

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held on Zoom on **Tuesday, 15th December, 2020** commencing at 7.00 pm when it is hoped you will be able to attend.

<https://zoom.us/j/95634951442>

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/

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 and 17 November 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

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

To request to speak at a Planning Committee, send an email to Governance@rutland.gov.uk

5) PLANNING APPLICATIONS

To receive Report No. 158/2020 from the Strategic Director for Places.
(Pages 3 - 86)

6) APPEALS REPORT

To receive Report No. 159/2020 from the Strategic Director for Places.
(Pages 87 - 90)

7) ANY OTHER URGENT BUSINESS

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

---oOo---

DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr I Razzell (Chairman)	
Mr N Begy (Vice-Chair)	
Mr P Ainsley	Mr E Baines
Mr D Blanksby	Mr A Brown
Mr W Cross	Mrs S Harvey
Ms A MacCartney	Mr M Oxley
Mrs K Payne	Mr N Woodley

OTHER MEMBERS FOR INFORMATION

REPORT NO: 158/2020

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR FOR PLACES

This page is intentionally left blank

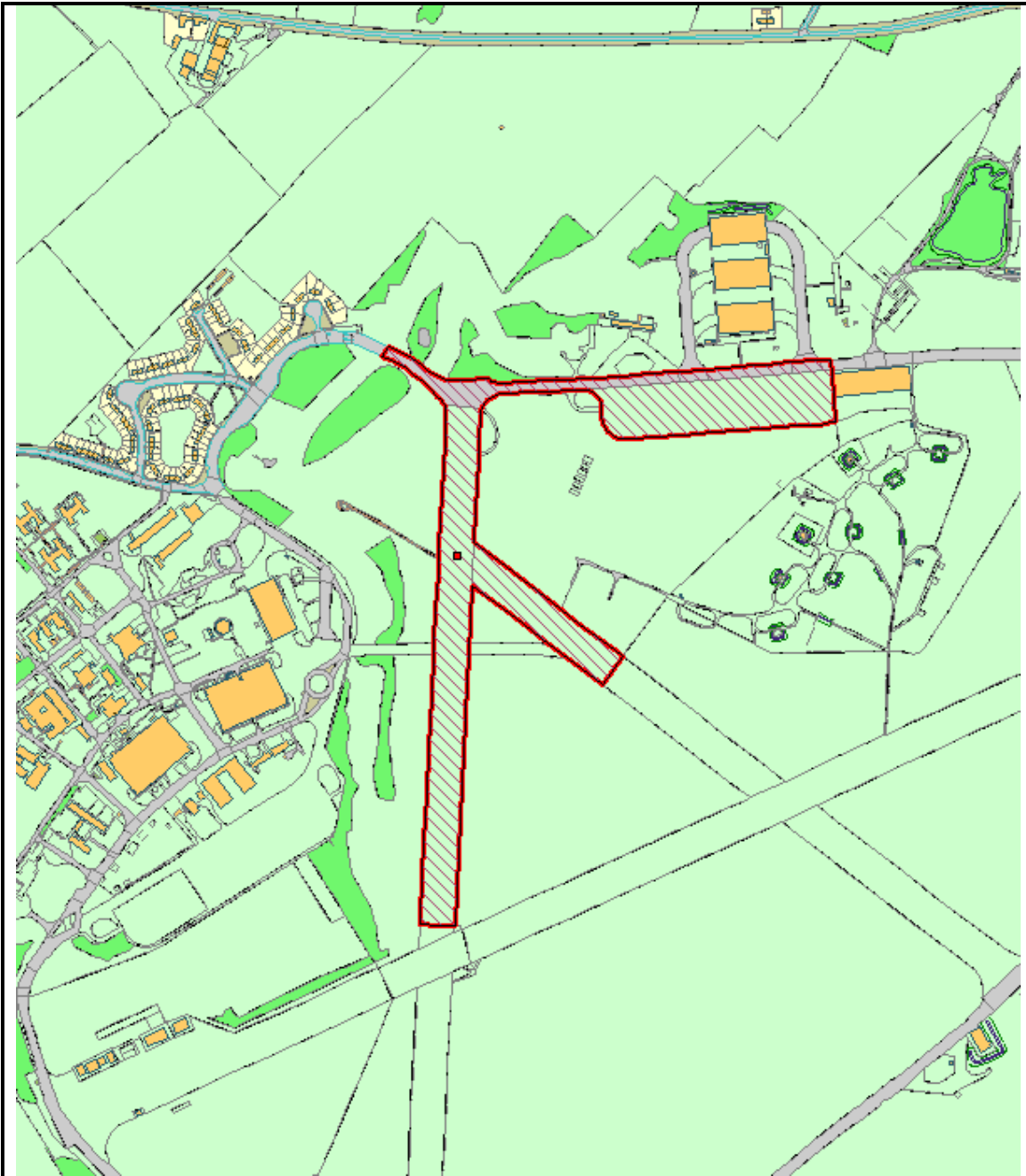
Rutland County Council

Planning & Licensing Committee – Tuesday 15th December 2020

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2019/0736/FUL	C Walton St Georges Barracks Land At St George's Barracks, Welland Road, Edith Weston Change of use of hardstanding from an airfield to B8 vehicle storage (retrospective)	Approval	7
2	2020/0142/FUL	Ram Jam Inn Ram Jam Inn, Great North Road, Greetham 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	43
3	2020/0985/FUL	Mr Richard Bonser Halford House, 32 Weston Road, Edith Weston Carriage barn / garage with an ancillary loft room above.	Approval	83
		Appeals Report		87

This page is intentionally left blank



© Crown copyright and database rights [2013]
Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0736/FUL	ITEM 1	
Proposal:	Retrospective Temporary Planning Permission (10yrs) for change of use of golf club house to office and storage of vehicles (B8).		
Address:	St George's Barracks North Luffenham Road Edith Weston		
Applicant:	Airfield Trailer Store Ltd	Parish	Edith Weston
Agent:		Ward	Normanton Ward
Reason for presenting to Committee:	Request By Councillor Waller		
Date of Committee:	15 December 2020		

EXECUTIVE SUMMARY

The proposed change of use of the site for the storage of vehicles would comply with all relevant policies of the Development Plan. The local highway authority has raised no objections subject to conditions. The proposed development would not materially harm the setting of the adjacent listed structures and would be acceptable in all other planning considerations. The concerns raised by the Parish Councils and local residents are noted however subject to the attached planning conditions the application is recommended for approval for a temporary period of 10 years.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The use hereby permitted shall be for a limited period being the period of 10 years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition.
Reason: In order to ensure that the use does not prejudice the future wider comprehensive redevelopment of the site and in the interest of the visual amenity of the area.
2. Notwithstanding the site being open 24 hours there shall be no vehicular or trailer deliveries other than between the hours of:
[7:00 - 18:00], Mondays - Sundays,
Such deliveries shall avoid the hours of 7:30 to 8:30 and 15:00 to 16:00 Monday to Fridays in order to ensure there is no conflict between HGVs and users of the surrounding schools, in accordance with the submitted Operational Plan dated November 2020, unless otherwise formally agreed in writing by the Local authority or in the case of an emergency.
Reason: To protect the residential amenities of the occupiers of nearby properties and highway safety.
3. Prior to any repair work been undertaken on any vehicles or trailers stored on precise details showing a dedicated area on site for such repair work to take place shall be submitted to and agreed in writing with the Local Planning Authority, the details shall also include information on procedures and processes to ensure that there is no contamination from such works. Any repair work shall then only take place in accordance with the approved details.
Reason: To ensure that the development does not result in any contamination of the local environment.
4. Within 3 months of the date of this consent the highways works shall be carried out and completed in accordance with drawing 4646-SK-01B.
Reason: In the interests of Highway safety

5. The applicant shall maintain a register of all vehicles arriving and departing the site from the date of this permission. The register will then be made available to the local authority for inspection within 1 month of any written request from the Local Planning Authority.
Reason: In the interests of highway safety and so that the Local Planning Authority can ensure that the site is operating in accordance with the attached conditions.
6. Unless required otherwise by another planning condition on this notice the site shall operate in accordance with the details contained in the Operational Management Plan dated November 2020, in particular those matters relating to the routing arrangements and complaints procedures. The welfare facilities and toilets shall be maintained available to drivers at all times.
Reasons: In the interests of residential amenity and highway safety

Site & Surroundings

1. The application site occupies part of the former runway at St George's Barracks. The application red line boundary is drawn tightly around the existing area of hardstanding and extends to approximately 7 hectares.
2. The main part of the site where vehicles are stored is located 1km to the east of Edith Weston. To the north east of the site this is an existing haulage operation know as CS Ellis which has recently had temporary planning permission to retain an existing temporary warehouse building until September 2024. To the immediate west of the application site is the main built complex for the barracks.
3. To the south east of the site there is a Grade II* listed Thor Missile site. This structure was listed recently. The listed structures are at ground level and are significant because of their links to the Cold War period.
4. Access to the site is taken from Welland Road to the north-west, which then links into Pennine Drive, which links into Normanton Road. Just south of the access point from Normanton Road there is a mini roundabout which provides access on to Manton Road and then on to the A6003 to the west of Edith Weston. Vehicles turning right out of the site onto Normanton Road and going north join the A606 approximately 5km north of the access point.

Proposal

5. This is a retrospective application for the temporary change of use of an area of hardstanding to B8 vehicle storage, for a period of 10 years.
6. The red line has also been amended to include the golf club house; the applicant is currently using this building as a reception area for truck drivers who visit the site, and during the hours of operation the golf club house is manned by one member of staff. The applicant proposes to sub-divide the clubhouse, which was vacated in May 2019 into 3 separate units and use the building as an office and reception area. The building includes a kitchen area and toilet area for the convenience of drivers once they arrive on-site and allows for drivers to complete the necessary documents upon entering and leaving the site.
7. The on-site office is in close proximity to the access and overlooks an area of hardstanding that acts as a temporary holding area whilst drivers report to the office.
8. HGV's are held in this area until they are given authorisation to load/unload. This approach allows for staggered entrance and exiting of the site, and seeks to ensure that trips to and from

the site are appropriately staggered to ensure that the surrounding road network can accommodate the traffic from the site.

9. The site will be monitored 24 hours per day by a mix of on-site personnel and CCTV. The site is not open to the public and the applicant will monitor vehicles entering the sole access point from the highway network by natural surveillance and an already installed CCTV system, operated in conjunction with the MOD.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 6 - Building a strong, competitive economy

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Edith Weston Neighbourhood Plan

EW2 - Commercial and Industrial Development, including tourism and recreation

EW3 - The Environment

EW5 - Transport

EW6 - Village heritage and character

The Rutland Core Strategy (2011)

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS06 - Re-use of Redundant Military Bases and Prisons

CS13 - Employment & Economic Development

CS16 - The Rural Economy

CS18 - Sustainable Transport & Accessibility

CS21 - The Natural Environment

CS22 - The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP1 - Presumption in Favour of Sustainable Development

SP7 - Non-residential development in the countryside

SP11 - Use of military bases and prisons for operational or other purposes

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 – the historic environment

SP23 - Landscape Character in the Countryside

Consultations

10. Consultee objections are summarised below. Given the length of some of the consultee response all replies have been copied in full in appendix 1 at the end of this report, they are also available to view on the Council's website.

11. Highways

No objection subject to the following conditions:

- A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
- B. Routing strategy with signs to be installed within 4 months of any consent
- C. Complaints procedure with accredited provider (unless otherwise agreed)
- D. Limit the areas that are used to those shown
- E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
- F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'

12. MOD Safeguardings

The MOD has no safeguarding objections to this proposal.

13. ECOLOGY

No Objections

14. North Luffenham Parish Council

Objects to the proposed development on the following grounds:

- 1. The lack of a traffic impact assessment
- 2. The sighting of Common Lizards on the site contrary to the Ecological report regarding protected species
- 3. The unapproved use of leisure buildings as offices (old Golf Club building)
- 4. The 10 year licence granted to the operator and it's potential impact on the ability of the St Georges redevelopment project to utilise the area for the promised commercial / employment zone

15. **Public Protection**

No objection subject to conditions ensuring that welfare services are provided on site and the details of any repair/breaking facility should be submitted to the authority for its approval. Otherwise, I would suggest a condition of only allowing vehicles in sound condition to be stored on site. All chemicals, vehicle parts and materials should be removed. Storing of such vehicles on the hard-standing only, rather than being on the grass apron would allow any leakage to be detected and contained.

16. **Edith Weston Council**

1. concerns about retrospective application
2. lack of transport assessment
3. Impact on master plan for St Georges Barracks if 10 year permission is granted.
4. More suitable alternatives have not been considered.
5. Number of lorry movements
6. Highway network and routing
7. Safety
8. Ecology
9. Contrary to national and local policies including those in the Neighbourhood Plan
10. Hours of use and impact on residential amenity
11. Light pollution

17. **Manton Parish Council**

Objects to the proposed development and concerned that they were not notified originally. Concerned about traffic movements, routing and impact on residential amenity. They also support Edith Weston Parish Council's objection, and recommend that current development should be remediated and no further development allowed.

18. **Empingham Parish Council**

Raise the following objections:

- EPC supports the views of other Parish Councils, in particular those by Edith Weston Parish Council (usefully related to the Local Plan),
- the need for a retrospective application for this significant operation does not reflect well on the efficiency and effectiveness of the operator or the landlord (that has an MOU with RCC in relation to the proposed development of the site),
- parking 1200 trailers and a significant number of tractor units at an isolated rural location accessed by several miles of rural roads unsuited to HGV traffic should be resisted,
- there is no means of policing routes that lorries would take and driver guidance is not enforceable,
- suggested traffic movements are ridiculously low and suggested efforts to avoid school times both derisory and unenforceable,
- access to the site via Pennine Drive that serves a residential estate is dangerous as it is too close to the mini roundabout in Edith Weston,
- the access and egress from the A6003 at Manton is especially dangerous given the length of articulated vehicles and sight lines; also the junction of Normanton Park Road with A606 on the route to the A1 would need to be improved with appropriate signposting,
- the site will be manned during the day but permission is sought for 24 hour operation -- movements of lorries during the night is obtrusive, and there are already examples lorries queuing to gain access before the site is manned,
- there is no environmental assessment, and
- there is no application for a change of use of the former golf clubhouse.

