

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 22nd November, 2022** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

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

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/86519584985>

A G E N D A

1) WELCOME AND APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 25th October 2022 and receive an update on actions agreed in the minutes of the previous meeting.

(Pages 3 - 8)

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

5) PLANNING APPLICATIONS

To receive Report No.186/2022 from the Strategic Director of Places.
(Pages 9 - 12)

- a) 2021/1450/FUL
(Pages 13 - 28)
- b) 2022/0459/FUL
(Pages 29 - 36)
- c) 2022/0547/FUL
(Pages 37 - 48)
- d) 2022/0562/LBA
(Pages 49 - 58)
- e) 2022/0924/FUL
(Pages 59 - 66)

6) APPEALS REPORT

To receive Report No.187/2022 from the Strategic Director of Places.
(Pages 67 - 70)

7) ANY OTHER URGENT BUSINESS

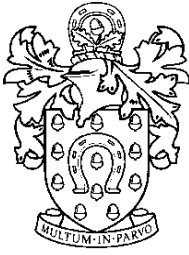
To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor E Baines (Chairman)	Councillor P Browne (Vice-Chair)
Councillor N Begy	Councillor D Blanksby
Councillor K Bool	Councillor A Brown
Councillor G Brown	Councillor W Cross
Councillor J Dale	Councillor A MacCartney
Councillor R Wilson	Councillor R Payne



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 25th October, 2022 at 7.00 pm

PRESENT:

Councillor E Baines (Chair)	Councillor P Browne (Vice-Chair)
Councillor N Begy	Councillor D Blanksby
Councillor K Bool	Councillor A Brown
Councillor G Brown	Councillor W Cross
Councillor J Dale	Councillor R Payne

ABSENT: Councillor A MacCartney

OFFICERS	Justin Johnson	Development Manager
PRESENT:	Sherrie Grant	Planning Solicitor
	Robyn Green	Highways Engineer
	Nick Thrower	Principal Planning Officer
	Nick Hodgett	Principal Planning Officer
	David Ebbage	Governance Officer

1 WELCOME AND APOLOGIES RECEIVED

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Abigail MacCartney,

2 MINUTES

Consideration was given to the minutes of the meeting held on 23rd August and 26th September 2022.

RESOLVED

a) That the minutes of the meeting on 23rd August and 26th September be **APPROVED.**

3 DECLARATIONS OF INTERESTS

Councillor A Browne declared a personal interest in item 5a- Planning Applications, application 2022/0124/FUL as the applicant was married to his niece. Councillor Browne would leave the meeting at that point.

Councillor A Browne declared a pecuniary interest in item 5c – Planning Applications, application 2022/0576/FUL as Councillor MacCartney carries out work on behalf of his business. Councillor Browne would leave the meeting at that point.

Councillors P Browne and R Payne declared a personal interest in item 5c – Planning Applications, application 2022/0576/FUL as both Councillors classed Councillor MacCartney as a close associate, therefore would not take part and leave the meeting at that point.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 5, Planning Applications:

In relation to 2022/0124/FUL, Steve Sugden spoke as a member of the public supporting the recommendation, Michael Collins spoke as a member of the public opposing the recommendation, and Ryder Sugden spoke as the applicant.

In relation to 2022/0336/MAO, Richard Camp spoke as a member of the public opposing the recommendation, and Rob Snowling spoke as the agent.

5 PLANNING APPLICATIONS

Report No.171/2022 was received from the Strategic Director of Places.

Item 5a – 2022/0124/FUL - Hill Top Farm House, Oakham Road, Hambleton Single storey rear extension including internal alterations of existing farmhouse. Conversion of outbuildings within the courtyard to create a home office. Erection of new garage with car port and small stable block within the grounds of the house.

(Parish: Hambleton; Ward: Exton)

Item 5b – 2022/0336/MAO - Land off Burley Road, Oakham
Outline planning application with all matters except access reserved, for the erection of up to 213 dwellings, amenity space, allotments including parking and areas for outdoor play, landscaping, and all associated infrastructure.

(Parish: Oakham; Ward: Oakham North East)

Item 5c – 2022/0576/FUL - Workshop off America Lodge Lane, Brooke
40 No. 16kw roof mounted solar panels on roof of industrial unit. 148 No. 40 kw ground mounted solar panels, mounted in a single row. 20 No. 7 kw panels on top half of south facing vertical elevation.

(Parish: Brooke; Ward: Braunston & Martinsthorpe)

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Councillor A Browne left the meeting at this point

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5a 2022/0124/FUL

Justin Johnson, Development Manager, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Steve Sugden who spoke as a member of the public supporting the recommendation, Michael Collins spoke as a member of the public opposing the recommendation, and Ryder Sugden spoke as the applicant.

It was clarified from the applicant that the amount of vehicle movements involved with the shared access would be around once a month if the horse was moved in a trailer.

Councillor G Browne suggested to add the management of manure to the list of conditions within the application. He also suggested that with regards to the new access to the rear of the property, the new track came close to a resident tree. He asked for a condition to be added for tree protection to make sure the routes are protected. That was agreed by officers.

It was moved by Councillor W Cross and seconded that the application be approved subject to the condition in the report and the additional conditions suggested by Councillor G Browne. Upon being put to the vote the motion was unanimously agreed.

RESOLVED

- a) That the application 2022/0124/FUL be **APPROVED** subject to the conditions outlined by the Development Manager and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

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Councillor A Browne re-joined the meeting at this point

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5b 2022/0336/MAO

Nick Hodgett, Principal Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Richard Camp who spoke as a member of the public opposing the recommendation, and Rob Snowling spoke as the agent.

It was clarified from the applicant that the street lighting would be low level lighting to respect the context of the site and to avoid any light pollution.

Members asked the question to the applicant around the use of non fossil fuels within the properties. He responded by saying a fabric first approach and an electric only scheme would be adopted for this site. The use of solar PV and air source heat pumps would be a way to reduce the need of heating using fossil fuels in many of the properties. The smaller homes would have more of a detailed approach due to the size of the builds, so a detailed design would be included.

The question was asked from Members around the pressure the development would have on the local health facilities and what they would do to help cope with the influx of new residents. The applicant responded by saying a contribution of £1.9m would be made through CIL to help the local health facilities. The developer engaged with the Clinical Commissioning Group (CCG) to ask if a new health facility would need to be built on site and they responded saying one was not needed and preferred a financial contribution instead.

It was clarified from officers that the developer submitted a draft Section 106 agreement to the Council which went off to the Council's external legal advisors. Mr Hodgett was informed from the solicitor that it would be completed within the next month.

Mr Hodgett had amended the submission timetable with relation to getting reserved matters in sooner. It had been amended that way so when the reserved matters have been submitted and approved, it would add to the 5yhls issue sooner rather than later.

He also relayed to Members that they did request to the applicant 18 months for reserved matters condition but the applicant wished to keep it to 24 months due to the scale of the development and it to be likely a phased scheme.

Members had concerns over the width of the new access off Burley Road of 6.8m to 5.5m for over 200 houses. The highways officer reassured Members that the entrance access width of the road of 5.5m off Burley Road was acceptable. She explained that with wider accesses, vehicles could potentially turn into the residential development at higher speeds so narrowing the access would slow the vehicles down.

It was moved by Councillor J Dale and seconded that the application be approved subject to the condition in the report. With 9 votes in favour and 2 abstentions, the motion was carried.

RESOLVED

- a) That the application 2022/0336/MAO be **APPROVED** subject to the conditions outlined by the Development Manager and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

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Councillor A Browne, P Browne & R Payne left the meeting at this point

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5c 2022/0576/FUL

Nick Thrower, Principal Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Members raised concerns over the reflectiveness of the solar panels. Officers informed Members that they could include on the decision notice to ensure the panels would not produce glare or reflection and if there was then they would be amended.

An additional condition was agreed to maintain the hedge at a minimum height.

