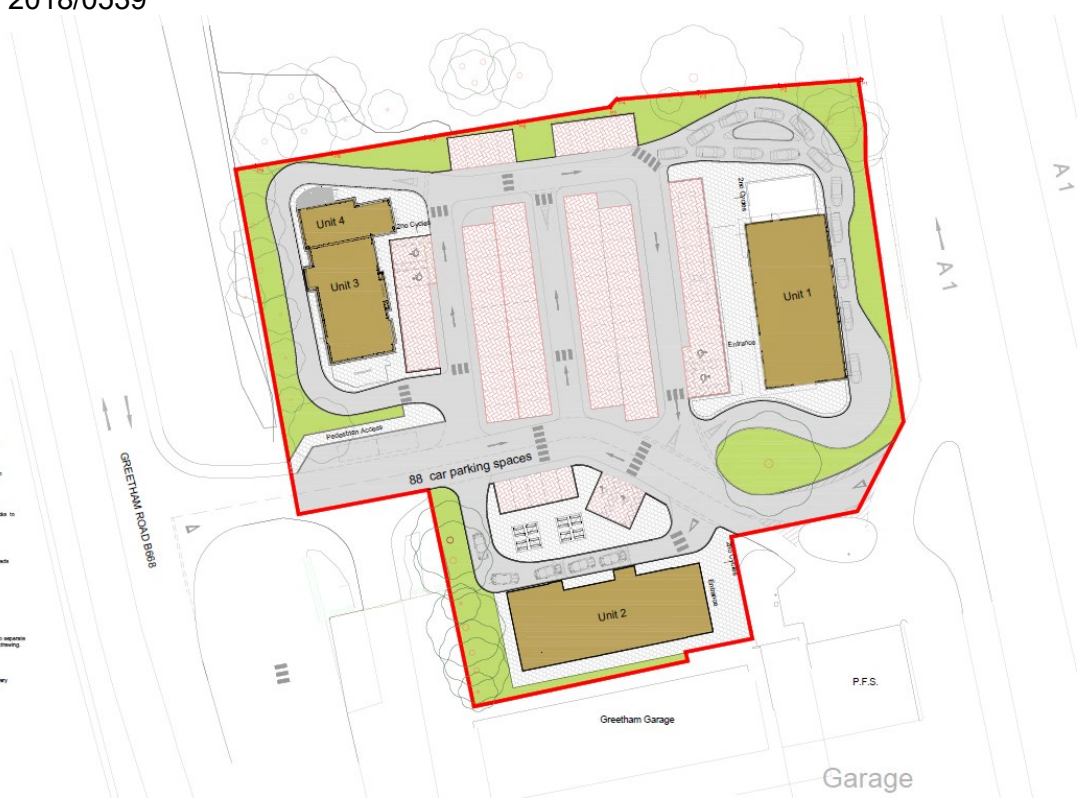
Appendix 2 – 2018/0539



Appendix 3 – 2018/0539



- Hard External Finishes**
-  Interlocking block paving to parking bays
  -  Concrete pavement blocks to carports
  -  Tarmac/Gravel to main roads
  -  Concrete finish to compounds
  -  Landscaping areas refer to separate landscaping and/or landscape strategy
  -  Application Site Boundary Site Area = 1.00 acres





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## Appeal Decision

Hearing Held on 18 June 2019

Site visit made on 18 June 2019 by **Jonathon Parsons**

**MSc BSc DipTP (Cert Urb) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

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### **Appeal Ref: APP/A2470/W/18/3218899 Ram Jam Inn, Great North Road, Greetham LE15 7QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Godwin Developments against the decision of Rutland Council.
  - The application Ref 2018/0539/FUL, dated 4 June 2018, was refused by notice dated 25 October 2018.
  - The development proposed is the demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. Both main parties have agreed the proposal's description above which has been changed from the original planning application description in the interests of accuracy. A Unilateral Undertaking (UU) dated 18 June 2019 details a contribution for replacement trees in lieu of the apples trees, subject to a Tree Preservation Order, proposed to be felled, on the site and the taking of grafts from them for future propagation within Greetham Parish. This shall be commented upon in this decision.
3. Historic England (HE) undertook a site visit shortly before the hearing and issued a report on 2 August 2019. Main parties had agreed to wait for this report which has been taken into account in this decision, along with associated party comments, including third party and parish council.

### **Main Issues**

4. The main issues are the effect of the proposal on (a) the character and appearance of the area, having regard to the heritage status of the inn building and trees, and (b) the highway safety of pedestrians, cyclists and drivers.

## Reasons

### Policy background

7. Policy SP7 of the Council's Site Allocations and Policies Development Plan Document (DPD) 2014 states sustainable development will be supported in the countryside where it is for certain developments, mainly rural-based. This includes essential investment in infrastructure including road side services for

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public safety purposes. This is provided, subject to amongst other matters, that such investment would not be detrimental to the character and appearance of the landscape and visual amenity.

8. The policy seeks to accommodate sustainable development in the countryside whilst at same time conserving and enhancing the natural environment which is reflective of the National Planning Policy Framework (NPPF). However, it does not match the more positive vision of the NPPF in supporting the expansion of all types of business in rural areas. It also does not match its broader vision supporting an appropriate mix of uses across an area to minimise the number of trips needed, such as shopping, and the identification and protection, where there is robust evidence, of sites and routes which could be critical in developing infrastructure to widen transport choice. For these reasons, the policy is inconsistent with the NPPF and out-of-date. The tilted test set out in NPPF paragraph 11 d ii will therefore apply, and the weight to any policy conflict would be moderate.

### *Character and appearance*

7. The appeal site comprises the former Ram Jam Inn, as extended, hard surfaced areas and grassland. The inn is partially stone constructed, with gables facing onto a main road (the A1), joined by a three bay central section. The hardstanding mainly lies adjacent to a petrol filling station (PFS), with a commercial garage and convenience store, which is accessed off the A1. The garage has workshop buildings and parking areas behind it accessed from the Greetham Road, the B668. There is a vehicular access road from the B668 to the A1 through the hardstanding area.
8. The HE report identifies that the inn is not worthy of listing. It is acknowledged as an iconic historic building on a main entry to Rutland. It was used as a coaching inn to serve the stage coach traffic travelling along the Great North Road between London and Edinburgh, and it is one of the last remaining examples alongside this road. It is clearly highly regarded by local people, partly due to a purported association with Dick Turpin, and has recognition further afield, with connections to the American singer Geno Washington and the eponymous club in Brixton.
9. Nevertheless, the exterior only in part retains a coaching house form due to significant extensions and alterations. There is some ornate plasterwork within the building, but this only reflects a 'olde English' idiom of the interwar years. The interior of the building has not survived leaving little evidence of its original form or how it functioned. As a result, there is little heritage significance that can be attached to the building and a designated or non-designated heritage status cannot be justified.



10. Within the appeal site, there is a group of protected apple trees between the hardstanding and access road, garage and store buildings. Closer to the A1, there is a nearby protected Ash tree. There is a strong landscaped boundary of trees alongside the site's rear boundary adjacent to the B668 and within the site, adjacent to a car parking area serving the garage. There is grassland behind the extended inn and outside of the appeal site, further grassland and trees close to the inn building to the north. Beyond this, there is a road spurring off the A1 which joins up with the B668. Whilst the A1, along with the PFS and the inn development are conspicuous features, the surrounding area is attractively rural with fields, substantial hedgerows and trees.
11. The proposal would result in the demolition of the inn with its extensions and replacement with four commercial units, approximately 972m<sup>2</sup>, of contemporary design using extensive timber glazing and glazing. The four units would be sited around the edge of the site with a hard surfaced area located centrally. This would comprise access, including drive-thru, and parking for up to 88 parking spaces. Additionally, there would be some drivethru hard surfaced areas between the buildings and site boundaries.
12. Existing boundary trees along the B668 boundary would be retained and reinforced with additional planting. Trees between unit 2 and the parking area serving the garage workshop would be mostly retained and there would also be a hedge between it and the garage. Additional landscaping, including shrub and tree planting, would also be planted at the entrances into the site and the northern open countryside boundaries.
13. However, there would be a substantial extent of unbroken hard surfacing and buildings across the site, which, along with parked vehicles, would result in a dominant and oppressive environment. There would be little visual relief to this with landscaping generally marginalised to the outer peripheries of the site. Such a built-up layout would be visually unattractive and a marked change from the existing situation with trees, including a protected group of apple trees, and grassland behind the inn. Under the UU, the proposed replacement of the trees with provision elsewhere some distance away would do nothing to compensate for loss on the site itself.
14. The PFS buildings are largely utilitarian in appearance due to their functional design. By reason of design, the recent hotel extensions to the inn are not of great architectural merit. However, the frontage part of the building with its stone construction still has attractive traditional visual qualities, notwithstanding its limited significance in heritage terms. As a result, the existing development does possess local distinctiveness and a sense of place despite its disuse because of its local vernacular construction and landscaped nature. The contemporary designed development, including the buildings and hard surfacing, have no such qualities and for the reasons indicated, the proposed development would be dominating and oppressive.
15. The Appellant's Tree Protection Plan shows a curved fence around the protected Ash Tree. Although this design is unusual, there is no reason why this issue cannot be resolved by a planning condition, even if it is due to the scale and manner of annotation on the plan. Hardstanding would not

encroach significantly into a Root Protection Area of an unprotected Ash tree sited just beyond the northern boundary of the site.

16. Notwithstanding the findings on heritage asset status and the trees, the harm to the character and appearance of the area would remain significant by reason of the unsightly over-development. Consequently, the proposal would be contrary to policy CS19 of the Rutland Core Strategy Development Plan Document (CS) 2011 and policy SP15 of the DPD, which amongst other matters, requires all new development to contribute positively to local distinctiveness and a sense of place, being appropriate and sympathetic to its setting in terms of scale, density, layout, appearance and materials. In terms of DPD policy SP7, the development would be essential investment in infrastructure road side services for public safety purposes, but it would be detrimental to the landscape and appearance, and visual amenity considerations for similar reasons. As indicated, the weight to this policy conflict would be moderate.

#### *Highway safety*

17. The existing site can be accessed off the A1 and the B668. There is a right of access through the neighbouring PFS to the site which is accessed off a slip road off the northbound A1. During its operational years, the inn had a pub/restaurant area, ancillary facilities such as a bar and kitchen, and hotel accommodation.
18. The proposed commercial units would have up to 88 car parking spaces. At any one time, 35-40 staff would be employed on the site and employees would have limited access to public transport. However, the provision would comfortably exceed highway parking standards for food retail, the nearest similar use within the County's parking standards. A submitted travel plan also sets out how each unit would employ a travel plan coordinator who would survey staff and implement a travel plan for each unit to seek reduced staff vehicles to the site by 10% over a 5 year period. Such a plan could include vehicle-sharing and could be conditioned. Additionally, there would be some cycle storage provision on the site.
19. The Appellant has produced a vehicle parking accumulation flow analysis which indicates a peak parking need between 1200-1300 hours of 75 spaces. This assumes a worst possible case scenario of staff making no use of more sustainable modes of transport and thus provision for 40 staff spaces. Inevitably, there will be some above average sized motor vehicles, such as minibuses, which might take up more than one space. However, even taking into account these worst possible scenarios, site parking provision has been shown to be sufficient. Swept path analysis shows satisfactory tracking of a minibus throughout the layout. A servicing Management Strategy would be drawn up to ensure deliveries of good take place outside of peak times as there are no specific off-loading areas proposed. It will also specify routes to the site via the B668.
20. Local concerns have been expressed about the safety of drivers entering into the site via the PFS, especially with parked vehicles there, and egress from the site using the existing slip road given traffic speeds and the volume of traffic along the A1. However, northbound access could

additionally be achieved via the A1 slip road to the B668 located to the south of the PFS which would enable access to the site from the B668 to the west. Southbound traffic could leave the A1 via the Oakham (B668) southbound slip road, then travel west and south at the two roundabouts underneath the A1, respectively, and similarly access the site from the B668 to the west.

21. There is also an existing use established on the site which would generate a certain amount of traffic. Taking this into account, a Transport Assessment clarifies that additional 38 and 39 vehicle movements during the peak am and pm periods will be generated compared to a full functioning inn facility. The Appellant is also in discussions with both the County Highways and Highways England about signage to the development. There have been no objections from Highways England (HE) to the proposed access/egress from and onto the A1. Given their considered response, significant weight is given to their comments in the absence of any soundly based evidence to the contrary.
22. For all the above reasons, there would not be any unacceptable impact on highway safety nor would the residue cumulative impacts on the road network be severe. Such a conclusion concurs with both statutory consultees, County Highways and HE. Accordingly, the proposal would comply with policy CS18 of the CS and policy SP15 of the DPD (in respect of highway matters).

#### *Other matters*

23. There are a number of roadside facilities, including along the A1, at Great Casterton, Scotgate, Peterborough, Colsterworth, Newark, Grantham and Markham Moor. However, many of these sites relate to PFS and some are in distinctly urban contexts. There is also an absence of any plans or documentation to demonstrate that they are comparable in terms of number and type of units, extent of hard surfaced areas between units, context and policy background when they were permitted. In any case, every proposal has to be considered on its particular planning merits.
24. In August 2017, planning permission had been granted for the partial demolition of the inn's extensions/additions, change of use of the inn building and two 2 storey buildings in mixed commercial business use. One of the new buildings would be on the hard surfaced area adjacent to the garage whilst the other would be located to north of the site behind the inn. The floor space at approximately 1639 m<sup>2</sup> would be greater than that of the appeal proposal. Under this permission, the two new buildings would be two storey, industrial design with cladding, brick and render facework and one of these would be alongside the open northern boundary of the site.
25. There is a greater than theoretical possibility that this permitted development would take place if the appeal proposal was rejected. However, the permitted development would be far less dominating and oppressive due to the presence of more landscaped areas, including the protected apple trees, and the retention of the frontage part of the inn building, with its attractive local vernacular qualities. Consequently, the implementation of the permission would not result in greater harm than the appeal proposal in terms of its effect on the character and appearance of

the area, and the fall back position would have limited weight in favour of the proposal.

26. No detailed scenario has been put to me but this previous permission could be implemented in part. The new buildings and associated parking areas could be built at the expense of the change of use of the inn and the construction of the associated parking areas. Alternatively, one of the new buildings could be built with construction of associated car parking areas as well as the change of use of the inn building and the construction of associated parking areas. Either way, there would be a less developed quality to the site with more landscaped areas, either planned or left as existing, and retention of the frontage part of the inn building.
27. Department for Transport Circular 02/2013 states that the maximum driving distance between services should be 30 minutes but that distance can be shorter. Indeed, Councils are required to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Both County Highways and Highways England are generally supportive. There would be highway safety benefits arising from this proposal in providing refreshments and rest for drivers. However, the planning permission on the site permits refreshment facilities, namely a coffee shop/café, albeit smaller in extent.

