

# Rutland County Council

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

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held virtually on **Tuesday, 9th February, 2021** commencing at 7.00 pm when it is hoped you will be able to attend.

<https://zoom.us/j/97163570880>

Yours faithfully

Mark Andrews  
**Interim Chief Executive**

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## **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 22 December 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 Scheme.

To request to speak at a Planning Committee, please send an email to [Governance@rutland.gov.uk](mailto:Governance@rutland.gov.uk)

**5) PLANNING APPLICATIONS**

To receive Report No. 15/2021 from the Strategic Director for Places.  
(Pages 3 - 60)

**6) APPEALS REPORT**

To receive Report No. 16/2021 from the Strategic Director for Places.  
(Pages 61 - 64)

**7) ANY OTHER URGENT BUSINESS**

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

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## Rutland County Council

Planning & Licensing Committee – Tuesday 9<sup>th</sup> February 2021

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2	2020/0034/FUL	Mrs June Titterton-Fox Field House, Exton Road, Whitwell, Rutland Proposed single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.	Refusal	33
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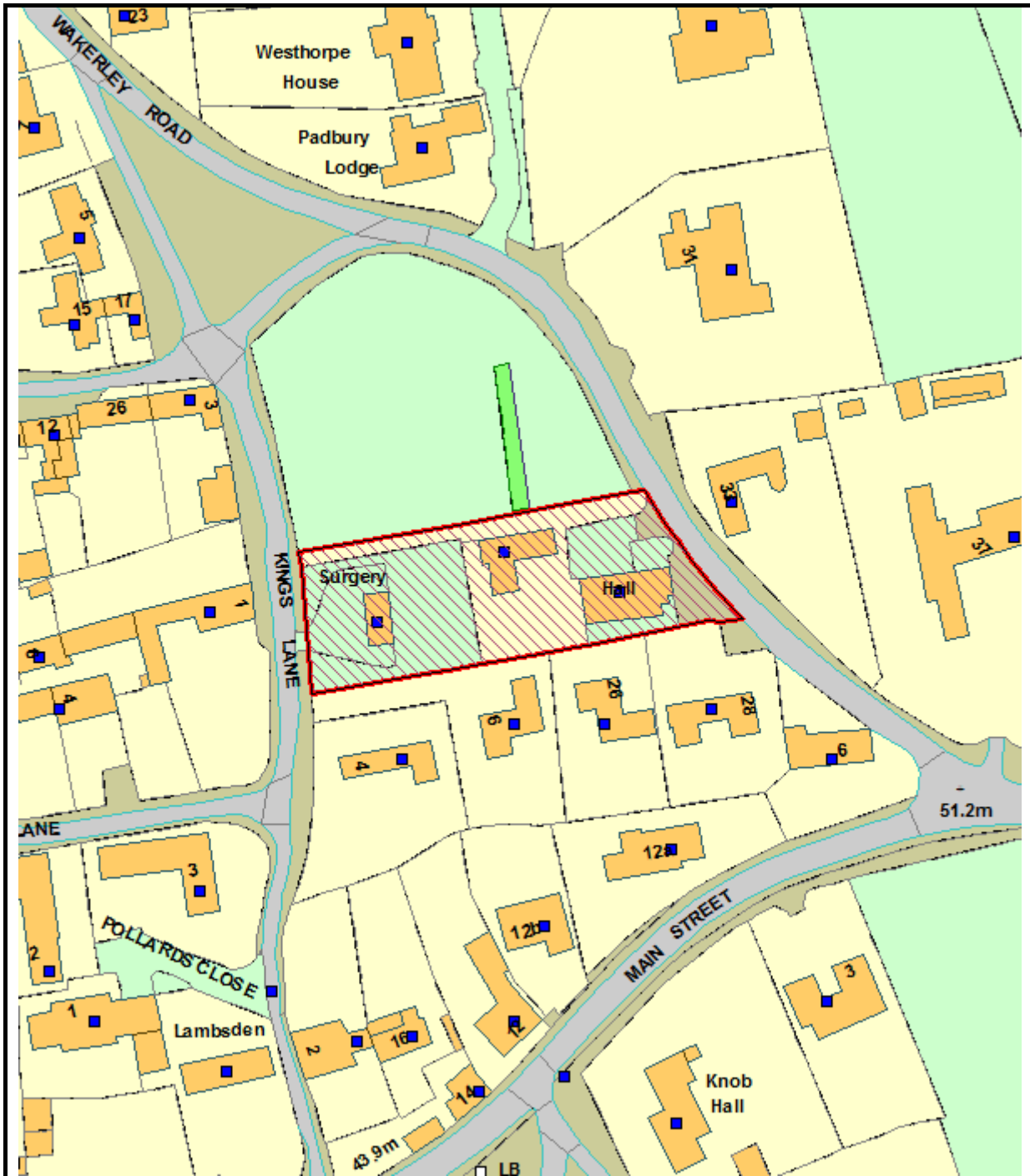
**REPORT NO: 15/2021**

**PLANNING AND LICENSING COMMITTEE**

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

**REPORT OF THE STRATEGIC DIRECTOR FOR PLACES**

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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/0891/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Replacement of the existing Village Hall, Community Shop and Doctors Surgery, with new and improved facilities on the existing site, including car parking and new landscaping to improve access.</b>		
Address:	<b>Barrowden Village Hall, Wakerley Road, Barrowden, Rutland, LE15 8EP</b>		
Applicant:	<b>Barrowden Parish Council</b>	Parish	<b>Barrowden</b>
Agent:	<b>Acanthus Clews Architects</b>	Ward	<b>Ketton</b>
Reason for presenting to Committee:	<b>Deferred for Site Visit 17 November 2020</b>		
Date of Committee:	<b>9 February 2021</b>		

## EXECUTIVE SUMMARY

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

## RECOMMENDATION

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

1. The development shall be begun before the expiration of five years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and as requested by the applicant to enable funding to be sourced.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 18-149-200D, 18-149-201D, 18-149-202B, 18-149-203B, 18-149-210C, 18-149-211C, 18-149-212, 18-149-220C, Barrowden Village hub landscape materials - 16.9.20 page 2 of 2, and Tree Protection Plan - 4035.Barrowden.Acanthus.TPP.  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
5. The external surfacing details shown on the approved plans above shall be completed prior to the development first coming into use.  
Reason: To ensure that the parking servicing and access areas are safe for pedestrians and that deleterious material is not spilled onto the highway from loose material, in the interests of highway safety.
6. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping and shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 in accordance with the details in Tree Protection Plan 4035.Barrowden.Acanthus.TPP. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.  
Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
7. No demolition of the existing village hall shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;  
• The programme and methodology of historic building survey and recording and the nomination of a competent person(s) or organisation to undertake the agreed works  
• The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI  
Reason: To ensure that there is a relevant historic record of the original village hall.
8. The shop hereby permitted shall only be used for retail purposes and for no other purpose within Use Class E of the Town & Country Planning (Use Classes) Order 1987, as amended.  
Reason: The shop is approved as a retail facility to provide a service to and maintain the sustainability of the village and any other uses within Class E should be considered on their merits and the impact they might have on visual and residential amenity and sustainability.
9. The shop shall only be open for customers and shall only receive deliveries between the hours of 0730 to 1900 Monday to Saturday, 0730 to 1200 Noon on Sundays and Bank Holidays. Deliveries on Sunday shall be limited to newspapers only.  
Reason: To ensure that the use does not cause harm to the amenities of nearby residents.

10. The Hall hereby approved shall not be occupied by more than 100 persons unless the shop and surgery are closed for the duration of that function or unless alternative parking facilities are provided elsewhere in accordance with a parking management plan that shall have been submitted to and approved by the local planning authority. Reason: There is insufficient parking available on site and without these limitations vehicles are likely to park on the narrow roads and verges around the site, to the detriment of highway safety and causing damage to verges.

11. The new development shall not be occupied until bird and bat boxes have been erected in accordance with a detailed scheme that shall have been submitted for the approval of the local planning authority. Reason: To ensure that provision is made for habitat creation within the development, in the interests of biodiversity.

Notes to Applicant:

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

## Site & Surroundings

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

## Proposal

5. It is proposed to demolish the 3 existing buildings on site and replace them with a purpose built village hub to provide a community hall with ancillary meeting room and kitchen, a 2 consulting room doctors surgery and village shop incorporating shop, café area, office, storage WC's and servery. The submission followed extensive pre-application discussions and co-ordination with the local community.
6. The area currently covered by the Surgery and its car park would become the main car park for 16 spaces (inc 2 disabled). The east car park on Wakerley Road would provide 10 spaces with 1 loading and 1 disabled.
7. The new shop would be on the southern edge of the site linking to the surgery and community hall on the north side via a central foyer entrance area.

8. There would be a terrace to the west of the building to provide a small sitting out area and steps would lead down to the main car park area. The existing footpath to the north would provide level access into the building from the car park.
9. There would be new landscaping and tree planting across the site.
10. Materials would be a Zinc standing seam roof, Larch timber cladding, coursed local rubblestone walling, Ashlar stone cladding, powder coated metal triple glazing, Larch boarded doors and hardwood Timber columns on a staddle stone. There would be solar panels on the south facing roof slope of the shop.
11. Revised surfacing details have been submitted during the life of the application. Tarmac was replaced by gravel grid, exposed aggregate asphalt and stone pavers. Tarmac is only retained for the footpath along the northern edge.
12. The ridge height of the existing Hall is at 59.762m whilst the proposed Hall is at 57.39, so actually lower. The proposed shop ridge is 60.23.
13. In terms of impact on existing trees, the development is an opportunity to fell and replace the diseased Ash tree in the existing doctor's surgery car park. The proposed development will require the loss of two further trees and some young hedging. All can easily be replaced. Some facilitation pruning will be required. Protection of the retained trees has been detailed in the accompanying Arboricultural Method Statement shown on the Tree Protection Plan. Additional tree and other planting is proposed and provide a net gain in tree cover.
14. Details are shown in the Appendix.

## Relevant Planning History

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

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF) 2019

Chapter 8 – Promoting Healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 16 – Conserving the Historic Environment

### Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP20 - The Historic Environment

## **Core Strategy DPD (2011)**

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

## **Other Policies**

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

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

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

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

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

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

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

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

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

Proposals to redevelop or change the use of an existing community facility or land or buildings last used as a community facility will only be supported where the following conditions are met:  
1. A replacement facility of sufficient size, layout and quality to compensate for the loss of the existing facility is to be provided on an alternative site in accordance with the criteria for a new community facility listed in Policy BW15 (The provision of new community facilities) of the Neighbourhood Plan; or

2. It has been demonstrated that the existing use is no longer economically viable and that there is no reasonable prospect of securing either a continuation of the existing use or an alternative community use. Evidence must be provided to demonstrate that the property has been marketed by a commercial property agent for a period of at least 12 months at a price which reflects an independent professional valuation and it is verified by the agent that no interest in acquisition has been expressed.

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

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



## Consultations

### 15. Barrowden Parish Council

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

Neighbour and village resident consultation and issues

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

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

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

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

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

BW1 Landscape character and important views

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

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

BPC Comment on BW1

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

view from the North.

## BW6 Design Principles for Barrowden and Wakerley

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

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

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

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

## BPC Comment on BW6

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

### BW6.1

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

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

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

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

### BW6.2

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

traditional material in this context.

If, for reasons of cost, timber cladding was critical to this project going ahead, we felt that the massing of this material on the larger building, West elevation and on Western end of the North wall might be reduced and relocated onto walls less prominent when seen from the important view.

#### BW6.5

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

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

#### BW 15 Provision of new community facilities

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

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

#### BPC Comment on BW15

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

#### Landscaping issues

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

landscaping is properly and fully implemented so would like to see a planning condition which requires the implementation of a fully developed and appropriate landscaping plan. Again we are concerned that if this were to be a planning condition, as suggested by the applicant, that there would not be any opportunity for residents to comment on the landscaping through a normal consultation process.

Yours sincerely  
Gordon Brown  
Chairman, Barrowden Parish Council

16. **Environmental Protection**

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

17. **Ecology**

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

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

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

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

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

18. **Archaeology**

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

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

As the majority of the construction is within the previous footprint of the buildings it is likely that any archaeology existing within the development area has already been destroyed. Therefore the impact on any archaeology is very minimal.