It was also agreed to clarify the maintenance of the hedge with the applicant and the precise siting of the panels due to the proximity of the hedge.

It was moved by Councillor W Cross and seconded that the application be delegated to the Chair for approval subject to the recommend conditions and the following matters being clarified with the applicant.

RESOLVED

- a) That consideration of the application be **DELEGATED** to the Chair for approval subject to the recommended conditions and the following matters being clarified with the applicant:
- 1) The precise location of the panels in conjunction with the hedge.
 - 2) If a problem was to be identified with regards to the glare of the panels, the applicant would be required to mitigate it.

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Councillor A Browne, P Browne & R Payne re-joined the meeting at this point

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9 APPEALS REPORT

Report No. 172/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

- a) That the contents of the report be **NOTED**.

10 ANY OTHER URGENT BUSINESS

There were no items of urgent business.

11 DATE OF THE NEXT MEETING

Tuesday, 22nd November 2022

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The Chairman declared the meeting closed at 9.17pm.

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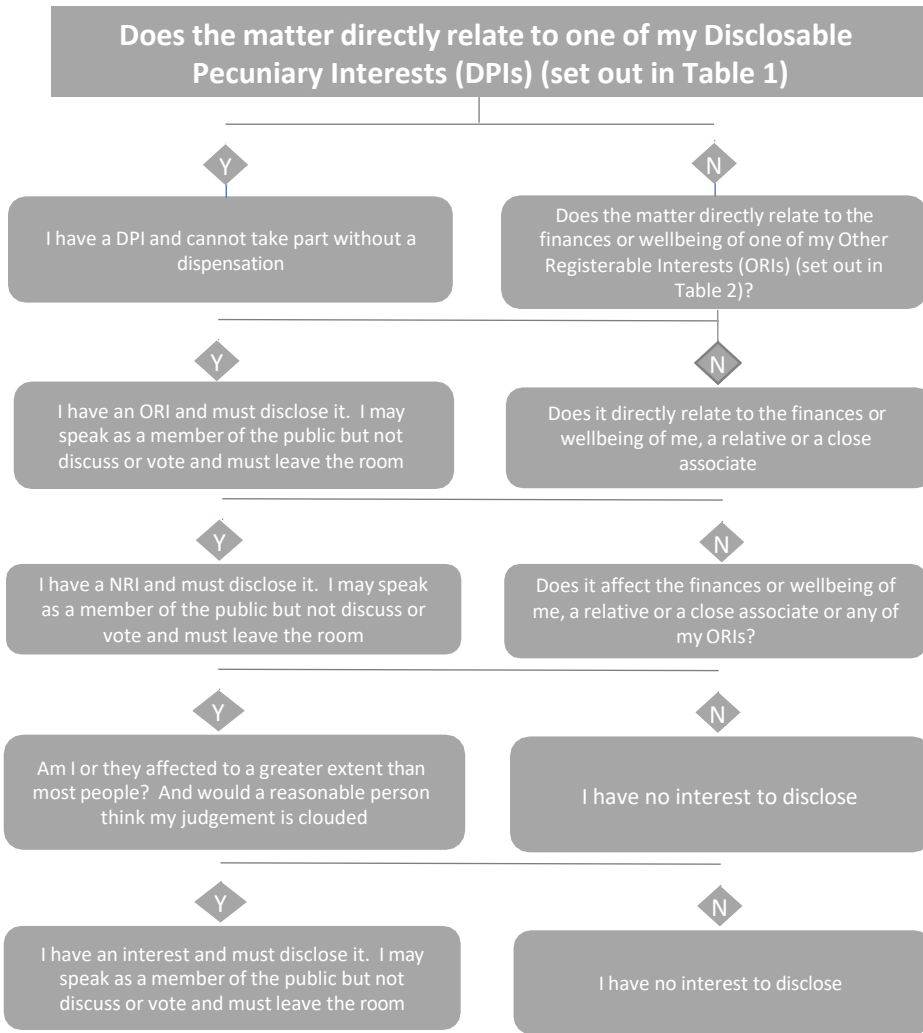
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Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council’s Constitution

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test	Predetermination Test
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased	At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact monitoringofficer@rutland.gov.uk

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

Rutland County Council

Planning & Licensing Committee – 22nd November 2022

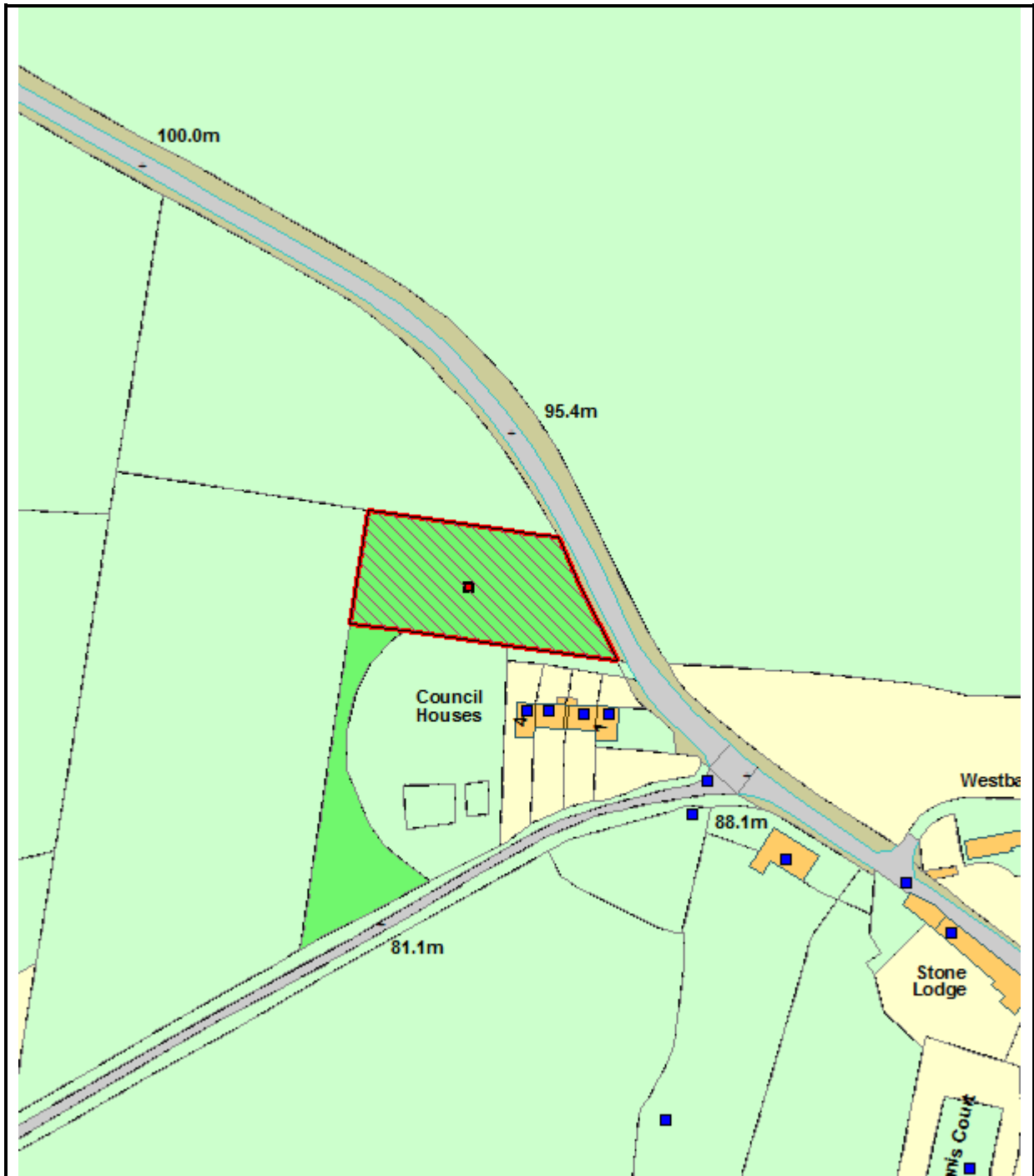
Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2021/1450/FUL	Mr Giles Gilbey Land to the west of Uppingham Road, Seaton Change of use of land from agricultural to equestrian use and the erection of a stable building.	Approval	13-28
2	2022/0459/FUL	Ms Shauna Donaldson 2 North Luffenham road, South Luffenham Demolition of existing single storey side extension and front porch. Replacement with single and two storey side and rear extension and new porch. External alterations to include re-building of dry stone wall and new side gate.	Approval	29-36
3	2022/0547/FUL	Mr & Mrs Martin Firdale House, 1 Willoughby Road, Morcott Proposed Swimming Pool and Changing Room	Approval	37-48
4	2022/0562/LBA	Mr & Mrs Martin Firdale House, 1 Willoughby Road, Morcott Proposed Swimming Pool and Changing Room	Approval	49-58
5	2022/0924/FUL	Mr and Mrs Baines Barn at Manor House, Main Street, Ridlington Extension to existing agricultural unit, including demolition of part of existing structure and new solar panels to roof.	Approval	59-66