#### *Planning Balance*

28. There would be harm to the character and appearance of the area in conflict with policy CS19 of the CS, and policies SP15 and SP7 of the DPD. There would be no harm arising from matters of highway safety and thereby no conflict with policy CS18 of the CS and policy SP15 of the DPD in this respect. However, the harm to the character and appearance would be significant and long-standing. Consequently, despite the reduced weight to the DPD SP7 policy conflict, the proposal would conflict with the development plan as a whole.
29. The development would generate up to 160 local jobs, in addition to short term construction jobs. The roadside facility would serve the strategic road network, complimenting the adjacent PFS, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal would regenerate a vacant, brownfield site which would make efficient use of land. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would weigh heavily in favour of the proposal.
30. The inn does not merit the status of a designated or non-designated heritage asset. Reduced weight has been given to the proposal's conflict with DPD policy SP7. However, the NPPF still requires development to be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the unbroken expanse of built form across the site. Importantly, the development would not establish or maintain a strong sense of place. The arrangement of streets, spaces, building types and

materials would not create an attractive, welcoming and distinctive place to live, work and visit. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. For these reasons, such design failings would be determinative for this particular proposal.

Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

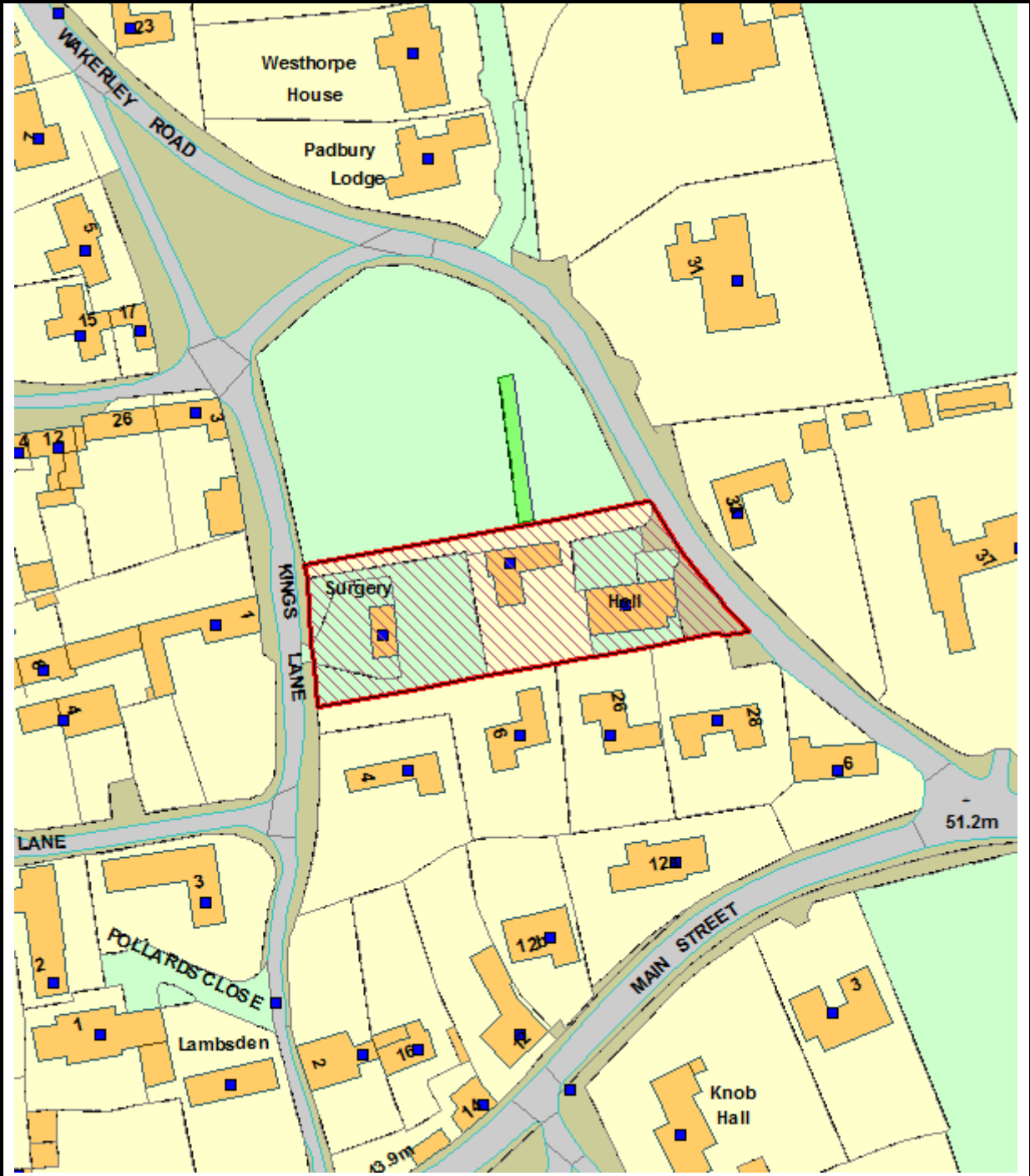
### **Conclusion**

32. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR

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1:1250



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/0891/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>Replacement of the existing Village Hall, Community Shop and Doctors Surgery, with new and improved facilities on the existing site, including car parking and new landscaping to improve access.</b>		
Address:	<b>Barrowden Village Hall, Wakerley Road, Barrowden, Rutland, LE15 8EP</b>		
Applicant:	<b>Barrowden Parish Council</b>	Parish	<b>Barrowden</b>
Agent:	<b>Acanthus Clews Architects</b>	Ward	<b>Ketton</b>
Reason for presenting to Committee:	<b>Ward Member request</b>		
Date of Committee:	<b>17 November 2020</b>		

## EXECUTIVE SUMMARY

**The proposal for a new village hub to replace the village hall, shop and doctors surgery has been drawn up in conjunction with the local community. The building is more than domestic in scale but uses some traditional materials and some more contemporary in line with the style of the building. There is concern about the materials, lack of parking to meet standards and potential for noise. The consultation responses and consideration of the design and materials leads to a recommendation of approval as the scheme is in line with development plan or other material considerations are in favour of it.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development shall be begun before the expiration of five years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and as requested by the applicant to enable funding to be sourced.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 18-149-200D, 18-149-201D, 18-149-202B, 18-149-203B, 18-149-210C, 18-149-211C, 18-149-212, 18-149-220C, Barrowden Village hub landscape materials - 16.9.20 page 2 of 2, and Tree Protection Plan - 4035.Barrowden.Acanthus.TPP.  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels 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.
4. 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.

5. The external surfacing details shown on the approved plans above shall be completed prior to the development first coming into use.

Reason: To ensure that the parking servicing and access areas are safe for pedestrians and that deleterious material is not spilled onto the highway from loose material, in the interests of highway safety.

6. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping and shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 in accordance with the details in Tree Protection Plan 4035.Barrowden.Acanthus.TPP. 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.

7. No demolition of the existing village hall shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
- The programme and methodology of historic building survey 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 that there is a relevant historic record of the original village hall.

8. The shop hereby permitted shall only be used for retail purposes and for no other purpose within Use Class E of the Town & Country Planning (Use Classes) Order 1987, as amended.

Reason: The shop is approved as a retail facility to provide a service to and maintain the sustainability of the village and any other uses within Class E should be considered on their merits and the impact they might have on visual and residential amenity and sustainability.

9. The shop shall only be open for customers and shall only receive deliveries between the hours of 0730 to 1900 Monday to Saturday, 0730 to 1200 Noon on Sundays and Bank Holidays. Deliveries on Sunday shall be limited to newspapers only.

Reason: To ensure that the use does not cause harm to the amenities of nearby residents.

10. The new development shall not be occupied until bird and bat boxes have been

erected in accordance with a detailed scheme that shall have been submitted for the approval of the local planning authority.  
Reason: To ensure that provision is made for habitat creation within the development, in the interests of biodiversity.

Notes to Applicant:

- Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey.
- Netting to prevent bird nesting may only be done with prior approval of the LPA.
- Your attention is drawn to the other mitigation recommendations in the ecology report, particularly when preparing the landscaping scheme.

## Site & Surroundings

1. The site is located between Wakerley Road and Kings Lane towards the eastern end of the village. The site is within the Planned Limit to Development (PLD) and the village Conservation Area.
2. The site currently comprises the Surgery, facing and with access from Kings Lane, the village hall dating from the 1920's and the community village shop, built c2007 with access of Wakerley Road.
3. The roads either side rise from south to north and to the north of the shop is a large area of open space containing several mature trees. This is designated as Important Open Space in the current Local Plan. Kings Lane is narrow at its junction with Main Street but widens towards the north end. Barrowden is characterised by its narrow lanes running north-south, connecting roads running east-west. There is a footpath running along the north side of the site separating the site from the open space. There are 12 existing parking spaces on the 3 sites.
4. To the west, east and south are existing residential properties.

## Proposal

5. It is proposed to demolish the 3 existing buildings on site and replace them with a purpose built village hub to provide a community hall with ancillary meeting room and kitchen, a 2 consulting room doctors surgery and village shop incorporating shop, café area, office, storage WC's and servery. The submission followed extensive pre-application discussions and co-ordination with the local community.
6. The area currently covered by the Surgery and its car park would become the main car park for 16 spaces (inc 2 disabled). The east car park on Wakerley Road would provide 10 spaces with 1 loading and 1 disabled.
7. The new shop would be on the southern edge of the site linking to the surgery and community hall on the north side via a central foyer entrance area.
8. There would be a terrace to the west of the building to provide a small sitting out area and steps would lead down to the main car park area. The existing footpath to the north would provide level access into the building from the car park.
9. There would be new landscaping and tree planting across the site.
10. Materials would be a Zinc standing seam roof, Larch timber cladding, coursed local rubblestone walling, Ashlar stone cladding, powder coated metal triple glazing, Larch

boarded doors and hardwood Timber columns on a staddle stone. There would be solar panels on the south facing roof slope of the shop.

11. Revised surfacing details have been submitted during the life of the application. Tarmac was replaced by gravel grid, exposed aggregate asphalt and stone pavers. Tarmac is only retained for the footpath along the northern edge.
12. The ridge height of the existing Hall is at 59.762m whilst the proposed Hall is at 57.39, so actually lower. The proposed shop ridge is 60.23.
13. In terms of impact on existing trees, the development is an opportunity to fell and replace the diseased Ash tree in the existing doctor's surgery car park. The proposed development will require the loss of two further trees and some young hedging. All can easily be replaced. Some facilitation pruning will be required. Protection of the retained trees has been detailed in the accompanying Arboricultural Method Statement shown on the Tree Protection Plan. Additional tree and other planting is proposed and provide a net gain in tree cover.
14. Details are shown in the Appendix.

## Relevant Planning History

<b>Application</b>	<b>Description</b>	<b>Decision</b>
2006/0725	Proposed Village Shop	Approved – temp pp until 2026.
2009/0443	Photo voltaic panels on shop roof	Approved
2012/0949	Shop entrance canopy and metal container to rear	Approved

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF) 2019

Chapter 8 – Promoting Healthy and safe communities  
Chapter 12 – Achieving well designed places  
Chapter 16 – Conserving the Historic Environment

### Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages  
SP15 - Design and Amenity  
SP20 - The Historic Environment

### Core Strategy DPD (2011)

CS04 - The Location of Development  
CS19 - Promoting Good Design  
CS22 - The Historic and Cultural Environment

## **Other Policies**

### **Barrowden & Wakerley Neighbourhood Plan**

#### **BW1 – landscape Character and Important Views**

Views important to Barrowden and Wakerley are set out on the map in Figure 4. Development proposals should safeguard and if possible enhance these views into and out of the villages and incorporate sensitive layout, design and mitigation measures to minimise any adverse impact on the landscape. (View 5 is especially relevant)

#### **BW6 – Design Principles (inter alia):**

New development, including extensions, should be of a high quality and shall conserve or enhance the positive and distinctive characteristics described in the Barrowden and Wakerley Landscape and Character Assessment.

Proposals shall be sensitive to the positive elements of the Villages in terms of scale, height, spacing, layout, orientation, design, boundary treatment and use of materials as appropriate to the development concerned

Proposals shall incorporate traditional steeply pitched roofs, where appropriate, and traditional roofing materials;

Modern, innovative designs using contemporary materials will be supported where it can be demonstrated that the development will be of the highest quality and can be successfully integrated into the existing context

#### **BW14 – Protection of Community Facilities**

Proposals to redevelop or change the use of an existing community facility or land or buildings last used as a community facility will only be supported where the following conditions are met:

1. A replacement facility of sufficient size, layout and quality to compensate for the loss of the existing facility is to be provided on an alternative site in accordance with the criteria for a new community facility listed in Policy BW15 (The provision of new community facilities) of the Neighbourhood Plan; or
2. It has been demonstrated that the existing use is no longer economically viable and that there is no reasonable prospect of securing either a continuation of the existing use or an alternative community use. Evidence must be provided to demonstrate that the property has been marketed by a commercial property agent for a period of at least 12 months at a price which reflects an independent professional valuation and it is verified by the agent that no interest in acquisition has been expressed.

#### **BW15 – Provision of New Community Facilities**

1. Proposals for the provision of new community facilities within the Planned Limits of Development of Barrowden will be supported where they would:
  - I. Not result in unacceptable traffic movements, noise, fumes, smell or other disturbance to residential properties;
  - II. Not generate a need for parking that cannot be adequately catered for; and
  - III. Be only of a scale appropriate to the needs of the Plan Area.

#### **BW15 – Fibre Broadband**

## Consultations

### 15. Barrowden Parish Council

The planning application was submitted by Barrowden Parish Council (BPC), acting in an administrative capacity) on behalf of the Barrowden Village Development Group (BVHDG). BPC is making comments now acting in its planning capacity.

#### Neighbour and village resident consultation and issues

There were a number of comments made to BVHDG by direct neighbours and other village residents earlier this year at the preplanning stage, after a request by BPC these were made available to us. Some direct neighbours had made comments about the details of design causing noise, nuisance and overlooking issues. None of these objections objected to the redevelopment concept in itself. In fact, there is strong support for a redevelopment in the proposed location. Some residents have commented on the appearance, choice of materials and landscaping but generally are still supportive of a redevelopment on the proposed site.