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

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

This will require provision by the applicant for:

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

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

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

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

1. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
  - The programme and methodology of historic building survey and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

## 19. **RCC Highways**

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

to repair it:

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

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

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

## Neighbour Representations

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

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

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

Planning Application proposed to carry it out.

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

21. Since the last meeting several new representations have been made in support of the proposal, including reminding members that the majority of the village is in favour of this badly needed facility, following extensive consultation, and expressing disappointment that the views of the village are being ignored.
22. The Barrowden Village Hub Development Group has written to the Interim Chief Executive expressing concern about the process at the last meeting. This issue has been dealt with through the Council's Complaints Procedure.

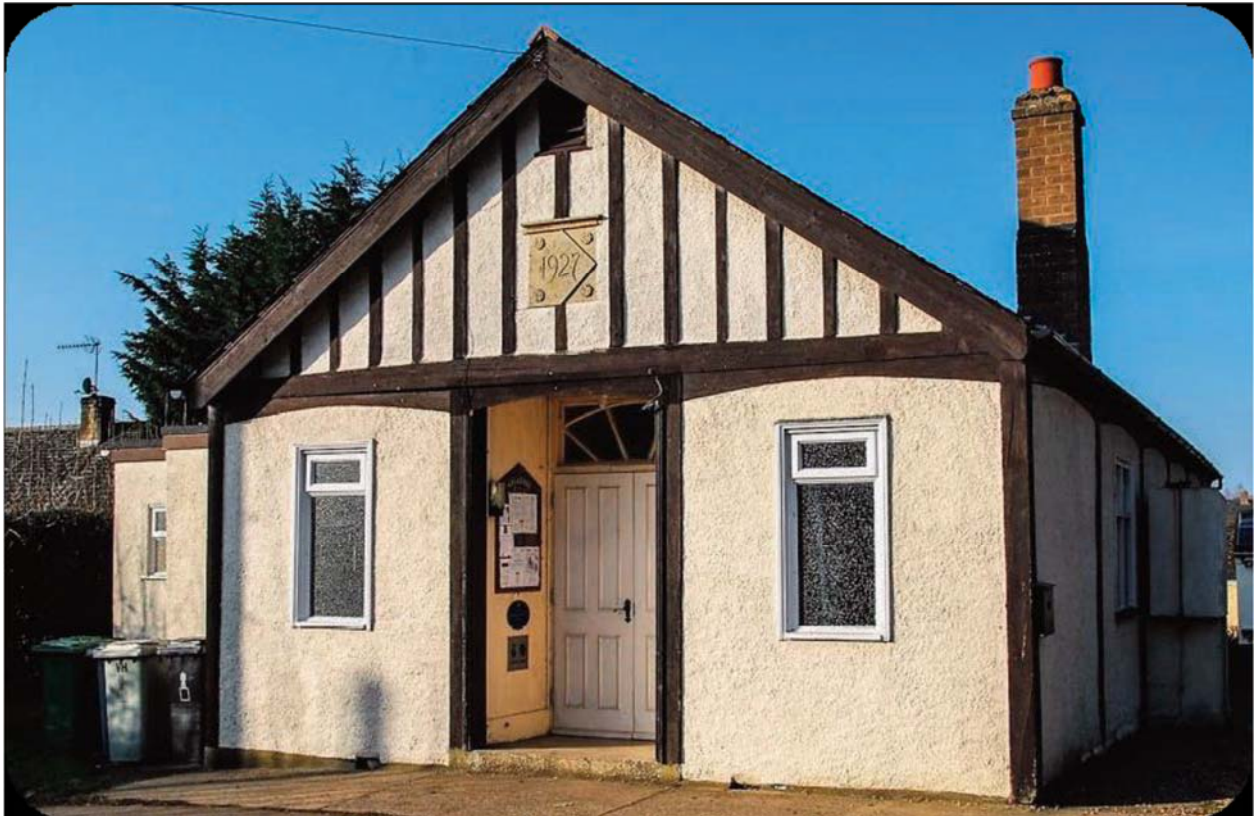
One resident has again expressed support for the proposal in principle but queries the sustainability of the materials and their long term maintenance.

## **Planning Assessment**

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

### **The Neighbourhood Plan states that:**

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



Existing Village Hall

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

### **Planning/Conservation Officer Comments**

#### Impact on the Conservation Area

27. As the site lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
28. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
29. Some concern was expressed about the surfacing to the proposed parking areas, particularly that on the eastern frontage to Wakerley Road that is more readily exposed



to view than that on the Kings Lane frontage where the existing surgery is to be demolished and additional car parking.

30. The surfacing was originally currently specified to be tarmac and further consideration of the treatment of this area was required to break up and soften the appearance of what will be a prominent area of car parking.
31. The revised hard surfacing proposals are preferable to what was originally put forward and should represent an enhancement over existing surfacing.
32. Otherwise there is no objection from a Conservation point of view as the character and appearance of the Conservation Area and the setting of nearby Listed Buildings will be preserved. If anything, subject to agreement on the surfacing of the car parking to the Wakerley Road frontage, the proposals would result in an enhancement over the current scene.
33. Overall this proposal will represent an enhancement of the Conservation Area as it will result in the removal of three buildings from different periods of little or no architectural or historic interest, other than marginally the village hall, that are constructed of different materials and their replacement with two buildings of a more cohesive design.
34. The new, linked buildings would have significant areas of stone walling but with some Larch timber cladding. There is no objection to the timber cladding, so long as it is allowed to weather naturally and not stained another colour.
35. The principal and most exposed north elevation will be predominantly constructed of stone.
36. The use of timber cladding is not unprecedented in historic settings. We recently approved an extension to a barn at Church Farm that is to be clad in timber and there are Listed buildings with cladding on modern elements in other villages.
37. As for the roofing materials, Officers have tried to be mindful of the benefits to the community of this development when suggesting that the roof covering need not necessarily be of either Collyweston or Welsh slates.
38. A requirement for Collyweston or Welsh slate on such large areas of roof might be too onerous in this instance, given the funding constraints the applicants must be operating under.
39. Overall it has to be remembered that this is not a domestic building and the comments of residents, the Parish Council and Conservation Officer with regard to materials are noted.
40. The roof would be a grey matt finish, similar to Welsh slate and/or lead in colour but more appropriate on this scale and design of building (such as is the case with a Church). Slate, or artificial slate in particular could be major error unless carefully controlled in quality but again may just appear wrong on this type of building. Optional roof sheets that are meant to look like slate are not a good recreation of slate and would look wrong. It is better to be honest about such elements as materials and a more appropriate finish will result, especially in a contemporary, non-domestic building. The other materials are considered acceptable. Illustrations will be shown at the meeting and are also on line under the application number both on plans and in the Design & Access Statement. It is noted that the Neighbourhood Plan states that contemporary buildings will be acceptable in principle.

41. Some concerns have been expressed about the scale of the building. The overall increase in height of buildings on site is marginal as set out above. The way the building has been broken down into separate segments also means that it not just one huge box.
42. The applicants have stated that in view of the support the scheme has from the village they are reluctant to start re-designing the building which they consider is not only suitable for its location but has such local support.

### **Loss of Trees**

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

### **Highway Safety**

46. The highway authority had expressed concerns about the lack of parking onsite to meet the current standards. 26 spaces are provided on site whereas 33 would be required.
47. Members discussed limiting the occupation of the hall to 60 persons based on the current proposed parking.
48. The existing Hall can accommodate 120 people, in addition to the shop and surgery, based on the limited 12 spaces currently available.
49. Officers consider that limiting occupation to 60 would be unreasonable in these circumstances. It is recommended therefore that the limit be set at 100, provided the shop and surgery were closed when that number are present. For any function over 100, additional parking provision would need to be provided elsewhere in accordance with a scheme to be submitted.
50. The Agent has responded to the concerns of the highway authority, a copy of which is appended to this report for members' information.
51. The aim is to provide fit for purpose space for a wider range of activities to be used more often throughout the day and thus increase social interaction across a wider social spectrum. It must also be noted that the majority of existing users of the hall arrive to the facilities on foot.
52. There has been concern expressed about lack of footpaths but that is part of the characteristic of the village and it would not be possible to create footpaths from all over the village to this site which will, as at present, receive most visitors from within the village, however they travel. It is physically impossible to provide parking in accordance with the standards so the only option would be refusal, which would be unjustified in the circumstances of this proposal.

53. On that basis it is not considered reasonable to refuse the application based on lack of parking or the local highway infrastructure and whilst the development is not in compliance with provisions of the development plan in relation to parking standards, the material considerations surrounding this proposal mean that a permission can be justified based on the recommendation above.

## **Noise**

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

## **Conclusion**

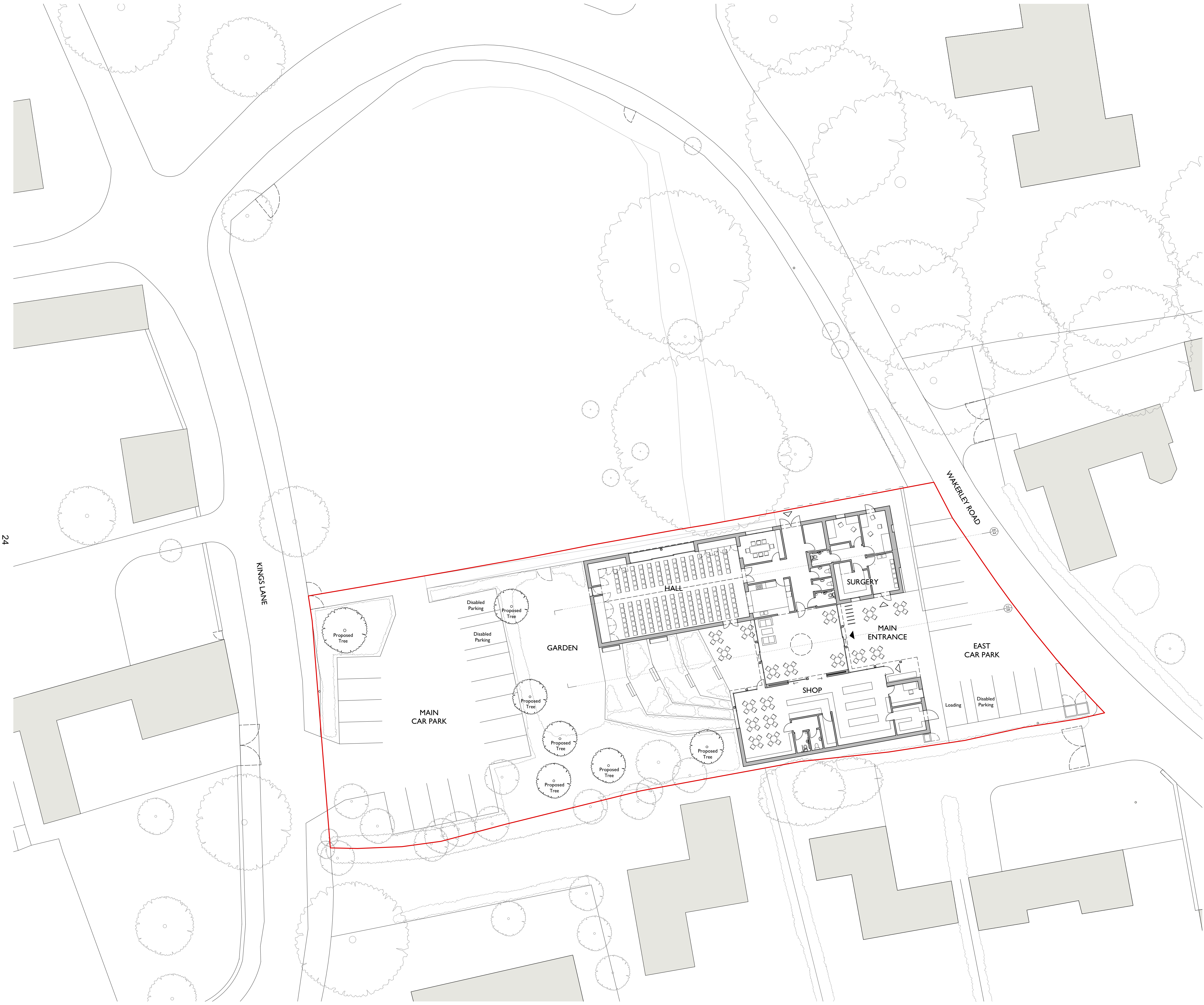
57. The proposed building is more than domestic in scale and calls for a design that respects its historic setting. The design and materials are contemporary in nature but are satisfactory to comply with statutory tests set out above. Officers do not recommend any changes to the scheme in view of its acceptability and its local support.
58. There will be minimal impact on highway safety compared to the current position and noise can be managed by the operators and conditions in the planning permission.
59. The scheme is thereby in compliance with the development plan and is recommended for approval.