Appeals Report

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2021/1450/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/1450/FUL	ITEM 1	
Proposal:	Change of use of land from agricultural to equestrian use and the erection of a stable building.		
Address:	Land to the west of Uppingham Road, Seaton		
Applicant:	Mr Giles Gilbey	Parish	Seaton
Agent:	Mr Jason Edwards	Ward	Lyddington
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	22 November 2022		
Determination Date:	7 February 2022		
Agreed Extension of Time Date:	25 November 2022		

EXECUTIVE SUMMARY

The proposal comprises the change of use of the site from agricultural to equestrian use and the erection of a stable building. The proposals are acceptable in land use terms and would have an acceptable visual impact on the site and surroundings and would preserve the character and appearance of the conservation area. The proposal, subject to conditions, would have no undue harmful impact on residential amenity. Conditions relating to landscaping and ecological gain can be imposed. In terms of highway safety, the Highway Authority originally objected to the proposal as the access is substandard. However, it has since assessed that the access is historic and not a new access; as such, an objection cannot reasonably be raised on the grounds of highway safety.

RECOMMENDATION

APPROVAL subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan
22831/01C Proposed Block Plan and Stable Building

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.
2. The development shall take place using the external materials submitted as part of the application.

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.
3. The timber post and rail fencing shown on 22831/01C shall be implemented on site and the existing close boarded fencing removed, both within two months of the date of this permission and thereafter be so maintained.

Reason: In the interests of visual amenity and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. Within two months of the date of this permission, a landscaping scheme to include native planting and a biodiversity net gain proposal shall be submitted to and be approved in writing by the Local Planning Authority. The proposals, planting, seeding, or turfing shown on the approved details shall be carried out during the first planting and seeding season (October - March inclusive) following the approval of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

5. Within one month of the date of this permission, a manure management plan shall be submitted to and be approved in writing by the Local Planning Authority. The use of the site shall thereafter take place in accordance with this agreed plan. The details submitted within the plan shall include how the manure will be stored, for example placed in a wagon and removed to agricultural land or if a fixed store is to be constructed details of this structure and its use.

Reason: In the interests of residential amenity and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. No external illumination shall be installed without the prior formal approval of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

7. The site and building shall be used only for personal equestrian purposes and shall not be used as a livery, commercially or host any events.

Reason: For the avoidance of doubt and in the interests of residential amenity and highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

Site & Surroundings

1. The field is located on Uppingham Road, at the western edge of the village and comprises an approximately rectangular parcel of land. The site is bordered by hedges alongside the highway. Work has taken place on the site to clear landscaping, to provide hardcore and to alter the access. The site lies with fields to the north and west, the highway to the east and neighbouring dwellings to the south.

Proposal

2. The application comprises the change of use of land from agricultural to equestrian use and the erection of a stable building. Work has taken place to clear the site of trees and shrubs and the site is now grassland. The proposal is to allow the applicant to stable a horse, mostly during winter months. The application includes the erection of a timber stable building including a tack room and feed store. The stable building would be of timber construction on a concrete base, clad with timber boarding with a profiled metal pitched roof and would be located in the north-east corner of the site. The site is served by an access onto the highway with the gates set back 8 metres. The applicant states the access was existing/historic and has been altered recently.
3. Revised plans have been received to stipulate a timber post and rail fence of a height of 1.2 metres together with a native hedge; this is to replace the solid timber fencing and planting on the site.

Relevant Planning History

There is no recent relevant history. Older planning applications are discussed below.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

None

Officer Evaluation

Principle of Development

4. The site is on land classed as countryside, adjacent to the boundary of the village to the south. The proposal seeks permission to use the site for equestrian purposes and to erect a stable building. Policy CS4 states development in the countryside will be strictly limited to that which has an essential need to be there and will be restricted to particular types of development to support the rural economy. Policy SP7 states sustainable development in the countryside will be supported for, amongst other things, agriculture, horticulture, or forestry or for the essential provision of sport or recreation. Policy SP13 states development comprising equestrian buildings and structures will be supported provided the tests in the policy are met.
5. The proposal comprises use of the land for equestrian purposes, specifically for the site to accommodate a horse and a stable. Although the field is of a limited size, in planning policy terms the proposal is an acceptable countryside use.
6. As part of the consultation process, comments have been received stating that the area of the site is not sufficient at 0.21 hectares gross to accommodate a horse, that the stable is only suitable for one small pony and the proposals would not meet the British Horse Society standards. Whilst this is noted, this is separate to planning legislation under which no objection can be raised to the size of paddock or stabling for the horses.
7. As such, the proposal complies with Policy CS4 of the Core Strategy and Policies SP7 and SP13 of the Site Allocations and Policies DPD in terms of the principle of development.

Impact of the Proposal on the Character of the Area

8. Policy CS19 requires new development to contribute positively to local distinctiveness. Policy SP7 requires development to not be detrimental to the character and appearance of the landscape, visual amenity or setting of villages. Policy SP13 requires development to not be unduly prominent and not to detract from the landscape. Policy SP15 relates to design.
9. The site is within the conservation area and covered by the Article 4 Direction. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72. Policy

CS22 seeks to conserve and enhance the built and historic environment. Policy SP20 seeks to protect and enhance historic assets and their settings.

10. The site occupies a countryside location on the approach into the village of Seaton. The site is landscaped along the site boundaries and although it has been cleared of landscaping within the site now comprises grassland and has a rural appearance. The proposal to use the site for equestrian purposes would be visually acceptable and would be appropriate for this site.
11. The proposed stable would be of a limited size and height, occupying a location adjacent to the site boundary. It would have a typical appearance of an equestrian building, with external timber cladding and a grey metal profile roof. The proposed building is considered to be acceptable for the rural site and would not result in harm to the character or appearance of the conservation area.
12. Works to the access have resulted in the provision of timber screens to each side. These are visible and prominent when viewed from the public realm and detract from the site and surroundings. They are domestic in appearance and at odds with the prevailing rural character. They do not contribute positively to local distinctiveness and are detrimental to the rural appearance of the site and surroundings. Furthermore, they are harmful to the appearance of the conservation area, introducing a domestic visual element into the rural environment.
13. Therefore, revised plans were requested to replace this fencing with more appropriate timber post and rail fencing together with planting on the site to comprise native hedging. The revised plans reflect this, and the timber screening and inappropriate planting can be addressed through this revised plan and an appropriately worded condition.
14. As such, the proposals are considered to be visually acceptable and to preserve the character and appearance of the conservation area. The proposal is therefore in accordance with Sections 12 and 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

15. The site occupies a countryside location with fields to the north and west and highway with further fields beyond to the east. To the south the site is adjacent to a terrace of properties with gardens to the rear of these.
16. The proposed use of the land is considered compatible with the surrounding land uses. The equestrian use would not result in undue noise, disturbance or odour and the limited size of the site would ensure the use remains at a low intensity. The stable building would be located to the north-east of the site, maximising the separation distance from the neighbouring dwellings.
17. Although there is a terrace adjacent to the site to the south, the proposals would not result in undue harm to the residential amenities of occupiers of those properties.

18. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

19. Development has taken place on the site which includes the access onto Uppingham Road. This comprised providing hardstanding from the highway boundary to the gates which are set 8 metres into the site. The application states this development comprises alterations to an existing access.
20. In support of this evidence has been provided to try and demonstrate that the access is historic and therefore the development carried out only altered an existing access. The supporting information includes:
- Emails from three people, one stating involvement in the clearance of the site in 2003, where they recollect there was a vehicular access which was overgrown but once cleared vehicles could use the access, confirmation from another that there was a gateway into the field in the 1980's when they cleared the site for the then owner and from the third (the former owner) stating he bought the land in 1976 from his uncle's widow, the uncle had a workshop and a few fruit trees and access was gained by a gate from Main Street which has always been in place to allow access to the workshop and allow maintenance to the land.
 - A plan from 1998 showing the location of the former building on the site.
 - A historic aerial photograph illustrating an access point into the site.
 - A photograph of the historic gate into the site.
 - An email from the Agent stating evidence was found of the earlier workshop building, including a kerb line that related to the entrance; this suggests that the field entrance has been in this location for some considerable time.
 - Email from the Parish Council stating there was originally a narrow access serving the site. It was in line with the roadside hedge and straight onto the verge. Its use was dangerous on the double bend of the Seaton to Uppingham Road.
21. Having assessed the information available, there is evidence to suggest the existing access is an alteration of a previous access. In particular, the evidence includes a photograph showing what appears to be part of an old gate and kerbstone on the current access. In addition, a historic aerial photograph appears to show a small clearing in the landscaping although this is not definitive evidence of a vehicular access. Whilst the evidence is not comprehensive in identifying the exact location of the access, there is sufficient evidence that it is likely the historic access and the existing access are the same. Furthermore, the Council's Enforcement Officer has viewed the historic gate and kerbstone on site which corresponds with the existing access.

22. In addition to the above, two planning applications were submitted on the site historically. The first was 1980/0335 for the erection of a dwelling; this was refused partly on the grounds of the access being unacceptable to serve a dwelling. The second application, 1981/0164 also related to the erection of a dwelling and was again refused partly on the access being unacceptable. These cases confirm there was an access to the site at this time.
23. Although there are objections to the proposal, these are not on the grounds that an access on the site did not exist. The Parish Council accept there was an access to the site although they have also stated that in their view any previously deemed vehicular access planning consent has been lost.
24. It is considered that the case has been proven beyond reasonable doubt that an access previously existed at this location and therefore the works that have taken place to the access have been alterations to an existing access rather than the provision of a new access.
25. The issue of whether the access has been abandoned has been raised. The issue of abandonment in planning is complex but a key consideration is it needs to be demonstrated there was an intent to cease a use. No such evidence exists in this case and therefore it is not considered a case could be made to suggest the use of the access had been abandoned.
26. As such, it is accepted on balance that the access as amended was the original access and that it could lawfully be altered.
27. Prior to this evidence being provided, the Highway Officer recommended refusal, on the understanding the access was a proposed new access. The Highway Officer stated due to the access position within a 60mph area visibility splays of 2.4 x 215m are required in both directions along Uppingham Road. No evidence was provided to demonstrate compliance with this requirement and that splays of this size will encroach on third party land, outside of the site edged red. The Highway Officer could also find no records showing that this was an existing access.
28. The Highway Officer also stated that support would not be forthcoming for a new access that proposed loose surfacing material as part of the access, that the 8-metre drive would not be of sufficient length, that the proposed access does not allow for adequate vehicle to pedestrian visibility with splays measuring 2x2m either side of the access behind the back of the highway. The Highway Officer further stated that the access width would not allow a vehicle to enter if one was waiting to exit and as no information has been provided in terms of how many trips/people are likely to be generated, the Highway Officer has assumed there will be potential for a vehicle to arrive whilst one is waiting to exit.
29. For these reasons the Highway Officer recommended refusal on highway safety grounds.
30. Following this, as evidence that the access is an alteration of an existing access has been provided, the Highway Officer has been reconsulted on this basis and comments will be provided at committee.

31. On balance, it is considered that the access is established and therefore an objection to the access cannot reasonably be raised. The Agent has been advised of the Highway Officer concerns regarding the access depth, vehicular visibility splays, loose materials on the access, lack of pedestrian visibility splays and the inability for two vehicles to pass on the access. Information was also sought about trip generation to compare the historic use of the site with the proposed equestrian use of the site. A response is awaited and will be reported at committee.
32. Therefore, the proposal would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

33. The site was cleared of landscaping prior to the submission of the application. LCC Ecology raised concerns given that as the site was formerly an orchard, this would have been a UK BAP Priority Habitat. Furthermore, they also stated that where activities have recently been carried out which caused a reduction in the biodiversity of the site the biodiversity net gain required would relate to the former biodiversity of the site.
34. As the development carried out has resulted in a loss of biodiversity, a scheme to increase biodiversity is sought via a condition.
35. The proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

Other Matters

36. It is acknowledged the application has generated a significant level of objection from residents and the Parish Council on several grounds:
 - impact on nature, loss of trees, site should be restored to woodland, loss of trees in the conservation area, inappropriate replacement hedge planting, hedge poisonous to horses;
 - highway safety, traffic generation, inadequate parking, loading, and turning, access dangerous with poor visibility, previous access served an orchard and generated less traffic than the proposed use, object to the gates;
 - overlooking and loss of privacy;
 - land not large enough to accommodate a horse, the building size is excessive for the associated grazing land;
 - better roof material should be sought in the conservation area;
 - traffic noise;
 - fence out of keeping, access visually intrusive;
 - object to the provision of water and electricity.
37. In terms of the impact on neighbouring properties, Public Protection stated that given the close proximity of residential premises the applicant should submit details on how the manure of the site will be managed to protect the amenity of residents from the unacceptable accumulation of manure. The details contained in the information would include how it is stored, for example placed in a wagon and removed to agricultural land. If a fixed store is to be constructed details should be

submitted and approved by the Council. The location of any storage should be agreed to minimise the impact on the neighbours and this can be achieved via a condition.

38. Furthermore, in terms of lighting, Public Protection state that any lighting shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21. This could be dealt with via a condition.
39. In terms of the comments above, the loss of the landscaping and ecological value of the site is regrettable; this took place prior to the submission of the planning application. A condition is recommended to secure a landscaping scheme that would replace some of the lost planting and to increase the ecological value of the site.
40. The highway issue is discussed above. Given the nature of the proposal and the separation distances to the neighbouring properties, it is not considered a significant loss of amenity would ensue. The visual impact is also discussed above and it is not considered that the provision of water and electricity would fall under planning legislation.

Crime and Disorder

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

Human Rights Implications

42. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

Seaton Parish Council

43. The site (formerly orchard) has not been managed for substantially more than twenty years. During this period existing and self-set vegetation would have grown to more than 75mm diameter when measured at 1.5m from ground level. Expected vegetation would have naturally comprised a variety of tree species common to the area including Crataegus Monogyna (May Tree), Quercus Robur (oak), Fraxinus Excelsior (ash) and Sambucus (elder). Without the requisite permission it is an offence to cut down, uproot or wilfully destroy any trees in a conservation area and those that do so may be liable for a fine of up to £20,000.
44. It is the view of Seaton Parish Council that the applicant was aware of the conservation area planning status and, in anticipation of his proposals and subsequent actions for the site and planning application, he wilfully destroyed the on-site tree vegetation without conservation area consent.