We understand that the direct neighbour specific comments have been addressed, apart from one which relates to noise from early morning deliveries to the shop. This latter point is not specific to the new development and is being handled separately Barrowden and Wakerley Neighbourhood Plan (BWNP) related issues.

We have looked at the Design and Access Statement and note that in the client brief and throughout the document there is no clear reference to the design being consistent with the Neighbourhood plan.

The design and access statement has, amongst its aims, “to be committed to sustainable, high quality, future proofed design that blends into its setting and respects the environment”

We have looked at relevant policy statements in the BWNP and tested these against the design

#### BW1 Landscape character and important views

1. Development shall conserve and enhance positive characteristics and features of the local landscape outlined in the Barrowden and Wakerley Landscape and Character Assessment. Proposals will be supported where these do not detract from, or have adverse impact on the landscape.

2. Views important to Barrowden and Wakerley are set out on the map in figure 4. Development proposals shall safeguard and if possible enhance these views into and out of the villages and should use sensitive layout, design and mitigation measures to minimize any adverse impact on the landscape. (Note: the view from the North toward the site is identified at number 5 on Fig 4)

#### BPC Comment on BW1

The application does claim to be sensitive to the setting but we could find no reference to this particular BW1 point. Some resident and designer comment considers the present building as being unsightly and things could only improve. Other resident comments express concern about scale and style of the buildings. We note that the larger building in particular will be a very prominent feature when looking from the North extending farther to the West and being a much greater height than the current shop. This a point to consider in the later discussion on materials as these North and West elevations will feature prominently in the foreground of the referenced important view from the North.

## BW6 Design Principles for Barrowden and Wakerley

1 New development, including extensions, will be expected to be of high quality and shall preserve, and enhance the positive and distinctive characteristics described in the Barrowden and Wakerley Landscape and Character Assessment.

2 e) - Proposals shall incorporate traditional steeply pitched roofs, where appropriate, and traditional roofing materials

g) Elevations visible from the public realm shall be in local style rubble stone with traditional architectural features and windows and doors of wooden construction.

5 Modern innovative designs using contemporary materials will be supported where it can be demonstrated that the development will be of the highest quality and can be successfully integrated into the existing context.

### BPC Comment on BW6

BW6 Comparing and evaluating designs against this policy is, of course, a matter of opinion. The larger building in particular will however be very visible from the important viewpoint which shall be “safeguarded or if possible enhanced” especially .in its location beside a designated Important Open Space. Hence the importance of design detail materials and landscaping discussed under BW1

#### BW6.1

The roofs are not steeply pitched. The architects have pointed out that to create that feature would result in a much taller structure or a much narrower floor plan, although this is not referenced in the application. The roofing material is Zinc, a material which we do not understand to be a traditional material in the context of BWNP. We note that the requirement for a steep roof pitch is qualified by “as appropriate “, with that in mind councillors considered there to be a reasonable argument for this proposed design. The alternative of a steep pitch is not practicable and would be likely to create a much taller structure, which is counter to protecting the view.

The standing seam zinc roof will be a prominent feature in the foreground of the important view especially on the Northern slope of the larger building.

Some residents and councillors have expressed concern about the use of zinc, both for aesthetic reasons and lack of compliance with the BWNP.

In the design and access statement the architects say that the zinc roof will look similar to the slate tiles found on many of the traditional buildings within Barrowden, further that it has a similar tone to the lead roofs typically found on churches. Most Councillors felt that this was stretching the point and that zinc would be more fairly viewed as a contemporary material, which would then need to be considered under BW6.5, discussed below. To consider zinc further we would like to have seen aged material samples that demonstrate the colour and patination of this type of roof and we are concerned that if this were to be a planning condition, as suggested by the applicant, that there would not be any opportunity for residents to comment on the roofing materials through a normal consultation process

#### BW6.2

The new building incorporates a rubble stone plinth and some stone facings, consistent with the BWNP. There are however large areas of wood cladding including areas in plain site from the public realm important view. Buildings in Barrowden do not feature wood cladding with only one notable exception, so it is difficult to regard it as a traditional material in this context.

If, for reasons of cost, timber cladding was critical to this project going ahead, we felt

that the massing of this material on the larger building, West elevation and on Western end of the North wall might be reduced and relocated onto walls less prominent when seen from the important view.

#### BW6.5

This requirement allows modern innovative design and contemporary materials to be used where it can be demonstrated that the development will be of the highest quality and can be successfully integrated into the existing context. The planning application does not directly refer to this or make a case for using this policy section.

Whilst we strongly support this redevelopment at the existing location and recognize the challenges that the constrained and sloping site presents, the choice of materials in particular is a challenge to the BWNP. We read the application as one that states, by implication, compliance with BWNP using traditional materials. We consider that the application in reality is for the use of contemporary materials where it can be demonstrated that the development will be of the highest quality and can be successfully integrated into the existing context. We do not consider that this demonstration has yet been made. We do understand that cost is an issue but could find nothing in the plan to address that as a reason in itself for non-compliance with the plan. We understand that the proposed structure could bear the weight of a slate roof so that would be a practicable alternative.

#### BW 15 Provision of new community facilities

This section specifically addresses the provision of new community facilities within planning limits of village and states that proposals should:

- Not result in unacceptable traffic movements, noise, fumes, smell or other disturbance to residential properties.
- Not generate a need for parking that cannot be adequately catered for
- Be only of a scale that is appropriate to the plan area

#### BPC Comment on BW15

The redevelopment of the village hall, shop and surgery in this location is specifically foreseen and supported in this section of the BWNP. Provided that the hub caters for replacing facilities for existing and future needs of residents of the plan area, this should not generate additional disruption that is not incrementally related to any population expansion in the village. The parking provision of 28 places may not meet requirements for the scale of the buildings but is materially more than the existing provision. We wholeheartedly agree that users must be encouraged to walk / cycle to the hub. Some Kings Lane residents have expressed concern about overflow parking which is currently more of an issue on Wakerley Road. We consider that the parking provision strikes a thoughtful balance between practicality, sustainability and aesthetics.

#### Landscaping issues

The landscaping design is generic in nature. We understand this has been done to avoid high costs at this stage of a fully worked landscaping plan. The architects have spoken about possible community involvement in planting. Also discussed was possibility of using the southern boundary area of the paddock to the North for additional planting subject to consent. This landscaping will be especially relevant to residents to the North and East of the development and we note that some have commented on this aspect being very important to them. We are concerned that the landscaping is properly and fully implemented so would like to see a planning condition which requires the implementation of a fully developed and appropriate landscaping

plan. Again we are concerned that if this were to be a planning condition, as suggested by the applicant, that there would not be any opportunity for residents to comment on the landscaping through a normal consultation process.

Yours sincerely  
Gordon Brown  
Chairman, Barrowden Parish Council

**16. Environmental Protection**

No objections - We have never had complaints about the existing village hall regarding deliveries or lighting.

**17. Ecology**

The ecology survey report (Pear Tree Ecology, June 2020) is satisfactory. No bats or evidence of such was found, and I agree that the buildings have negligible or very low bat potential. No evidence of other protected species was recorded. No further survey work is required, and no ecology mitigation for protected species as planning condition is needed.

The plans show some loss of habitat in the form of tree and hedgerow removal, however these habitats were of relatively low value and I am happy with their removal provided they are replaced with appropriate native planting. The removal of the mature ash is a shame but justifiable due to its diseased condition, and it does not meet LRERC LWS criteria. It should however be replaced with a suitable standard tree; oak is likely to be more appropriate due to the potential future impacts of ash dieback. This should be required as a condition of the development.

In addition, I suggest that the following compensation and enhancement recommendations are conditioned:

- Provision of bird and bat boxes within the proposed scheme.
- Replacement hedgerow planting using native species, of local provenance wherever practicable.
- Any further proposed trees should be native species, of local provenance wherever practicable.
- Incorporation of habitat creation into the design of the garden areas, in line with recommendations in the ecology report (Section 6.4.1).

Notes to Applicant: Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA. In addition, I would like to draw the Applicant's attention to the other mitigation recommendations in the ecology report.

**18. Archaeology**

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

Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is or has the potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2).

As the majority of the construction is within the previous footprint of the buildings it is



likely that any archaeology existing within the development area has already been destroyed. Therefore the impact on any archaeology is very minimal.

Unfortunately the lidar data that I have access to is not clear enough to show any ridge and furrow so I cannot say if it is there or not, as the letter says the extant earthworks are very slight and can only be seen under certain circumstances.

We therefore, recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 141). This should be secured by condition on any approved planning application.

This will require provision by the applicant for:

1. Building recording (photographic survey) of Barrowden Village Hall in accordance with guidance produced by Historic England (Understanding Historic Buildings: A guide to good recording practice, HE 2016).

The Archaeology Section will provide a formal Brief for the photographic survey at the applicant's request. The applicant shall, if planning permission is granted, obtain a suitable written Specification and costing for the historic building recording from an appropriately qualified organisation (e.g. an historic buildings specialist) acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the historic building recording, 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 a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
  - The programme and methodology of historic building survey 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

## **19. RCC Highways**

Although a preliminary enquiry accepted that there would be insufficient parking on site to meet the strict standards, the highway authority has objected on the grounds that a large event may lead to parking on verges leaving a liability with the highway authority to repair it:

As previously stated, a premises of this scale and uses requires some 60 parking opportunities. The scheme has not identified sufficient on-plot parking and the local area is not suitable for indiscriminate parking which would be detrimental in terms of safety, due to a lack of appropriate parking opportunities.

A parking strategy and willingness to enter into a S59 agreement for damage to the highway may be one way to move this discussion forward.

There is a shortfall in parking of some 34 spaces and there are insufficient safe and suitable highways opportunities to park in the vicinity of the site.

## Neighbour Representations

20. There have been 21 representations in support of the proposal, including for the materials proposed and for the facility itself. Support for the way the project has been inclusive within the village.

There have been 4 outright objections, but others have queried various elements without specifically saying that they object. The concerns are summarised as follows:

- The current proposal does not comply to the design principles approved and ratified by RCC. It does not fit in to the character of this conservation village. At present it looks more like an industrial cow barn. It is bigger than the current buildings and therefore more intrusive, again affecting the character of the village as a whole. The creation of a hub is more in keeping with a town or a city rather than a quintessential English village. The design does not take into account the current and future need to be Covid secure. At present this is managed exceptionally well by the shop.
- Noise. The current plan will increase noise levels and not just for the immediate neighbours. We have noise pollution in Mill Lane from events in the village hall but this increase in the size and situation of this "hub" will only exacerbate the issue. One must also question need. Where is the evidence for the demand for this.
- Traffic and Safety. The large car park on the Kings Lane end is increasing traffic up or down a single lane road to a virtually blind junction with Main Street, virtually opposite the newly proposed development of the old farm area. A recipe for accidents with the increased level of traffic. At the other end it would encourage increased traffic to a three way junction that is already an area where accidents have happened and where safety is an issue. There is also a safety issue with some of the areas outside that have been incorporated in the design, areas that are not highly visible and could encourage antisocial behaviour, which this village has experienced in the past.
- There are no footpaths on Kings Lane and Wakerley Road. On both these narrow lanes there is insufficient space for two vehicles to pass safely. If pedestrians are also walking along these lanes, especially on Kings Lane. (Average width after measurement 2.7 m ) it is impassable.
- Basically the design does not fit in with the aesthetics of this village in any way and it will have a detrimental effect on the people and on the village as a whole. Where is the evidence that the surgery and these other rooms to be used for well being are actually feasible, especially as village surgeries are being closed and the way the medical profession works is indeed changing. How can this plan be allowed when it does not comply to the Neighbourhood plan.
- I write in reference to above and this is not a critique of the Integration Project for the Village Hall, Community Shop and Doctors' Surgery but an objection of the Planning Application proposed to carry it out.
- Lack of a record of Highways safety and Environmental Impact Assessment

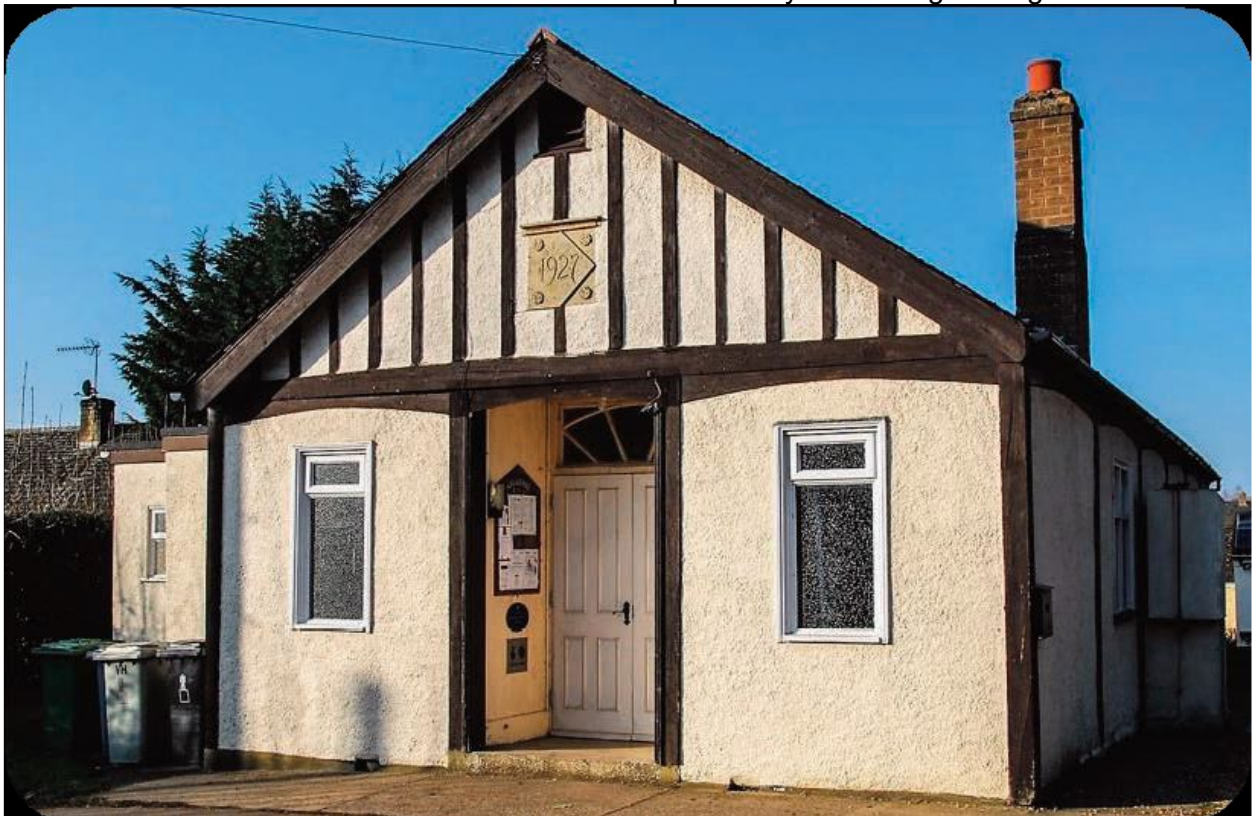
- Are there to be designated time cut off limits to late night music and increased vehicle disturbance for instance, as a prerequisite for larger events ie weddings / parties especially when a bar for alcoholic drinks is provided.
- The point of a larger footprint is to have increased usage and encourage usage from outside of the village. So it is disingenuous to say that most people will access these facilities on foot. How else is this space to be Financially Sustainable?