# Appendix 1

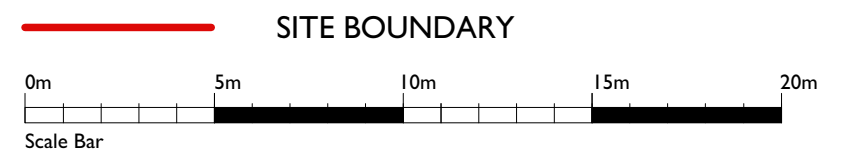
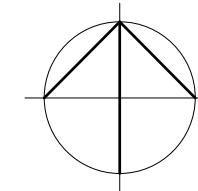
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**ISSUE STATUS: FOR PLANNING**

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



24



CLIENT  
**Barrowden Village Hall Committee**

PROJECT  
**Barrowden Community Hub**

TITLE  
**Proposed Site Plan**

SCALE  
**1:200 @ A1**

DATE  
**5th March 2020**

JOB N°  
**18-149**

DRAWN  
**MC**

DRAWING N°  
**200**



**Acanthus Clews architects**

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# Appendix 2

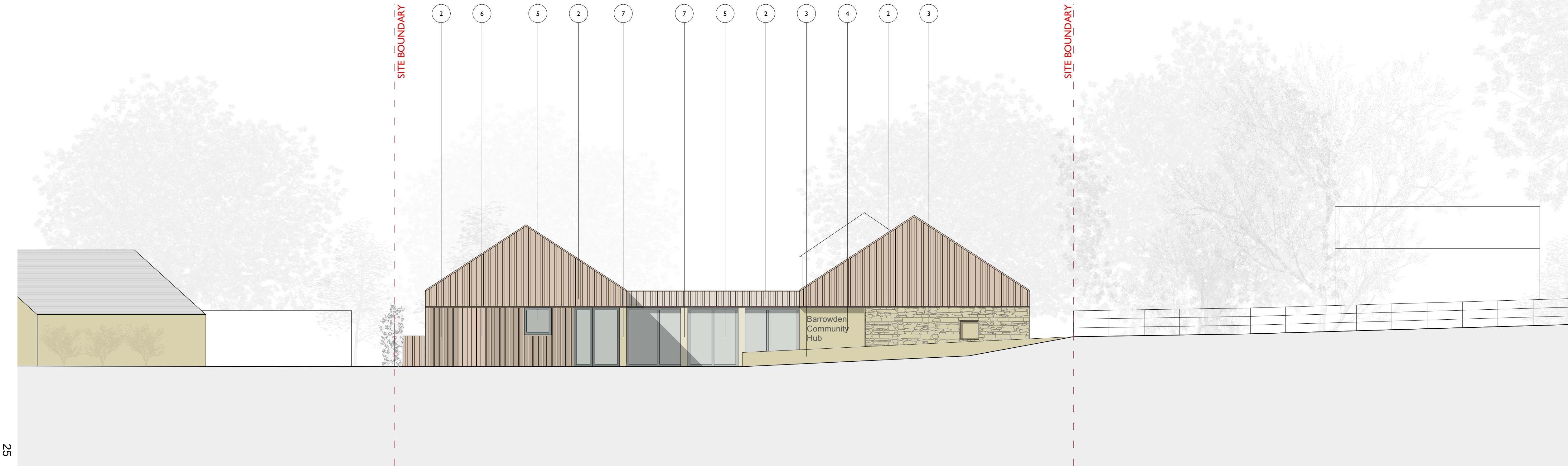
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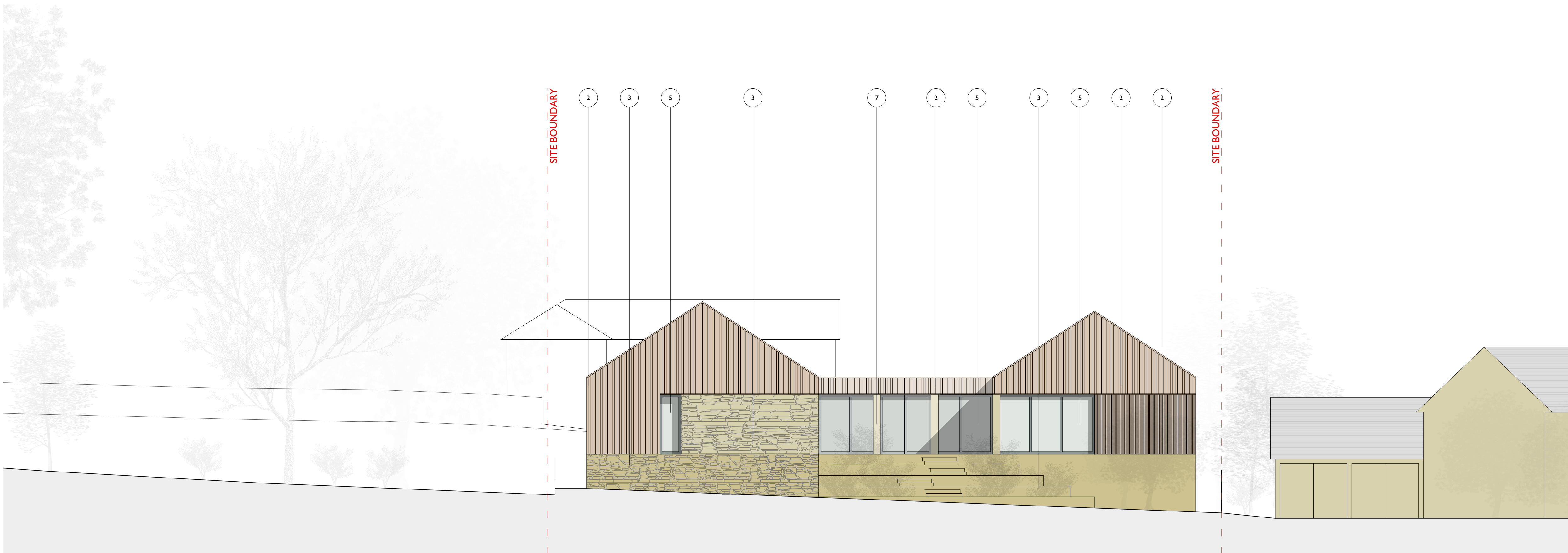
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B	20/03/2020
C	31/07/2020 Planning Application

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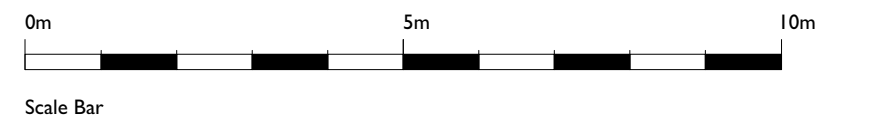
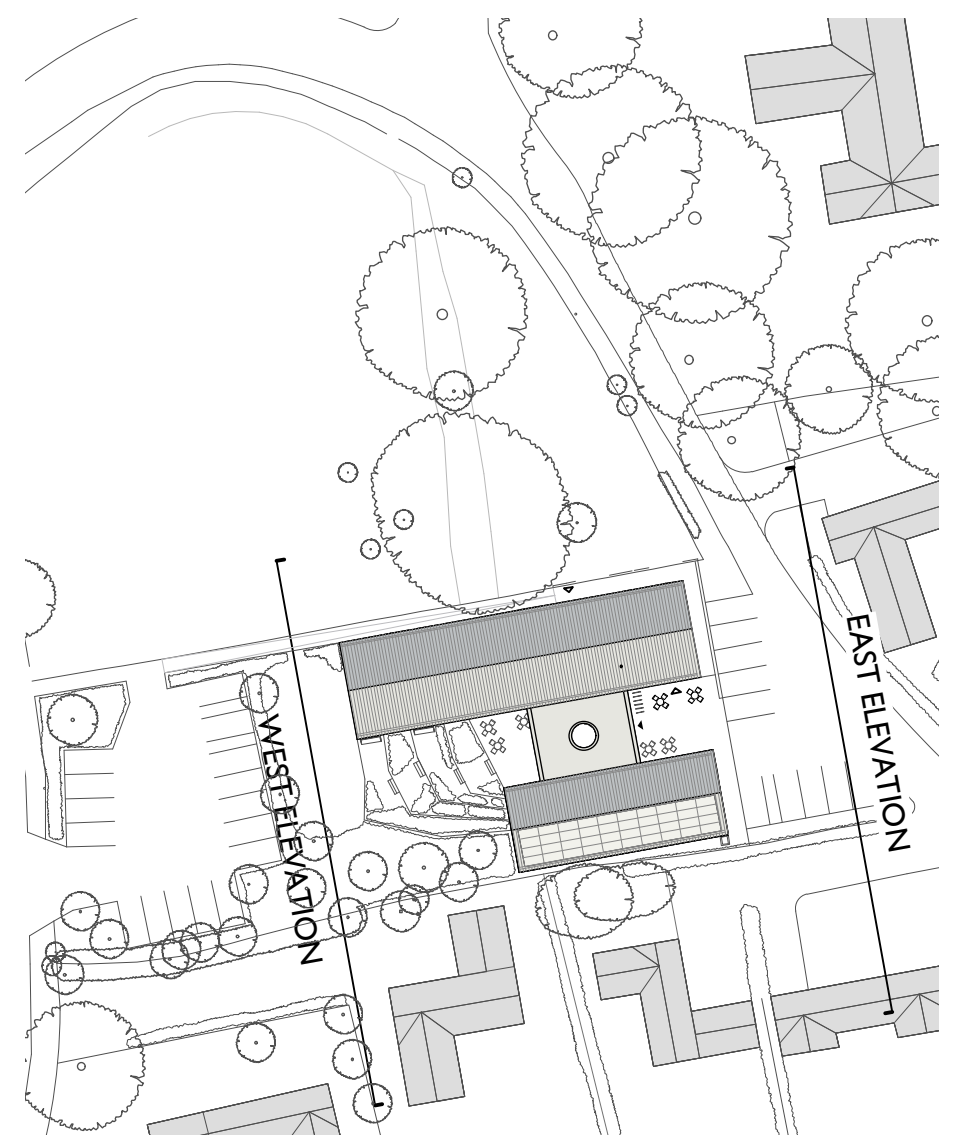
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- 02 - Larch Timber Cladding
- 03 - Coursed Local Rubble Stone Wall
- 04 - Ashler Stone Cladding
- 05 - Powder Coated Metal Framed Triple Glazing
- 06 - Larch Boarded Door
- 07 - Hardwood Timber Column on Staddle Stone