45. Alteration of an access gate of more than 1m adjacent a highway in a conservation area also requires conservation area consent. Furthermore, the alteration of a vehicular access onto a 60mph road requires planning permission as does the erection of fencing more than 1m high. The applicant again undertook these works without the necessary planning permission or conservation area consent. The works comprising the loss of native hedging species and replacement by 2m vertical timber boarding are considered to be detrimental to the visual amenity of the locality.
46. Demolition within a conservation area also requires conservation area consent.
47. The applicant has a background of building and development, and therefore has sufficient knowledge of planning law to have appreciated the actions that he was undertaking were in contravention of planning legislation.
48. The applicant was approached by Rutland County Council Planning Department in early September and advised that no further works should be undertaken until a retrospective planning application was submitted.
49. The applicant continued to undertake work to the site. This included the provision of mains electricity and water, requiring planning permission.
50. It seems apparent that the applicant was fearful of not obtaining the relevant planning permissions and consents for change of use to equestrian and stabling, and therefore undertook all possible works to destroy the original site including wilfully ignoring direct RCC Planning advice, in the hope of retrospective agreement to the work that he had undertaken.
51. The British Horse Society recommends a minimum stable size for a large horse of 3.65 x 4.25 m (15.5m²) together with sufficient equipment and feed/fodder storage, and 0.4-0.6 ha / 1.0-1.5 ac grazing. The recommended grazing requirement is more than double of that proposed in the application
52. The building height at roof ridge appears to be approx. 3.35m and eaves height approx. 2.5m. 13.5m² storage is considered very insufficient for the likely importing of feed and fodder, especially for winter occupation.
53. For the wellbeing of horses few are kept alone, thus additional grazing would be expected. After accounting for the grazing requirement there is no area for exercising the horse which would require its regular egress and ingress from and to the site off a 60mph road with poor visibility.
54. The regular importing of feed and fodder and removal of stable waste will greatly increase the use of the access onto a 60mph road with poor visibility. The access off the highway onto a 60mph road has very poor visibility splays either direction on a double bend. Its relocation either east or west will not improve its safe use. Village residents have previously raised concerns as to highway safety in this locality.
55. The proposed use of the site is proposed more in the winter months thus access onto the road will frequently be in poorer weather conditions, and grazing will be very limited thus requiring greater importing of feedstuffs.

56. On-site parking and turning area are very limited.
57. There is reference to the provision of amenities to the site but none in respect of its management in particular the grazing for the benefit of a horse.
58. Recent works have included the planting of laurel hedging which is poisonous to most livestock including horses.
59. Reference is made to application 2015/0624/FUL detailing a planning permission refusal for a similar planning application. The works were considered detrimental to the character and appearance of the area and contrary to planning policies.
60. The application site is outside of the village development area and is therefore considered to be in open countryside.
61. The retrospective planning application is inaccurate and misleading:
- 5 Work commencement -clearly development work HAS already started (tree and shrub removal, site clearance, grass seeding, mains services, access alteration, fencing, hardcoring).
 - 6 Existing use - the former vehicle workshop is likely to have been partially constructed of asbestos cement and workshop use might also indicate land contamination. The grass is as a result of recent works. Prior to this (July 2021) the entire site comprised extensive and mature tree and shrub vegetation.
 - 8 Access - the original access (unused for perhaps more than twenty years) has been altered
 - 9 Parking - on-site parking (and turning area) will need to be provided
 - 10 Trees and Hedges - the site had deliberately been cleared of trees to mitigate their influence on the planning application
 - 12 Biodiversity Conservation a) protected (conservation area) - The site had deliberately been cleared of trees to mitigate their influence on the planning application. b) important habitat and biodiversity - The site had deliberately been cleared of trees to mitigate their influence on the planning application
 - 17 Non-residential floor space – the answer is “yes” (not “no”)
62. Seaton Parish Council’s objection is based on the application being contrary to RCC planning policies:
CS4/CS19/CS21/CS22/SP7/SP15/SP19/SP20/SP23
63. The application does not comply with RCC Planning Policy SP13 - Agricultural, horticultural, equestrian and forestry development
64. Development comprising new agricultural, horticultural, equestrian and forestry buildings and structures will only be acceptable where:
- a) it is not unduly prominent, particularly on the skyline, and will not detract from the appearance of the street scene or the landscape;
 - b) wherever possible it is well integrated with existing buildings;
 - c) it will not lead to an increase in pollution, through for example, the disposal of effluent;
 - d) it will not have any undue adverse effect on residential amenity in terms of noise, dust, smell, or disturbance;
 - e) no undue disturbance will arise from vehicular movements;

- f) an adequate, safe, and convenient access will be provided;
- g) it will not be detrimental to environmental and highway considerations generally and;
- h) it will have no adverse impact on biodiversity, habitats, and species.

Further Comments Received:

- 65. There was originally a narrow access serving the site. It was in line with the roadside hedge and straight onto the verge. Its use was dangerous on the double bend of the Seaton to Uppingham Road. The site has not been managed for more than twenty years and during this time the access became unused, overgrown, and ultimately unusable. It is suggested that any previously deemed vehicular access planning consent has been lost.
- 66. The current access to the site was made in 2021 without applying for planning permission. It does not comply with RCC Highways criteria. Seaton Parish Council concurs with RCC Highways comments of 04.02.22 that the access is inadequate and below the required standard in all respects thus contrary to policy SP15 of the Rutland Local Plan Site Allocations and Policies DPD 2014.
- 67. The original access for the site, considered unused for more than twenty years and possibly a no longer a valid or consented access, previously served a small orchard. The current application is for a new access for an alternative and greatly intensified use. RCC Highways has advised in respect of this use in accordance with the accepted highways criteria. RCC Highways has strongly recommended refusal because the access is inadequate, below standard, with substandard visibility splays, and that vehicle manoeuvrability would have an adverse effect on highway safety. The proposal is therefore contrary to policies SP15.
- 68. The argument is not of whether there is an access or not, it is whether the access created to date is appropriate for the proposed use. Clearly it is not as advised by your highways professional. The objection by RCC Highways is totally valid and continues to be so in respect of this application. Furthermore, the access created to date within the village conservation area, is inappropriate and contrary to local policies in respect of its design, landscaping and use of materials as previously advised to you. Seaton Parish Council reiterates that this application must be refused. It again refers to planning refusal 2015/0624/FUL.

Highway Authority

- 69. I have now reviewed the above number planning application on behalf of the Local Highway Authority and recommend refusal for highway safety reasons.
- 70. There is no information provided to demonstrate that vehicle to vehicle visibility is achievable but having viewed the site it is clear adequate vehicle to vehicle visibility is not achievable without significant loss of existing trees and shrubs.
- 71. Due to the access position, within a 60mph, visibility splays of 2.4 x 215m are required, these being measured 2.4m from the channel line of the carriageway into the proposed access position and measured 215m from the centre of the access in both directions along Uppingham Road, terminating at the nearest channel line.

Within those splays there should not be any obstruction higher than 600mm above ground level. In addition, splays of this size will encroach on third party land, outside of the site edged red.