19. Neighbour Responses

57 letters of representation have been received in relation to the application. The comments are summarised below and all comments are available to view in full on the Council's website:

- The proposed access routes are not appropriate and there are no major roads to provide suitable access to the site,
- Concerns about noise and disturbance from vehicles coming and going to the site,
- Health concerns from exhaust fumes,
- Increase HGV movements on the local roads will be detrimental to highway safety,
- The existing 30mph speed limit is already been ignored,
- Concerns about the impact on the local ecology and local wildlife,
- The applicant is already using areas which are not part of the application site,
- Noise and disturbance especially when using outdoor space in the summer such as garden rooms,
- Rutland Water is a beauty spot and not a suitable location for HGV storage and this should be confined to already industrialised areas.
- Existing roads are not suitable or wide enough to withstand the significant increase in vehicle movement,
- The development will make the area less commercially viable for housing development,
- This is a retrospective application and the applicants have clearly ignored the planning process,
- Pennine Drive and Welland Road are residential roads, with families with children who should not have to live on a drive with this volume of traffic with all the associated noise and resultant poor air quality,
- Vehicles frequently miss the turn into Pennine and then reverse up, this is dangerous from either way and particularly dangerous from Manton Road and we have witnessed many near misses.
- Lack of publication of the application by Rutland County Council,
- Proposal will be detrimental to highway safety and cyclist using the roads in the area,
- Concerns about increase in vehicle movements through the nearby local villages,
- Concerns about increase in traffic, noise, pollution and vibration in the area close to habitat and wildlife reserves,
- Horses also use some of the country roads in the area and there would be potential for conflict between horse riders and vehicles accessing the site,
- This is predominantly a rural area and this is out of character with the area,
- Concerns about safety of pedestrians and children on inadequate roads,
- The local roads are not designed for the weight, length and volume of traffic proposed. Is the applicant going to meet the cost of road improvements and repair?
- Given the anticipated future development of SGB - and the associated existing potential for vastly increased traffic from that project, allowing the expansion of a heavy haulage operation at the site appears to be madness given the further huge weight of traffic that will be added,
- Manton transit and accident blackspot. Given that there are already large numbers of heavy articulated trailers on the site may I request that signs are immediately erected to definitively prevent 'artics' from attempting to transit through Manton,
- The addition of large amounts of equipment to the airfield will only add to the temptation for further crime,
- Why complain about parked stationary vehicles. The only time these will be problem is when they leave site and then only for a short while,
- Lorry parks should be sited adjacent to major link roads - surely there are several sites close to the A14 and A1 that could be utilised,
- Concerns about light pollution,
- the application fails to take account of the fact that an HGV depot already exists in the

vicinity (CS Ellis Limited). HGVs from the CS Ellis site currently use the junction at Pennine Drive. In my opinion, a further increase in HGV traffic at this road junction would make the roads dangerous for other road users,

- Planning decisions must comply with the requirements of the Human Rights Act 1998, particularly Article 1 of the first Protocol, the "Right of the individuals to the peaceful enjoyment of their possessions",
- Concerns about 24 hour use of the site,
- Concerns that the proposal will have a detrimental impact on the proposed redevelopment of St Georges Barracks and that the two developments are not compatible,
- The site is also been used for the storage of buses which is not covered by this current application,
- Concern at the amount of time it has taken to determine this application.

Planning Assessment

Evaluation

20. At the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
21. There has been a lot of criticism of the application and the fact that it was submitted retrospectively. A local planning authority can invite a retrospective application in circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation. It is however important to note that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way.
22. Taking the above into account this application has been assessed as any other application is against the relevant policies contained in the development plan and taking all other material planning considerations into account.

Principle of the use

23. Policy CS6 Re-use of redundant military bases and prisons states that the Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner. The key requirements for any proposals are that they should:
 - a) re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
 - b) not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
 - c) protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
 - d) be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network
 - e) be accessible by public transport and include measures to encourage walking and cycling;
 - f) incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.
24. Policy CS13 Employment and economic development, point (f) supports the re-use or re-development of redundant military bases and prisons as set out in Policy CS6.
25. Policy CS16 The rural economy, point (e) allow small scale developments for employment

purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness of the area.

26. Policy SP7 Non-residential development in the countryside supports amongst other things new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities. Provided that:
 - i. the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;
 - ii. the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;
 - iii. the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;
 - iv. the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and
 - v. the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.
27. Policy SP11 indicates that small scale development of an individual building or part of a military base or prison for alternative uses not required for the operation of the establishment will be given favourable consideration provided that it complies with the key requirements set out in Core Strategy Policy CS6 (Re-use of redundant military bases and prisons) and that it would not adversely affect the operational use of the establishment.
28. The above policies give general support to the redevelopment of former military bases and to proposals which support the economic growth of rural areas provided the development does not adversely impact on the surrounding area. The proposed change of use of the northern part of the former runway would therefore be in general accordance with the above adopted development plan policies.
29. Concern has been raised that acceptance of the proposal would impact on the delivery of the St Georges Barracks redevelopment proposals. Any permission would be for a temporary period and in any event this can also be controlled by the MOD as land owner in terms of any lease that they offer to the applicant. Acceptance of the proposal will not therefore adversely impact any future redevelopment of the site.

Impact of the use on the character of the area

30. Policy CS22 - The historic and cultural environment requires developments to conserve and enhance the quality and character of the built and historic environment of Rutland. All developments, projects and activities are expected to protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.
31. Development should respect the historic landscape character and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.
32. The adaptive re-use of redundant or functionally obsolete listed buildings or important buildings will be supported where this does not harm their essential character.
33. Policy SP15 sets out the design and amenity criteria that will be taken into account in the assessment of applications.

34. Policy SP20 The historic environment sets out the requirements and considerations for developments affecting heritage assets. The policy seeks to ensure that all developments protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.
35. Policy SP23 – Landscape Character in the countryside indicates that amongst other things proposals to develop land in the countryside will only be permitted where they development complies with the requirements of Policies SP7, SP15 and SP19.
36. There is a Grade II* listed Thor Missile site approximately 800m to the south east of the site across the former airfield. These structures were listed relatively recently. The listed structures are at ground level and are not easily visible from the site. The stored vehicles can be seen from the listed structures.
37. The impact of this temporary use is limited and is compatible with the existing adjacent land uses including the barracks and the haulage use in the area. The development does not propose any new significant built form and the main visual impacts are limited to that of the vehicles when stored on the site. The site is relatively well screened from distant views and it is considered that the proposal would not therefore have any significant and lasting impact on the visual amenity of the area.

Impact on the neighbouring properties

38. The nearest residential property is located approximately 200m to the west of the site on Welland Road. The application site comprises part of the former runway and golf club house. The site is located directly adjacent to C S Ellis (Groups) units which also occupy some of the old hangers and a temporary structure used for storage and distribution.
39. Concerns have been raised about the potential impact on the residential amenity of nearby residential properties. The Council's Environmental Protection has been consulted and raised no objections to the proposed development. Given the existing storage and distribution uses in this area, the separation distances, the proposed conditions to control the hours of use and that this will be a temporary permission it is considered that the development will not result in any significant adverse impact on the residential amenities of local residents.

Highway issues

40. One of the key considerations in relation to this application is the impact on the existing highway network and highway safety. Policy CS18 Sustainable transport and accessibility states that the Council will work with partners to improve accessibility and develop the transport network within and beyond Rutland and accommodate the impacts of new development by focusing on amongst other things:
 - supporting new development in the towns and local service centres in line with the locational strategy in Policy CS4 which are accessible by range of sustainable forms of transport and minimise the distance people need to travel to shops, services and employment opportunities;
 - supporting development proposals that include a range of appropriate mitigating transport measures aimed improved transport choice and encourage travel to work and school safely by public transport, cycling and walking, including travel plans;
 - providing safe and well designed transport infrastructure;
 - improving bus routes, services and passenger facilities around the key transport hubs of Oakham and Uppingham and linkages to the larger service villages and nearby cities and towns, such as Leicester, Peterborough, Corby and Stamford;
 - providing adequate levels of car parking in line with Council's published car parking standards;

41. The Local Highway Authority has reviewed the application and submitted documentation and has raised no objections to the proposed development being granted a temporary planning permission, subject to the imposition of a number of conditions to control activities at the site and to improve the existing access arrangements.
42. Although there has been significant local concern raised in relation to highway and pedestrian safety the local highway authority has advised that that the proposed development is acceptable and that when considering the application against the requirements of the NPPF they would not have concerns in relation to highway safety or highway capacity. As such, the highway authority raises no objection subject to conditions that secure the following:
 - A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
 - B. Routing strategy with signs to be installed within 4 months of any consent
 - C. Complaints procedure with accredited provider (unless otherwise agreed)
 - D. Limit the areas that are used to those shown on the submitted plans
 - E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
 - F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'
43. The above requirements can be secured via suitably worded conditions as outlined above. The applicant has also prepared a complaints procedure process. The complaints procedure ensures that there are named contacts available for the Council and members of the public to contact should there be any issues with the operations. Where necessary there is also a requirement for the highway authority to be notified within 5 days of any damage caused to the highway and suitable measures in place for any potential damage to be rectified.
44. Concerns have also been received stating that coaches been parked at the site are not keeping to their side of the carriageway when then have to cross the mini roundabout at the end of Pennine Drive. The Council's Highways Engineer has advised that whilst mini-roundabouts are acceptable in highways terms they are designed to be constrained and as such larger vehicle paths do dominate the junction area. This is in no way uncommon, however the percentage of HGV's can cause wear and tear. In this instance, the central island is not raised significantly and only road markings are provided. The highways engineer has advised that he has seen no signs of damage, so whilst the roundabout is restrictive it does need to provide for those larger vehicle movements in an appropriate way.
45. The route to the A1, if required, means the vehicles would need to go through the village to Normanton Park Road and the bend as you leave the village is made narrow by parked cars (including a disabled bay). Whilst it is note that occasions of parking on the highway, which can occur in many locations can cause some minor delay, there is not in this instance sufficient highway reasons to prevent movements associated with this development along this route.
46. Concern has also been raised that Pennine Drive is used by parents walking their children to school yet no restriction on vehicle movements is suggested prior to school starting, at lunch time or when school ends. There is no safe place for parents to cross at the end of Pennine Drive so restricting vehicle movements at these times is essential for the safety of children.
47. The Highways Team have considered the request and have arranged for a wider vehicle access and for pedestrian elements to be installed on Pennine Drive. We are also introducing restrictions on the times the site is used and a memorandum of understanding for a complaints resolution service specifically for traffic associated with this development. As the matter would also be secured by planning conditions which can be enforced if planning permission is granted.

Ecology

48. The proposed development needs to be considered under policy CS21 The Natural Environment – this seeks to ensure that development is appropriate to the landscape character type within which it is situated and contributes to its conservation, enhancement or restoration, or the creation of appropriate new features.
49. The quality and diversity of the natural environment of Rutland will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.
50. Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.
51. All developments, projects and activities will be expected to:
 - a) Provide an appropriate level of protection to legally protected sites and species;
 - b) Maintain and where appropriate enhance conditions for priority habitats and species identified in the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
 - c) Maintain and where appropriate enhance recognised geodiversity assets
 - d) Maintain and where appropriate enhance other sites, features, species or networks of ecological interest and provide for appropriate management of these;
 - e) Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, particularly in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
 - f) Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere;
 - g) Respect and where appropriate enhance the character of the landscape identified in the Rutland Landscape Character assessment;
 - h) Maintain and where appropriate enhance green infrastructure.
52. Policy SP19 sets out the biodiversity and geodiversity conservation considerations that will be taken into consideration when determining applications and states that all new developments will be expected to maintain, protect and enhance biodiversity and geodiversity conservation interests in accordance with Core Strategy Policy CS21.
53. Objections have been received raising concerns about the impact of the development on the local wildlife and ecology. The Council's Ecologist has made a detailed response in relation to the concerns raised and they have advised that they have no objections to the proposed development. The proposed development is for a temporary period and will not result in any significant adverse impact on the local wildlife.

Crime and Disorder

54. Concern has been raised in relation to crime and disorder associated with the site and the storage of vehicles. The site is however protected by 24hour CCTV and there is also a member of staff on site to log vehicles in and out.
55. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

56. 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.

57. It is considered that no relevant Article of that act will be breached.

Conclusion

58. Having had regard to the relevant policies of the development plan and all relevant material planning considerations. It is recommended that the application is approved subject to the attached conditions and for a temporary period of 10 years. The proposed development would not be detrimental to highway safety, residential amenity nor would it materially harm the setting of the nearby listed structures. The development is acceptable in all other planning respects.

Recommendation: Approve

Consultee responses:**Highways**

I have reviewed the application and submitted materials. Fundamentally I do not have an issue with the proposed temporary application from a highways perspective. I cannot foresee any matters that would be sufficient to establish an NPPF position in relation to highway safety or highway capacity. Of course there is greater risk associated with HGV activity and I am mindful of some matters that are not planning but are suitable under other forms of legislation i.e. suitable negatively worded conditions, recognising the temporary nature of the proposals.

- 1) I do not see any particular cogent requirement for a 24 hour facility. Within itself, there would not be 1 member of staff for such an activity unless they were on-site/on-call. I also think, given the nature of the operation, including finance recovery of vehicles that it is not beyond the wit of the applicant to ensure that arrivals / departures are secured in normal operational hours and exclude Sundays unless otherwise agreed in writing.
- 2) The applicant, through no fault of their own, has not fully understood that their activity is not ordinary and nor would any prior use of the land that relates to HGV use. The Highways Act Section 59 which covers recovery of costs associated with extraordinary traffic would give credence to the statement that a road constructed to a standard based on the expected levels of use, including weight of vehicles, could not reasonably bear the additional impacts with a reduction in its lifespan. The design literature is clear that HGV axle loads are the weights that cause wear and tear to the highway. However, in this regard the route vehicles use for access/egress does not appear to be unacceptably damaged by higher levels of HGV use and I do not have sufficient evidence to justify that maintenance periods may be more frequent as a consequence. This is a key issue and whilst not being pursued in this instance, is the first planning application where the point is to be noted.
- 3) Routing Strategy – whilst reasonable in principle I do not see at this time how a suitably worded condition could meet the six tests without some additional mechanisms. As such, I recommend a condition ‘within 3 months of any consent a signing strategy will be submitted and approved, and installed within 4 weeks of any such approval from the local highway authority’. Whilst we could rely on drivers being educated, the manner of the proposed development does not reassure me that this would be a usual trip, or that drivers would be known to the land owner prior to their arrivals/departures.
- 4) Potentially of slightly less concern if the use is consented would be whether the applicant could operate a fleet of smaller cars to enable arrivals to leave the original vehicle and depart in a smaller vehicle. I imagine there are numerous legal reasons why any vehicle would need to be towed in on another HGV but in any case, this was a consideration but I have decided to not pursue and simply accept that two-way movements will involve HGV’s in both instances.
- 5) I would like to establish an ‘engine off’ policy on-site and think this reasonable, however given the distance from the highway, whilst useful in environmental and noise terms I do not see sufficient transport merit. However if it was felt necessary by others I would support this.
- 6) I do not consider that the complaint procedure via a planning consultant is sufficiently robust and given that the details would need to form part of the planning this needs a stronger steer and dialogue with the Freight Transport Association, who would typically be a consultee of the highway authority should occur to ensure that the planning consent is not at odds with any national guidance on these matters.

As such, the highway authority raises no objection subject to conditions:

- A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
- B. Routing strategy with signs to be installed within 4 months of any consent
- C. Complaints procedure with accredited provider (unless otherwise agreed)

- D. Limit the areas that are used to those shown
- E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
- F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'

MOD Safeguarding's

The application site occupies statutory safeguarding zones surrounding RAF Wittering. We have reviewed the proposal and I can confirm that the MOD has no safeguarding objections to this proposal.

ECOLOGY

Our advice on the biodiversity impacts of the application are below.

In summary, and with regard to Common Lizard and Great Crested Newts, the vegetation clearance along the edge of runways, done without apparent precautionary working to protect lizard and newts, is regrettable. However, the evidence that I have indicates that the lizard population is centred some distance away from the area impacted by the current application, and therefore that any impacts will be marginal to the overall population. Both species are of material consideration in the planning system, but the works that have taken place may fall into the category of routine maintenance and therefore be outside the planning process; I'm not a planner and will defer to your knowledge on this point. Nonetheless, I would have advised that precautions should have been taken to prevent harm to individuals of both species, which are protected by law; this applies to carrying out maintenance operations as well as those that require planning permission. Common Lizard habitat is not protected, and therefore the loss of any habitat is not an offence in itself. GCN habitat is protected, and there may therefore be additional protection and licensed mitigation required if working within the immediate area of the two GCN ponds, and if works have already taken place close to the ponds, this should have happened under a mitigation plan. I have no evidence, however, that any offences have taken place, and it would be impossible to establish after the event.

With regard to the impacts of the works on the overall grassland habitats, I find that this is insignificant when the overall extent of the habitat is taken into account; this is a very large site and the amount of habitat lost is a very small part of the whole resource.