East Elevation



West Elevation



CLIENT  
**Barrowden Village Hall Committee**

PROJECT  
**Barrowden Community Hub**



TITLE  
**Proposed East & West Elevations**

**Acanthus Clews architects**

SCALE  
**1:100 @ A1**

DATE  
**5th March 2020**

JOB N°  
**18-149**

DRAWN  
**MC**

DRAWING N°  
**211**

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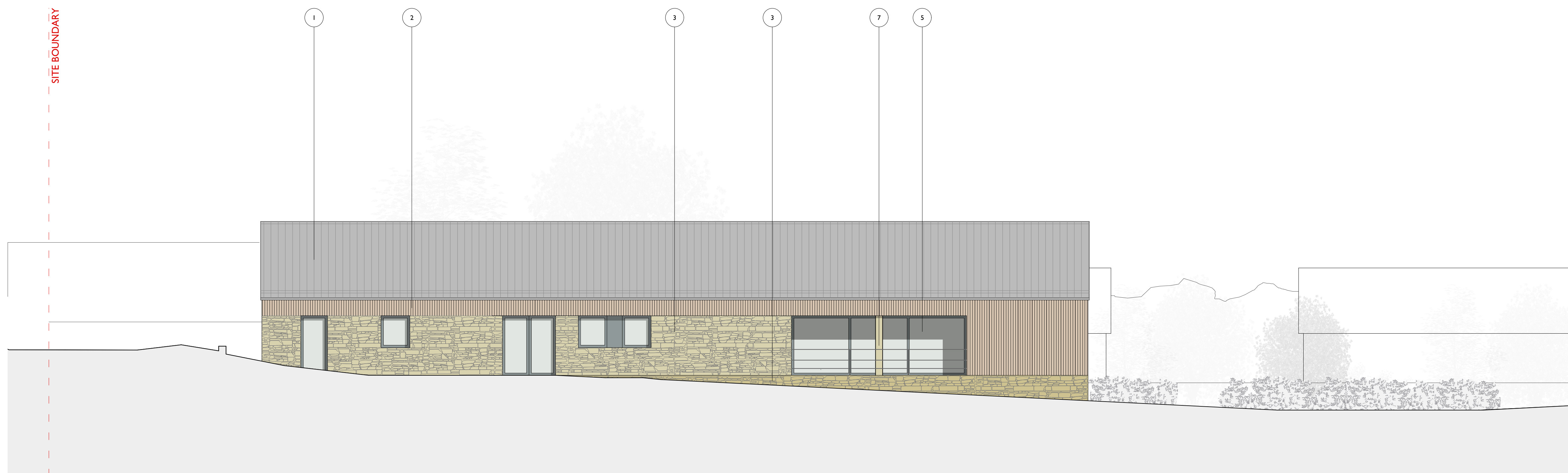
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**ISSUE STATUS: FOR PLANNING**

Revision	Date	Description
A	12/03/2020	
B	20/03/2020	
C	31/07/2020	Planning Application

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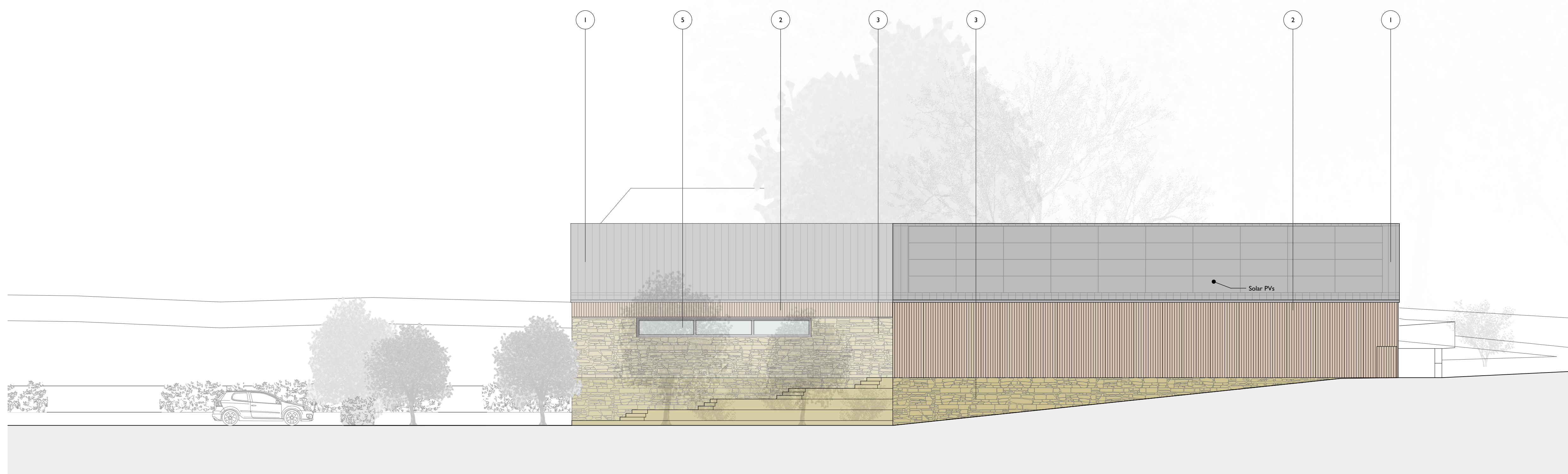
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Surgery      Hall Entrance      Community Hall

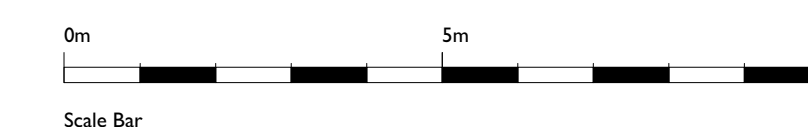
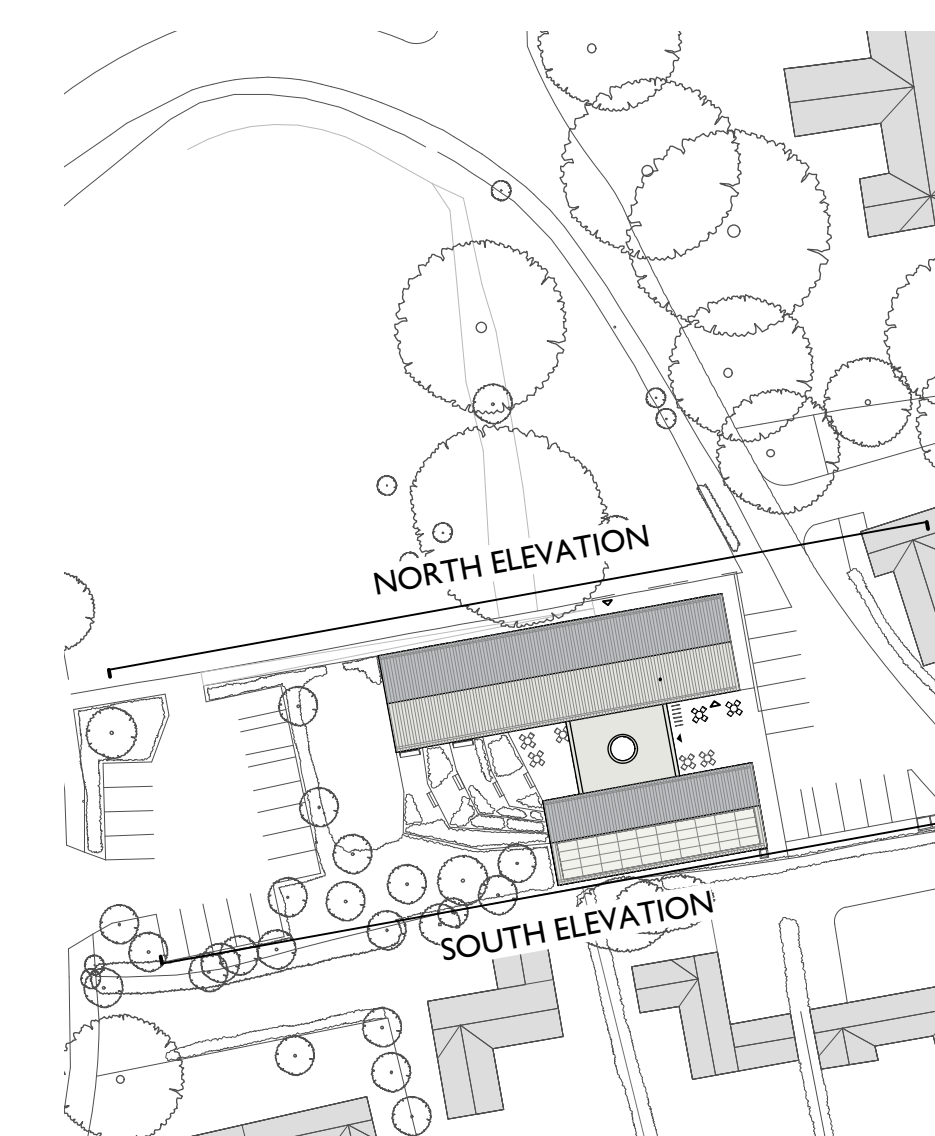
North Elevation

26



Community Hall      Community Shop

South Elevation



CLIENT  
 Barrowden Village Hall Committee

PROJECT  
 Barrowden Community Hub

TITLE  
 Proposed North & South Elevations



**Acanthus Clews**  
 architects

SCALE  
 1:100 @ A1

DATE  
 5th March 2020

JOB N°  
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DRAWN  
 MC

DRAWING N°  
 210

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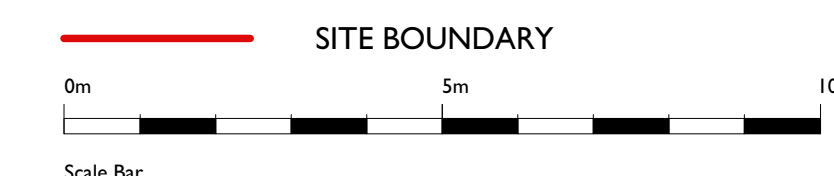
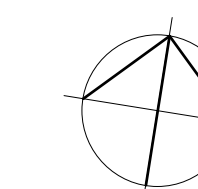
**ISSUE STATUS: FOR PLANNING**

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

Planning Application

**MATERIAL KEY:**

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



CLIENT  
 Barrowden Village Hall Committee

PROJECT  
 Barrowden Community Hub

TITLE  
 Proposed Ground Floor Plan



**Acanthus Clews**  
 architects

SCALE  
 1:100 @ A1

DATE  
 5th March 2020

JOB N°  
 18-149

DRAWN  
 MC

DRAWING N°  
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Timber precedent building