72. Plan 22831/01A Plans and Elevations state that the access is existing, however there are no records showing that this is an existing access, nor could I find an application under Section 184 of the Highways Act 1980 permitting access over the public highway verge. Furthermore, I could not find any evidence on streetview or any historic plans showing this being an existing access. From the photo's provided the access would appear to be newly formed. Whilst the access is physically existing, it's status is unlawful.
73. Furthermore, the LHA would not permit loose surfacing material as shown in the photo. Given all of the above the LHA will be requesting that the access is removed, and the area of highway verge returned to its previous state (grassed verge).
74. I assume there will also be other concerns such as the removal of a significant section of mature hedgerow.
75. The Design & Access Statement states the access depth of 8m is sufficient for a vehicle and horsebox to pull off the highway, but this would not be long enough.
76. The Design & Access Statement states that the access could be moved to near the access to the rear of the adjacent houses; however, the LHA are of the view that the required vehicle splays would still not be achievable within the site edged red/public highway boundary and they would again encroach on third party land and result in significant loss of existing hedgerows and trees.
77. The proposed access does not allow for adequate vehicle to pedestrian visibility. Splays measuring 2x2m either side of the access behind the back of the highway would be required with no obstruction within 600mm above ground level.
78. The access width is not shown, however it would not allow a vehicle to enter if one was waiting to exit. No information has been provided in terms of how many trips/people are likely to be generated, and therefore the LHA must assume there will be potential for a vehicle to arrive whilst one is waiting to exit.
79. For the reasons mentioned above, the LHA strongly recommend refusal for the following reason:
The proposed access to the site is inadequate and below the standard required by reason of substandard vehicle to vehicle visibility splays, substandard vehicle to pedestrian visibility splays, substandard depth, and substandard width. As a consequence, the manoeuvring of vehicles likely to be associated with the proposed development would have an adverse effect on the safety of users of the public highway. This is contrary to policy SP15 of the Rutland Local Plan Site Allocations and Policies DPD 2014.

Highway Authority

80. Comments on Revised Proposals to be reported at committee.

Forestry Officer

81. Requested a tree survey. I have been to this site and seen the work undertaken. No trees are suitable for TPO.

Public Protection

82. Given the close proximity of residential premises the applicant should submit details on how the manure of the site will be managed to protect the amenity of residents from the unacceptable accumulation of manure. The details contained in the information would include how it is stored, for example placed in a wagon and removed to agricultural land. If a fixed store is to be constructed details should be submitted and approved by the LPA. The location of any storage should be agreed to minimise the impact on the neighbours.
83. We note there is to be an electrical supply. The use of lighting the development, and used at individual premises, shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21.

Health and Safety Executive

84. No objection.

Neighbour Representations

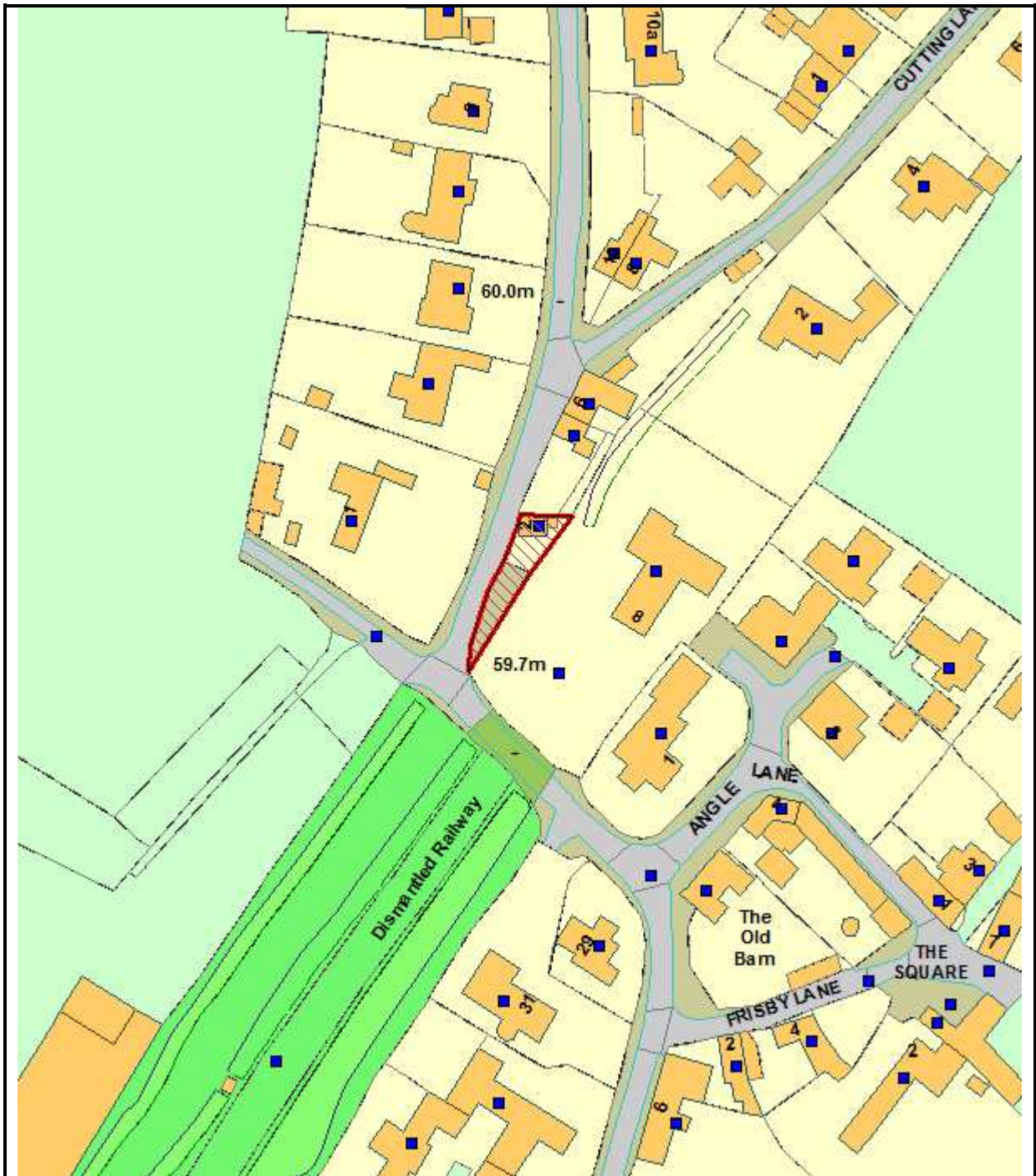
85. 29 objections received which are summarised below:
- impact on nature, loss of trees, site should be restored to woodland, loss of trees in the conservation area, inappropriate replacement hedge planting, hedge poisonous to horses;
 - highway safety, traffic generation, inadequate parking, loading, and turning, access dangerous with poor visibility, previous access served an orchard and generated less traffic than the proposed use, object to the gates;
 - overlooking and loss of privacy;
 - land not large enough to accommodate a horse, the building size is excessive for the associated grazing land;
 - better roof material should be sought in the conservation area;
 - traffic noise;
 - fence out of keeping, access visually intrusive;
 - object to the provision of water and electricity.
86. 4 representations received in support stating the access has been in situ historically.

Conclusion

87. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

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2022/0459/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0459/FUL	ITEM 2	
Proposal:	Demolition of existing single storey side extension and front porch. Replacement with single and two storey side and rear extension and new porch. External alterations to include re-building of dry stone wall and new side gate.		
Address:	2 North Luffenham Road, South Luffenham		
Applicant:	Ms Shauna Donaldson	Parish	South Luffenham Parish Council
Agent:	Mr Derek Robinson	Ward	Normanton Ward
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	22nd November 2022		

EXECUTIVE SUMMARY

This is a minor household development to enlarge the house. The proposal would sit within the residential curtilage, and there is no material planning consideration to object this type of development in already managing land.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2109 AB1000C Site Location and Proposed Site Layout, 2109 AB1205H Block Plan, 2109 AB1201D Proposed Ground Floor Plan, 1202C Proposed First Floor Plan, 2109 AB1401D Proposed North Elevation, 2109 AB1400D Proposed South Elevation, 2109 AB1403E Proposed West Elevation, 2109 AB1402D Proposed East Elevation, 2109 AB1404D Section X-X, and relevant details on the application form.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before works above the ground level begin a sample measured 1m by 1m of the external brickworks shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out under the approved details.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenities and because final details have not been agreed upon during the lifetime of the application.

Site & Surroundings

1. The application site is in the South Luffenham conservation area and the property is a modest cottage situated on North Luffenham Road.