The actual extent and impact of the works is unclear; I understand that further areas are being brought into the operation and that the redline boundary may need to be altered. I would urge enforcement action to prevent further loss of habitats until the extent of the impacts can be assessed. I stress that failure to do this could be construed as being in breach of wildlife law.

More details on the above points are set out below.

Common Lizard population on the airfield

The airfield supports a good and important colony of common lizard. I refer you to the October 2019 report prepared by Derek Finnie Associates in connection with the St George's Barracks development. Relatively small numbers were recorded during the survey, but nonetheless, I feel the population is of County-wide value. The relevant section is below:

"3.2.4 Common lizard, although more widely dispersed across the Site, were encountered with a slightly greater frequency towards the north east of the airfield. The encounters were associated with the presence of hedgerows and artificial features located immediately to the south of the existing industrial area."

This is the plan from Mr Finnie's report, illustrating the dispersal across the site.

Mr Finnie did not survey the areas hatched orange, and this includes part of the application site, along the northern road. As a reason for excluding this area, he notes that 'The industrial area

towards the north of the Site was also excluded from the Survey due to the absence of suitable reptile habitat'. The survey technique involves use of 'tiles' of roofing felt, which attract basking and sheltering reptiles. Mr Finnie placed 260 refugia across the whole site - a large number, but he acknowledged that the density of tiles was lower than recommended - but cites the fact that it is a large and relatively homogenous site. I accepted that the survey effort was adequate for the purpose intended, which was to inform the redevelopment of St George's Barracks.

The question remains as to whether the surveys can be used to inform this current application, which was not within Mr Finnie's remit to assess. It is helpful to have data covering the wider population, and not just the area impacted by the current proposal. The survey indicates where the main areas of population are on the airfield, and illustrates that the core area is in the centre of the site, outside the area that it's subject to this application. He did find lizards along the runway edge within or on the edge of the red-line boundary, and this is endorsed by the Parish Council's response. I conclude from this that part of the population could be affected by the proposal, but that (on the basis of Mr Finnie's 2019 survey) the majority of the population would not be affected. My view therefore, is that impacts are marginal, but that any impacts can and should be mitigated through precautionary working, and that there is no need for any additional surveys for Common Lizard.

Mitigation and precautionary working - Lizards

Whilst development stays on the tarmac/concreted area, I do not feel mitigation would be needed. However, I understand that edges of the runways have already been cleared of encroaching turf and vegetation's, thus disturbing basking habitat for lizards. The Parish Council's response also refers to piles of concrete that have been removed, disturbing hibernation/sheltering sites.

Mitigation to avoid impacts on lizards would involve clearance of vegetation and dismantling shelters and hibernacula by hand or under ecologists' supervision, and at a time of year and day when lizards were most active, to avoid accidental harm to an individual. Clearance of this vegetation should have taken place under precautionary working - but I also understand it happened before planning application was made. I also feel that it could legitimately be considered maintenance to restore runways to full width, and that the overgrowth would not have been allowed to build up during normal operations of the airfield.

I am aware that the use has spread beyond the red-line boundary, but I am not clear on the extent of the additional areas being used. I understand that the area around the club-house is now being used, and that this may affect areas that are currently grassed or vegetated. If this is the case, then I recommend precautionary working when clearing overgrowth, stripping soils or otherwise disturbing vegetation or potential sheltering places. This will involve an ecologist being present on site when works are undertaken. Given Mr Finnie's advice, given above, that this area was not suitable for reptiles, I feel that impacts would be minor; however the situation may have changed and therefore a precautionary approach is advisable.

If works have already happened, precautionary working would serve no purpose.

The Parish Council also cites the impact of shading caused by overhanging tails of Lorries. Given the large area of undisturbed runway edges and grassland habitat available to lizards, which would be undisturbed, I do not feel this is significant or requiring mitigation.

Conservation status of Common Lizard

Unlike Great Crested Newts, Common Lizards have limited degree of legal protection. Under the Wildlife and Countryside Act Section 9(5) the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy) of Common Lizards is prohibited. The habitats of Common Lizards are not protected by law, and therefore I do not feel an offence has been committed. The key word here is 'intentional'; I do not expect that any incidental harm done to lizards through the vegetation and other clearance was of this nature. I'm not an expert in environmental law, so you may wish to investigate this further with your legal

advisors.

Common Lizard are in decline nationally, and are a UK Biodiversity Action Plan as a priority species. As this may be a large population - one of the best known in the county - the health and sustainability of the population is a material consideration in the planning system. However, as discussed earlier, I feel the impacts on the population would be marginal, and unlike to affect the overall status and viability of the airfield population.

Habitats on and at the edges of runways

The runways and edges have become good habitats, through default and through neglect of the usual maintenance of an airfield. The sparse and flower-rich vegetation over calcareous soils and mineral substrate creates a habitat of floral diversity, which could be expected to attract a large and diverse invertebrate assemblage that is likely to be of County-wide value. I do not have full survey details of this specific part of the habitat. There is always the possibility that the clearance unintentionally removed a rare plant or invertebrate species, and it is regrettable that a botanical and invertebrate survey was not done before the works were carried out and the planning application submitted.

As I stated before, this kind of clearance is also to be expected as normal maintenance of an active airfield. It is the cessation of this maintenance that has created the habitat. The whole airfield is excellent rough calcareous/neutral grassland habitat of high biodiversity value, and with pockets of richer calcareous grasslands that are especial value. It is also of great importance for ground-nesting and feeding birds. As such it meets our Local Wildlife Site criteria. It is also a very large area, and this should be borne in mind when considering the impacts of proposals and actions. The application covers a large area of runway. It is part of the whole resource available - perhaps 25% overall, or less. This is a significant amount of the overall runway habitat, but there is still plenty left, and the impacts on the overall grassland resource is minor in proportion to the whole habitat available. I would be concerned if any more was lost, and any proposals to increase the extent of runway and other hardstanding used for this purpose should be informed by a Phase 1 habitat survey in order to identify any species or habitat patches of note so that conservation and mitigation can take place.

Great Crested Newts

Great Crested Newts and their habitats are fully protected by national and European law. Two ponds on the golf course are known to support GCNs - ref Mr Finnie's suite of survey in 2019 carried out to inform the re-development of St George's Barracks. The size of the population is not known - the survey detected environmental great crested newt DNA, and did not involve a full suite of surveys.

Both pond are close to the entrance drive to the airfield, and a short section of runway is also within 100m of one pond. The location is below, with 100m buffer zones shown as red circles; it would be expected that any works taking place within the 100m zone could have potentially significant impacts on the terrestrial foraging habitats of the GCNs. Major works within 500m of the ponds could also have potentially harmful impacts. The greater part of the application site boundary is within the 500m zone, but the works are minor and therefore fall with the 100m 'triggering' distance set out in our nature conservation validation criteria.

Within the 100m zone, I feel the impacts are likely to be minor, given that the hardstanding would not be utilised by GCNs for foraging, although they may cross the roadway at certain times of year, when migrating to breeding ponds. The margins of the runways could provide some foraging potential, and therefore the vegetation clearance should have been done under precautionary working to avoid harm to individual newts. I would have most concern regarding the section of entrance drive and runways within 100m of the ponds; if any work are being done to this, licensed mitigation from Natural England may be required. An offence may be committed if this is not done. If works are not proposed, I do not feel that use of the roadway, even with the hugely increased volume of heavy traffic, would have an impact of any significance; the hardstanding is just not a habitat that would be used by GCNs other than occasional incidental use. Use would mainly be on warm, humid nights in Spring and early Summer, when GCNs travel to and from their ponds. A sensible precaution would to restrict the volume of permitted traffic at night from February through

to July.

I would be grateful if you could provide more information on this point - has any work taken place to this part of the roadway, or is any proposed?

I am not concerned about loss of habitat - there is plenty still available to GCNs - nor about harm during operation; my concern purely with any works to the fabric of the road and margins closest to the ponds, including clearance of vegetation along verges and encroaching on the hard surface.

North Luffenham Parish Council

With regard to the retrospective Planning Application Consultation 2019/0736/FUL North Luffenham Parish Council would like you to record our strong objection. We fully support all of the objections raised. By Edith Weston Parish Council in their letter to you - particularly

- 59. The lack of a traffic impact assessment
- 60. The sighting of Common Lizards on the site contrary to the Ecological report regarding protected species
- 61. The unapproved use of leisure buildings as offices (old Golf Club building)
- 62. The 10 year licence granted to the operator and its potential impact on the ability of the St Georges redevelopment project to utilise the area for the promised commercial / employment zone

Public Protection

The storage of vehicles in good condition would present a negligible risk of contamination. However, the storage of vehicles in poor repair or being broken up to salvage parts and vehicle repair activities can generate significant amounts of hazardous materials and therefore should be prohibited or confined to prescribed area where the activities can be sufficiently controlled so as not to cause pollution. The details of any repair/breaking facility should be submitted to the authority for its approval. Otherwise, I would suggest a condition of only allowing vehicles in sound condition to be stored on site. All chemicals, vehicle parts and materials should be removed. Storing of such vehicles on the hard-standing only, rather than being on the grass apron would allow any leakage to be detected and contained.

Catastrophic events such as fire can produce a whole cocktail of hazardous chemicals that are often washed by the water used to fight the fire into the wider environment. I would therefore ask the Fire Authority about the safe storage of so many vehicles and separation distances to minimize such events. Also to prevent such events, the security of the vehicles should be sufficient to stop incidents of arson.

Edith Western Council

The Parish Council refer to the above mentioned application and OBJECTS to the application on the grounds set out below.

1. General

The planning application is a retrospective application. The application should have been prepared as if it was a new application and covered all criteria in detail. It does not include sufficient information on a number of elements to allow an informed decision to be made. As a minimum it should have included a full transport assessment and an ecological assessment for the reasons described below.

The application form states that there will be no vehicle parking, yet paragraph 22 of the Planning, Design and Transport Statement (the statement) it states the applicant will be storing trailers and cabs. The words vehicles and trailers is also mentioned in paragraph 25.

The application states that the applicant wishes to have a temporary consent for 10 years.

However, should the St Georges Barracks "Masterplan" go forward then development of that could proceed much earlier than 10 years. Therefore, if the Council determine to approve the application (which this Parish Council consider it should not) it should be limited to 2 years. This would also provide an opportunity to assess the impact on the surrounding community and, if found to be too great, any further consent could be refused.

The applicant has not considered alternative sites and there are undoubtedly more appropriate sites on industrial areas closer to main arterial routes.

2. Lorry Movements

The level of vehicle movements is not clear.

Paragraph 65 states that the applicant of "the impact of the proposal on highway safety has been assessed and found to be negligible". However, there is no Transport Assessment submitted with the application. How can the applicant make the above comment without assessing current use of the roads and then assessing the impact of the proposed development's use?

Within the paragraph 25 of the statement refers to an average of 20 daily movements. However, in paragraph 50 the anticipated average is referred to as 20 two-way movements. This implies that there will in fact be an average of 40 total movements.

In addition, the vehicle movements are stated as an average. The statement refers to peak times but does not identify what periods of the year would be considered as peak times, unless the peak period is all year less post-Christmas and post spring.

The statement should have included a maximum number of vehicle movements, which it does not. Providing only average numbers could be very misleading. For example, if there were no movements for four days then the movements on the fifth day could be as much as 100 or perhaps 200 (8 to 16 per hour) depending on what they describe as a vehicle movement as mentioned above.

In addition, paragraph 65 of the statement refers HGV movements will be scheduled across the course of the day to reduce the likelihood of concentration of vehicles at any given time entering or leaving the network. There is no Transport Plan or explanation as to how the applicant will achieve this.

The intensification of vehicle movements could be very significant as the application is to park as many as 1,200 trailers, which is, as a comparison, over 13 times as many as another local operator in Edith Weston is permitted to park.

The hours of operation requested are 0600 to 1900 Monday to Friday. Bearing in mind the nearby residential dwellings and the fact that the vehicles will travel through Edith Weston before reaching a main arterial route, it is considered that these hours are not acceptable.

3. Highway Network

The access routes to and from the site are not considered appropriate. It does not access directly or even closely onto one of the main roads as defined in Rutland County Councils Core Strategy (Figure 2 - The Settlement Hierarchy). Whilst the site is a barracks it is not an industrial estate and is close to residential areas.

In addition, the junction of Pennine Drive with Normanton Road is close to the mini roundabout that serves Normanton Road, Manton Road and Edith Weston Road. This could produce safety problems with HGVs entering and leaving Pennine Drive.

Welland Road (referred to as Welland Drive in the application) and Pennine Drive are flanked on

the north east side by a considerable number of residential dwellings for military personnel. It is understood that these will be retained as service quarters after the closure of St Georges Barracks.

Heavy goods vehicles will then either travel along Normanton Road or along Manton Road. In both cases they will travel through the southern and eastern parts of Edith Weston, both roads being flanked by residential dwellings. There will also be a similar impact on Manton village.

4. Safety

As part of the residential nature of the area, the safety impact has to be considered. Many parents walk their children along Welland Drive, Pennine drive and Manton Road to and from Edith Weston Primary School. There has been previous concerns about the safety of walking along, particularly, Manton Road and the increase in HGV traffic will only exacerbate the situation.

In addition, tourism in the area is important and cyclists and walkers use Normanton Road and Manton Road throughout the year. HGV traffic over and above that which exists at the moment will reduce the safety of, particularly, cyclists using the roads.

5. Ecology

There is no detail in the application regarding ecology and no surveys undertaken.

Whilst the applicant may state that the area, they will use is concrete hardstanding, the ecological implications of HGVs entering and leaving the site must be considered.

An ecological appraisal was undertaken by Derek Finnie Associates for Rutland County Council (April 2018).

The application site is immediately adjacent to North Luffenham Golf Club. There are two water features one of which the appraisal stated, "presents suitable habitat to support great crested newts". The appraisal also stated that great crested newts had been recorded within 275 metres of the eastern boundary of the site.

Great crested newts travel approximately 500 metres which could include travelling over the application area and therefore the HGV movements could have a considerable effect on great crested newts.

The report also stated that suitable habitats exist on the golf course, adjacent to the application site, to support widespread reptile species such as common lizard and grass snake.

In addition, the report states that the entire airfield has been identified as a potential Local Wildlife Site (LWS) and of County importance.

Further there are badger setts within the airfield and badger activity noted on the golf course adjoining the application site.

6. Policies

Whilst policies have been addressed in the application, the reasoning as to the application's compliance with policies is not considered robust.

National Planning Policy Framework

It is stated that the proposed application is in accordance with National Planning Policy Framework (NPPF) paragraph 8 which states: -

Achieving sustainable development means that the planning system has three overarching

objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Comment: - Under a) the application may assist in the economy in a wider context, but will only provide c3 on site jobs locally.

As regards b) this paragraph is in relation to housing and communities and is therefore not relevant.

Under paragraph c) the application does not contribute to the environmental objective.

Rutland County Council - Core Strategy

Policy CS1

Policy CS1 states that any new development in Rutland will be expected to:-

a) Minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)

b) Maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)

c) 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; (see Policy CS4 and CS18)

d) 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 ;(see Policy CS4)

e) Respect and wherever possible enhance the character of the towns, villages and landscape; (see Policies CS19, 20, 21, 22)

f) Minimise the use of resources and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency, use of sustainable materials and minimisation of waste; (see Policies CS19 and 20)

g) Avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere (see Policy CS19);

h) Contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17)

i) Include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)

Comment: - Whilst it is acknowledged that the application may comply with sub paragraph d) it does not comply with sub paragraphs a), b), e) and h)of this policy, particularly because of the impact of increased HGV movements..