## Planning Assessment

21. The main issues are the overall design and materials and the subsequent impact on the character and appearance of the conservation area, highway safety and noise.

### The Neighbourhood Plan states that:

22. Barrowden and Wakerley Village Hall is situated in Barrowden. It was built in 1927 and although well used for a variety of village events and activities, is now reaching the end of its building life. A group has been formed to look at the future of community facilities for leisure and recreation and will also consider the possibility of creating a village 'hub'.



Existing Village Hall

23. Since 2009 the villages have had a thriving shop and café, situated in Barrowden. As well as general groceries and vegetables it provides a range of locally produced foods and craft items and a Post Point. The shop is owned by the community and is a not-for-profit organisation staffed by volunteers under the direction of a salaried manager and a team of non- remunerated directors.
24. The surgery is a branch of the main Uppingham Surgery. Each week currently there is two doctor-led surgeries, two nurse-led surgeries, a district nurse service and a health visitor service. Unusually for a branch surgery, issuing of prescriptions takes place on-site.

## Planning/Conservation Officer Comments

### Impact on the Conservation Area

25. As the site lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
26. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
27. Some concern was expressed about the surfacing to the proposed parking areas, particularly that on the eastern frontage to Wakerley Road that is more readily exposed to view than that on the Kings Lane frontage where the existing surgery is to be demolished and additional car parking.
28. The surfacing was originally currently specified to be tarmac and further consideration of the treatment of this area was required to break up and soften the appearance of what will be a prominent area of car parking.
29. The revised hard surfacing proposals are preferable to what was originally put forward and should represent an enhancement over existing surfacing.
30. Otherwise there is no objection from a Conservation point of view as the character and appearance of the Conservation Area and the setting of nearby Listed Buildings will be preserved. If anything, subject to agreement on the surfacing of the car parking to the Wakerley Road frontage, the proposals would result in an enhancement over the current scene.
31. Overall this proposal will represent an enhancement of the Conservation Area as it will result in the removal of three buildings from different periods of little or no architectural or historic interest, other than marginally the village hall, that are constructed of different materials and their replacement with two buildings of a more cohesive design.
32. The new, linked buildings would have significant areas of stone walling but with some Larch timber cladding. There is no objection to the timber cladding, so long as it is allowed to weather naturally and not stained another colour.
33. The principal and most exposed north elevation will be predominantly constructed of stone.
34. The use of timber cladding is not unprecedented in historic settings. We recently approved an extension to a barn at Church Farm that is to be clad in timber and there are Listed buildings with cladding on modern elements in other villages.
35. As for the roofing materials, Officers have tried to be mindful of the benefits to the community of this development when suggesting that the roof covering need not necessarily be of either Collyweston or Welsh slates.
36. A requirement for Collyweston or Welsh slate on such large areas of roof might be too

onerous in this instance, given the funding constraints the applicants must be operating under.

37. Overall it has to be remembered that this is not a domestic building and the comments of residents, the Parish Council and Conservation Officer with regard to materials are noted.
38. The roof would be a grey matt finish, similar to Welsh slate and/or lead in colour but more appropriate on this scale and design of building (such as is the case with a Church). Slate, or artificial slate in particular could be major error unless carefully controlled in quality but again may just appear wrong on this type of building. Optional roof sheets that are meant to look like slate are not a good recreation of slate and would look wrong. It is better to be honest about such elements as materials and a more appropriate finish will result, especially in a contemporary, non-domestic building. The other materials are considered acceptable. Illustrations will be shown at the meeting and are also on line under the application number both on plans and in the Design & Access Statement. It is noted that the Neighbourhood Plan states that contemporary buildings will be acceptable in principle.
39. Some concerns have been expressed about the scale of the building. The overall increase in height of buildings on site is marginal as set out above. The way the building has been broken down into separate segments also means that it not just one huge box.

#### **Loss of Trees**

40. The Ash in the surgery car park is in poor condition and is infected with Ash Heart Rot. Although clothed in Ivy, last year's fruiting bodies were on the ground under the tree. This fungal decay pathogen causes the wood to degrade in such a way that it becomes brittle and liable to sudden fracture.
41. With the Ash removed due to its poor condition, the only implications are very minor incursions into the group Root Protection Areas of hedges Group B and Group E. All the plants in these hedges are tolerant of some root disturbance, as is in evidence through the number of field hedges that regularly withstand ploughing and other deep cultivation.
42. A comprehensive landscaping scheme will be provided through the conditions and the local community can have the opportunity to contribute to that as they have with the overall project. It is essential that mainly native species are used though.

#### **Highway Safety**

43. The highway authority has expressed concerns about the lack of parking onsite to meet the current standards. This would indicate a shortfall of 34 parking spaces on site which it clearly is not possible to meet.
44. The Agent has responded to the concerns of the highway authority, a copy of which is appended to this report for members' information.
45. The current arrangement on site is 12 spaces for all 3 uses, none of which are disabled compliant. The applicant states that the original brief was to provide enough space in the hall for events of 120 people. This number of people is similar to that of events that take place in the existing hall. Although the maximum capacity of the hall has not been calculated with regards to building regulations, the aim isn't to exceed the current number of users for this facility. The aim is to provide fit for purpose space for a wider range of activities to be used more often throughout the day and thus increase social interaction across a wider social spectrum. It must also be noted that the majority of existing users of the hall arrive to the facilities on foot.

46. There has been concern expressed about lack of footpaths but that is part of the characteristic of the village and it would not be possible to create footpaths from all over the village to this site which will, as at present, receive most visitors from within the village, however they travel. It is physically impossible to provide parking in accordance with the standards so the only option would be refusal, which would be unjustified in the circumstances of this proposal.
47. On that basis it is not considered reasonable to refuse the application based on lack of parking or the local highway infrastructure and whilst the development is not in compliance with provisions of the development plan in relation to parking standards, the material considerations surrounding this proposal mean that a permission can be justified.

## **Noise**

48. This is an issue relating to residential amenity. The building is designed as a community facility for the use of the village. This use would be controlled by the operators of the Hall, the Parish Council, and hence they would be able to limit noise and events such that they do not unreasonably impinge on the amenities of adjacent residents, at least any more than they do now.
49. The Environmental protection team confirm above that they have never had complaints about noise from the existing facility which suggests that the site is well managed and will continue to be so.
50. The existing shop only has a planning permission until 2026 due to the temporary nature of its materials. It was approved subject to conditions limiting the opening and delivery hours to 0730 to 1900 Monday to Saturday and 0730 till Noon on Sundays and Bank Holidays. Sunday deliveries were restricted to newspapers only. Similar restrictions are suggested again, but can be varied later if required. This will comply with the relevant policies of the development plan set out above.

## **Conclusion**

51. The proposed building is more than domestic in scale and calls for a design that respects its historic setting. The design and materials are contemporary in nature but are satisfactory to comply with statutory tests set out above.
52. There will be minimal impact on highway safety compared to the current position and noise can be managed by the operators and conditions in the planning permission.
53. The scheme is thereby in compliance with the development plan and is recommended for approval.

**Agent comments 28 Oct:**

Thank you for forwarding on the Highway comments. As discussed with David Finlay, it's disappointing to receive these comments, especially as pre-application advice (received on 15.04.20) acknowledged there was little scope to increase the proposed parking on the site more than that proposed.

To keep things moving forward and as requested, please see our response to the Highways comments below. We have summarised the main issues in the emails from the Highways team (received 21.10.20 and 23.10.20) and provided a response to each issue respectively:

1. Larger building will have a greater impact on the highway than the existing
  - As previously noted, the new facilities are not intended to increase capacity, they are intended to provide better more flexible facilities that accommodate the current and future needs of the residents of Barrowden. As a result, an increase in traffic to the site is not expected. The project is simply to improve the existing community facilities currently on the site, and part of that involves increasing the parking provision to an appropriate level for this site and usage.
  - The size of the proposed building is based on the needs of the local residents following comprehensive consultation and the production of a needs analysis document. A smaller building would not meet the needs of the local residents and as a result would not be financially sustainable.
  
2. Lack of parking associated with the uses against relevant parking standards. Leading to damaged verges or street obstructions on surrounding roads.

Correspondence from the Highways team on 07.09.20 suggests that circa 60 spaces are required to meet relevant parking standards for the proposed facilities. We would argue that the parking standards applied are not appropriate for this type of community building in this setting, they are generic standards that have to cover all extremes on all types of site and facilities. The numbers of spaces generated by this formula bear no resemblance to the actual parking requirement in this village.

- Shop - Parking standards recommend circa 22 parking spaces  
The existing shop has 4 dedicated parking spaces. The retail area in the proposals is increased by 150% to cater for peak demand. If the parking were increased by 150% this would give 6 spaces.
  
- Surgery – Parking standards recommend 8 parking spaces  
The current surgery operates with 3 parking spaces. The new surgery facility is based on the same plan as the existing with the addition of an accessible toilet. To increase the number of spaces by 5 for a building that will function identically as the existing seems excessive. It should also be noted that the current surgery is only open two days a week.
  
- Hall – Parking standards recommend 30 parking spaces  
The number of seats shown in the community hall on the plans is a graphic representation only and does not reflect the anticipated number of users, which will be managed if necessary as per with the existing hall. The size of the hall has been calculated to meet the accessibility needs of events where table seating is required (that has a lower head count per square meter). The average hall event, such as fitness, art and cinema clubs, have 30 – 45 participants with max 10 cars travelling to site. Occasional large events such as parties/funerals have up to 120 people with the

majority of users arriving on foot and circa 20 cars travelling to site. The existing site has only 5 dedicated parking spaces for the hall, 9 if you include the shop parking spaces that are used on occasion for larger events. The proposal is to increase the potential hall site parking from 9 to 26 (which also accommodates shop/surgery needs/flexibility and disabled parking). This number of spaces significantly increases parking provision on the site (by almost 300%) and importantly, is the maximum we believe the site can contain before having an impact on the setting of the conservation area.

3. Evidence to support the statement that the majority of visitors arrive on foot is required

- Please refer to page 19 of the needs analysis document undertaken by Focus Consultants that gives the results of a questionnaire issued to every house in Barrowden (which has around 200 households). The questionnaire received 155 responses, of which 90.9% of people stated that they walk to the village hall when attending events.

4. Lack of a transport statement

- As part of the pre-app consultation, confirmation of the planning documents required for the planning submission was received without mention of a transport assessment.
- As a result, although a transport statement would have been useful, it was deemed a non-essential expense to the project funded by the lottery. Had one been undertaken the results of this wouldn't change the basic fact that a planning balance has to be found between the generic parking standards and the setting of the conservation area.

We hope that when a planning balance is applied, it is clear that 60 spaces for this facility is inappropriate and the parking proposal, that has previously been agreed during the pre-app by highways, planners and the parish council (who are the best qualified to make a balanced assessment) is considered more appropriate.

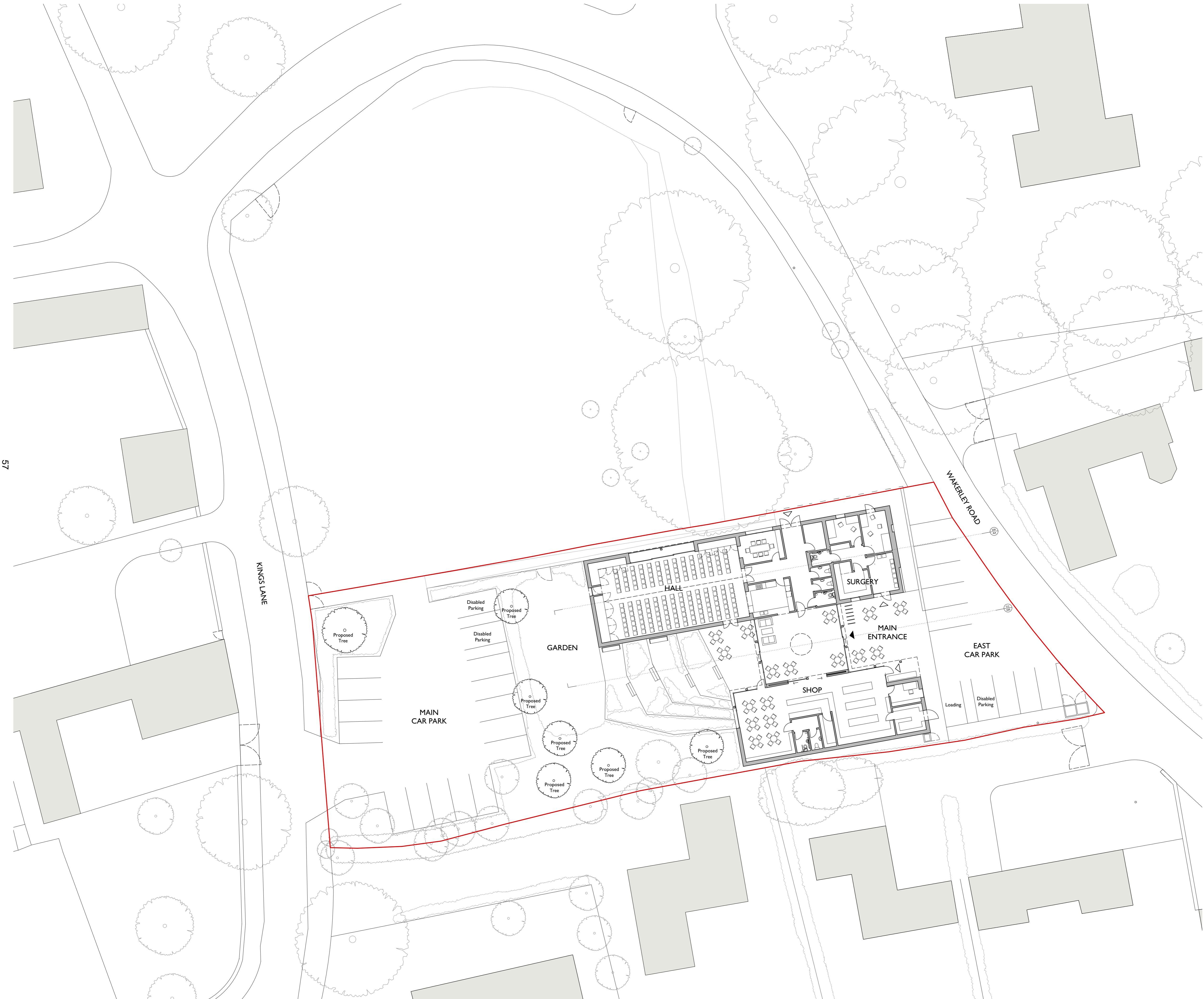


# Appendix 1

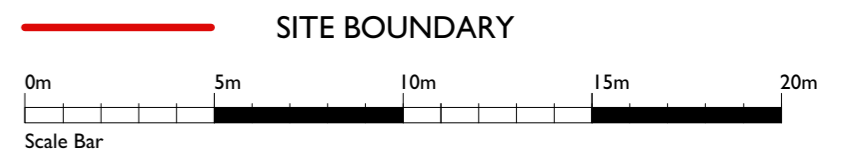
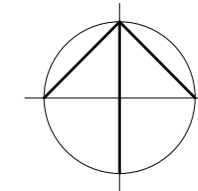
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**ISSUE STATUS: FOR PLANNING**