Timber precedent building



Timber precedent building with a standing seam zinc roof



Standing seam church roof precedent

### Building Material

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

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





## 4.2 Detailed Proposals



Barrowden agricultural building



Barrowden banded stone

### Building Material

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

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



Varying stonework at the Acanthus Clews designed Warwick Hall, Burford



Stone and timber precedent building





## 4.2 Detailed Proposals



View of the entrance courtyard

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

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

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



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





**Agent comments 28 Oct:**

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

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

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

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

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

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

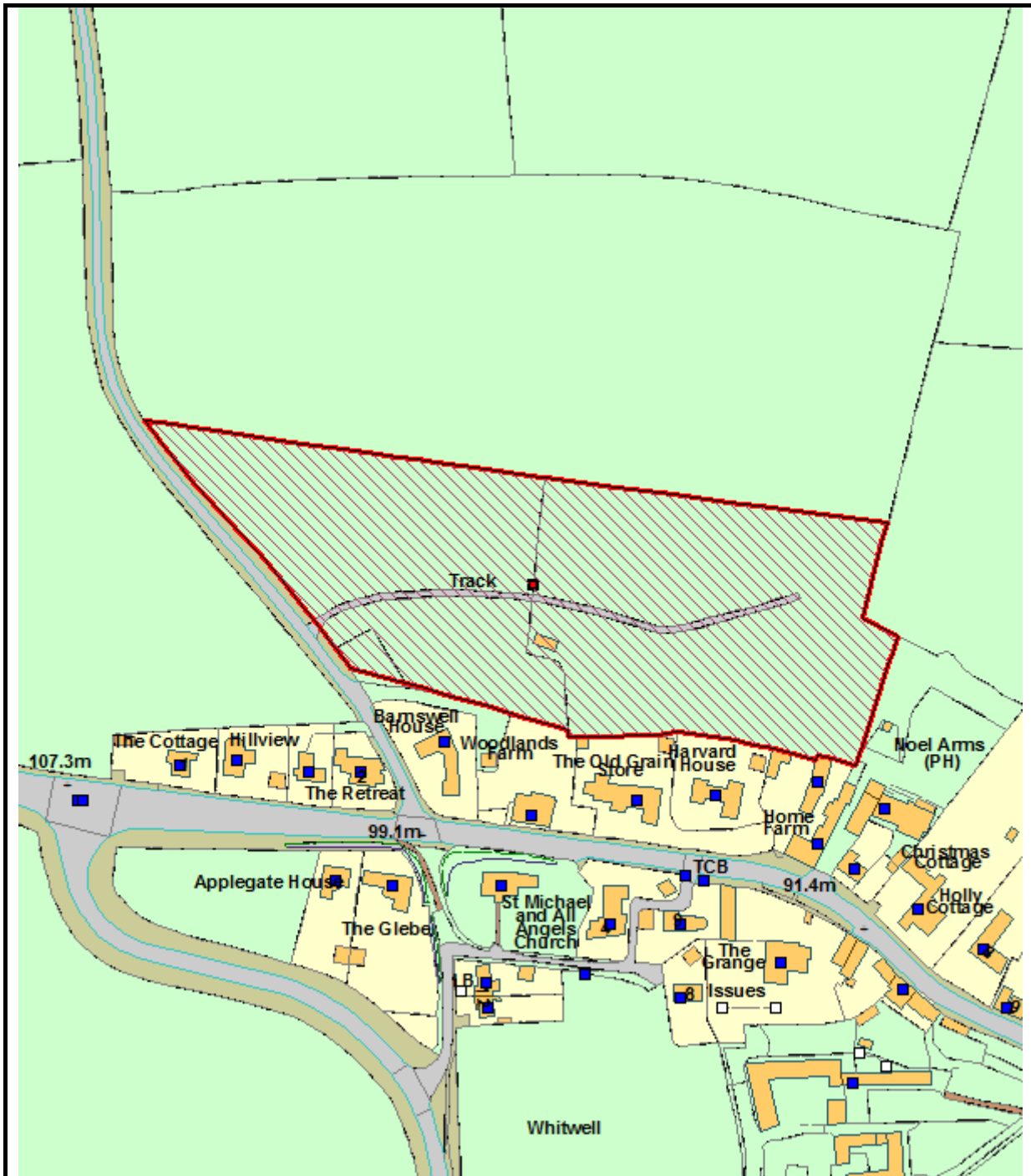
3. Evidence to support the statement that the majority of visitors arrive on foot is required

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

4. Lack of a transport statement

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

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



### Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

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Ordnance Survey [100018056]

Application:	<b>2020/0034/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>Proposed single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.</b>		
Address:	<b>Field House, Exton Road, Whitwell, Rutland</b>		
Applicant:	<b>Mrs June Titterton-Fox</b>	Parish	<b>Whitwell</b>
Agent:	<b>Mr Jeremy Harrall</b>	Ward	<b>Exton</b>
Reason for presenting to Committee:	<b>Councillor Application</b>		
Date of Committee:	<b>9 February 2021</b>		

## **EXECUTIVE SUMMARY**

The proposal is contrary to the adopted local plan policies and those of the National Planning Policy Framework.

Notwithstanding the sustainability credentials of the proposed development it is considered that the design of the proposal does not preserve or enhance the special character and appearance of the Conservation Area or fit in with the overall form and layout of its surroundings. As a result it is considered that the proposal is contrary to paragraph 131 of the NPPF.

The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.

Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the development.

Taking the above into account, it is considered that the proposal is unacceptable and is contrary to both local and national planning policy.

## **RECOMMENDATION**

The application is recommended for refusal for the following reasons:

1. Acceptance of the proposals would be at odds with the requirements of Paragraph 131 of the NPPF. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as the development fit in with the overall form and layout of their surroundings. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted to justify

acceptance of the proposed development when considered against Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

2. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II\* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact. The harm that would be caused is not justified and the wider public benefits of the scheme would not outweigh this harm. The proposal is therefore contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

## Site & Surroundings

1. The settlement of Whitwell is almost entirely within the conservation area boundary and comprises informally arranged buildings principally located either side of the A606 Whitwell Road.
2. The 5.5 acre site is accessed from Exton Road. Each of the northern, western and eastern boundaries are demarked by established mature native hedges with a number of mature trees on the south western boundary. Field House's southern boundary is shared with the identified village settlement in the form of rear garden fences, garages and barns.
3. The applicant has reared rare breeds such as large black and saddleback pigs and been involved in breeding her own herds and production of pork, bacon, lamb and beef. The intension of the applicant is to have her home and livestock in her immediate vicinity in the interest of animal welfare, security and storage of machinery.

## Proposal

4. The application is for the construction of a single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.
5. The proposal envisages building a farmhouse, Field House set in a hollow created in the landscape and earth covered. The site topography permits the creation of the hollow at the point where the land slopes steeply from the north-east to the south and south-west, just to the north of the existing tractor access to the field.
6. The side walls to the north-west and south –east will have an earth covering with pasture grass. The front north-east elevation will be finished in local stone and the rear south-west elevation will feature a large glazed facade with triple glazing aluminium framed sliding curtain walling. The roof will be earth covered with pasture grass.

7. The living accommodation will be spread across one floor and will include 3 No. bedrooms, a living room, kitchen and dining area, study, TV room and utility room.
8. It is the intention to use the created hollow to facilitate vehicle parking and to locate the northern front entrance. The southern side of the hollow would be built from local limestone; the balance of the hollow would be bunded soil to safeguard cows and sheep from dropping in.
9. The supporting information states that the proposed dwelling will adopt the following principles of passive solar design;

**Orientation** – south-westerly orientation midday to evening solar receipts. To optimise receipt of solar gain benefits in terms of space heating contribution, ventilation and high levels of daylight.

**fenestration** - By maximising the areas of glazing on the south westerly elevation the opportunity midday, afternoon and evening solar gains into the home are optimized; By reducing the glazing areas on the north, east and west elevations, the rate of heat loss from those sides of the buildings most prone to higher rates of heat loss is minimised.

**High thermal mass** – The internally active high-mass structural elements work to stabilise the internal ambient air temperature by acting as heat-sink. The heavy mass superstructure will act as a large storage radiator, re-emitting stored heat in to the building at times when the external air temperature is lower than that inside the building.

**Super-insulation** - Designing out conventional external cavity walls makes it possible to increase the thickness of insulation to the walls, which reduces the rate of heat loss from the buildings while increasing their capacity for retaining stored heat. Insulation includes 300mm of extruded polystyrene under the floor slab and over the roof slab and 300mm of PIR insulation outside the solid single thick external walls.

**Passive ventilation** - Designing out the requirement for mechanical air extraction reduces the energy demands of the buildings. Instead, passive stack vents are installed in the kitchen, toilets, and bathrooms. The layout of the building is designed to enable the residents to encourage passive cross-ventilation by inducing the movement of air through the building from the south side to the north-east side. Passive stack vents to the bathrooms, kitchen and utility will ensure fresh air circulation.

**Passive heating** - A combination of passive solar heat gains, human occupation, and secondary heat from household appliances can provide the vast majority, if not all, of the heat that the dwelling will require to maintain a comfortable internal temperature. Heat stored in the super-insulated fabric (floors and walls) of the building will be evenly re-emitted into the rooms ensuring the maintenance of stable internal ambient air temperatures.

**Back-up heating** – A thermostatically controlled low-grade electric under-floor heating system is to be embedded in the concrete floor slabs. There is no need for pipework, radiators, switch-gear, boilers, flues, fuel tanks nor the associated fossil fuel emissions in this house.

**Solar photovoltaics**

Field House will have a 30kW photovoltaic (PV) array consisting of 300W panels will be located just to the north of the dwelling and incorporated into bunds. This



array will dramatically reduce domestic hot water heating costs and the demand for electricity from the grid to almost zero.

10. The supportive information states that Field House offers a building performance of Design SAP Rating of 146A. The Standard Assessment Procedure (SAP) is the methodology used by the Government to assess and compare the energy and environmental performance of dwellings.
11. The defining characteristic of high thermal mass buildings are stable internal air temperatures, a factor consistent with subterranean and earth-sheltered buildings.
12. The building will have a high thermal mass with a *residual heat reservoir*. This is where a body of heat energy that is retained within the thermal mass of the superstructure sufficient to sustain elevated internal air temperatures without significant supplementary heating.
13. The residual heat reservoir within Field House could potentially reduce the heating load requirements to a fraction of a conventional home of a similar size.
14. The applicant proposes to build an earth-sheltered dwelling designed to;
  - achieve the highest energy efficiency standards (SAP 146A)
  - mitigate carbon at an exceptional rate (144A)
  - exceed the UK Governments Zero Carbon standard
  - be fossil-fuel-free in operation
  - achieve an off-grid existence
  - generate a surplus of energy
  - harvest its own water
  - manage its own waste
  - have a light touch on the planet and landscape
  - disseminate advanced in-use building performance data
  - provide a new benchmark of building performance in the UK
  - advance the '*state-of-the-art*' of earth-sheltered buildings
15. Field House's design solution seeks to deliver water conservation solutions to achieve lower than average household water consumption; *the target is considerably less than 80Litres/person/day*.
16. A sewage treatment plant is proposed, capable of fully treating household waste water and sewage to a level that renders it suitable for immediate discharge back into the local environment. An additional interceptor will be constructed from vertical reed bed plants in crated pallets to extract nitrogen and other rich nutrients before the outfall discharges in to a purposed designed open wetland environment.
17. Groups of bat roosting boxes are to be included to the ash tree in the internal hedge, and to the sycamore and ash trees in the western boundary.

## **Relevant Planning History**

No relevant planning history on the site.

## Planning Guidance and Policy

### National Planning Policy Framework

Section 9 – Promoting sustainable transport  
Section 12 – Achieving well-designed places

### Rutland Core Strategy (2011)

CS2 – The spatial strategy  
CS3 – the Settlement Hierarchy  
CS4 – Location of Development  
CS19 – Promoting good design  
CS20 – Energy Efficiency and Low carbon energy generation  
CS21- The natural environment  
CS22 - The Historic and Cultural Environment  
CS24 – Rutland Water

### Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside  
SP15 – Design and amenity  
SP20 - The Historic Environment  
SP23 – Landscape Character in the Countryside

## Consultations

18. **Highway Department:** No objections subject to conditions
19. **Rutland Tree Officer:** No objections subject to condition
20. **Rutland Footpath Officer:** No objection subject to condition
21. **Ecologist:** No objection subject to conditions
22. **Lead Flood Authority :** No objections subject to conditions
23. **Anglian Water:** No objection
24. **Archaeologist:** No objection
25. **Historic England:** The application has the potential to impact on several designated heritage assets, including the Grade II\* Listed Church of St Michael. Detailed guidance on assessing the impact of development on the setting of a heritage asset is set out within Historic England Good Practice Advice on Planning Note 3 *The Setting of Heritage Assets*, including paragraphs 9-13 and 17-36  
Suggest that the views of our specialist conservation and archaeological advisers are gained.
26. **Rutland Building Control:** A modern traditional build would typically have a SAP rating of 85 – 90 and achieve a B rating but the SAP software allows for score in excess of 100 to allow for green technologies. This proposal would be extremely well insulated with self generating power features and minimal energy inputs for heating and hot water. They are typically built in to the ground against a hill or bank which reduces heat loss and south facing openings to maximise passive heat gains. This needs encouraging.

## Neighbour and Parish Representations

27. The application has been advertised in accordance with the Rutland Statement of Community Involvement and the following comments have been received:
28. Representations in support of the application and approximately 32 representations from 19 objectors against the proposals.