Policy CS2

This policy refers to various strategies which include: -

- i) Supporting small scale developments for appropriate employment and tourism uses in the towns, villages and rural areas; (see Policies CS15,16)
- j) Supporting and focussing retail and service development within the town centres of Oakham and Uppingham; (see Policies CS14, 17)
- k) Promoting sustainable transport measures and focus improving accessibility around the key transport hubs of Oakham and Uppingham and linkages to the villages and nearby cities and towns; (see Policy 18)

Comment: - The proposed development cannot be considered a small-scale development and does not have direct link to the key main arterial roads.

Policy CS6

This policy refers to the re-use or redevelopment of bases. It states: -

The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner.

Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.

The key requirements for any proposals are that they should:

- a) Re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
- b) Not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
- c) Protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
- d) Be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network
- E) be accessible by public transport and include measures to encourage walking and cycling;
- f) Incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.

Comment: - The proposed development has not been developed in a comprehensive or co-ordinated manner as evidenced by the fact that this is a retrospective application which has been introduced without any planning consent.

Further it does not comply with sub paragraph b) in that vehicle movements will adversely affect the nearby local communities, particularly, but not limited to the operational hours commencing at 0600 hours and finishing at 1900 hours.

It also does not comply with sub paragraph d) as the level of traffic has not been considered in detail and the operation, it is considered, is likely to unacceptable traffic movements.

Policy CS16

Sub paragraph e) states: -

allow small scale developments for employment purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness

of the area;

Comment:- Whilst it is acknowledged that the proposal is on a military base it does not comply with this policy as it is not small scale and does not maintain or enhance the environment, nor does it contribute to the local distinctiveness of the area in the form of not just storing a significant number of trailers and vehicles but also the associated traffic movements.

Policy CS19 - Promoting good design

Policy CS 19 states: -

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

All new developments will be expected to meet high standards of design that:

- a) Are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside;
- b) Reduce the opportunity for crime and the fear of crime and support inclusive communities, particularly in terms of access and functionality;
- c) Incorporate features to minimise energy consumption and maximise generation of renewable energy as part of the development (see Policy CS20);
- d) Minimise water use and the risk of flooding to and from the development including the use of Sustainable Urban Drainage Systems wherever possible;
- e) Minimise the production of waste during their construction and operation and maximise the re-use and recycling of materials arising from construction and demolition and;
- f) Allow the sorting, recycling and biological processing of waste through the development's operational life.

Comment: - The proposed development does not make any positive contribution and will create noise, light pollution through transport movements in a rural area having an adverse impact on local character and amenities.

Site Allocations and Policies DPD

Policy SP15

Policy SP 15 largely compares to CS19.

Sub paragraphs c) and m) state: -

c) Amenity The development should protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance.

m) Impact on the highway network Development should be designed and located so that it does not have unacceptable adverse impact on the highway network. Where necessary mitigation measures will be required to ensure that any impact is kept within acceptable limits. Development that would have an unacceptable adverse impact on the highway network will not be permitted.

Comment: - The proposed development does not protect the wider environment nor neighbouring uses (nearby neighbouring residential dwellings and Edith Weston village itself) and will also affect safety of pedestrians and cyclists.

Further it is considered that the development will have an unacceptable impact on the highway particularly due to the lack of clarity on vehicle movement numbers.

Edith Weston Neighbourhood Plan

The Edith Weston Neighbourhood Plan remains a legally binding document and is, therefore, a material consideration when assessing this application and policy EW2 is relevant to this application.

Policy EW2. Commercial and Industrial Development, including tourism and recreation

In supporting additional economic growth new development will be expected to:

- a) Fall within the boundary of planned limits of development for the village unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances, and
- b) where possible, development should be sited in existing buildings or on areas of previously developed land, and
- c) be of a size and scale not adversely affect the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside, and
- d) meet the requirements of the relevant Core Strategy and other development plan policies.

Whilst the proposed development complies with sub paragraph b) does not comply with it does not comply with sub paragraphs a), c) or d).

Manton Parish Council has learnt in the last 48 hours about the latest proposals associated with this application. In the light of probable increased heavy grade traffic movement through our village with time, we are concerned that our Parish Council was not kept informed.

This objection has been circulated to Manton Parish Councillors by email and approval obtained.

Although the application is retrospective and the lorry park currently operational, we understand that a substantially increased level of very heavy vehicle traffic through Manton is likely to occur with time. The resulting increase in noise, in the passage of numerous unsightly large vehicles through a small village, air quality deterioration in the village, and the increased danger to cyclists on the Rutland Water cycle path through Manton are of major concern. The Operational Plan suggests a peak of two-way heavy traffic movements of 26 per day, presumably indicating 52 one-way movements. If these occur during a limited period, or at an inconvenient time such as early morning, and if many are directed through Manton, the effect on the village could be devastating. The Operational Plan indicates that a chosen exit route from the lorry park will be westwards through Manton to the A6003, where vehicles will be expected to turn left (south). An alternative route north of Rutland Water is proposed for vehicles wanting to travel north along the A6003, but it is very likely that drivers, following their satellite navigation systems, will travel through Manton and turn north onto the A6003, in many cases dangerously obstructing the south-bound A6003 carriageway.

We have had sight of Edith Weston Parish Council's draft objection, are in support of it, and recommend that current development should be remediated and no further development allowed.

Highways With respect to the application for the change of use of hard standing from an airfield to B8 vehicle storage.

There are concerns with articulated vehicles exiting Pennine Way as the layout of the junction is not of an adequate geometry to allow vehicles safety to exit.

The junction of Pennine Way close to the mini roundabout for the Edith Weston Road/Manton Road/Normonton Road. To ensure safe movement of vehicles at this junction, it is suggested that

the mini roundabout and Pennine Way are re-designed so that the four roads all meet at a new island and thus allowing for all vehicles to be able to safely merge and move to their destinations.

I note that there will be a movement plan so that HGVs do not access A6003 at Manton Top. This is really important as at present that junction is unsuitable for such vehicles to turn right because of the visibility and the central reserve.

North Luffenham Parish Council to the development site. As, contrary to normal practice, no survey work was done prior to the development the size of the population is not known. We therefore suggest a precautionary approach is needed to the delivery of mitigatory habitat based on the likely presence of a substantive population within and adjacent to the development site. While we would wish to see the application rejected and the environmental interest of the site restored if the Council is minded to approve the application we recommend that substantive compensatory habitat is provided to address the impacts that this development has had on protected species. This is in line with RCC's local Plan Policy CS21(f). The Council may consider that a larger area is appropriate given the Government's aspirations to achieve net gain for biodiversity through planning decisions (National Planning Policy Framework policies 170(d) 174(b) and 175(d))

North Luffenham Parish Council It has been brought to our attention that the company operating the vehicle storage area at St Georges Barracks under the lease from the DIO are now storing passenger coaches there.

Currently there are approximately 90 coaches parked on the airfield. The retrospective planning application makes no mention of Coach storage at the site (or any other rigid bodied, long wheelbase vehicles)

Our objection to the retrospective planning application for change of use of the airfield highlighted that the roads around the barracks are not suitable for movements of long wheelbase vehicles, and so we are very concerned to see this new, unannounced, development.

As the company currently has no planning permission for any of the vehicle storage can you advise the course of action you are taking with regard to this issue. Presumably a Stop Order (Temporary or Permanent) on the activity would be appropriate, as the company appears to be operating with no consideration for their own previously stated intentions, or the impact on local residents of the Parishes of North Luffenham and Edith Weston.

Rgds

Pete Burrows
Chair, North Luffenham Parish Council Planning Committee

Edith Weston Parish Council The content of this comment has also been sent in writing via email to the case officer direct.

We refer to the additional information submitted regarding the above application, which Edith Weston Parish Council (EWPC) has considered and we would ask that the Council consider, in detail, all the comments made below.

EWPC objected to this application on 9 th August 2019. The additional information supplied does not provide any reasons for EWPC to withdraw its objection. It also contradicts much of the original design and access statement originally submitted, which leads to confusion as to which statements in which document actually form part of the application. In fact, the additional information contains many inconsistencies and contradictions itself.

Therefore, EWPC objects to the application and considers that the application should be refused based on its previous objection and, in addition, the numerous reasons stated below, which include in summary: -

- The description includes for use of land not included in the red line application area submitted, including but not limited to the former club house for North Luffenham Golf Club, which should have been included as a change of use,
 - The additional information does not contain sufficient detail to allow Rutland County Council (RCC) to make a sound decision and is in fact, in many areas, contradictory and ambiguous,
 - The calculation of traffic numbers is unclear and it appears that the total number of daily "movements" could be 188.
 - The information recently submitted does not contain any additional information that satisfies compliance with the policies raised in EWPC's previous objection,
 - RCC Highways requested that a Transport Assessment be submitted. The additional information regarding traffic does not constitute a Traffic Plan as it does not include information required in such a plan.
 - The originally submitted design and access stated that the application site has negligible ecological value and its potential to support protected/notable species is extremely limited. This is not the case and is detailed below under the heading Ecological Issues. Therefore, it is considered that an ecological assessment should have been submitted with the application.
- Each of the above, are provided in more detail below, where comment is made on the additional information submitted and then assesses the areas where the application is still not compliant with National and Local Plan policies.

1. APPLICATION AREA AND APPLICATION DESCRIPTION

The Operational Plan refers to areas which are, or proposed to be used, which were not included in the original application and not included in the red line application area. No new plan showing a revised application area has been submitted.

In addition, the additional information includes the use of the former North Luffenham Club House to be used for the employee and drivers. Therefore, this should have been included in the application description on the planning application form and a change of use from a club house to an office/mess facility applied for. Therefore, is the application invalid due to the above in which case does it need to be withdrawn and resubmitted?

2. COMMENTS ON THE OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS AND PLANS

Paragraph 2.1

This paragraph refers to 24 hours opening hours.

It does not refer to any limitations on the number of days of operation during the week. Therefore, tractor units and tractor and trailer units could arrive at any time of day or night 7 days a week in this quiet rural area and will have a significant adverse impact on the environment and local villages.

Paragraph 2.2

This refers to ensuring vehicles do not arrive/depart from the site during school drop off/pick up times of 7.30-8.30am and 3.00-4.00pm.

Assuming the school commencement time is 9.00am there could still be parents and children arriving up to 9.00am. Further, if dropping children off for 9.00am many parents may be walking back some time after 9.00am.

Therefore, the restriction of vehicle times is insufficient and the same may well be said of picking up times.

More importantly, the paragraph states that the restriction applies to receiving trailers during these times. It makes no mention of tractor unit arrivals nor departures of tractor units and trailers (which

would be moving adjacent to the pavement on Pennine Drive).

Paragraph 2.3

Paragraph 2.1 referred to 24 hour opening times. Therefore, how can it be that under this paragraph there is only one employee on site?

Paragraph 2.4.

The plan talks about using the golf club house for the employee and for toilet facilities for drivers. The club house is not in the application area. The application area submitted is incorrect and the club house should have been included on the application form as it requires a change of use application.

Paragraph 2.5

This paragraph makes no sense.

Paragraph 2.9

This paragraph refers to security outside opening hours, yet paragraph 2.1 refers to the opening hours being 24 hours. Therefore, the operational plan is confusing in relation to this.

Paragraph 2.10

The plan does not state whether there are existing CCTV cameras or whether there are to be additional CCTV cameras erected. If so, their locations should be identified. In addition, what lighting is in place/proposed to accommodate the CCTV during hours of darkness, what would be the resultant light spill and would that affect any neighbouring properties?

Paragraph 2.11

This refers to drivers only spending a limited time on site save for breakdowns and tachograph issues. Tachograph issues and rest times could result in drivers spending a considerable time on site.

Section 3. Road improvements

In relation to the junction changes, it states that this will result in no vehicles overrunning and crossing into an opposite lane. However, the plan showing vehicles turning left into Pennine Drive clearly shows the vehicle crossing into the other lane, which will cause problems if there is another vehicle already there. The statement in the operational plan is, therefore, incorrect.

No consideration has been given to the implications of the proposed improvements to the trees adjacent to the start of Pennine Drive.

Section 4. Routing Agreements

The preferred exit route is said to be along Normanton Road to the A606. It states RCC have no preferred route for vehicles coming to the site. The reason for the exit route is, it is assumed, to avoid HGVs travelling to Manton and using the Manton Road/A6003 island junction if turning right.

This means that all vehicles leaving the site will have to turn right from Pennine Drive onto Normanton Road the junction being almost adjacent to the roundabout, which is considered unsatisfactory and potentially dangerous.

Section 5. Transport Numbers

It should be noted that the number of vehicles and trailers are considerably different from those submitted in the original design and transport statement originally submitted. Assuming the original statement remains part of the application, which figures prevail. In addition, the hours of operation differ from the original design and transport statement.

Paragraph 5.3

This provides average vehicle numbers, which are absolutely meaningless due to the reference to peak and low periods of activity in paragraph 5.4.

Paragraph 5.4

This paragraph is misleading as it talks about 2 way movements rather than providing total single movements.

Therefore, if there is a peak of 26 two way tractor movements in any one day and 68 two way trailer movements in any one day, this will lead to the possibility of 188 total movements in any one day.

Paragraph 2.1 refers to the majority of vehicle movements taking place between 0700 and 1800 hours. Based on that it would lead to 17 movements per hour (one every 3.5 minutes). It could also or alternatively mean vehicle movements throughout the night. In reality, vehicle movements per hour would be significantly higher because of the desirable constraints imposed by school hours.

The number of vehicle movements would have a serious adverse impact on the local area, local communities and other drivers in the area.

If the proposed exit route is used as well as deliveries coming along the same route, there would be a severe adverse impact on not only the local community and Edith Weston village but also visitors to Rutland Water, together with the potential serious congestion of HGVs versus those vehicles trying to enter and exit Normanton Car Park.

Monitoring vehicle routing and number of movements

The applicant has provided no methods of controlling vehicle movements or numbers. There is not even an offer to enter a routing agreement with RCC.

The only reference to "monitoring" is the complaints procedure, which quite unfairly, puts the monitoring responsibility onto the local inhabitants and other road users, which is totally unacceptable. The company should have a comprehensive monitoring procedure for vehicle routing.

Traffic Assessment

RCC Highways requested a Transport Plan and the reference in the Operational Plan to vehicle numbers does not constitute a traffic plan which should also include, but not necessarily limited to :-

- an assessment of trips from all directly relevant committed development in the area (ie development that there is a reasonable degree of certainty will proceed within the next 3 years);
- an assessment of the traffic flows from existing developments. In particular lorry movements from the adjacent warehouse facility run by Ellis's; which it should be noted that a significant proportion of that development also does not currently have planning permission.
- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network;

- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas);
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms.

3. POLICIES

Whilst policies have been addressed in the initial information submitted with the application, the reasoning as to the application's compliance with policies is not considered robust despite the submission of the additional information (operational Plan and other documents). Therefore, many of the original EWPC comments on policies still stand.

National Planning Policy Framework

It is stated that the proposed application is in accordance with National Planning Policy Framework (NPPF) paragraph 8 which states: -

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Comment: - Under a) the application may assist in the economy in a wider context, but will, according to the Operational Plan, only provide one on site job locally.

As regards b) this paragraph is in relation to housing and communities and is therefore not relevant.

Under paragraph c) the application does not contribute to the environmental objective.