Revision	Date	
A	12/03/2020	
B	20/03/2020	
C	23/06/2020	
D	31/07/2020	Planning Application



57



CLIENT  
**Barrowden Village Hall Committee**

PROJECT  
**Barrowden Community Hub**

TITLE  
**Proposed Site Plan**



**Acanthus Clews**  
architects

SCALE  
**1:200 @ A1**

DATE  
**5th March 2020**

JOB N°  
**18-149**

DRAWN  
**MC**

DRAWING N°  
**200**

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# Appendix 2

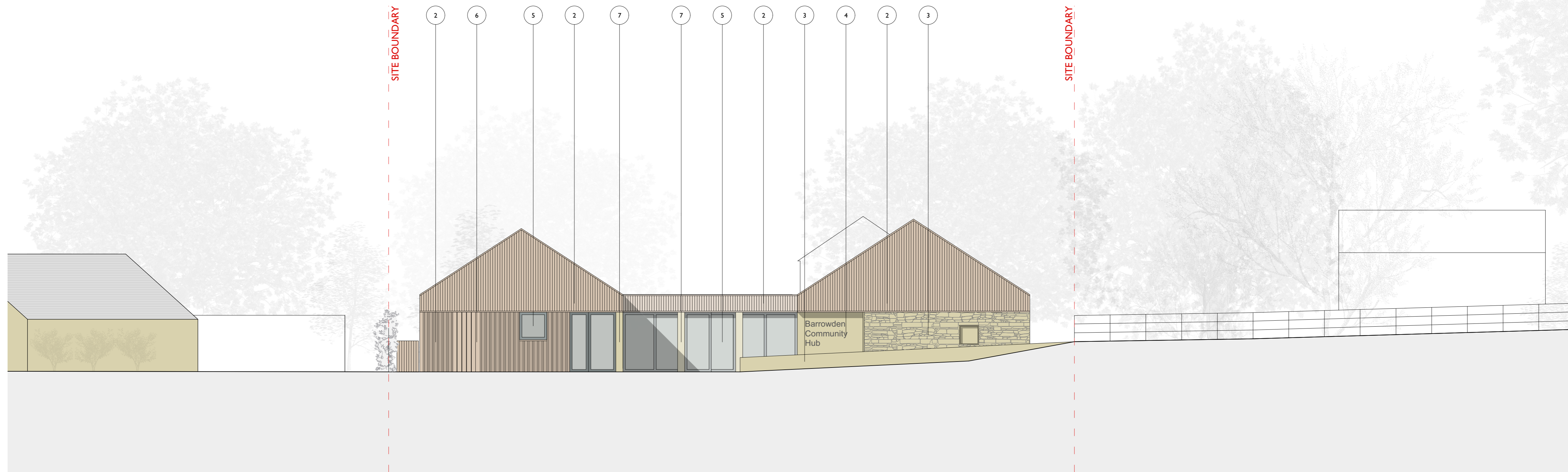
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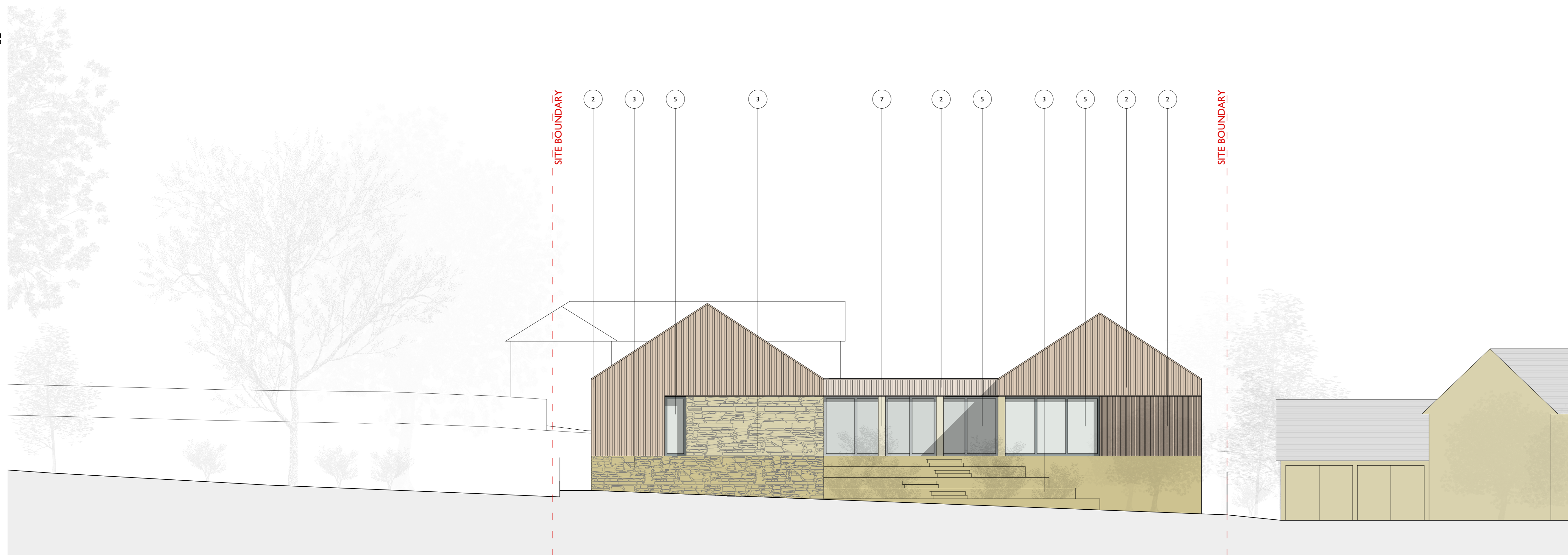
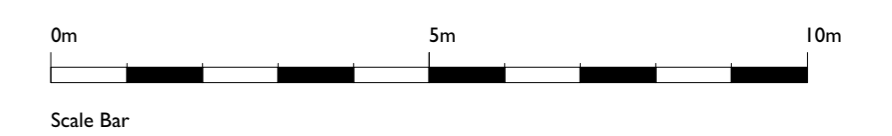
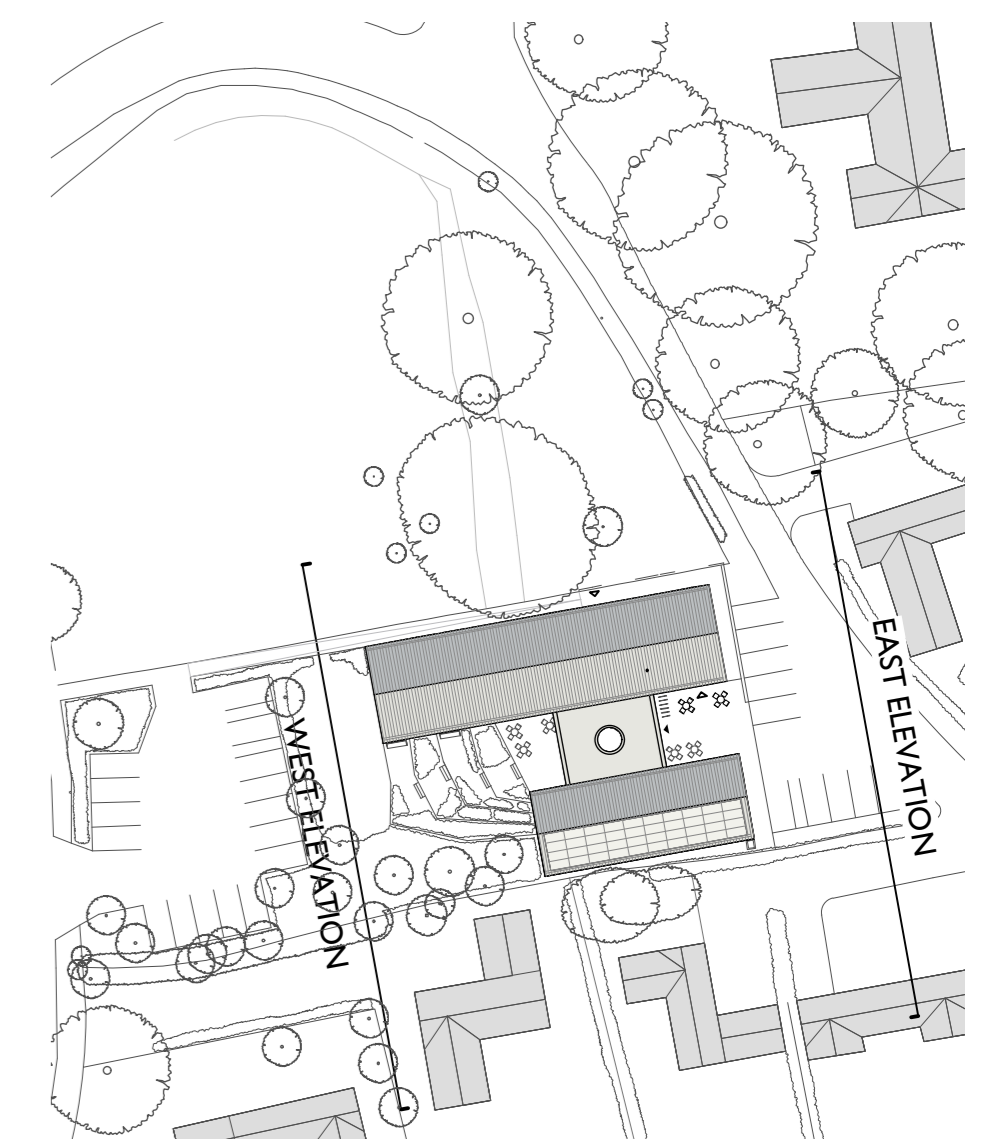
### MATERIAL KEY:

- 01 - Zinc Standing Seam Roof
- 02 - Larch Timber Cladding
- 03 - Coursed Local Rubble Stone Wall
- 04 - Ashler Stone Cladding
- 05 - Powder Coated Metal Framed Triple Glazing
- 06 - Larch Boarded Door
- 07 - Hardwood Timber Column on Staddle Stone




East Elevation

Community Shop | Entrance Foyer | Surgery



West Elevation

Community Hall | Entrance Foyer | Community Shop

CLIENT	Barrowden Village Hall Committee	
PROJECT	Barrowden Community Hub	
TITLE	Proposed East & West Elevations	<b>Acanthus Clews</b> <i>architects</i>
SCALE	1:100 @ A1	
DATE	5th March 2020	Acanthus House 57 Hightown Road Banbury • Oxfordshire OX16 9BE Tel: 01295 702600 Fax: 01295 702601 architects@acanthusclews.co.uk www.acanthusclews.co.uk ©
JOB N°	18-149	DRAWN <b>MC</b> DRAWING N° <b>211</b>

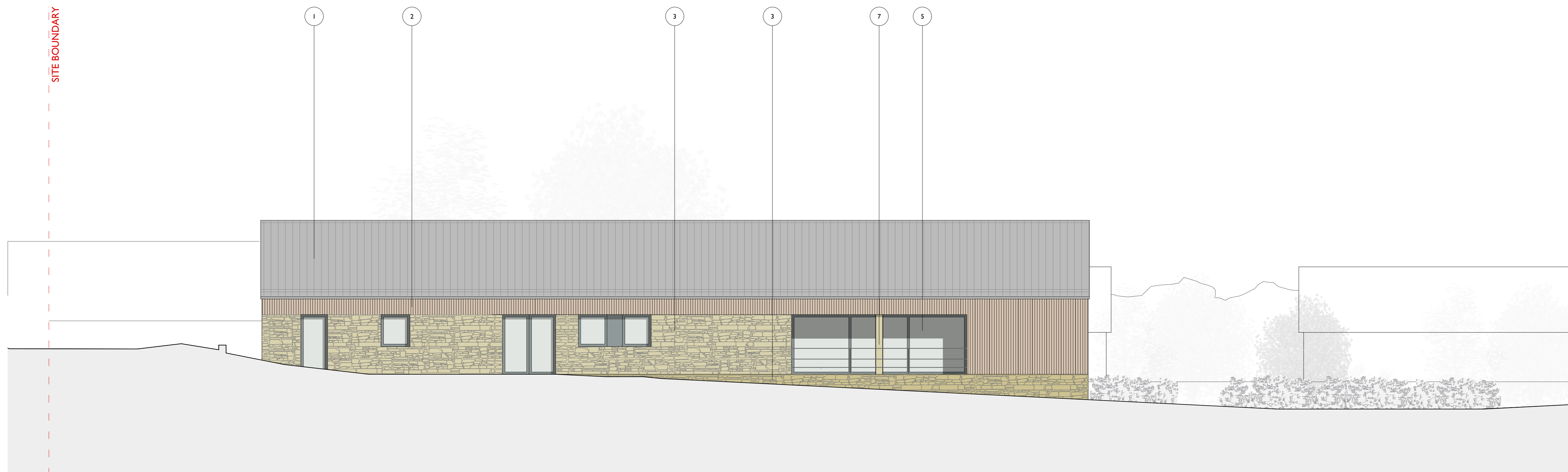
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**ISSUE STATUS: FOR PLANNING**