The main issues raised by the numerous objections are as follows:

- Does not meet the criteria of NPPF Para 79 dwelling
- Whitwell is a restraint village (now small village) and the facilities locally do not support further development
- Sited outside of the Planned Limits of Development for Whitwell
- The design is not outstanding or innovative, does not raising standards of design and the SAP methodology for achieving Net Zero Energy Building is not innovative
- The eco design is "out of character" of the Whitwell conservation area in terms of scale, layout, design and materials
- The heritage impacts arising from the development have not been adequately considered particularly the impacts on the Whitwell Conservation Area and Heritage Assets such as The Home Farmhouse (Grade II) and The Church of St. Michael (Grade II\*)
- No regard has been made to the Heritage Status of the village and the fact the development will be seen from most vantage points including the Churchyard and the Viking Way.
- No provision has been made for the identification, protection or preservation of potential archaeological remains on the site
- The design is not sensitive to defining characteristics of the local area , the style of the building in no way reflects local building traditions and is out of character with the existing buildings
- The location cannot be described as remote or isolated (in accordance with the Braintree ruling) as directly adjacent village, bus stop and Public House.
- The location of lone dwelling on high bank at odds with other properties forming the linear characteristic of this conservation village
- Loss of privacy from proposed elevated window towards rear of properties which abut southern boundaries
- There are no long site sections which show adjacent buildings to properly assess impact.
- Vehicles using access to the property would create noise and light pollution
- Light pollution to open countryside from windows and any outside lights
- Glare from large curved glass windows will form an incongruous feature in countryside setting
- Light and glare from property will be a hazard to vehicles using A606
- The applicant lives near the site and does not need to live on the site for hobby farming so does not meet essential need requirements.
- There is no mention on the application as to where this commercial enterprise will be and where this meat be stored, processed and packaged
  - There isn't any allocation for this within the proposed floor plans

- The application drawings do not show the access road and parking areas or the ancillary buildings, plant and machinery storage and fencing necessary for the farming activities described
- There are impositions on long distance views over the open countryside with the site being seen from the A606, Bull Brigg Lane, Church Lane and from the church itself.
- The plans do not show any provision for the erection of TV and Satellite Aerials. If surplus energy is to be fed back to the national grid where is the provision of cables runs and access points
- The lack of drainage on this field has resulted in a quagmire at the bottom of the field.
- The entrance from Exton road involves a very narrow lane and due to poorly maintained drainage suffers flooding and grass verges reduced to mud banks. The regular increase and flow of vehicles will only add to the problem and create a dangerous entry/exit point
- Proposed development will add to existing flooding problems in the area
- The sewage from this building is supposed to be deposited in the field creating a marsh land. This is not acceptable due to the increase in flies it is bound to attract and any possible odour

Comments in support of the proposal are as follows:

- I support this application. It is a sustainable house that deals with all the problems of our environment: Carbon emission, energy efficient, water capture, waste, bio-diversity and food production. It also allows the applicant to be amongst her animals, which is a vital part of animal husbandry
- Whilst I am not a local resident of the area, I would like to give the above proposal my full support.
- I have read the newspaper reports about the project and was dismayed to see the same old irrational and parochial arguments being trotted out by those opposed to the project.
- The project is of outstanding architectural merit, provides appropriate rural housing for long-time residents of the village and frees up good size family accommodation within the village. It has no negative effect on the local environment, and contributes positively to the wider environmental issues facing us all through its energy efficient design principles.
- My support for the project is based on my extensive knowledge and previous experience of both the type of house being proposed and the energy performance this type of construction will achieve.
- I also believe that, given past experience, objectors will find their fears are groundless.
- I hope the local authority react positively to this application and give it their full support.

29. Whitwell Parish Council stated the collective view of the Parish considering the proposal contrary to para 79; not isolated (79), no justified requirement for the dwelling (79a), not truly outstanding or innovative and would not significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area (79e), drawing attention to relevant Local Plan Policy.

### The East Midlands Design Review

30. The applicants engaged with the East Midlands Design Review as part of a pre-application consultation with the local authority. The report and conclusions of the Design Review have been a consideration when assessing this application.
31. The Design Review Panel reinforced that Paragraphs 79 and 131 of the NPPF set an incredibly high bar and identified the need for a more robust and compelling design narrative.
32. The Panel considered that the pre- app proposal did not meet the stringent requirements of Paragraph 79 or Paragraph 131, and suggested that the following areas should be addressed:
  - i. The provision of a more robust site analysis including character analysis of the village and landscape, identification of key views, role of rare breed pigs and cattle, sun path study etc. to demonstrate an in-depth and comprehensive understanding of the site;
  - ii. A more compelling narrative and vision for the project, which responds positively to the site context and the client's ambitions for the site; and
  - iii. Provision of a bespoke design solution (with supporting information / diagrams) which is 'rooted' within its context and designed holistically, to meet current and future needs.
33. During the infancy of this application the local authority informed the applicant that if it is considered that the submission has not suitably addressed these points and does not reach the high bar that para 79 or 131 demands then it was unlikely that the local authority would support the application.

## **Planning Assessment**

### The principle of development and other material considerations

34. Paragraph 79 of the National Planning Policy Framework states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
35. The matter of 'isolation' is an essential consideration when assessing applications against Paragraph 79 of the NPPF. The Braintree District Council v Secretary of State for Communities and Local Government case (March 2018) and other subsequent decisions are relevant and help to provide further clarity on how the term 'isolated' should be interpreted.
  36. In addition to this Paragraph 131 of the NPPF, due to the edge of settlement nature of the sites location also forms a consideration. – Para 131 states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.
  37. The pre-submission was reviewed by the East Midland Design Panel who made comments in light of both Paragraph 79 and Paragraph 131 of the NPPF.
  38. To meet the criteria of Paragraph 79 of the NPPF the scheme needs to demonstrate that it will 'significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area', which includes the proposals for the landscape.
  39. With regards to an assessment of Isolation, the site is outside of the planned limits of development for Whitwell so, in policy terms is within the countryside.
  40. Paragraph 79 of the Framework requires policies and decisions to avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply, and the application proposal is promoted to meet paragraph 79e); 'the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'
  41. The meaning of the word 'isolated' in paragraph 79 was the subject of the 'Braintree' judgments (Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018) which determined that the word should be given its ordinary

objective meaning of 'far away from other places, buildings or people; remote'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of a particular case.

42. The application site is a large field and whilst the red-line boundary encompasses part of the site leaving an area to keep for agricultural use, the stated intention is that domestic activity would be more restricted closer to the building, in addition to which, permitted development rights could be removed, which would restrict built form across the site.
43. The house is designed to take advantage of the existing contours of the site, with the bunding proposals seeking to introduce additional landform features to provide a level of screening.
44. Seen from the location of the proposed house there is built form visible particularly the access track and glazed frontage. The proposed dwelling will be able to be viewed through breaks in the hedgerow as vehicles approach Whitwell from an easterly direction along the A606 and additional more localised views will be gained from breaks in the built form that fronts the main road that cuts through the centre of Whitwell. Aspects of the site will also be viewed from users of the Vilking Way.
45. From the elevated site there are clear views across the village of Whitwell. There is development that adjoins the southern boundary of the fields with a ribbon of dwellings following the road and having a domestic character and appearance.
46. The car park which serves the Noel Arms Public House is in close proximity to the eastern extremity of the site.
47. There is a bus stop a short walk away from the boundary of the site and a public footpath that runs along the eastern boundary that gives direct access within a matter of minutes by foot into the centre of Whitwell.
48. The proximity of other buildings and activity from people lead to the conclusion that the site cannot be considered 'isolated' in the terms of paragraph 79e) as determined by the Braintree judgments, as the degree to which it is 'away' from places, building and people is limited. It is therefore concluded that this application should not be assessed under the criteria of paragraph 79 of the NPPF and it is more appropriate for the development to be assessed under Paragraph 131.
49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Whilst chapter 12 of the Framework on achieving well-designed places and paragraphs 124 and 131 in particular are predicated on the

development being in an otherwise acceptable location, it is reasonable to consider the design and technical credentials of the proposals under the provision for material considerations.

### Rutland Planning Policy

50. The application site is a greenfield site located in the open countryside, adjoining the planned limits of development for Whitwell and the designated Rutland Water Area.
51. The main planning policy considerations are:
52. **Core Strategy (July 2011)**
53. **Policy CS3 – the Settlement Hierarchy**
54. Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Whitwell as a restraint village. These villages have few services and facilities and development is unsustainable. - The proposal is outside the planned limits of development, as such is defined as open countryside in Policy CS3.
55. **Policy CS4 – Location of Development**
56. Policy CS4 sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable local housing needs. – The proposal doesn't accord with this policy.
57. **Policy CS20 – Energy Efficiency and Low carbon energy generation**
58. Policy CS20 sets out that the design, layout and orientation of buildings should aim to minimise energy consumption and promote energy efficiency and use of alternative energy sources. – The proposal exceeds the UK government Zero Carbon Benchmark SAP rating and achieves the highest energy efficiency standards. It will generate a surplus of energy, harvest its own water and manage its own waste.
59. **Policy CS21- The natural environment**
60. Policy CS21 sets out that the 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 feature. – The proposal states that habitat enhancement works will be undertaken to the site to increase biodiversity (eg. Bat roosting boxes to be included in trees along the boundary and planting in the gaps with native trees and shrubs)



61. The proposal is within the defined Rutland Water (RWA) Area boundary, so Core Strategy **Policy CS24 – Rutland Water** will need to be considered in addition to the policies relating to residential development in the Countryside.
62. Policy CS24 provides an additional layer of Policy protection which limits development within the RWA boundary to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape.
63. The policy intention is to ensure development in the Rutland Water Area will be carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water. The Council will need to be satisfied whether the proposal is in accordance with this policy.
64. In addition, the site adjoins the Conservation Area, as such, Core Strategy Policy CS22 - The Historic and Cultural Environment and SAPD SP20 - The Historic Environment will need to be taken into consideration.
65. **Site Allocations & Policies DPD (October 2014)**
66. **Policy SP6 – Housing in the Countryside**
67. Policy SP6 only allows for development in the countryside where it is essential for certain operational needs or for affordable housing to meet an identified local housing need. - The proposal doesn't accord with this policy.
68. **Policy SP23 – Landscape Character in the Countryside.** This policy sets out development in the countryside will only be acceptable where it is designed so as to be sensitive to its landscape setting. The proposal, in the opinion of the local authority, does not enhance the distinctive qualities of the landscape character type in which it is situated, the distinctive elements, features, and other spatial characteristics as identified in the Council's current Rutland Landscape Character Assessment and it does not respond to the recommended landscape objectives for the character area it is within.
69. **NPPF (Feb 2019) - Paragraph 131**
70. Paragraph 131 of the NPPF states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

71. The proposal is contrary to the adopted local plan policies and would normally not be acceptable in the National Policy terms unless it is demonstrated that it meets the requirements of paragraph 131 of the NPPF.
72. Design & the Impact on the character and appearance of the area
73. The proposed siting of the building at the top part of the site requires a substantial access drive and will undoubtedly have a visual and physical impact on the landscape.
74. When you also factor in the large parking courtyard which cuts into the hillside the impact on the natural formation of the hillside is dramatically altered. Whilst bunding is proposed which may screen the courtyard from closer views the real impact of this gap in the landscape can be appreciated from the raised part of the village to the south particularly from the Church grounds.
75. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
76. The justification for the siting of the dwelling is to enable the applicant to carry on their farming activities on the site and be nearer the animals. It is still not clear how all the animals will utilise all of the landscape area and how they are to be restricted from the residential parts of the site.
77. The applicant has confirmed that they have not sought to justify the proposed application under the grounds of the essential need for a building to house a rural worker.
78. The current plans cater for the residential element of the use of the land as a dwelling but lacks the detail regarding the function as a farming business. We requested the submission of more detail as to where this commercial enterprise will be and where this meat be stored, processed and packaged. The application drawings do not show any ancillary buildings, plant and machinery storage and fencing necessary for the farming activities described. The thrust of the justification for the siting of the dwelling is for the applicant to be able to work the land and be on site to carry out her agricultural business. The applicant lives very near to the site and the applicant does not need to live at the site to continue to carry out the level or type of farming proposed.
79. The local authority does not consider that the submission has adequately addressed concerns about potential light pollution (from internal and external lighting) or potential glare from the large glazed frontage and detailed information has not been submitted (in the form of a lighting report) to inform the local authority of what the likely impacts from the development are.