Rutland County Council - Core Strategy

Policy CS1 Policy CS1 states that any new development in Rutland will be expected to:-

- a) minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)

- b) maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)
- c) 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; (see Policy CS4 and CS18)
- d) 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;(see Policy CS4)
- e) respect and wherever possible enhance the character of the towns, villages and landscape; (see Policies CS19, 20, 21, 22)
- f) minimise the use of resources and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency, use of sustainable materials and minimisation of waste; (see Policies CS19 and 20)
- g) avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere (see Policy CS19);
- h) contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17) i) include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)

Comment: - Whilst it is acknowledged that the application may comply with sub paragraph d) it does not comply with sub paragraphs a), b), e) and h) of this policy, particularly because of the impact of increased HGV movements.

Policy CS2

This policy refers to various strategies which include: -

- i) supporting small scale developments for appropriate employment and tourism uses in the towns, villages and rural areas; (see Policies CS15,16)
- j) supporting and focussing retail and service development within the town centres of Oakham and Uppingham; (see Policies CS14, 17)
- k) promoting sustainable transport measures and focus improving accessibility around the key transport hubs of Oakham and Uppingham and linkages to the villages and nearby cities and towns; (see Policy 18)

Comment: - The proposed development cannot be considered a small-scale development and does not have direct link to the key main arterial roads.

Policy CS6

This policy refers to the re-use or redevelopment of bases. It states: -

The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner.

Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.

The key requirements for any proposals are that they should:

- a) re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
- b) not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
- c) protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
- d) be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network

- e) be accessible by public transport and include measures to encourage walking and cycling;
- f) incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.

Comment: - The proposed development has not been developed in a comprehensive or co-ordinated manner as evidenced by the fact that this is a retrospective application which has been introduced without any planning consent. In addition, this is confirmed by the information included in the Operational Plan which in many areas conflicts and/or contradicts the original design and access statement.

Further it does not comply with sub paragraph b) in that vehicle movements will adversely affect the nearby local communities, particularly, but not limited to the operational hours commencing at 0600 hours and finishing at 1900 hours (even if amended to 0700 to 1800 as indicated in the Operational Plan).

It also does not comply with sub paragraph d) as the level of traffic could generate a maximum of 188 movements per day and these levels of vehicle movements are considered unacceptable as the traffic will travel through Edith Weston and neighbouring villages (North Luffenham, Manton and Empingham).

Policy CS16

Sub paragraph e) states: -

allow small scale developments for employment purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness of the area;

Comment:- Whilst it is acknowledged that the proposal is on a military base, it is immediately adjacent to a local service centre and, combined with the traffic movements through this service centre, it does not, therefore, comply with this policy as it is not small scale and does not maintain or enhance the environment, nor does it contribute to the local distinctiveness of the area in the form of not just storing a significant number of trailers and vehicles but also the significant associated traffic movements.

Policy CS19 - Promoting good design

Policy CS 19 states: -

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

All new developments will be expected to meet high standards of design that:

- a) are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside;
- b) reduce the opportunity for crime and the fear of crime and support inclusive communities, particularly in terms of access and functionality;
- c) incorporate features to minimise energy consumption and maximise generation of renewable energy as part of the development (see Policy CS20);
- d) minimise water use and the risk of flooding to and from the development including the use of Sustainable Urban Drainage Systems wherever possible;
- e) minimise the production of waste during their construction and operation and maximise the re-use and recycling of materials arising from construction and demolition and;
- f) allow the sorting, recycling and biological processing of waste through the development's

operational life.

Comment: - The proposed development does not make any positive contribution and will create noise, light pollution through transport movements in a rural area having an adverse impact on local character and amenities.

Policy CS21 - The natural environment

Development should be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.

The quality and diversity of the natural environment of Rutland will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.

Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.

All developments, projects and activities will be expected to:

- a) Provide an appropriate level of protection to legally protected sites and species;
- b) Maintain and where appropriate enhance conditions for priority habitats and species identified in the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
- c) Maintain and where appropriate enhance recognised geodiversity assets
- d) Maintain and where appropriate enhance other sites, features, species or networks of ecological interest and provide for appropriate management of these;
- e) Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, particularly in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
- f) Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere;
- g) Respect and where appropriate enhance the character of the landscape identified in the Rutland Landscape Character assessment;
- h) Maintain and where appropriate enhance green infrastructure. (see Policy CS23)

Comment:- As can be noted by the ecological commentary below, the application does not comply with paragraph a) above and the works undertaken on site appear to have adversely affected species.

Site Allocations and Policies DPD

Policy SP15

Policy SP 15 largely compares to CS19.

Sub paragraphs c) and m) state: -

c) Amenity. The development should protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance.

m) Impact on the highway network Development should be designed and located so that it does not have unacceptable adverse impact on the highway network. Where necessary mitigation measures will be required to ensure that any impact is kept within acceptable limits. Development that would have an unacceptable adverse impact on the highway network will not be permitted.

Comment: - The proposed development does not protect the wider environment nor neighbouring uses (nearby neighbouring residential dwellings and Edith Weston village itself) and will also affect safety of other road users, pedestrians and cyclists.

Further it is considered that the development will have an unacceptable impact on the highways particularly due to the likely significant vehicle movement numbers, particularly Pennine Drive, Normanton Road, Manton Road and Edith Weston Road which do not form part of the County's main arterial road network.

Edith Weston Neighbourhood Plan

The Edith Weston Neighbourhood Plan remains a legally binding document and is, therefore, a material consideration when assessing this application and policy EW2 is relevant to this application.

Policy EW2. Commercial and Industrial Development, including tourism and Recreation

In supporting additional economic growth new development will be expected to:

- a) fall within the boundary of planned limits of development for the village unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances, and
- b) where possible, development should be sited in existing buildings or on areas of previously developed land, and
- c) be of a size and scale not adversely affect the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside, and
- d) meet the requirements of the relevant Core Strategy and other development plan policies.

Comment:- Whilst the proposed development complies with sub paragraph b) it does not comply with sub paragraphs a), c) or d).

Environmental Issues

1. The planning application fails to address a number of key environmental issues most notably the adverse impact that the development has had on protected species. It therefore runs counter to Policy CS21(a) of the current Local Plan.
2. The site, and the immediate surrounding area, is known to support a number of species protected by legislation. These include Common Lizard, Adder, Grass Snake and Great-crested Newt. In addition Slow Worm has recently been found close by. The presence of these species has been confirmed by the Leicestershire County Council Ecology Unit in their consultation responses of 4th September and 21 st October 2019.
3. Great-crested Newts benefit from very specific protection measures. In the document that the applicant has submitted there appears to be no evidence that they have taken 'reasonable measures' to satisfy their responsibilities in relation to this protected species.
4. In their planning design statement the applicant states that "The site comprising entirely of concrete hardstanding has negligible ecological value". This statement is fundamentally flawed for a number of reasons:
 - a. Clearly the potential ecological impacts need to be judged not against the state of the site now but what was there prior to the applicant commencing operations. Prior to the applicant commencing operations none of the fringing areas of the site were simply bare concrete. Through a process of benign neglect there had been a build-up in debris of various sorts (sand, small stones and mud), this in turn had had become partially vegetated and in places concrete rubble had been left in piles. A local wildlife expert, who has had regular access to the site since 2008, advised that this provided feeding habitat for Common Lizards that lived in the fringing zone between the runways/taxi ways and the open areas of grassland that border almost all of the

applicants development area. This habitat was lost when the runways were scraped clean in order to provide vehicle parking.

b. In addition the applicant also appears to have bulldozed the fringing areas, inhabited by common lizards, mentioned above. It appears that this has been done so that trailers can be parked overhanging the adjacent fringing areas and grassland (typically by 2 to 4 metres). These areas are outside the applicant's planning application boundary.

c. It is understood that there were two hibernacula (winter hibernations sites) for Common Lizard's under piles of concrete within the area now being used by the applicant for vehicle storage. These were lost when the applicant appeared to have scraped clear the runways in spring 2019. d. It is also noted that not all of the area being used by the operator is concrete. One section being used by the applicant (at SK941049) is gravel. This is the location for one of the hibernacula mentioned above. From the above it appears that the operator's actions have caused the destruction of a significant area of protected species habitat.

5. The applicant, appears to have failed to follow good practice with respect to protected species (see: <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>) and also appears has failed to evaluate further indirect impacts on protected species from their operation. These include:

a. The parked trailers that overhang the fringing areas of the runways, typically, by 2 to 3 metres (though more in places), these generate a direct shading effect leading to the die back of vegetation and changing the microclimate. Given that reptiles are cold blooded this makes these areas unsuitable to support such species.

b. There is also a wider shading effect caused by the shadow of the parked trailers. This extends out on to the adjacent fringing areas and grassland. It seems reasonable to assume, because these areas receive less sunshine, that this reduces the temperature of these areas and hence their suitability to support reptiles.

6. The applicant states that "there are no known legislative reasons pertaining to nature conservation that would preclude the use of the site as a temporary vehicle storage area". It is clear, given the points raised above, that this statement is incorrect and there are significant legislative responsibilities that the applicant needs to address.

It is also understood that staff working for the applicant discovered common lizards while clearing the site in spring 2019, having mentioned this to a member of the local community.

7. The ecological advice RCC have had from the Leicestershire County Council Ecology Unit while sound in many respects has not taken in to account a number of points. The following is of note and RCC should seek their expert opinion on these:

a. In their comments of 6 th August 2019 they said they had no objection because the development was 'sited on existing hardstanding', they understood it to be within the red-line boundary and did not extend to the grassland areas. Given the points made above none of these caveats hold.

b. In their comments dated 4 th September 2019 they made clear that there was likely to be a need for mitigation to offset the impacts on protected species arising from this development. It is clear from the evidence presented that those impacts are significantly greater than the Ecology Unit were aware of when they made that response. It is recommended that, if the development is to be granted planning permission, there is a need for substantial mitigation to address the adverse habitat and species impacts caused by this development.. This approach is supported by Local Plan Policy CS21(f). If the application is refused the developer should be required to restore the site.

c. In their comments of 21 st October 2019 they make reference to a survey that showed that the "site forms only a small area of a much larger population further to the east". It is understood that this survey was carried out in late spring and summer 2019 after the developer had cleared the site, destroying areas used by at least on

Edith Weston Parish Council See letter online for details.

Empingham Parish Council

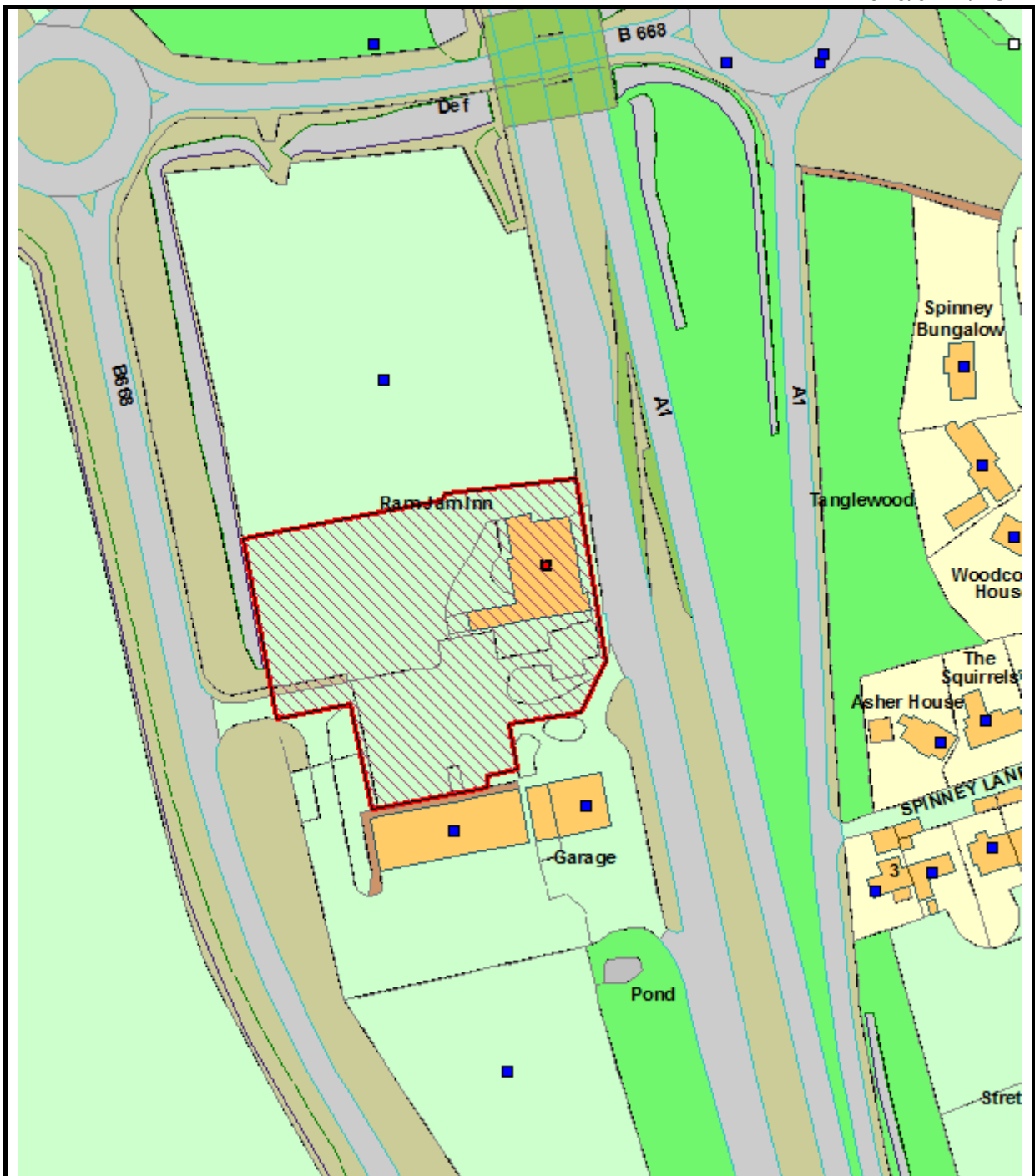
Further to our brief conversation by phone I apologise for the slight delay in forwarding comment by Empingham Parish Council (EPC) on the above application.

EPC welcomed the opportunity to comment on this controversial application. It was discussed at the EPC meeting on Thursday 7 May. In view of the extensive, sensible, relevant comment and observation by other parties EPC comment is as brief as possible ;-

- EPC supports the views of other Parish Councils, in particular those by Edith Weston Parish Council (usefully related to the Local Plan),
- the need for a retrospective application for this significant operation does not reflect well on the efficiency and effectiveness of the operator or the landlord (that has an MOU with RCC in relation to the proposed development of the site),
- parking 1200 trailers and a significant number of tractor units at an isolated rural location accessed by several miles of rural roads unsuited to HGV traffic should be resisted,
- there is no means of policing routes that lorries would take and driver guidance is not enforceable,
- suggested traffic movements are ridiculously low and suggested efforts to avoid school times both derisory and unenforceable,
- access to the site via Pennine Drive that serves a residential estate is dangerous as it is too close to the mini roundabout in Edith Weston,
- the access and egress from the A6003 at Manton is especially dangerous given the length of articulated vehicles and sight lines; also the junction of Normanton Park Road with A606 on the route to the A1 would need to be improved with appropriate signposting,
- the site will be manned during the day but permission is sought for 24 hour operation -- movements of lorries during the night is obtrusive, and there are already examples lorries queuing to gain access before the site is manned,
- there is no environmental assessment, and
- there is no application for a change of use of the former golf clubhouse.

Public Protection No objection to the development

This page is intentionally left blank



© Crown copyright and database rights [2013]
Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0142/FUL	ITEM 2	
Proposal:	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.		
Address:	Ram Jam Inn, Great North Road, Greetham, Rutland		
Applicant:	Godwin Developments	Parish	Greetham
Agent:	Rapleys LLP	Ward	Greetham
Reason for presenting to Committee:	Resubmission following Refusal of application No 2018/0539 and Dismissed Appeal		
Date of Committee:	15 December 2020		

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) floor space 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

Prior to the occupation of any units hereby approved details of a strategy to deal with litter from the site including the provision of on-site litter bins shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall then be implemented in accordance with the agreed details prior to the use commencing.