Revision	Date
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B	20/03/2020
C	31/07/2020 Planning Application

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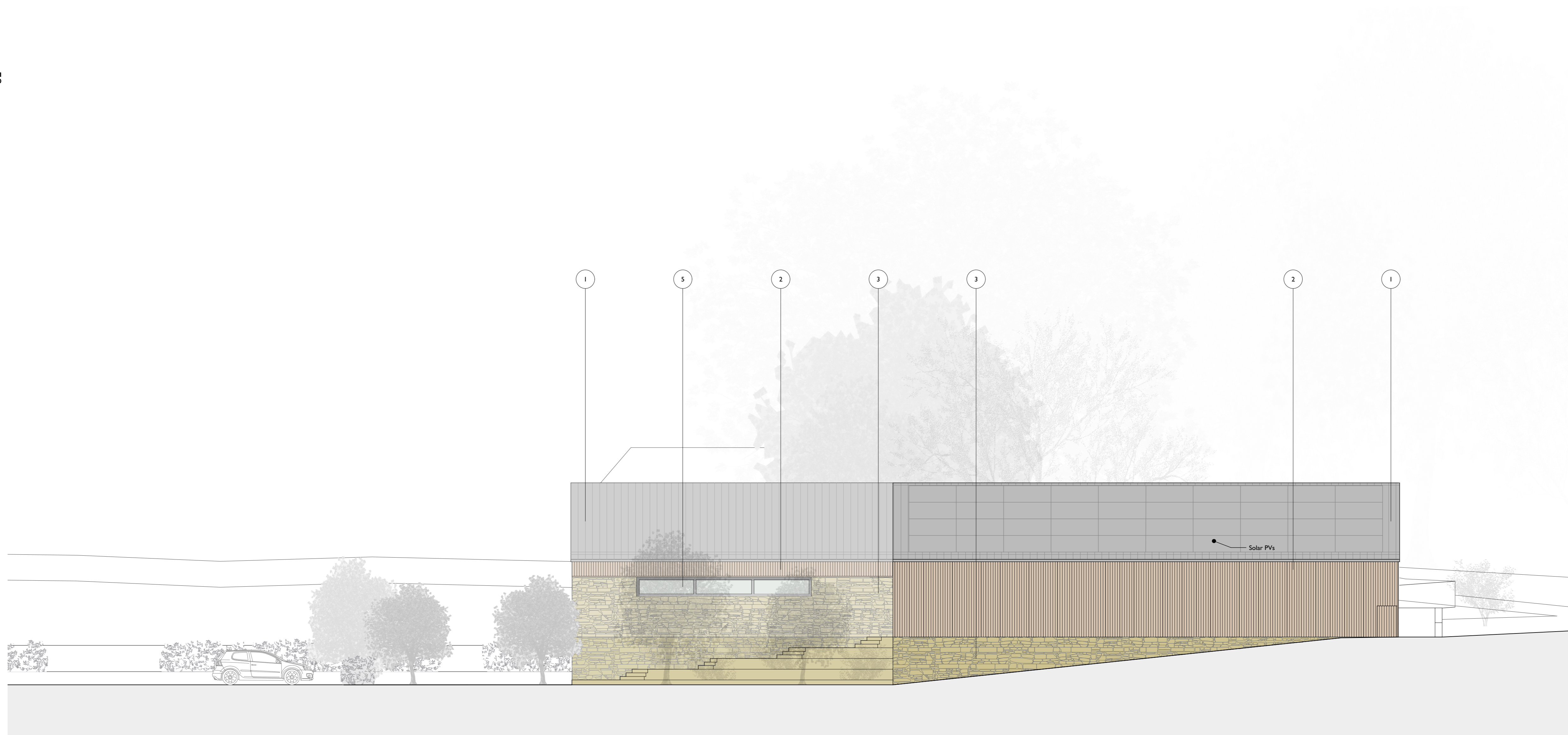
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Surgery      Hall Entrance      Community Hall

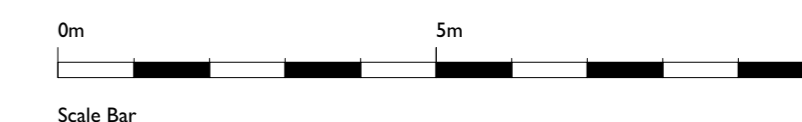
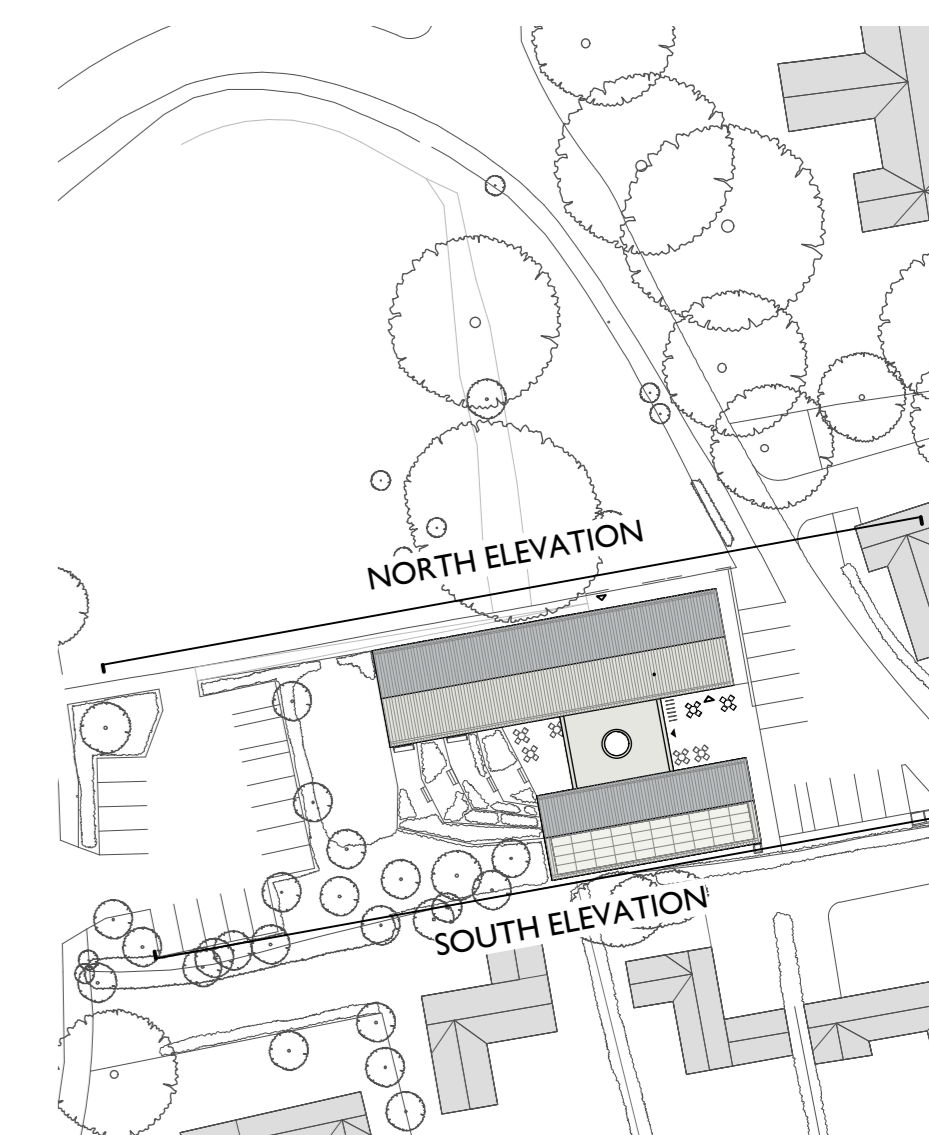
North Elevation

59



Community Hall      Community Shop

South Elevation



CLIENT  
 Barrowden Village Hall Committee

PROJECT  
 Barrowden Community Hub



TITLE  
 Proposed North & South Elevations

**Acanthus Clews**  
 architects

SCALE  
 1:100 @ A1

DATE  
 5th March 2020

JOB N°  
 18-149

DRAWN  
 MC

DRAWING N°  
 210

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# Appendix 4

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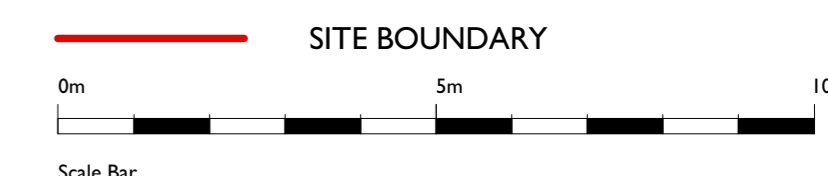
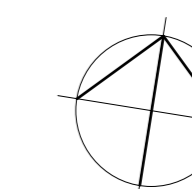
## ISSUE STATUS: FOR PLANNING

Revision	Date
A	12/03/2020
B	20/03/2020
C	23/06/2020
D	31/07/2020

Planning Application

### MATERIAL KEY:

- FF01 - Engineered Oak Board
- FF02 - Vinyl Floor Finish
- FF03 - Ceramic Floor Tiles
- FF04 - Proprietary Self Smoothing Wearing Screen
- FF05 - Stone Paver
- FF06 - Natural Aggregate Asphalt
- FF07 - Linoleum Floor Finish
- FF08 - Tarmac



CLIENT  
**Barrowden Village Hall Committee**

PROJECT  
**Barrowden Community Hub**

TITLE  
**Proposed Ground Floor Plan**



**Acanthus Clews**  
 architects

SCALE  
**1:100 @ A1**

DATE  
**5th March 2020**

JOB N°  
**18-149**

DRAWN  
**MC**

DRAWING N°  
**201**

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Timber precedent building



Timber precedent building



Timber precedent building with a standing seam zinc roof



Standing seam church roof precedent

**Building Material**  
The structural frame and much of the cladding is proposed to be made from 100% UK sourced timber from forests local to the site to reduce the embodied carbon energy of the design.

The roof is proposed to be standing seam zinc. The colour of the zinc will be similar to the slate tiles found on many of the traditional buildings within Barrowden. It also has a similar form and tone to the lead roofs typically found on churches, reflecting its significance as a building at the heart of the community.



## 4.2 Detailed Proposals



Barrowden agricultural building



Barrowden banded stone

### Building Material

A rubble stone is proposed to form a plinth on which the timber framed building will sit. The plinth will rise and fall with the topography and elevate the timber frame to reduce the effects of weathering. The stonework will incorporate a local banded bond used in many of the buildings within Barrowden.

The timber, stone and zinc materials will give a familiar yet contemporary appearance, reflecting the time in which the project is built and sustainable ambition of the building in the predominantly stone setting.



Varying stonework at the Acanthus Clews designed Warwick Hall, Burford



Stone and timber precedent building



## 4.2 Detailed Proposals



View of the entrance courtyard

A courtyard defines the entrance to the hub. The space has the potential for market stands and outdoor seating. The glazed foyer provides a light and inviting space in which to enter the building.

Small garden spaces are provided within the terraced south west facing garden accessed from the parking off Kings Road.

The spacing of the timber cladding subtly changes between buildings. The banded rubble stone walls reference the existing stonework found in the village.



View from the west  
(New proposed trees that line the main car park have not been shown in this image so that the building is visible)



**Agent comments 28 Oct:**

Thank you for forwarding on the Highway comments. As discussed with David Finlay, it's disappointing to receive these comments, especially as pre-application advice (received on 15.04.20) acknowledged there was little scope to increase the proposed parking on the site more than that proposed.

To keep things moving forward and as requested, please see our response to the Highways comments below. We have summarised the main issues in the emails from the Highways team (received 21.10.20 and 23.10.20) and provided a response to each issue respectively:

1. Larger building will have a greater impact on the highway than the existing
  - As previously noted, the new facilities are not intended to increase capacity, they are intended to provide better more flexible facilities that accommodate the current and future needs of the residents of Barrowden. As a result, an increase in traffic to the site is not expected. The project is simply to improve the existing community facilities currently on the site, and part of that involves increasing the parking provision to an appropriate level for this site and usage.
  - The size of the proposed building is based on the needs of the local residents following comprehensive consultation and the production of a needs analysis document. A smaller building would not meet the needs of the local residents and as a result would not be financially sustainable.
  
2. Lack of parking associated with the uses against relevant parking standards. Leading to damaged verges or street obstructions on surrounding roads.

Correspondence from the Highways team on 07.09.20 suggests that circa 60 spaces are required to meet relevant parking standards for the proposed facilities. We would argue that the parking standards applied are not appropriate for this type of community building in this setting, they are generic standards that have to cover all extremes on all types of site and facilities. The numbers of spaces generated by this formula bear no resemblance to the actual parking requirement in this village.

- Shop - Parking standards recommend circa 22 parking spaces  
The existing shop has 4 dedicated parking spaces. The retail area in the proposals is increased by 150% to cater for peak demand. If the parking were increased by 150% this would give 6 spaces.
  
- Surgery – Parking standards recommend 8 parking spaces  
The current surgery operates with 3 parking spaces. The new surgery facility is based on the same plan as the existing with the addition of an accessible toilet. To increase the number of spaces by 5 for a building that will function identically as the existing seems excessive. It should also be noted that the current surgery is only open two days a week.
  
- Hall – Parking standards recommend 30 parking spaces  
The number of seats shown in the community hall on the plans is a graphic representation only and does not reflect the anticipated number of users, which will be managed if necessary as per with the existing hall. The size of the hall has been calculated to meet the accessibility needs of events where table seating is required (that has a lower head count per square meter). The average hall event, such as fitness, art and cinema clubs, have 30 – 45 participants with max 10 cars travelling to site. Occasional large events such as parties/funerals have up to 120 people with the



majority of users arriving on foot and circa 20 cars travelling to site. The existing site has only 5 dedicated parking spaces for the hall, 9 if you include the shop parking spaces that are used on occasion for larger events. The proposal is to increase the potential hall site parking from 9 to 26 (which also accommodates shop/surgery needs/flexibility and disabled parking). This number of spaces significantly increases parking provision on the site (by almost 300%) and importantly, is the maximum we believe the site can contain before having an impact on the setting of the conservation area.