Proposal

2. The development seeks planning permission for a side and rear enlargement of the house and a new porch.

Relevant Planning History

Application	Description	Decision
F/1990/0604	Construction of new access to highway	Approved

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2021) Section 12
NPPF (2021) section 16

The Rutland Core Strategy (2011)

CS19 – Promoting Good Design
CS22 – The Historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity
SP20 – The historic environment

Supplementary Planning Document

Extensions to Dwellings (2015)
Design Guidelines for Rutland (2022)

Consultations

3. Parish Council

We neither object or support this application but we would like to take this opportunity to inform RCC that prior to the submission of this planning application the porch had been knocked down and the side extension/roof have been demolished/replaced. We would like it checking that all elements of the application meet local conservation rules.

4. LCC Ecology

The development site and building proposed for part demolition and extension are close to open countryside and sited in an area with good bat foraging habitat. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. A bat survey of all the buildings on site that will be impacted by the works is therefore needed.

Bat surveys involve an external and internal inspection of the building by an appropriately licensed bat worker and an assessment of its potential value for bat roosting. This can be done at any time of year. If evidence of bat use is found, or the building is considered to have low, moderate or high value, or the surveyor cannot fully inspect the building, a suite of emergence surveys may also be required. Emergence surveys can only be carried out between May and mid Sept. The number of survey visits needed depends on the findings of the inspection and should follow national guidelines. Buildings with low roost potential require 1 survey; medium require 2, and high potential require 3 surveys. The suite of surveys should include at least one between May and August.

A list of consultants able to do this work is available on request, and guidance on bat surveys is at this link

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/10/5/LRERC-Bat-Protocol.pdf>

Depending on the results of surveys, mitigation may be required, and may be the subject of a planning condition and possibly a European Protected Species license application to Natural England.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation ' Statutory Obligations and their Impact within the Planning System).

If this information cannot be supplied, I advise that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

Please let me know if you require any further information.

5. The Local Authority Highways

Further to our discussion this morning and my further assessment of the application, I can confirm that the southern triangle of the site is in fact public highway. See snapshot below from our digitalised highway map which shows the extent of public highway in green.

Given this, the area on the planning application which shows car parking is within the public highway and as such any parking provided as part of this planning application could NOT be considered as allocated to the property itself.

Furthermore, should they wish to install parking within the public highway, this may be considered and would have to be carried out under S278 of the Highways Act 1980, but as I've said this could not be considered allocated or claimed by them for their own personal use even if they own the sub-soil of the land (below the public highway).

I am not sure why this issue was not picked up or considered on the 1990 planning application, and it may well be that the applicant owns the land as shown as site edged red on the location plan, but the southern triangle of land has highway rights over. It might be worth asking the agent to provide the land title to clarify, but irrelevant of the results, it is public highway. It is completely possible that they own title to the site edged red, but there are highway rights over the southern area and therefore restricted in terms of what they are permitted to do.

In terms of the parking provision, the extension does not result in any additional parking need when compared with the number of habitable rooms with the existing ones, which is 2 car parking spaces. Furthermore, the existing site does not benefit from any formal allocated parking within land under their control. On that basis, no additional parking is required as a direct result of the small extension, therefore the LHA must raise no highway objection to the proposal subject to appending the following informatives to the decision notice, if you were minded to approve this application:

INFORMATIVES

Parking

The site block plan indicates 2 car parking spaces, however these sit within the public highway and therefore cannot be allocated to the application dwelling. As such, they are not expressly approved under this planning consent, however the Local Highway Authority could consider a request under Section 278 of the Highways Act 1980 to carry out this work, but they still would remain open to the public use and not be allocated. Should you require any further information on this matter please email highways@rutland.gov.uk.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway - Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway

Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

6. RCC Forestry Officer

I have no objections to the development.

Representations

7. Neighbours and Members of Public

Two representations have been received objecting to:

- the commencement of works on the building,
- the impact of the development on biodiversity (bats),
- the impact on the development on highways

Planning Assessment

8. The proposed development would alter the northeast elevation and modestly enlarge the living space of the property. The ground floor would accommodate an open-layout kitchen with a utility room and the first floor would accommodate an additional bedroom.
9. The proposal would include the rebuilding of the stone boundary wall and a new porch.
10. The issues in this proposal are the disputes about the commencement of the works before planning permission, the impact on the biodiversity (bats), and ownership of the southern part of the land.
11. The development has started with demolishing existing extension(s) and repairing works to the roof including re-roofing. The works in this instance would not appear to require planning consent, and they would not constitute a breach of planning control.
12. Concerning the ownership of part of the land and parking issues. The Highway Authority's comments clarify the issue and confirm that the proposal would not result in the need for additional parking and on that basis the parking arrangements are acceptable. The development would not have an unacceptable adverse impact on highway safety and parking and would not justify refusal.
13. While biodiversity is a planning consideration, the works of re-roofing in this instance would not require planning consent and would not justify refusal.
14. Moreover, the provided bat survey indicated that no evidence of bats was found on the property, and the roof of the dwelling does not offer access to bats.

Impact on the neighboring properties

15. The proposed enlargement of the property would not lead to any unacceptable impact on the neighboring properties.

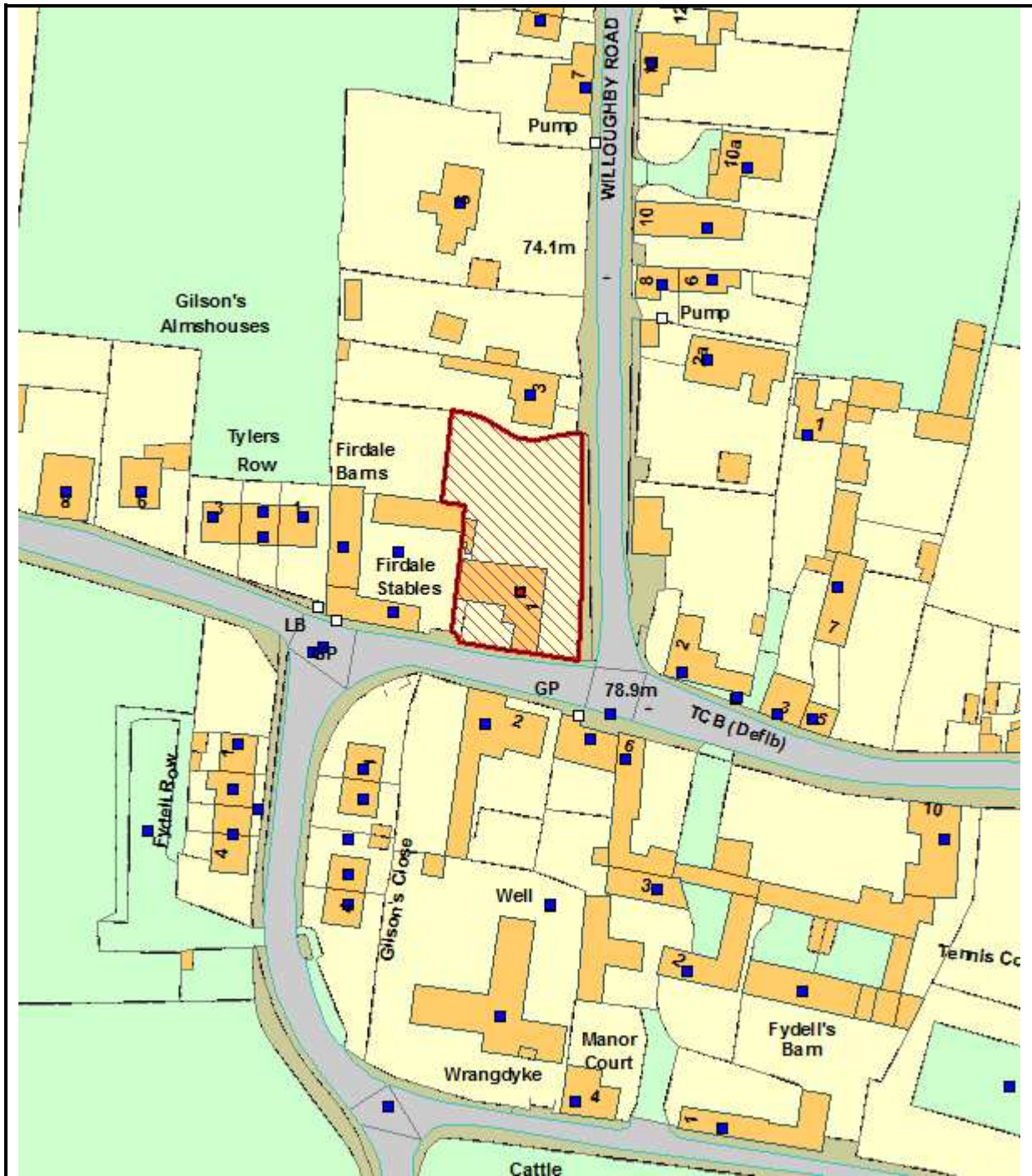
16. Given the above, it is considered that the proposed amendments would comply with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015).