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.
24. Prior to the occupation of any units hereby approved details of a strategy to deal with litter from the site including the provision of on-site litter bins shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall then be implemented in accordance with the agreed details prior to the use commencing.
Reason: In the interests of protecting the general amenity of the area.

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 20th 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.
7. The application as originally submitted included Drawing No's J32-3395-PS-550B and J32-3395-PS-506 which show the arrangement for 2 way access of vehicles between the Service Filling Station and the proposed development on the site of the existing Ram Jam site. An informal access arrangement operates at present were vehicle access the filling station forecourt from the B668 Greetham Road.
8. Following the request of officers revised Drawings No J32-3395-PS-500 and B6509 (PL) 021B have been submitted showing access to the Ram Jam site from the Service filling Station but no access for vehicles from the B668 Greetham Road to the service filling station. We are currently seeking comments on these amended plans.
9. The application was deferred at the November meeting in order to allow consultation of the

Greetham and Stretton Parish Councils and residents on the submitted amended layout drawing showing a one way access from the SFS into the Ram Jam Site. Any responses received will be reported in an addendum to this report at the meeting.

Proposal

10. 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
11. 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.
12. 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.
13. 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.
14. The units would have the following approximate heights:
 - Unit 1 – 8.5m
 - Unit 2 – 6.5m
 - Unit 3 – 8.5m
 - Unit 4 – 8.5m
15. 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.
16. 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
17. The four units would have provided:

- Unit 1 - 506m² drive through (2 storey)
 - Unit 2 – 229m² drive through
 - Unit3 – 167m² drive through
 - Unit 4 – 70m² drive to
18. This compares to the previous approval in under reference No 2017/0278/FUL (see appendix 3) which comprised:
- 260m² of B1 Office,
 - 993m² of B2 industrial,
 - 268m² of retail plus associated circulation areas; and
 - 118m² of café.
19. 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)
20. 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
21. 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.
22. 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.
23. Prior to the submission of the current application a presentation was made to Ward Councillors on 28th 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 260m² 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.

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

24. Greetham Parish Council

3rd 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.

14th 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.

25. Greetham Parish Council have made the following additional comments:

“Greetham Parish Council is in favour of the redevelopment of the site and believes that the current application is significantly better than the previous one. However, there are some issues which we would like to press which do not appear to be represented in the Planners recommendations that you have before you.

Firstly, the residents of Greetham do not wish to lose access to the petrol station and shop. The road layouts in the original application documents did not give us any cause for concern but we note that there is a new road layout would appear to prevent access to the petrol forecourt from the B668 as it would be against a one way system. The drawing in Appendix 1 does not make this entirely clear as a tree is obscuring the detail of the road junction at the critical point. So we would like clarification on this matter.

Secondly, in line with RCC’s policies of promoting pedestrian and cycle routes to improve sustainability, we believe there is a strong case for there to be a requirement for a S106 Agreement for the applicant to fund the extension of the pedestrian / cycle route from Greetham to the Ram Jam site. This would also complete the link to Oakham. We note that there is the prediction for there to be 160 jobs created by the development, who otherwise will have to travel by car as there is no bus service.

Thirdly, we are concerned at the almost inevitable increase in rubbish that there will be along the B668. Greetham takes great pride in keeping our village clean and tidy. Villagers regularly partake in litter picks within the village and the B668 is a gateway into Rutland. There is ample evidence that roads leading from such fast food outlets to centres of local population will be subject to significant quantities of rubbish which is simply thrown out of the car windows. This is highly regrettable, but a fact of life. It would be very undesirable if rubbish is not regularly cleared from the verges and as it is the product of the fast food outlets they should have the responsibility to clear it up. It is likely that the rubbish will continue all the way to Oakham as this will be the point at which the food has been consumed.”

26. **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

27. **Anglian Water**

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

28. 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.

29. 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.

30. **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.

31. **Highways England**

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

32. **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.

33. **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

34. 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, detrimental 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,
- Concens about conflict with vehcular 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,

35. At the November meeting of the Planning and Licencing Committee the following additional views were reported in the addendum

Comments have also been made by the proprietor of Greetham Garage:

“There are 4 trees shown on the plan to be planted along our boundary between our building and the back of unit 2.

The roots of these trees will interfere with

- The mains sewage,
- the water supply to the Ram Jam Service Station and
- The pipe taking water from our Garage roof to our Rainwater harvester, all of which run along this boundary.

36. Comments received from a nearby resident

I am just submitting this comment in writing as it need not take up discussion time, however it is an important point.”

An objection letter has also been received from Mr & Mrs Harrison and is copied below:

“We would be most obliged if you would put before the members of the Planning and Licensing Committee the following, for their consideration relating to the above Planning Application.

We write on behalf of the many people who had expressed publically their unhappiness to the original, rejected, application and this subsequent revised application.

Appreciating the short notice and the need to be brief and concise, we would ask that the following bullet points are evaluated fully.

Yours sincerely,

Mr and Mrs R. Harrison.

- Committee members should remember that the Planning Inspector confirmed their decision to not accept the Planning Officers recommendation for this type of development on this site.
- It is very unusual for the Planning Inspector to go against Planning Officers advice and even when the applicants Leading Council and two junior barristers made their submissions he was not persuaded that there was sufficient merit in allowing such an inappropriate use of this site to take place.
- That the applicant has an authorised, and we understand, fully approved development 2017/0278/FUL for this site. They have already started work on the site to keep this permission alive and RCC Planning have approved Building

Cladding etc. There is absolutely no impediment to this development taking place.

- This current application is very similar to the one rejected and except for some creative tinkering possesses all the same problems the original application had.
- Rutland has a duty to ensure all new developments are appropriate for the sites location, and the Planning Inspector made it very clear that this site is not regarded as suitable or appropriate for this type of development.
- The Planning Inspector also felt that the Historic and Iconic Ram Jam Inn should be retained. Its retention was key to the already approved Planning Permission, which is eminently more in keeping with the site, and one which RCC Planning Officers insisted upon when development of the site was first proposed.
- Highways England may well alter their opinion in light of their recent objection to 2020/0842/MAF, where they confirm that this section of the A1 has problems of safe and suitable access. It is not as if there are no alternative fast food, drive through, and sit-downs available. There are 6 at Colsterworth, 2 at South Witham, 1 at Tickencote as well as Food and Beverage Vans in lay-bys etc.
- We also applaud Rutland County Council's initiative, alongside our MP Alicia Kearns, to form the A1 working group. This group has already written to the Transport Secretary (as issued by Alicia Kearns and published in the Rutland and Stamford papers) calling for urgent and targeted action to resolve the issues with this Major Trunk Road.
- We can see nothing that has been done to eliminate the cross traffic problem with Southbound drivers accessing and egressing the development. This will have major implications to the villagers of Stretton and Clipsham, particularly the children in the Shires Residential Special Needs School.
- Parish Councils and Consultees have all expressed opposition to this development. Having looked carefully at this application we feel very little, if anything, has been done to address those varied and substantiated concerns, most of which, if not all were supported by the Planning Inspector in his rejection of the appeal. Committee members have these points to hand and can easily determine for themselves if and how they have been addressed.
- There is no tangible support for this development and unlike the approved and granted development for this site the type of jobs this development will deliver are low paid, insecure and involve travel to and from the site from Peterborough, Nottingham and Newark etc. The County Council has also approved the new Prison development at Stocken which will further exasperate the present overloaded sewage system affecting the villages of Stocken, Stretton, Greetham and Cottesmore. Everyone local can testify to these problems but to-date they are largely ignored.
- All we can ask is that the current Planning Committee reflects fully on the Planning Inspectors statement, made when he supported your previous Planning Committee's rejection. In this he stated ***'that the retention of the Ram Jam Inn is important as it possesses local distinctiveness and a sense of place because of its local vernacular construction and landscaped nature. 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. And again refuse this application, support the Planning Inspector and other Consultees and safeguard this part of Rutland for this and the generations to come. The present granted development for the site does it."

37. In response to Consultation carried out on 11 December 2 further comments have been received. The first from Greetham Garage.

- 1) Drawing J32-3395-500 revision B (04/09/2020) showing a one way system preventing access to the PFS (petrol filling station) from the B668 is against our legal rights in our deeds Land registry Title No. LT399575 edition date 09/09/2010. It also prevents local access via the B668 road to the PFS and shop which will impact us all.
- 2) We are happy with the earlier drawing with 2 way traffic J32-3395-PS-500 (21/01/2020) with a Give Way to traffic leaving the PFS.
- 3) We are happy with the Swept path analysis on drawing J32-3395-PS-506. With my local knowledge, at present traffic naturally gives way from the B668 / car park access route to vehicles leaving the PFS. A deep pothole currently marks the area where traffic waits it's turn to access the PFS and shop and also our gates adjacent the A1/ PFS to access our Greetham Garage site.
- 4) Subject to our legal rights for access, services and boundaries being honoured, we have no objections to the development

38. The second from a resident in Stretton stating that;

With regards to the restricted vehicle access to the petrol station forecourt from the B668 I wish to object strongly, I am a local resident with 5 vehicles in our household that has relied on access to the filling station for over 30yrs. To my knowledge there has been no accidents or incidents with 2-way access to the forecourt so for someone to alter this on a whim is grossly unfair and poorly thought out with little or no consultation with those who rely on this access. I have no doubt that 25-30% of the business that uses the filling station forecourt enters from the B668. To suggest we can use other filling stations or take a large diversion to be able to use the ram jam filling station is just arrogant beyond belief.

I'm in favour of the general development of the area but not with the reduced access.

39. Any further comments will be reported to committee at the meeting

Planning Assessment

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

Policy

41. 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.

42. 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.

43. 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.
44. The scheme complies with Government Guidance in the Circular set out above and Policy SP1 (Sustainable Development).

Retention of the existing building

45. 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.
46. 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.
47. 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.
48. The policies of the Greetham Neighbourhood Plan are noted, together with the comments of Rutland History and Record Society.
49. 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.
50. 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

51. 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.
52. 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

53. The owner of Greetham garage has raised issues relating to boundaries etc. but these are essentially private legal matters.

Loss of preserved trees

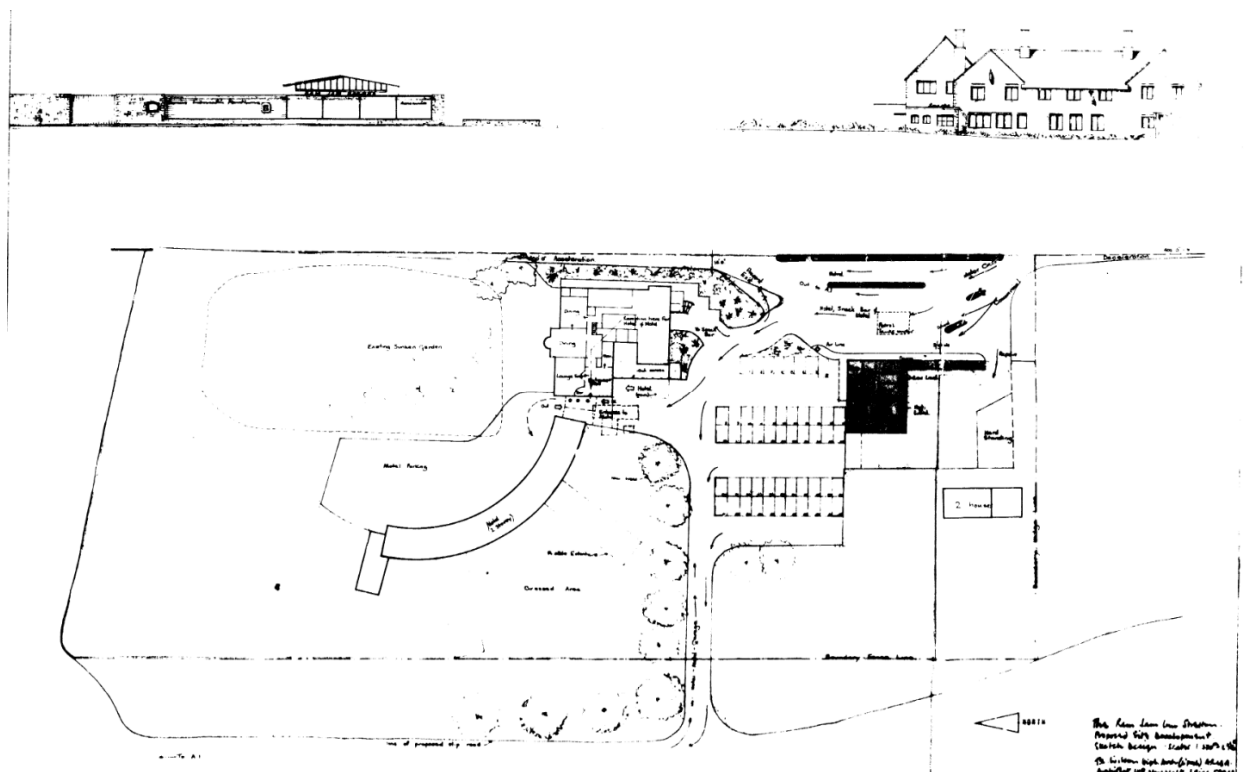
54. The recent TPO on the apple trees by the access from the B668 was served in response to the loss of the majority of the orchard before the site was acquired by the current applicants. The applicant has been asked to consider a layout that retains these trees. In response to the previous refusal which showed the majority of the trees being removed the applicant has now shown them as being retained.
55. Concern has been raised by the adjoining occupier about proposed trees shown on the site plan and their close proximity to the building. Condition 15 requires full details of all hard and soft landscaping to be agreed in writing and this issue can be controlled via that condition to ensure that any landscaping does not impact on adjacent buildings.
56. 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

57. The scheme provides for parking for 72 vehicles (inc 5 disabled bays) and 3 Sheffield cycle racks (6 spaces).
58. 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.
59. There are no serious accident records from around the area that would indicate existing safety concerns that may be exacerbated by the proposal.
60. 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.
61. 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.
62. 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.
63. 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.
64. With regards to the comments about the need for cycle and footpath links the applicants have proposed to install at the request of the Local Highway Authority 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. This would enable a future link to be put in by the authority to the south if required. I don't know how I get round this because the two-way solution has my personal 'objection', albeit not Highways England and just general I think it's daft / will cause harm. I know we are taking it to committee so the best I can probably do and I'll note this is sitting uncomfortably.

65. Representations received from MPK Garages Ltd through the consultation process of the current application, (who own and operate Ram Jam Service Station which adjoins the development site) and over which access is required to enter the development site directly from the north-bound A1 trunk road raised concerns through Consultant Adcock Associates over a previous planning application at this site for similar development, those concerns would still apply to this new application.
66. The intensified use of the neighbouring site is designed to attract a large number of vehicles off the adjacent A1 north-bound carriageway. Those vehicles must enter the development site through the petrol filling station forecourt to enter the proposed new drive-to & thru facilities. Concerned was expressed that those new traffic movements will create a hazardous situation with regard to increased risk of vehicle collisions on our fuel forecourt due to the conflicting directions of travel of forecourt fuel customers, fuel tanker deliveries and the customers of the multiple new drive-to/thru units. Drawing were attached which are included in appendix 5 of this report. The request from this neighbour was that this safety concern was taken into consideration on arriving at a decision.
67. Having checked the planning history for the site it is clear that when planning permission was granted for the Petrol Filling Station (PFS) under application 271/66 the access was designed to be one way from the PFS into the Ram Jam site (see approved plan below).