80. One of the key considerations is the visual impact of the dwelling. A Landscape Visual Appraisal has been submitted and whilst key vantage points have been selected to be assessed it does not show the proposed dwelling in-situ and from where it can be seen. The local authority requested information which included key vantage points identified and mapped out with a clear indication of how much of the dwelling can be seen from these exact locations. These locations were requested to be mapped along the A606 (on the higher approach into the village and through various gaps in the built form through the village), along the Viking Way, Bull Brigg Lane, Church Lane and from the Church yard.
81. The current submission only shows a close up cross-section through the dwelling and surrounding land. In order to properly assess the impact of the dwelling in relation to the wider context of the village and surrounding properties the local authority requested suitably scaled proposed long site sections which show adjacent buildings and land.
82. Furthermore, the local authority requested additional information on how TV and Satellite Aerials are to be catered for and if surplus energy is to be fed back to the national grid where is the provision of cable runs and access points.
83. The Design Review Panel questioned the design of the house on a number of levels - specifically the rigid and fixed form of the building; how this form relates to the site context and local vernacular; the rationale for what appears to be a seemingly inflexible internal layout of the building; the position of the building within the site, and the minimal use of earth sheltering (despite the stated aims for the project). The Panel reiterated the need for a more robust rationale – one that is informed by a much clearer understanding of the characteristics of the site and the surrounding area.
84. The Panel report stated that this should include images / drawings demonstrating what will be seen from the viewpoints identified, eg. Public Rights of way, St Michael and All Angels Church, etc.
85. The Panel considered that in the form presented to them at that time, the proposal did not meet the stringent requirements of Paragraph 79 or Paragraph 131, and suggests that the following areas should be addressed:
  - iv. The provision of a more robust site analysis including character analysis of the village and landscape, identification of key views, role of rare breed pigs and cattle, sunpath study etc. to demonstrate an in-depth and comprehensive understanding of the site;
  - v. A more compelling narrative and vision for the project, which responds positively to the site context and the client's ambitions for the site; and
  - vi. Provision of a bespoke design solution (with supporting information / diagrams) which is 'rooted' within its context and designed holistically, to meet current and future needs.

86. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
87. It is considered therefore that the proposal would be contrary Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
88. It would also be at odds with the core planning principle of the Framework at Paragraph 131. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as they fit in with the overall form and layout of their surroundings.
89. It is not disputed that the dwelling would be an energy efficient house. It has been designed to reduce the needs for grid linked energy and be energy efficient.
90. These sustainability credentials are commendable and reach a SAP Rating far higher than often found in many residential properties.
91. Nevertheless, even though examples of such dwellings maybe rare in the area, in general terms the delivery of this level of sustainability in a purpose built contemporary house is no longer innovative in itself. Moreover, there is no indication that the way these features are incorporated into the design of the dwelling, or the specific materials to be used, are particularly innovative or exceptional. Whilst it is suggested that the proposal could act as a case study of what can be achieved, most of the lessons could be learned in a more acceptable location within the planned limits of development for Whitwell.
92. Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the proposal.
93. Rutland Design Officer comments
94. Three additional reports were submitted in July concerning landscape, drainage and agriculture:
  - Landscape and visual appraisal
  - Agricultural sustainability statement
  - Surface water interventions
95. The reports above provide some additional information but in the opinion of the Rutland Design Officer fall well short of the requests made by the Design Review Panel and the detailed response in their letter dated 23.10.19.

96. The Design Officer has made the following comments in relation to the application:
- b. *'We need to see a substantial body of work that explains and illustrates the design narrative. It is important to explain that this is not a tick box exercise that can be done retrospectively.'*
  - c. *This substantial body of work needs to be undertaken with the present proposal pushed to one side – it needs to be undertaken independently and with a blank canvas. Any proposals for the site must be seen to have evolved through this design process and this journey must be evidenced.*
  - d. *This design process should then lead to a scheme that is completely unique to this site. If the earth sheltered dwelling is identical to others in different locations, then it is missing one of the key elements of Para.79 – e) 'be sensitive to the defining characteristics of the local area.'*
  - e. *An example of an earth sheltered dwelling that received a positive review from the Design Review Panel is below. The Panel's letter is included below. It is worth studying the quality of this application and how the material and design process has been communicated.*
  - f. *<https://publicaccess.cotswold.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*
  - g. *Some noteworthy factors include:*
    - This scheme went through three Design Review Panels – being improved further each time;*
    - The scheme was drawn up by a 'design team' including a qualified and well-established Architect (Loyn and Co architects), Landscape Architect (SEED landscape design ltd) and Ecology consultants (Ecology by Design) – these all inputted their various areas of expertise;*
    - Viewing the application material online, it can be seen that a substantial body of material has been produced, leading to a very high quality design that is unique to the location and site.'*
97. Taking the Design Officers comments into account it is considered that whilst the sustainability credentials of the proposed development are not in question the same cannot be said for the design approach. It is considered that the current design does not take into account the surrounding landscape features of respect the special character and appearance of the Conservation Area and surrounding heritage assets.
98. Conservation Comments
99. Regarding the heritage impacts the local authority has assessed if the Heritage Impact Assessment adequately considers the impacts on the Whitwell Conservation Area and Heritage Assets such as The Home Farmhouse (Grade II) and The Church of St. Michael (Grade II\*).
100. In relation to the application and the submitted Heritage information, the Conservation Officer has made the following comments :

*'The application site is on rising land adjacent to the current northern edge of the small village of Whitwell.*

*As the 2013 Conservation Area Appraisal explains, Whitwell is situated in a hollow which means that the surrounding countryside is dominant in views out of the village. St. Michael's Church is raised above level of Main Road (A606) and by virtue of its elevated position, is the dominant feature in views into the village from several directions but particularly from the west. Other buildings within the village are essentially low-rise and it is particularly important that the prominence of the Church and other key buildings in the village are preserved. The application site is readily visible from the churchyard.*

*Views of Whitwell from the northern approach along Exton Road and from the south from Bull Brigg Lane emphasise the rural setting of the village as a cluster of low buildings in a hollow in an otherwise open countryside setting, with the surrounding higher ground forming a backdrop. This setting, together with the use of a limited range of traditional materials contributes to the special character of the settlement.*

*As the submitted Heritage Assessment correctly acknowledges, Whitwell Conservation Area is of high significance.*

*The proposal is to erect an earth sheltered dwelling on the undulating agricultural land to the rear of existing properties fronting the northern side of Main Road.*

*The application proposes a wildflower meadow and tree planting to help screen the dwelling from certain views. An existing hedge that more or less divides the site in two is shown to be retained.*

*There are at present some agricultural buildings on the site that because of their size and are discreet locations go largely unnoticed.*

*Under the provisions of the Town Planning (Listed Buildings and Conservation Area) Act 1990 local planning authorities are required to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires similar regard be paid to preserving the character or appearance of a Conservation Area.*

*The more recent NPPF (2019) requires great weight to preventing harm to designated heritage assets and their setting and where harm is identified a judgment needs to be made as to whether it is substantial or less than substantial. If the conclusion is the former, then the proposals should be refused. However, if the conclusion is that the harm is less than substantial, then the harm identified should weighed against any public benefits arising from the development.*

Historic England's guidance in **The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 (2<sup>nd</sup> Edition Dec 2017)** explains:

*“Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”*

*It is not, therefore, just the visual impact of a development that needs to be considered but also other environmental factors.*

*There is paraphernalia that usually comes with domestic use of land to consider and whilst it is of course possible for the LPA to control this, to a degree, by conditions attached to the planning permission this cannot cover every eventuality.*

*Furthermore, if the removal of permitted development rights on what can be allowed within the domestic curtilage have to be so strict to make the development otherwise acceptable the principle of the suitability of the site for residential use has to be questioned.*

*No doubt the applicants will say that they have no intention of erecting such features as sheds, greenhouses or children's play equipment on the land that will become a domestic curtilage but future occupiers may not be similarly minded and so dedicated to the original ethos of the proposed development.*

*Added to this is the impact of lighting during the hours of darkness.*

*Whilst it is ultimately for the decision maker to decide whether the public benefits justify the harm to heritage assets, the only public benefits I can identify are the addition of one additional unit to the local housing stock and a temporary boost to the local building industry during the construction phase and these are not sufficient in my opinion to justify the harm.*

*Furthermore **Policy CS22 of the Adopted Core Strategy** requires that new development protect and where possible enhance historic assets and their settings, and maintain local distinctiveness and the character of identified features. This policy also requires development to respect the historic landscape character and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.*

*In my opinion the proposal should be resisted as there is an objection in principle to a fundamental change in the character of the land from agriculture to residential. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation*

*Area and its ensemble of designated heritage assets, in particular the setting of the Grade II\* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact.*

*The harm that would be caused is not justified and, therefore, in accordance with the requirements of the NPPF, considerable weight must be attached to preserving the setting of the heritage assets when coming to decision on whether or not to grant permission.*

*The proposal is contrary to both national and local policies that seek to conserve and enhance the historic environment.'*

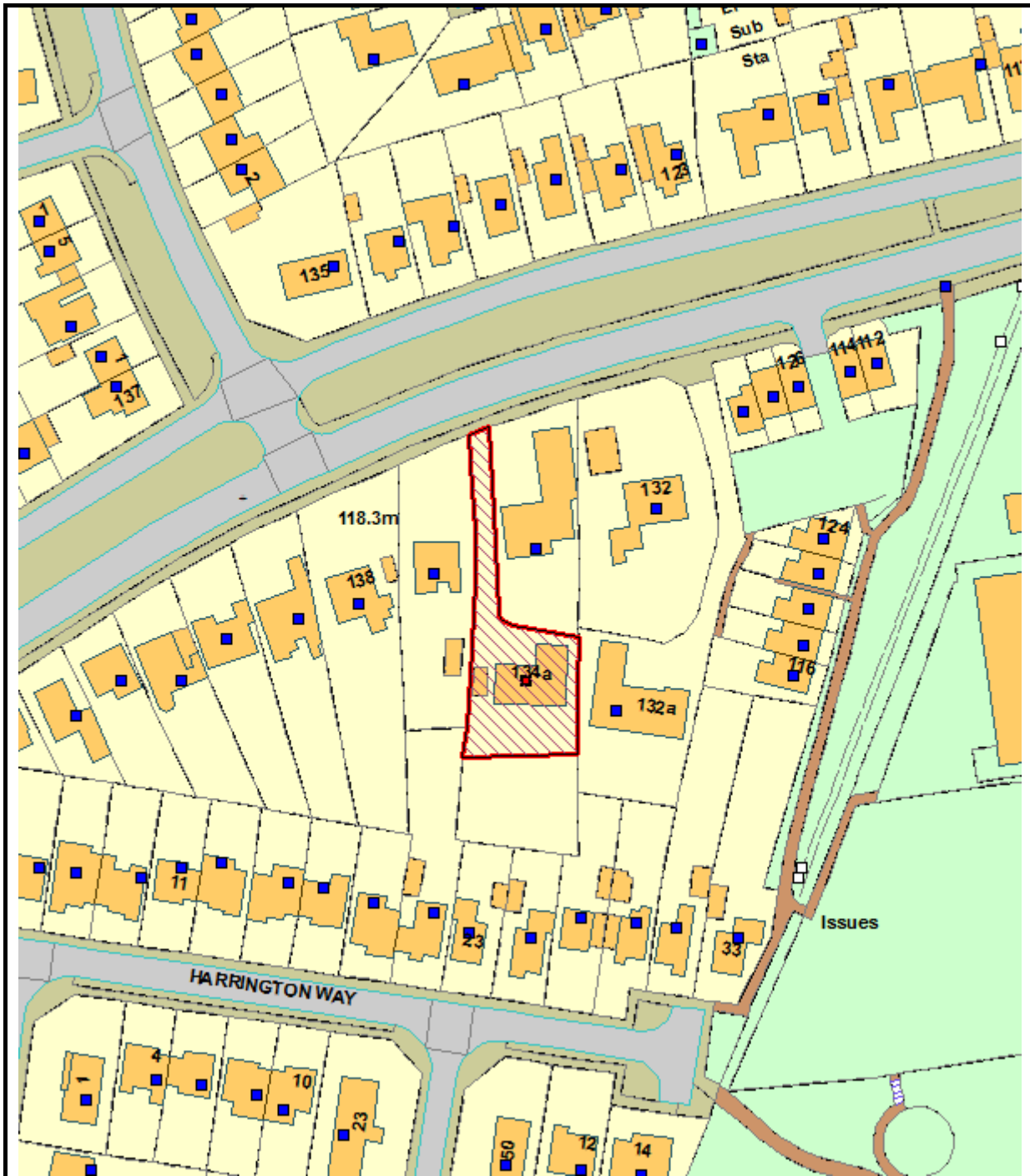
101. Taking the above into account it is considered that the proposal is contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).
102. Impact on the neighbours' residential amenities
103. The proposal has a low profile with a large glazed frontage allowing views in a south westerly direction towards open fields and distant properties on the opposite side of Exton Road
104. Whilst elevated in relation to the properties to the south that front the A606, direct views from the glazed frontage towards the rear gardens and their rear elevations are oblique and obscured by proposed raised earth bunding.
105. Direct lighting from this glazed frontage will not be facing directly to the rear of properties and will be further reduced by the distances maintained and the bunding to the sides. Further mitigating measures can be introduced through an appropriate landscaping scheme. Any external lighting can be controlled by condition.
106. The proposed openings to the rear of the house are further sunken within the rear yard area and do not offer direct views over neighbouring properties.
107. Due to the distances of separation there will be no over dominant or oppressive environment created by the proposal over neighbouring properties and their private gardens.
108. Furthermore, due to the distances of separation, position of openings and the domestic nature of the proposed usage it is considered that noise levels generated from the development will not reach an unacceptable level which weigh against the proposal. Unrestricted general farming activities can be carried out now within the fields which could generate noise.