3. Evidence to support the statement that the majority of visitors arrive on foot is required

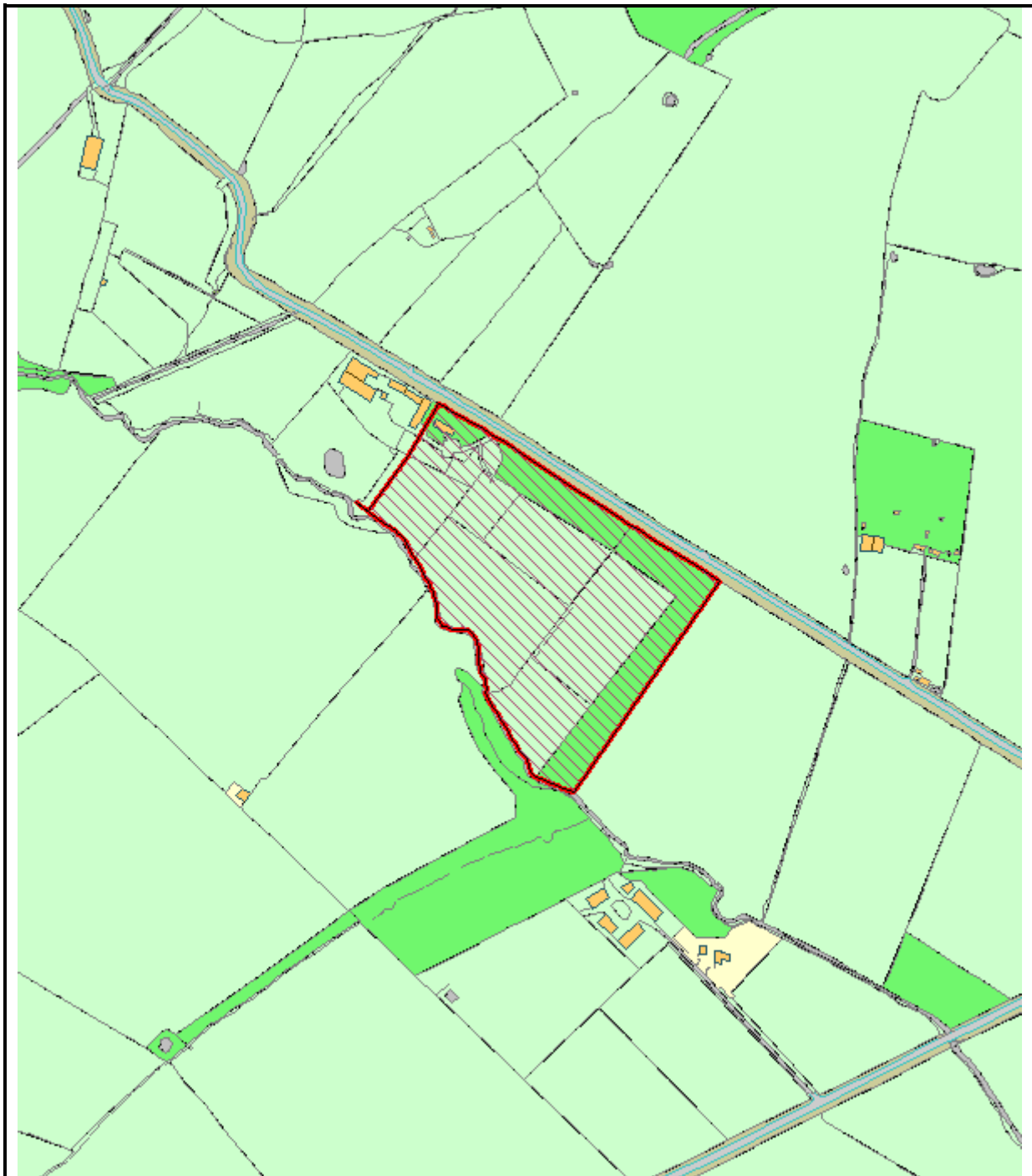
- Please refer to page 19 of the needs analysis document undertaken by Focus Consultants that gives the results of a questionnaire issued to every house in Barrowden (which has around 200 households). The questionnaire received 155 responses, of which 90.9% of people stated that they walk to the village hall when attending events.

4. Lack of a transport statement

- As part of the pre-app consultation, confirmation of the planning documents required for the planning submission was received without mention of a transport assessment.
- As a result, although a transport statement would have been useful, it was deemed a non-essential expense to the project funded by the lottery. Had one been undertaken the results of this wouldn't change the basic fact that a planning balance has to be found between the generic parking standards and the setting of the conservation area.

We hope that when a planning balance is applied, it is clear that 60 spaces for this facility is inappropriate and the parking proposal, that has previously been agreed during the pre-app by highways, planners and the parish council (who are the best qualified to make a balanced assessment) is considered more appropriate.

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Ordnance Survey [100018056]



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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/0739/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Replace existing hedge and fence.</b>		
Address:	<b>Cherry Tree Farm, Knossington Road, Braunston In Rutland, Rutland, LE15 8QX</b>		
Applicant:	<b>Mr R King</b>	Parish	<b>Braunston</b>
Agent:		Ward	<b>Braunston and Martinsthorpe</b>
Reason for presenting to Committee:	<b>Member request</b>		
Date of Committee:	<b>17 November 2020</b>		

## EXECUTIVE SUMMARY

**A substantial hedge has been removed in open countryside. It has been established that it was not important in Hedgerow Regulations terms. Whilst it contravenes a condition on a previous permission. The hedge has been removed and the only remedy is to replace it. This application proposes to do that and provided it complies with the recommended condition, the result will be as good as can be expected.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, 1/250 Block Plan July 2020 - A3.  
Reason - For the avoidance of doubt and in the interests of proper planning.
2. The hedge and tree planting shown on the approved block plan shall be carried out during the first planting and seeding season (October 2020 – March 2021 inclusive) following the date of this permission. The hedge shall be managed and allowed to grow to the height of the fence and shall be maintained at least at that height in perpetuity. Any trees or shrubs which, within a period of 5 years of being planted, die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained in the interests of visual amenity in this rural area.

## Site & Surroundings

1. The site was previously known as Meadowsweet Farm and is located on the south side of Knossington Road, approximately 750 metres from its junction with The Wisp and approximately 1000 metres from the edge of Braunston village.

## Proposal

2. The application is for the retention of a timber fence along the roadside boundary and planting of a native species hedge and trees in front.

## Relevant Planning History

Application	Description	Decision
2017/0906/FUL	Proposed porch to front and rear. Single storey rear extension and front two storey extension. Erection of garage/office building. Erection of agricultural building.	Approved
2018/1029/DIS	Discharge materials and landscaping conditions from 2017/0906	Approved

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF) 2019

Chapter 12 - Achieving well-designed places

### Site Allocations and Policies DPD (2014)

SP15 - Design and Amenity

### Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

## Consultations

### 3. Braunston parish Council

I write on behalf of the Braunston Parish Council in relation to the above planning application and can report that we would like to refer to a previous application 2018/1029/FUL. In this application it was clearly stated that the existing road frontage blackthorn hedge 'would be thickened where needed'. In the tree survey for the site it was recommended to reduce the crown height and width proportionality by 2m and 1m and maintain by regular trimming from the road to give clearance of 1-1.5m for vehicles. There is no mention of the removal of this road frontage hedge, the removal has been done without consent, the replacement fence is inappropriate in this setting and should be removed and the blackthorn hedge replanted.

### 4. Ecology

The proposed works result in the removal and replacement of a section of existing hedgerow. From a desktop study conducted using online resources, there appears to be a low risk of this existing hedge being classed as 'important' under the Hedgerow Regulations. In addition, the proposed plans show the existing standard trees within the hedgerow to be retained and a replacement hedgerow consisting of a species-rich native mix is proposed. Therefore, no ecological surveys are required.

Note to Applicant: Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an

appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.

## **Neighbour Representations**

5. A resident of High Street Braunston has objected:

The previous planning application 2018/1029/DIS, granted on 18/12/18, clearly states that the existing roadside hedge is to be kept and thickened, and that a line of silver birch trees are to be planted behind the hedge to screen the house from the road.

The works that have been undertaken completely contravene this; the fence is incongruous in this rural setting and does not screen the house. The continuous hedgeline along the road has now been broken and should be replanted for visual amenity and to provide wildlife habitat.

## **Planning Assessment**

6. The main issue is visual amenity in the open countryside.

### **Principle of the use**

7. This application came about as a result of an enforcement complaint that the fence had already been erected. The site is in the open countryside, remote from the village. The dwelling which sits behind the new fence has recently been extended. There is no policy objection in principle to a new boundary treatment in this location but the details have to be appropriate.
8. Planning permission 2017/0906, for extensions to the house, included a standard landscaping condition, including a requirement for additional tree planting between the house and the road. There was a substantial hedge/tree screen along the frontage at the time.
9. An application to discharge this condition was submitted and approved, 2018/1029/DIS. This showed the existing hedge to be thickened, with a row of silver birch behind and a beech hedge behind that along the edge of the driveway to the house. This was approved in December 2018.

### **Impact on the character of the area**

10. This is the main issue. Clearly a stark fence in this location on its own would not normally be acceptable.



11. The application provides for a double row of native species hedging with intermittent tree planting within to be carried out in front of the new fence. If this is allowed to grow and is maintained at a height at least equivalent to the fence, the impact will in time be ameliorated. On that basis, as the existing hedging has already been permanently lost, apparently without loss of important hedgerow, it is recommended that the solution will be acceptable. A hedgerow to a domestic property is not covered by the Hedgerow Regulations so was not protected.
12. The applicant has confirmed that there is a strip of land in his ownership between the fence and the ditch that he deliberately left to replant the hedge on. He also confirms there is already some regrowth from roots left in the ground.

#### **Impact on the neighbouring properties**

13. None

#### **Highway issues**

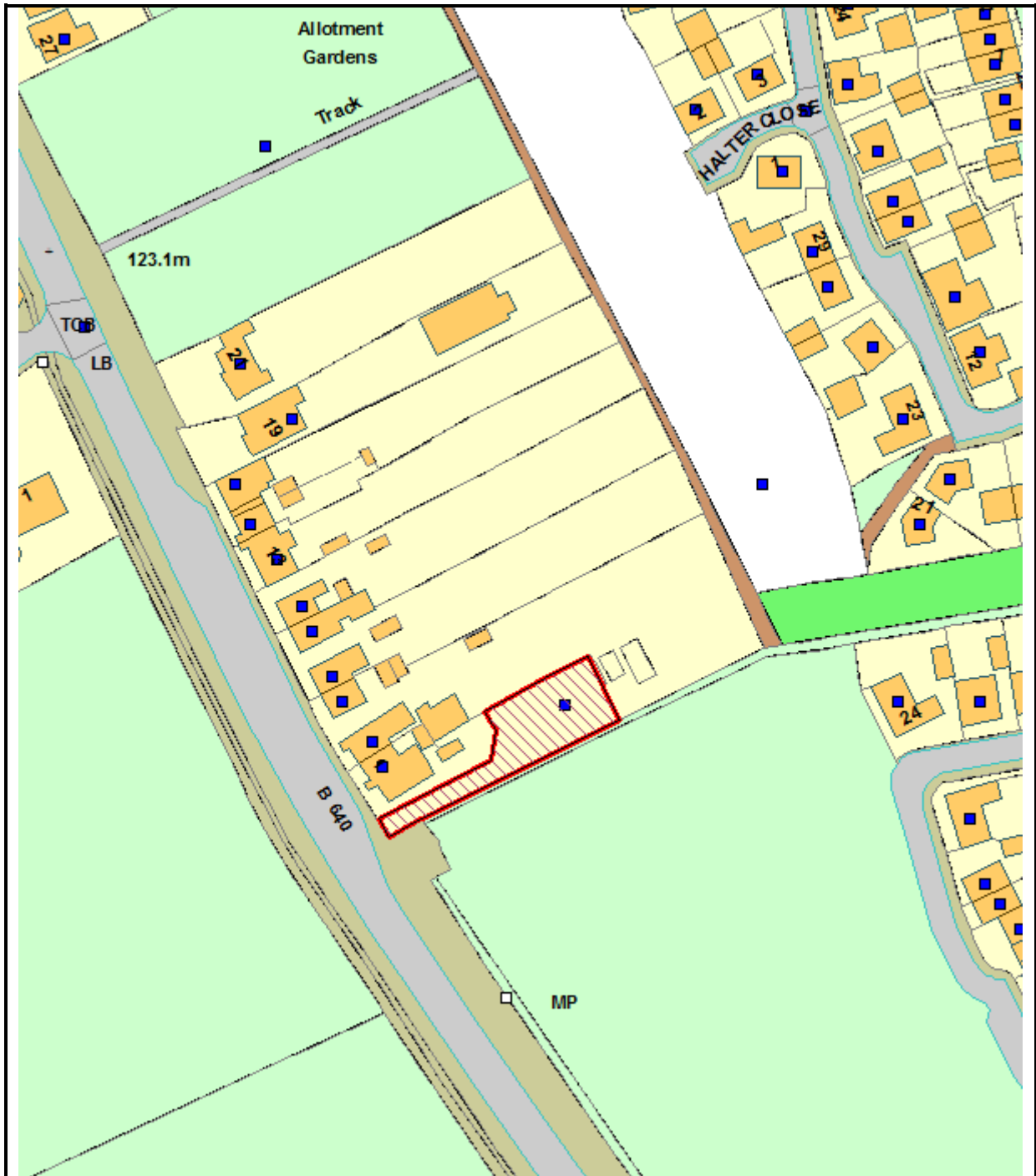
14. None

#### **Conclusion**

15. The removal of the original screen hedge is regrettable but no amount of enforcement action will reinstate it any better than the current proposal. On that basis, with a condition to ensure that it is carried out during the current planting season, it is recommended for approval.

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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2020/0844/FUL	ITEM 4	
Proposal:	Proposed 1 no. dwelling.		
Address:	Rear of 1, Main Rd. Barleythorpe, Rutland.		
Applicant:	Mr Kevin Seagrave	Parish	Barleythorpe
Agent:	Mr Trevor Briggs	Ward	Barleythorpe
Reason for presenting to Committee:	Contrary to Development Plan		
Date of Committee:	17 <sup>th</sup> November 2020		

## EXECUTIVE SUMMARY

The site is within the Planned Limits to Development for Barleythorpe which is a restraint village. The main issues in this case are the size and design of the proposed development, highway matters and whether this constitutes sustainable development.