68. A further response received in May from Property Manager, MPK Garages Ltd stated that 'the proposed amended scheme still requires that any vehicles accessing the retail units from the A1 Northbound carriageway must be driven across and through the petrol filling station forecourt. This will create conflict of traffic movements within MPK's petrol

72. RCC Highways.... 'accedes that it does not have a strong influence over the internal matters nor the relationship of the A1 slip road with the Service Filling Station when the appropriate Highway Authority has raised no concerns.
73. To conclude the application as originally submitted included Drawing No's J32-3395-PS-550B and J32-3395-PS-506 which show the arrangement for 2 way access of vehicles between the Service Filling Station and the proposed development on the site of the existing Ram Jam site. An informal access arrangement operates at present where vehicle access the filling station forecourt from the B668 Greetham Road.
74. Following the request of officers revised Drawings No J32-3395-PS-500 and B6509 (PL) 021B have been submitted by the applicants agent showing access to the Ram Jam site from the Service filling Station but no access for vehicles from the B668 Greetham Road to the service filling station. It is this arrangement that officers consider addresses the safety concerns identified by the Service Filling Station and RCC Highways.

Other matters

75. 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.
76. Concern has also been raised in relation to litter at the site. Following further consideration an additional condition is proposed in order to mitigate this impact.

Conclusion

77. 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



nicol thomas

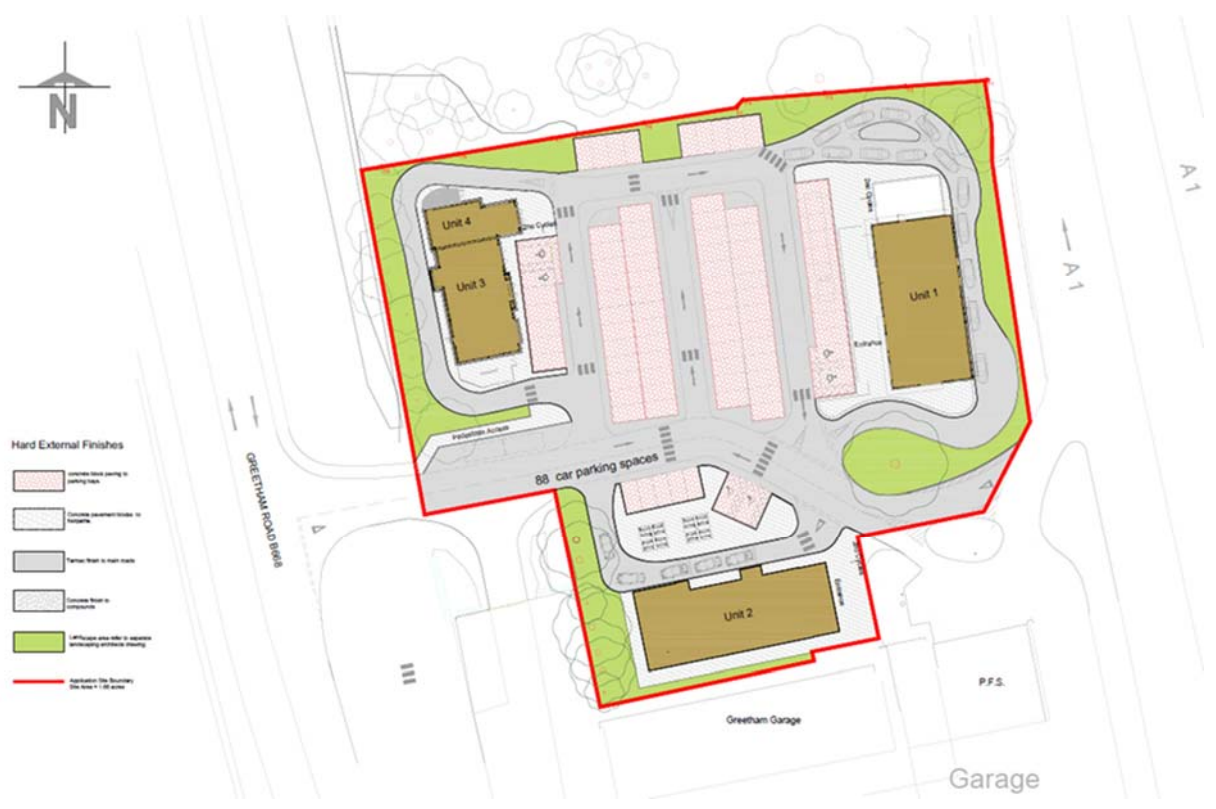
Revision	Date	Details
A	28 Oct 2020	Revisions made by highways at per email 17 Oct 2020
B	28 Oct 2020	Revisions made by highways at per email 08 Oct 2020

nicol thomas
 architects, interior designers, landscape architects, MEP consultants
 100, 101 & 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

* For Landscape Proposal Plan, please see drawing 018-108-010-001 Landscape Design 001



PLANNING	Client:	Greatham Developments	
	Site:	Plot 201, 202, Greatham, Canham	
	Drawing title:	Site Plan	
	Drawing Number:	B66509 (PL) 021	
Scale:	1:250 (A1)	Revision:	B
Date:	22 Oct 2020		
Drawn by/checked by:	JB / JPD		



Appendix 3 – No 2017/0278/FUL





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

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

78. 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.

79. 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 972m², 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 m² 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.

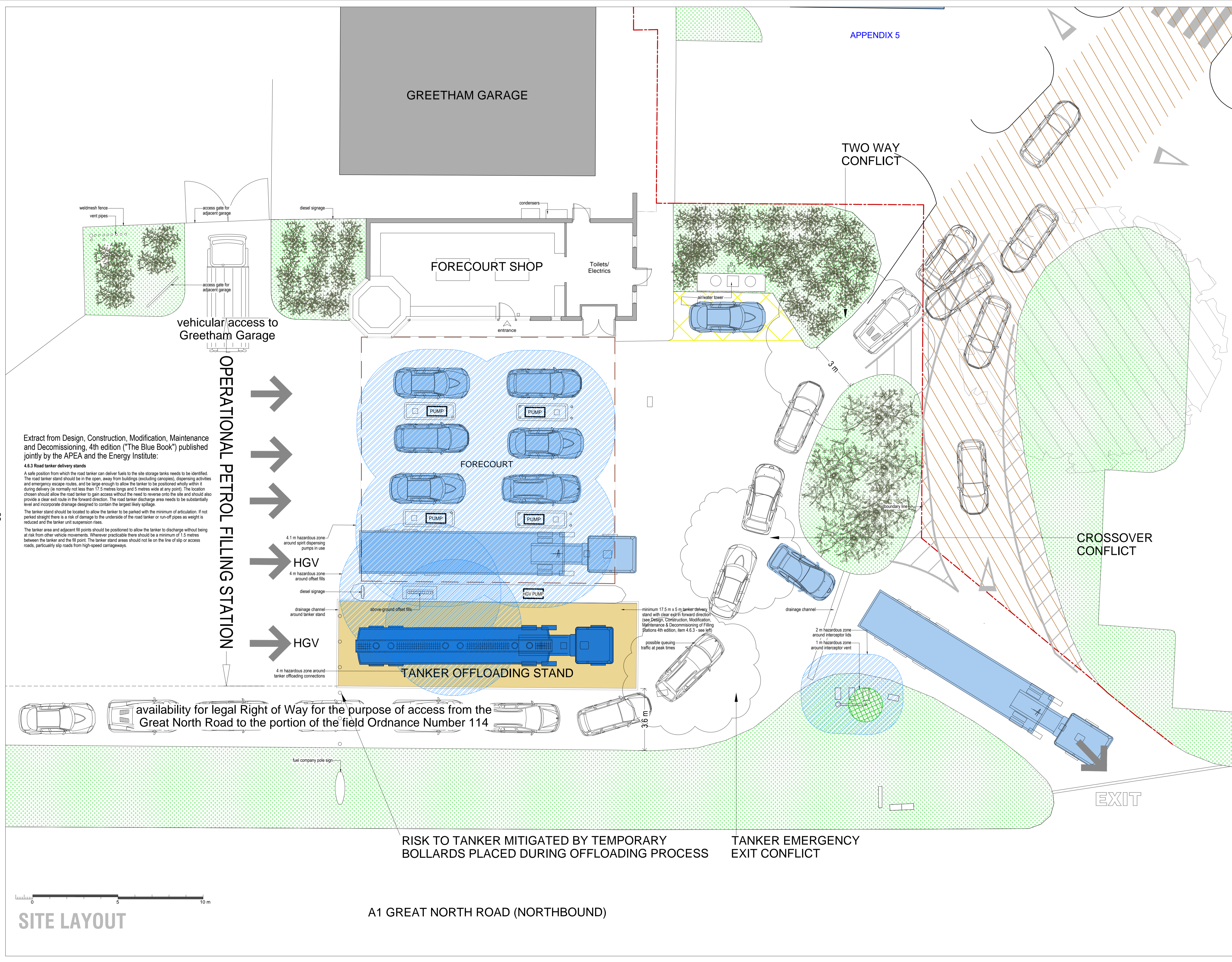
31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with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



Extract from Design, Construction, Modification, Maintenance and Decommissioning, 4th edition ("The Blue Book") published jointly by the APEA and the Energy Institute:

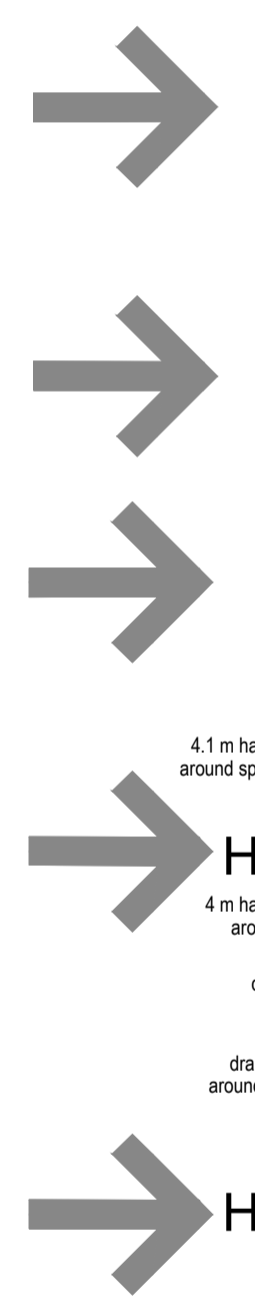
4.6.3 Road tanker delivery stands

A safe position from which the road tanker can deliver fuels to the site storage tanks needs to be identified. The road tanker stand should be in the open, away from buildings (excluding canopies), dispensing activities and emergency escape routes, and be large enough to allow the tanker to be positioned wholly within it during delivery (ie normally not less than 17.5 metres long and 5 metres wide at any point). The location chosen should allow the road tanker to gain access without the need to reverse onto the site and should also provide a clear exit route in the forward direction. The road tanker discharge area needs to be substantially level and incorporate drainage designed to contain the largest likely spillage.

The tanker stand should be located to allow the tanker to be parked with the minimum of articulation. If not parked straight there is a risk of damage to the underside of the road tanker or run-off pipes as weight is reduced and the tanker unit suspension rises.

The tanker area and adjacent fill points should be positioned to allow the tanker to discharge without being at risk from other vehicle movements. Wherever practicable there should be a minimum of 1.5 metres between the tanker and the fill point. The tanker stand areas should not lie on the line of slip or access roads, particularly slip roads from high-speed carriageways.

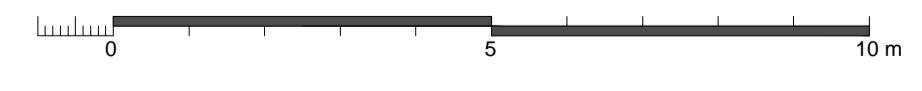
OPERATIONAL PETROL FILLING STATION



availability for legal Right of Way for the purpose of access from the Great North Road to the portion of the field Ordnance Number 114

RISK TO TANKER MITIGATED BY TEMPORARY BOLLARDS PLACED DURING OFFLOADING PROCESS

TANKER EMERGENCY EXIT CONFLICT



SITE LAYOUT

A1 GREAT NORTH ROAD (NORTHBOUND)

APPENDIX 5

GOVERNING REGULATIONS

- The Petroleum (consolidation) Regulations 2014
- Petroleum Enforcement Authorities
- Dangerous Substances and Explosive Atmospheres Regulations 2002

INFORMATIVES

- Explosive Atmospheres - classification of Hazardous Areas (zoning)
- Petrol Filling Stations - Guidance on managing the risks of fire and explosion
- London Fire Brigade - Risk Assessments for Petrol Filling Stations required under Fire Safety Legislation
- Emergency Response Plans for Petrol Stations
- Driver Controlled Deliveries - Certificate of Exemption

REVISIONS:

REV	NOTE	DATE

NOTES:

Hard copy prints may not scale accurately. All levels are in metres and dimensions in millimetres and unless specified otherwise. To be read in conjunction with all other relevant drawings and specifications.

RAM JAM SERVICE STATION 218
 CLIENT **mpki**

PROJECT PROPOSED WORKS TO FORECOURT SHOP

ADDRESS RAM JAM STATION
 GREETHAM RD
 STRETTON, OAKHAM
 LE15 7QX

TITLE OPERATIONAL LAYOUT

SCALE	1:100 @ A1	JOB NO	18775
DRAWN	CHRIS C/JAMES T	DWG NO	OSK01
DATE	20.07.2018	REVISION	
CHECKED		DATE	

ADCOCK ASSOCIATES
 11, TIA HOUSE, BRIMINGHAM ROAD, STRATFORD, LONDON AVON, CV37 0AG
 enquiries@adcockassociates.co.uk Tel: +44(0)1793 414200 Fax: +44(0)1793 267741