109. Activities normally associated to domestic garden use can be carried out in the surrounding grounds but adverse impacts can be reduced by removing permitted development rights for the erection of structures
110. Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
111. Highway issues
112. The proposal will utilise the existing access to the field and include a new access track across the field to reach the proposed dwelling. Parking is provided on-site to the rear of the house.
113. Rutland Highway Department have been consulted and have no objections subject to conditions.
114. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
115. Crime and Disorder
116. It is considered that the proposal would not result in any significant crime and disorder implications.
117. Human Rights Implications
118. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

119. Conclusion

120. The proposal is contrary to the adopted local plan policies and is not considered acceptable in the National Policy terms as it has not been demonstrated that the proposal meets the requirements of NPPF paragraph 79 or 131.
121. The site is in close proximity to other buildings within the village and cannot be considered 'isolated' in the terms of paragraph 79e) as determined by the Braintree judgments, as the degree to which it is 'away' from places, building and people is limited.
122. The proposed development does not respect or adequately justify the impacts that the development would have on the very special character of the surrounding rural countryside, the setting of the conservation area or the adjacent heritage assets. As a result it is considered that the proposal is contrary to paragraph 131 of the NPPF.
123. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
124. The proposal is contrary to both national and local policies that seek to conserve and enhance the historic environment.
125. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II\* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact.
126. The harm that would be caused is not justified and, therefore, in accordance with the requirements of the NPPF, considerable weight must be attached to preserving the setting of the heritage assets when coming to decision on whether or not to grant permission.
127. Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the development.
128. Taking the above into account, it is considered that the proposal is unacceptable and is contrary to NPPF (Sections 5, 12 and 16), Policies CS19 & CS22 of the Rutland Core Strategy (2011) and Policies SP15 & SP20 of the Site Allocations and Policies Development Plan Document (2014).



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Ordnance Survey [100018056]



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/1205/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Proposed addition of three new roof windows and a new floor within the vaulted lounge to form a study area</b>		
Address:	<b>134A Braunston Road, Oakham, Rutland LE15 6RU</b>		
Applicant:	<b>Mr A. Burt</b>	Parish	<b>Oakham Town</b>
Agent:	<b>Mr Robin Taylor</b>	Ward	<b>Oakham South</b>
Reason for presenting to Committee:	<b>Applicant related to RCC employee</b>		
Date of Committee:	<b>9<sup>th</sup> February 2021</b>		

## EXECUTIVE SUMMARY

**The proposed development would not have a detrimental impact upon the residential amenity of neighbouring residential occupiers, representing a minor alteration that would also not adversely affect the character and appearance of the local area.**

## RECOMMENDATION

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

1. The development shall be begun before the expiration of three years from the date of the 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, labelled; A1-20-10-2020 Rev 2, and the materials specified in the application.  
Reason: For the avoidance of doubt and in the interests of proper planning.

## Site & Surroundings

1. The application property is No 134A Braunston Road, Oakham. This is a detached, gable-ended dormer dwelling of modern design and construction, located in its own curtilage which is set behind those residential properties fronting the Braunston Road. The dwelling is linked to the Braunston Road by a narrow, private driveway, which runs between the side gardens of Nos 134 and 136 Braunston Road.
2. The dwelling is L shaped in plan form, with the main front elevation facing the rear gardens and rear elevations of those dwellings fronting the Braunston Road, and its main rear elevation facing the rear elevations of those dwellings fronting Harrington Way. At present, the front pitch of the roof slope contains a double roof light feature, and the rear pitch of the roof slope contains a single rooflight. The projecting element of the dwelling, projects forward of the main front wall, and incorporates a gable dormer window, which faces west, out towards the long rear garden of No 136 Braunston Road.

## Proposal

3. The proposal seeks full planning permission for the addition of three new roof windows and the insertion of a new first floor within the existing ground floor vaulted lounge, to thereby form a new study area at first floor level. The new rooflights are to match the design of those existing.
4. The application as originally submitted proposed the insertion of a single new rooflight in the main front roof pitch, on an alignment similar to that of the existing double rooflight, and a double rooflight to be inserted in the rear roof pitch on an alignment similar to the single roof light feature that is present in the rear roof pitch. These new rooflights would serve the proposed construction of a new first floor study that would be built over the existing currently vaulted ground floor lounge of the dwelling. A cross-sectional drawing detail was provided with the originally submitted application drawings but this detail did not show a measured, confirmed distance for the positioning of the new roof lights, in relation to the new first floor being created.
5. Following the receipt of objections and concerns being expressed by neighbours of two residential properties located to the rear of the application site, the Agent submitted a finalised amended plan (Rev.2), that has included a cross-sectional drawing showing the confirmed distances from the new finished floor level to the bottom of the proposed new rooflights. In the case of the proposed rear double rooflights this distance is shown at 1700mm, with a notation that states "Roof opening must be a minimum of 1700mm from finished floor level. This is (to) alleviate an/potential privacy concerns of neighbours. These windows should now be above eye level so no overlooking will occur". In the case of the proposed front single rooflight, this distance is shown at 1100mm, with a notation that states "Roof opening must be a maximum of 1100mm for fire escape reasons".
6. In comparison with the originally submitted application drawings, the finalised amended Rev 2 plan is therefore showing a repositioning of the proposed south-facing, rear double rooflights further up the roof pitch, and closer to the main roof ridge line, while the proposed north-facing single rooflight has been maintained at its originally proposed position.

## Relevant Planning History

<b>Application</b>	<b>Description</b>	<b>Decision</b>
FUL/2004/0420	Erection of two storey dwelling house	This was an application submitted by the current applicants, and was granted by notice dated 13/8/2004. A condition of this permission withdrew permitted development rights.
FUL/2007/0070	Garage	Granted

FUL/2010/0735	Construction of rear conservatory, retention of pergola and greenhouse	Granted
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## **Planning Guidance and Policy**

**National Planning Policy Framework (NPPF) 2019**  
Chapter 12-Achieving well-designed places

**Site Allocations and Policies DPD (2014)**  
SP15 - Design and Amenity

**Core Strategy DPD (2011)**  
CS19 - Promoting Good Design

**Other Policies and documents**

**Supplementary Planning Document-Extensions to Dwellings (2015)**

## **Consultations**

7. Oakham Town Council

In relation to the application as originally submitted, the Oakham Town Council Recommended Approval. Following re-consultation on the amended plan, no Further comment received.

## **Neighbour Representations**

8. In response to the initially submitted application, two letters citing objection and concern were received from the occupiers of two of those residential properties fronting Harrington Way, and which therefore are situated to the rear of the application site. These letters sought clarification as to the height of the proposed rear windows, as their existing rear gardens were not currently overlooked, and confirmed that if these were to be at eyelevel then there would be a loss of privacy. One of the letters, while expressing concern over the rear roof windows and the resultant overlooking, made the point that if the windows were to look 'skywards' then overlooking may not be a problem, but that "the plans don't illustrate this and more detail is required".
9. Upon the receipt of the finalised amended plan, re-consultation was carried out with neighbours but no further representations were received.

## Planning Assessment

10. The main issues are the extent to which there would be a potential detrimental impact upon the residential amenities of neighbouring occupiers, and any adverse impact upon the character and appearance of the local area. With the submission of the finalised Rev 2 amended plan which shows a cross-sectional detail of the positioning of the rear rooflights, and their re-siting further up the rear roof pitch, the Agent has responded to the concerns expressed by neighbours to this element. It is therefore considered that this re-siting would prevent any scope for a loss of privacy to these neighbours at the rear. While the proposed rooflight in the front roof pitch has remained in its original position, the Agents notation has drawn attention to its position being needed for fire escape reasons arising from the relevant legislation on these types of alterations. This new single rooflight will face northwards, and given the siting of No 134A, there is still considered to be a reasonable separation distance resultant between the siting of this new single rooflight and the rear of those residential properties fronting the Braunston Road. In terms of the design aspects of the proposed alterations, these are essentially minor in nature and would not be incongruous, or detract from the character and appearance of the local area.
11. Taking the above into account, it is considered that the proposal would have an unacceptable adverse impact upon the residential amenity of local residents or the wider area, in accordance with Section 12 of the NPPF (2019), Policy CS 19 of the Rutland Core Strategy (2011), and Policy SP 15 of the Site Allocations and Policies Development Plan Document (2014).

### Crime and Disorder

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

### Human Rights Implications

13. 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.
14. It is considered that no relevant Article of that act will be breached.

### Conclusion

15. The proposal, as amended, has been assessed against the national and local planning policies and would not have a detrimental impact upon the residential amenity of neighbouring occupiers, and would not adversely affect the character and appearance of the local area.

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## PLANNING AND LICENSING COMMITTEE

9<sup>th</sup> February 2021

### APPEALS

#### Report of the Strategic Director for Places

Strategic Aim:	Ensuring the impact of development is managed	
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 <a href="mailto:psharp@rutland.gov.uk">psharp@rutland.gov.uk</a>
	Justin Johnson, Development Control Manager	Tel: 01572 720950 <a href="mailto:jjohnson@rutland.gov.uk">jjohnson@rutland.gov.uk</a>
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

#### 1. PURPOSE OF THE REPORT

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

#### 2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/W/20/3262931 – Mrs Louise Brown – 2020/0843/PAD**  
Fairchild Lodge, Lyddington Road, Caldecott, Rutland, LE15 8TE  
Prior approval for proposed change of use of an Agricultural building to 3 no. dwelling houses.

**Delegated Decision** – The lightweight design and construction of the building, including it being largely open on the front and rear gables means that it is not capable of functioning as a dwelling and the proposed works to facilitate the use for Class C3 purposes would involve operational development tantamount to the construction of a new dwelling rather than a conversion of an existing building. The proposal would therefore not constitute development permitted under the provisions of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

### **3. DECISIONS**

3.1 **APP/A2470/W/20/3255133 – Mr C Milburn - 2019/0879/FUL**  
The Horse & Panniers, 12A Church Street, North Luffenham, LE15 8JR  
Application to regularise matters with regards to the property being used as two separate dwellings.

**Delegated Decision**  
**Appeal Dismissed – 11<sup>th</sup> December 2020**

3.2 **APP/A2470/Y/20/3255132 – Mr C Milburn – 2019/0880/LBA**  
The Horse & Panniers, 12A Church Street, North Luffenham, LE15 8JR  
Application to regularise matters with regards to the property being used as two separate dwellings.

**Delegated Decision**  
**Appeal Dismissed – 11<sup>th</sup> December 2020**

3.3 **APP/A2470/D/20/3260075 – Mr & Mrs G Herdale – 2020/0528/FUL**  
Buckland House, 13 Aldgate, Ketton, Rutland, PE9 3TD  
Hurdle Fence to the boundary.

**Delegated Decision**  
**Appeal Dismissed – 21<sup>st</sup> December 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

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