Overall it is considered that the proposed development is a sustainable form of development which would not result in any adverse impact on the character and appearance of the area, highway safety or on the residential amenities of the occupiers of the adjacent property. The development is therefore recommended for approval.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 , Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01 & Drawing PR02-OFA-00-XX-DR-A-01 Rev H  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the occupation of the dwelling hereby approved the parking layout and visibility works shall be completed in accordance with the details shown on Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 & Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01  
Reason :In the interests of highway safety.
4. Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and finished floor levels of all buildings] with reference to [neighbouring properties/an off-site datum point] shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area.
5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) Times and days of activity
  - (ii) the parking of vehicles of site operatives and visitors
  - (iii) loading and unloading of plant and materials
  - (iv) storage of plant and materials used in constructing the development
  - (v) neighbour liaison including village green
  - (vi) Reparation strategy
Reason: In the interests of highway safety.
6. No development above ground level shall be commenced until precise details, including samples, of the manufacturer and types and colours of the external facing and roofing

materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

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

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

Reason: The local authority wish to be able to assess the impact of such development.

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

Reason: The local authority wish to be able to assess the impact of such development.

9. Before any groundworks in relation to the construction of the bungalow hereby approved commence the works to install the sheet pile Root Protection Barrier as shown on Drawing Number: PR02-OFA-00-XX-DR-A-01 Rev H shall be completed and shall remain in-situ thereafter.

Reason: In the interests of the protection of a neighbouring Oak Tree.

10. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels 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.

11. 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.

12. The existing hedges to the boundary of the site shall be retained.

Reason: In the interests of preserving the character of the area.

13. Before occupation of the dwelling hereby approved the below ground Rainwater Harvesting Unit shall be installed in accordance with the details shown on Drawing Number: PR02-OFA-00-XX-DR-A-01 Rev H.

Reason: In the interests of the prevention of flooding.

14. The sustainable construction, low carbon and low energy measures contained within the submitted Development Report shall be implemented and maintained and shall remain as such in perpetuity.

Reason: In the interests of securing a sustainable form of development.

#### Notes to Applicant

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](http://www.rutland.gov.uk). The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

**IMPORTANT NOTE:** The required CIL forms must be submitted to

cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

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

## Site & Surroundings

1. The site originally formed party of the garden to No. 1, Main Road but has been fenced off to form an elongated strip of land to the southern side leading to a rectangular area which is mainly grassed with various types of ornamental planting.

## Proposal

2. This is an application for the erection of a bungalow to the rear of 1, Main Road, Barleythorpe.
3. The development will make use of 12No. 250w Solar PV Panels and combined with an air-source heat pump. The applicant's intention is to include a 4m<sup>3</sup> rainwater collection tank. The stored water will then be used as clean grey water for the WC's, washing machine and Irrigation System.
4. The WC, ensuite, dressing room, main bathroom and the hallway which are without natural light will be lit using Velux type light tubes. This will reduce the need for artificial lighting. Areas including the kitchen etc. the lights will operate on a PIR which are in turn controlled by a light photocell. The lights will simply not operate unless the light conditions dictate.
5. The site will have the facility to connect an electric car to the new charging point which will be located on the external wall of the house under the car port.

## Relevant Planning History

6. The site has been subject to planning application reference 2019/1018/FUL, and refused by dated 3<sup>rd</sup> April 2020 for the following reason:
  - a. *The proposal lies within a Restraint Village in an area of land forming the rear garden of 1, Main Street, Barleythorpe. The site is not allocated for housing development, and is not within the planned limits of development of a sustainable settlement. The proposal is for a new open market dwelling and is not proven as essential to meet an identified operational need and is not to fulfil an identified need for Affordable Housing. The proposal is therefore contrary to policy CS4 of the Core Strategy (July 2011), policy SP6 of the Site Allocations and Policies Development Plan Document (October 2014) and the advice in Section 5 of the National Planning Policy Framework (2019). There are no material considerations that justify approval of any subsequent planning application contrary to these policies.*

## **Planning Guidance and Policy**

### **National Planning Policy Framework (2019)**

Section 2 - Achieving sustainable development

Section 5 -Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 – Achieving well designed places

### **Rutland Core Strategy (2011)**

CS1 – Sustainable development principles

CS4 – The Location of development

CS19 – Promoting good design

### **Site Allocations and Policies DPD (2014)**

SP6 – Housing in the Countryside

SP15 – Design and Amenity

SP23 - Landscape Character in the Countryside

### **Supplementary Planning Document**

Supplementary Planning Document - Extensions to Dwellings (2015)

## **Consultations**

### **7. Highways**

No objection subject to conditions.

### **8. Parish Council**

With this revised submission (Rev. E on the Floor Plans and Elevation) it has become clear that this proposed dwelling will be built on a small plot with tight clearances to 3 sides of the building. There is effectively no garden as the only green area is taken up by 4 apple trees. There appears to be inadequate turning space for vehicles which could force visitors or commercial vehicles to reverse out on to the main carriageway. The block plan suggests that the drive exit is splayed. It is in fact skewed across the front of the existing 1 Main Road driveway because of an existing utilities pole and inspection covers set in the pathway. We have yet to see any evidence that the current drive layout was approved by Rutland County Council.

### **9. RCC Tree Officer**

No objection subject to condition.

## **Planning Assessment**

### **Policy Context**

10. The recent refusal on the site was reached taking into account paragraph 38 of the National Planning Policy Framework.

11. The emerging Local Plan does propose a significant change to local policy removing "restraint villages" from the spatial strategy and recognising that Barleythorpe now functions as a satellite settlement to Oakham, largely as a result of the proximity of the Oakham north development to the village. As such development within the Planned Limits of Development of Barleythorpe would be considered acceptable in principle by the emerging Local Plan policies.
12. Only limited weight can be given to the emerging Local Plan and the fact this proposal is a potential allocation. This is garden land within a restraint village closely adjoining Oakham.
13. Therefore, the following information will need to be taken into account when determining this proposal:
14. Core Strategy Policy CS3 – sets out the defined settlement hierarchy for Rutland and identifies Barleythorpe as a Restraint Village. The Core Strategy definition of a 'restraint village' means it is one of the smallest villages with few services and facilities making it an unsustainable location for development. Policy CS4 states Restraint Villages are not considered sustainable locations for further development, unless it is development normally acceptable in the countryside.
15. Barleythorpe village adjoins Oakham, the site is accessible on foot to the full range of services, public transport, services and facilities, including supermarkets, hospital, secondary school and train station. Therefore, Barleythorpe can demonstrate it is a sustainable location. In the emerging plan the settlement hierarchy has been reviewed and Barleythorpe will jointly be with Oakham in the settlement category given its sustainable location.
16. SAPD Policy SP1 – Presumption in Favour of Sustainable Development states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of sustainable development in line with Paragraph 11.
17. Where there are no policies relevant to the application or relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
18. It is considered the Council's approach to Barleythorpe being a Restraint Villages is out of date and is in a sustainable location. The National Planning Practice Guidance (NPPG) states that all settlements can play a role in delivering sustainable development and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
19. Therefore, the exceptional release of this land for residential development will need to be justified.
20. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social, and environmental. The main factors to consider are whether the proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
21. The main issues are:
  - The proposal for a dwelling is an efficient use of the site sufficient to meet the economic dimension of NPPF Paragraph 11 by providing housing to support

economic growth;

- The size and nature of the development means that an affordable housing requirement is not triggered but the provision of bungalow accommodation will provide a type of dwelling suitable for this location.
  - The proposal meets the environmental dimension as the erection of the dwelling constitutes sustainable development which will not harm the character and setting of Barleythorpe.
22. The proposal whilst not in accordance with Policies in the Core Strategy and the Site Allocations & Policies DPD in relation to the location of development for restraint villages and housing in the countryside is considered to be compliant with more up-to-date national policy.
23. Overall, the local authority are satisfied the proposal constitutes sustainable development in accordance with the NPPF and it does not have any adverse effect on the surrounding environment or character of the area meeting the presumption in favour of sustainable development in a sustainable location.

### **Impact on the character and appearance of the area**

24. The submitted scheme shows a bungalow with modest built form and low-profile height. Due to the existing boundary treatment only a small part of the bungalow roof will be seen over the boundary sited along the neighbouring southern access.
25. The dwelling will be set a considerable distance away from the Main Road frontage and only a small section of the front elevation will be captured at the end of the long driveway.
26. All existing hedgerows are to be retained and a suitable landscaping scheme can be secured through condition that can further screen the development from neighbouring land to the north.
27. A condition has been attached which will ensure that the sustainable construction, low carbon and low energy measures contained within the submitted Development Report shall be implemented and maintained and shall remain as such in perpetuity.
28. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, streetscene and surrounding context in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### **Impact on the neighbours' residential amenities**

29. The proposed bungalow is only single storey and due to its position height reduces any potential for overlooking / over-dominance
30. The windows are on the ground floor only and any aspect towards neighbouring properties or land would be interrupted by existing or proposed boundary treatments.
31. Various other concerns have been raised by a neighbour as a result of the public consultation process.

32. One of the issues relates to the impact of the bungalow on a neighbouring Oak tree. The plans show the footprint in close proximity to a mature oak in the neighbouring garden. Due to the size and position of the tree the local authority needed to establish if the new house was within the Root Protection Area as a building can significantly damage the oak if its roots are damaged by the new build.
33. A site visit was carried out by the Rutland Tree Officer. The tree has various large branches that already cross over the boundary and would be in very close proximity to the roof and guttering of the bungalow. The Tree Officer considers that as the tree is an Oak the future pruning of the tree to allow a distance of relief from the bungalow will not affect its health.
34. The Officer considers that the bungalow is on the cusp of the RPA of the tree and the development could impact on the root system and in turn the roots could eventually impact on the stability of the bungalow. Whilst slightly within the RPA it is considered that this is not sufficient to weigh against the proposal as the tree has a substantial area away from where the bungalow is to be sited where root growth can continue and will maintain its health. With this regard the Officer considers a root barrier is suitable to mitigate against future pressure to remove the tree due to the impact of the roots on the bungalow.
35. Suitably scaled plans have been submitted showing a sheet pile root barrier which will provide complete ground separation at the boundary.
36. As a result of this detail, and subject to a suitably worded condition ensuring the works to put the root barrier in place before construction works take place, the Tree Officer has no objection to the proposed development.
37. Concerns have been raised regarding the method of drainage and impacts of localised flooding. The drainage / surface will be approved under building regulations. The submitted drawings indicate that the proposed property will have a harvester system.
38. Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### **Highway issues**

39. Objections have been received in relation to inadequate parking provision, access and visibility.
40. Comments have been received that there appears to be inadequate turning space for vehicles which could force visitors or commercial vehicles to reverse out on to the main carriageway.
41. Also that the block plan suggests that the drive exit is splayed when it is in fact skewed across the front of the existing 1 Main Road driveway because of an existing utilities pole and inspection covers set in the pathway.
42. The Highway Department has no objections if built in accordance with:
  - Drawing 7776-MJM-XX-XX-DR-D-6600 Rev 04 showing the visibility Splays



- Drawing 7776-MJM-XX-XX-DR-D-6602 Rev 01 showing the parking bays under the redesign cantilever car port.
  - Drawing PR02-OFA-00-XX-DR-A-01 Rev H showing the revised plans and elevations and the car port removed.
43. A condition has been attached ensuring that the layout for parking and visibility is completed prior to occupation and also for a construction method statement to be submitted for approval.
44. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

### **Crime and Disorder**

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

### **Human Rights Implications**

46. 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.

### **Conclusion**

47. The proposal lies within a Restraint Village in an area of land forming the former rear garden of 1, Main Street, Barleythorpe. The local authority are satisfied the proposal constitutes sustainable development in accordance with the NPPF and it does not have any adverse effect on the surrounding environment or character of the area meeting the presumption in favour of sustainable development in a sustainable location. Whilst the proposal does not conform to policy CS4 of the Core Strategy (July 2011) and policy SP6 of the Site Allocations and Policies Development Plan Document (October 2014) it does conform to the up-to-date advice contained within the National Planning Policy Framework. The local authority has worked with the applicant to overcome issues such as impacts on visual amenity, neighbouring residential amenity and trees the policy reason for refusal cannot be overcome. There are no material considerations that justify refusal of this planning application contrary to these policies.
48. Taking the above into account, and on balance, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 2, 9 and 12), Policy CS19 of the Rutland Core Strategy (2011) and Policies SP1 & SP15 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.

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## PLANNING AND LICENSING COMMITTEE

17<sup>th</sup> November 2020

### APPEALS

#### Report of the Interim Strategic Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Penny Sharp, Interim Strategic Director for Places	Tel: 01572 758160 <a href="mailto:psharp@rutland.gov.uk">psharp@rutland.gov.uk</a>
	Justin Johnson, Development Control Manager	Tel: 01572 720950 <a href="mailto:jjohnson@rutland.gov.uk">jjohnson@rutland.gov.uk</a>
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

#### 1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

#### 2. APPEALS LODGED SINCE LAST MEETING

##### 2.1 APP/A2470/D/20/3260075 – Mr and Mrs G Herdale- 2020/0528/FUL

Buckland House, 13 Aldgate, Ketton, Rutland  
Hurdle Fence to the Boundary

**Delegated Decision** – The hurdle fencing is visually harmful to the setting of the Listed Building and this part of Ketton Conservation Area, being

visually prominent within the street scene and sited higher than the existing stone boundary wall. As such, the proposal would be contrary to Policies CS19, CS22 of the Council's Adopted Core Strategy (2011), Policies SP15, SP20 of the Site Allocations and Policies Development Plan Document (2014), and Sections 12 and 16 of the National Planning Policy Framework (2019).

### **3. DECISIONS**

- 3.1 **APP/A2470/W/20/3255302 – Mr Emlyn & Mrs Amy Smith- 2019/1381/FUL**  
Land adjacent to 8 Knossington Road, Braunston in Rutland, Rutland  
Demolition of outbuilding and construction of 1 No. dwelling  
**Delegated Decision**  
**Appeal Dismissed**

### **4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**

- 4.1 None

### **5. ENFORCEMENT DECISIONS**

- 5.1 None

### **6. CONSULTATION**

- 6.1 None

### **7. ALTERNATIVE OPTIONS**

- 7.1 Alternatives have not been considered as this is an information report

### **8. FINANCIAL IMPLICATIONS**

- 8.1 None

### **9. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

### **10. EQUALITY IMPACT ASSESSMENT**

- 10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

### **11. COMMUNITY SAFETY IMPLICATIONS**

- 11.1 There are no such implications.

**12. HEALTH AND WELLBEING IMPLICATIONS**

12.1 There are no such implications

**13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

13.1 This report gives details of decisions received since the last meeting for noting.

**14. BACKGROUND PAPERS**

14.1 There are no such implications

**15. APPENDICES**

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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