DESIGN ARCHITECTURE PROJECT MANAGEMENT

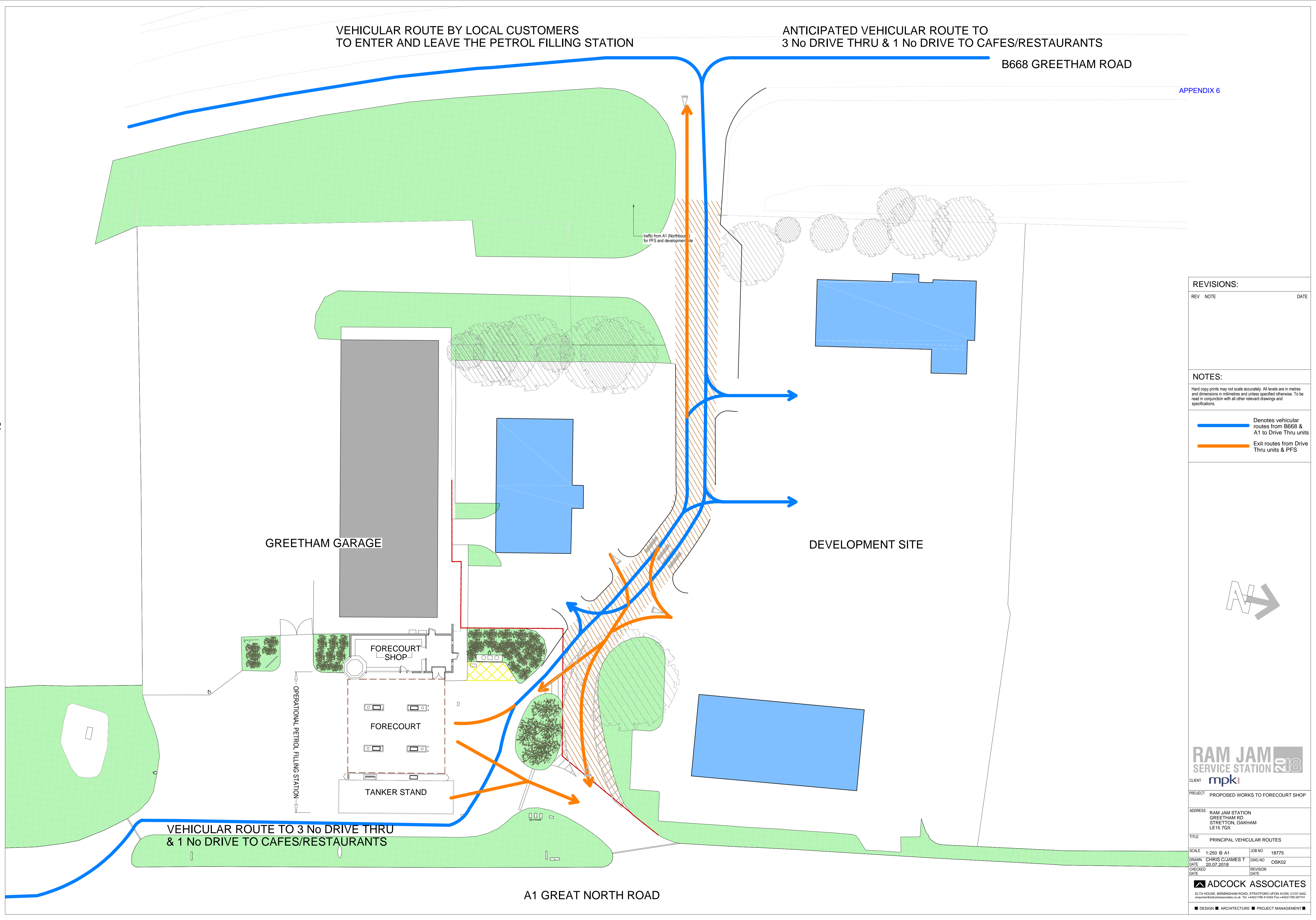
VEHICULAR ROUTE BY LOCAL CUSTOMERS
TO ENTER AND LEAVE THE PETROL FILLING STATION

ANTICIPATED VEHICULAR ROUTE TO
3 No DRIVE THRU & 1 No DRIVE TO CAFES/RESTAURANTS

B668 GREETHAM ROAD

APPENDIX 6

81



REVISIONS:

REV	NOTE	DATE

NOTES:
Hard copy prints may not scale accurately. All levels are in metres and dimensions in millimetres and unless specified otherwise. To be read in conjunction with all other relevant drawings and specifications.

- Denotes vehicular routes from B668 & A1 to Drive Thru units
- Exit routes from Drive Thru units & PFS

RAM JAM SERVICE STATION 24/7
CLIENT **mpki**

PROJECT PROPOSED WORKS TO FORECOURT SHOP

ADDRESS RAM JAM STATION
GREETHAM RD
STRETTON, OAKHAM
LE15 7QX

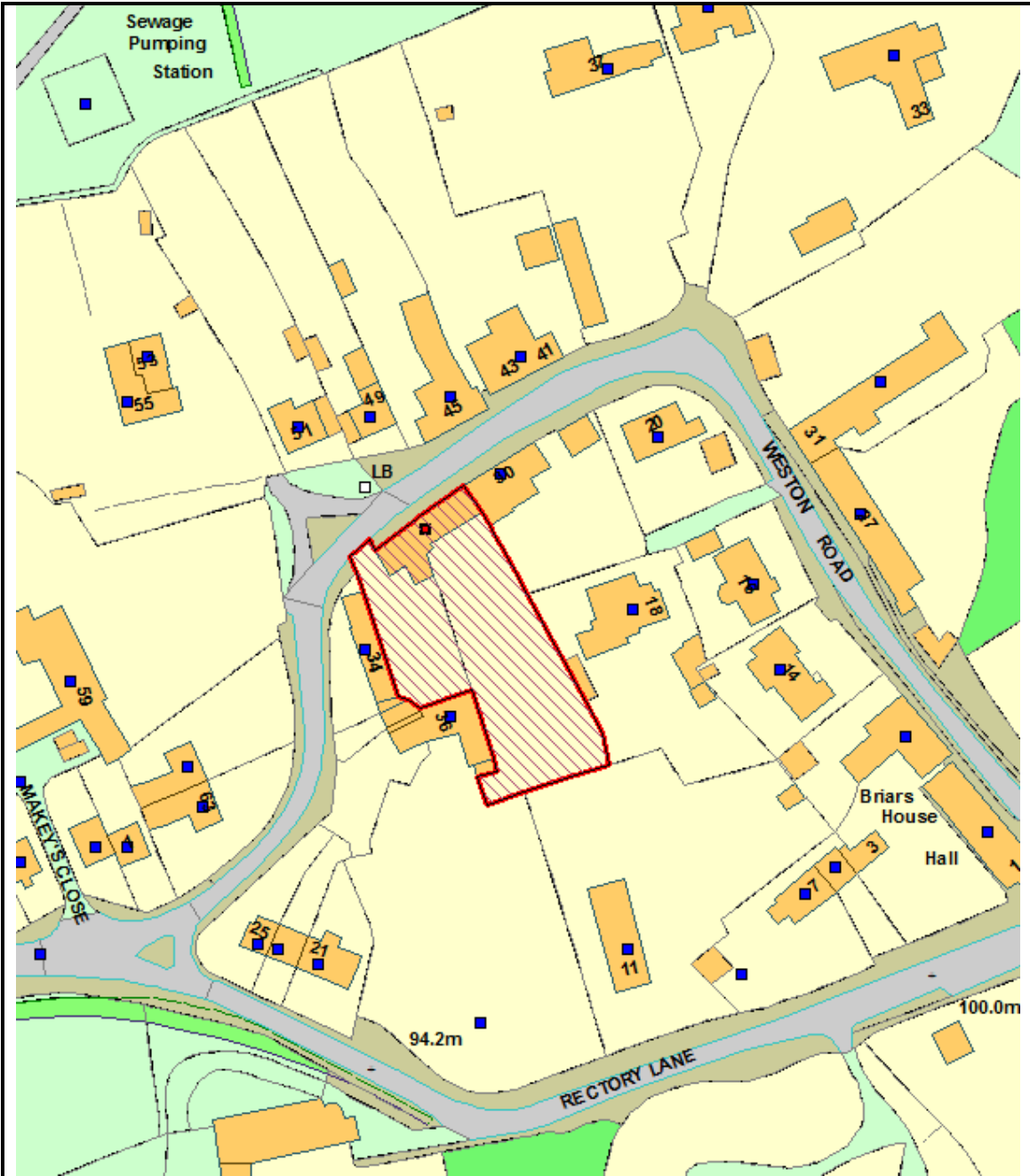
TITLE PRINCIPAL VEHICULAR ROUTES

SCALE 1:250 @ A1	JOB NO 18775
DRAWN CHRIS C/JAMES T	DWG NO OSK02
DATE 20.07.2018	REVISION
CHECKED	DATE

ADCOCK ASSOCIATES
ELVA HOUSE, BRIMINGHAM ROAD, STRATFORD-UPON-AVON, CV37 9AG
enquiries@adcockassociates.co.uk Tel: +44(0)1799 414202 Fax: +44(0)1799 267741

DESIGN ARCHITECTURE PROJECT MANAGEMENT

This page is intentionally left blank



© Crown copyright and database rights [2013]
Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0985/FUL	ITEM 3	
Proposal:	Carriage barn / garage with an ancillary loft room above.		
Address:	Halford House, 32 Weston Road, Edith Weston		
Applicant:	Mr Richard Bonser	Parish	Edith Weston
Agent:	Fisher German LLP	Ward	Normanton
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	15 th December 2020		

EXECUTIVE SUMMARY

This is a minor household development to provide an under-roof parking space. The proposal would sit within the residential curtilage, and there is no material planning consideration to object this type of development in already managing land.

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 unmarked Location Plan, unmarked Block Plan, P03 rev.B Proposed Plan and Elevation, and details specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The timber boarding to the outbuilding hereby approved shall be allowed to weather naturally and shall not be stained or painted a different colour without the approval of the Local Planning Authority.
Reason: In the interests of the character and appearance of the conservation area.
4. The outbuilding hereby approved shall not be occupied or used at any time other than for purposes a domestic storage room to the dwelling house known as Halford House 32 Weston Road Main Street, Edith Weston.
Reason: The building would be unsuitable for an independent residential unit because of its size and close relationship with the host dwelling.

Site & Surroundings

1. The application site is within the residential street of the village, and the property is a two-storey cottage type dwelling. The site is in the designated area of Edith Weston.

Proposal

2. The proposed development seeks permission for a carport with ancillary room above the carport.

Relevant Planning History

Application	Description	Decision
-------------	-------------	----------

2020/0587/PRE

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2019) Section 12

NPPF (2019) section 16

The Rutland Core Strategy (2011)

CS19 – Promoting Good Design

CS22 – The Historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity

SP20 – The historic environment

Consultations

3. Edith Weston Parish Council: The additional height may affect neighbouring properties
4. The Local Authority Highways: No Objections
5. The Local Authority Conservation Advisor: No Objections

Neighbour Representations

6. Withdrawn

Planning Assessment

7. The proposal is for a carport with storage room above. The proposal would be situated in the courtyard of the property, and it would provide under-roof parking space. The proposal also includes a storage room above the carport. The proposed development has been subject to pre-application evaluation and was assessed as acceptable. The formal planning application does not demonstrate any changes to the proposal, and as such, it is considered suitable.
8. The pre-application noted, however, that the storage space/room above the carport should only be ancillary to the main dwelling, and that this could be control by a planning condition. Accordingly, an appropriate condition is recommended to be attached to any decision.

9. The proposal by its design, scale and location has met the objectives of national and local planning policies, and there are no other relevant reasons that the proposal should not be treated favourably.

Impact on the neighbouring properties

10. The proposed carport would sit in the courtyard, and it would be neighbouring properties with blind elevations. Moreover, the proposal would be significantly lower than the surrounding buildings, and it would not result in an unacceptable impact upon residential amenities of adjacent properties.
11. Regarding the former comments about the height of this proposal. The proposed carport would be 5.20 metres high and will be significantly lower than adjacent properties, as well as the property No63 which is relatively set back from the application site. Therefore, the proposed outbuilding would not affect the amenities of the occupiers of No63.
12. Moreover, during the lifetime of the application, the agent provided additional information which sufficiently clarified concerns of the resident at No63, as a result, the resident has withdrawn their objections.

Highway issues

13. The proposal will not have an adverse impact on highway safety. The development would comply with residential parking standards.

Crime and Disorder

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

Human Rights Implications

15. 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 considering in the process of making this recommendation.
16. It is considered that no relevant Article of that act will be breached.

Conclusion

17. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9,12 and 16), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), and Edith Weston Neighbourhood Plan (2014).

PLANNING AND LICENSING COMMITTEE

15 December 2020

APPEALS

Report of the Strategic Director for 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, Strategic Director for Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
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/Y/20/3259600 – Mr Neil Townsend – 2020/0377/LBA**
3 New Row, Mill Street, Ryhall, Rutland, PE9 4HG
Erection of single storey front porch and conversion of existing attic/loft space for habitable use, including insertion of 2 no. rooflights.

Delegated Decision - It is considered that the proposal to add a porch to the application property would be inappropriate addition that would compromise not only the character and appearance of the application property but also the simple unadorned façade of the eastern half of the terrace and the street scene of this part of the Ryhall Conservation Area. Whilst the degree of harm that would be caused is assessed as being less than substantial, it is considered that there are no public benefits arising from the proposal that outweigh the degree of harm. The proposal is therefore contrary to national and local policies that seek to Conserve and Enhance the Historic Environment of the County, namely Section 16 of the NPPF (Conserving and enhancing the historic environment) Policy CS22 of the adopted Core Strategy, Policy SP20 of the adopted Site Allocations and Policies document.

2.2 **APP/A2470/W/20/3259092 & APP/A2470/Y/20/3259089 – Mr & Mrs Forrest - 2020/0676/FUL & 2020/0677/LBA**

2 Main Street, Lyddington, Rutland, LE15 9LT

Widening of existing vehicular gateway through existing boundary wall. Enlargement of verge crossover (revised proposals).

Delegated Decision - The proposal to widen the existing access would result in harm to the character and appearance of the conservation area and significantly and unacceptably create visual harm to this well-established and important feature within the conservation area of Lyddington. Whilst this is less than substantial harm to the historic significance of the statutorily designated heritage asset, there is no demonstrable public benefit that would outweigh the harm. The proposal is thereby contrary to the expectations of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the NPPF (February 2019) and Policies CS22 of the Core Strategy and SP20 of the Site Allocation and Policies DPD.

2.3 **APP/A2470/W/20/3262096 - Mr Labruzzo - 2020/0835/RES**

Innisfree, 4 Stamford Road, Essendine, Rutland, PE9 4LQ

Reserved matters in relation to application 2019/0559/OUT (Outline application for 1.5 storey detached dwelling with some matters reserved) - appearance, landscaping, layout and scale.

Delegated Decision – 1. Condition 5 of the outline permission (2019/0559/OUT) required the dwelling to be sited at the north-east end of the site, to 'ensure that the proposal dwelling presents an acceptable relationship to the host dwelling and adjacent properties, and provides sufficient space for access and turning of vehicles (including emergency vehicles)'. However the submitted plans site the dwelling further south, directly behind (and within 8 metres of) the boundary with the host bungalow (Innisfree, 4 Stamford Road). This close relationship does not provide adequate separation between the dwellings, and the plans do not provide sufficient detail to show that there is sufficient access/turning for emergency vehicles. As such the development would be contrary to Condition 5 of Outline Planning Permission 2019/0559/OUT, Section 12 of the National Planning Policy Framework (2019), Policy CS19 of the Adopted Core Strategy (2011), and Policies SP5 & SP15 of the Site Allocations and Policies Development Plan Document (2014).

2. The design of the dwelling appears uninspired and disproportional in its roof/wall ratio, appearing as a squashed two storey dwelling as opposed to a true 1.5 story dwelling (for example the dormer window cutting across the eaves resulting in additional downpipes appears unsightly and is considered to be poor design). Its design and appearance does not make a positive contribution to local distinctiveness, and as such would be contrary to Section 12 of the National Planning Policy Framework (2019), Policy CS19 of the Adopted Core Strategy (2011), and Policies SP5 & SP15 of the Site Allocations and Policies Development Plan Document (2014).
3. The proposed front first floor windows (serving two bedrooms and a landing area) would result in perceived and actual overlooking and loss of privacy to the rear elevation and private amenity area of the host bungalow (Innisfree, 4 Stamford Road), and thus be contrary to Section 12 of the National Planning Policy Framework (2019), Policy CS19 of the Adopted Core Strategy (2011), and Policies SP5 & SP15 of the Site Allocations and Policies Development Plan Document (2014).
4. There is insufficient detail provided in the application relating to the landscaping reserved matters in terms of the retention and strengthening of the existing side boundary hedging and planting.
5. Insufficient detail has been provided in the application to show the way in which foul sewage and surface water are to be disposed of from the site (as required by condition 11 of 2019/0559/OUT).

3. DECISIONS

- 3.1 APP/A2470/W/20/3256500 – Mr and Mrs J Featherstone – 2020/0323/PAD**
 Romney Hut, Bidwell Lane, Clipsham, Rutland
 Proposed change of use of an agricultural building to 3 no. dwellinghouses.
Delegated Decision
Appeal Dismissed – 25 November 2020

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.