Conclusion

17. Given this, the proposal by the design and scale would conform to planning objectives and would follow Section 12 and Section 16 of the NPPF (2021), Policy CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), Supplementary Planning Document – Extensions to Dwellings (2015), and Supplementary Planning Document – Design Guidelines for Rutland (2022).

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0547/FUL	ITEM 3	
Proposal:	Proposed Swimming Pool and Changing Room		
Address:	Firdale House, 1 Willoughby Road, Morcott		
Applicant:	Mr & Mrs Martin	Parish	Morcott
Agent:	Mr Peter Wilmot	Ward	Braunston and Martinsthorpe
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	22 November 2022		
Determination Date:	5 July 2022		
Agreed Extension of Time Date:	25 November 2022		

EXECUTIVE SUMMARY

The proposal comprises an extension to the listed building to accommodate a changing room, w.c, plant room and air source heat pump and the provision of an outdoor swimming pool. The proposals are acceptable in principle and in terms of visual amenity, heritage, ecology, highway safety and residential amenity. Objections have been raised by residents to the potential impact of the construction of the swimming pool on the listed stone boundary wall; however, a structural report has been submitted which demonstrates the swimming pool can be constructed without harm to the structural stability of the boundary wall.

RECOMMENDATION

APPROVAL subject to the following conditions:

- The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

2021-16-06A Location Plan
2021-16-07D Proposed Elevations, Layout and Section

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.

- Prior to any above ground development, the following shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details.

- Sample stone
- Details of coursing of the stone
- Details of the mortar mix to be used and the method of application
- Roof material sample
- Details of all doors and windows
- Details of the rooflights (shall be conservation rooflights)

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. The development shall be carried out in accordance with the noise mitigation measures as appropriate (to be completed following re-consultation with Public Protection) to be confirmed at committee.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. No demolition/development shall commence until a written scheme of investigation (WSI) has been submitted to and approved in writing 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. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

6. Prior to the commencement of development, a construction management plan setting out the method of construction for the swimming pool, to include delivery methods, safeguards to protect the boundary walls, including exclusion zones, a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the northern wall followed by daily readings during construction, to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out having first been approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To protect the listed walls and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

Site & Surroundings

- 1 The site accommodates a single, two and three-storey stone and slate detached dwelling on the northern side of Main Street at the junction with Willoughby Road. The dwelling is orientated to face Willoughby Road, set behind a front garden, and bordered by a stone wall. The side gable abuts Main Street and vehicular access is off Main Street. The private amenity area is to the north, bordered by stone boundary walls.

- 2 The site is bordered by 3 Willoughby Road to the north, Firdale Barns and Stables to the west and the highway to the east and south.

Proposal

- 3 The proposal comprises the construction of a swimming pool and the erection of an extension to accommodate a changing room, w.c., plant and air source heat pump. The swimming pool would be set to the rear of the dwelling, not closer than 5 metres to the rear boundary wall with 3 Willoughby Road. The changing room building comprises a single storey lean to extension to the rear wall of Firdale Barns. This would be constructed of rubble ironstone and grey concrete roof tiles. An existing timber lean-to structure would be removed.
1. Revised plans have been received adding sections to illustrate the relationship and impact on the boundary walls.

Relevant Planning History

2. There is a detailed history on the site, none relevant to this proposal other than the associated listed building application, 2022/0562/LBA, which is pending.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing 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)

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

3. Officer Evaluation

Impact of the use on the character of the area

7. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
8. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
9. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features. Policy CS19 relates to design, Policy SP15 relates to design and amenity.
10. The proposal comprises the construction of a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building which is grade II. The swimming pool and ancillary pump room would be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the Morcott Conservation Area. Furthermore, the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building and as such overall there would be no harm to the historic environment. The existing lean-to building is of no historic merit.
11. There is no harm to the fabric of the listed building itself. In terms of the setting of the listed building the proposed curtilage building is in keeping provided the use of materials are sympathetic and the scale is limited to single storey; these can be subject of an appropriately worded condition.
12. Overall, the historic environment is important in this location with the abundance of listed buildings and set within the Morcott Conservation Area. The site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range. The historic characteristics of the site and the wider historic environment does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations.
13. LCC Archaeology recommend a written scheme of investigation to safeguard any remains.
14. Taking the above into account, it is considered that subject to the imposition of conditions the application is considered to be visually acceptable and would not result in harm to the character or appearance of the Conservation Area. The proposal would also be acceptable on the grade II listed building and site itself, in accordance Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD and the Council's Extensions to Dwellings SPD (2015).

Impact on the neighbouring properties

15. The proposed extension would be built onto the outer wall of the neighbouring barn. It would be of a limited size and scale with only the upper part of the wall visible from the neighbouring property with the existing stone boundary wall intervening. The extension would be set a significant distance from the boundary to the north and would not have an undue adverse impact through any overbearing or overshadowing impacts. The swimming pool would be at ground level and would have no physical impact on neighbouring properties. As such, the physical impact of the building would be acceptable.
16. The proposed swimming pool would be for personal use only and therefore noise and disturbance would not be unduly harmful to the residential amenities of occupiers of neighbouring properties, notwithstanding the objection received.
17. Public Protection has requested additional noise information and their response will be provided in the update report. At this stage they raise no objection.
18. Subject to the above, the proposal is acceptable in terms of residential amenity, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Extensions to Dwellings SPD (2015).

Highway issues

19. The proposal would not impact on the existing access, parking or turning and would not generate any additional traffic. As such, it is not considered the proposal would have an unacceptable adverse impact on highway safety and the proposal would be in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

20. LCC Ecology stated the proposed swimming pool and changing room are to be located on what appears to be managed garden and are therefore unlikely to significantly impact ecology; ecology surveys are not required. The application site is within a Swift Alert Area, where opportunities for artificial nest sites should be taken within proposed development. However, this development does not provide an opportunity for this enhancement and no swift nest boxes will be required.

Other Matters

21. Concern has been raised over the potential impact of the proposed swimming pool construction on the historic boundary walls. In response to this, a revised section plan has been submitted to demonstrate the construction of the and swimming pool would not adversely affect the structural integrity of the boundary walls. In addition, a structural appraisal report has been submitted in support of the application.
22. The report was commissioned to comment and advise on the structural implications of constructing the swimming pool in relation to the boundary wall and

to assess the effects of the excavations on the stability of the walls. As part of this report, the wall was inspected from both the application site and from 3 Willoughby Road. Local ground conditions were inspected via two trial bore holes excavated at the base of both walls.

23. The report noted the general construction of the wall as random rubble construction consisting of natural coursed faced limestone/ironstone with a relatively loose binding stone core, capped with stone copings to prevent water ingress. The walls act as retaining walls with the western wall retaining material from entering the application garden and the northern wall retaining material from entering into the neighbouring garden.
24. The report noted that the walls have been the subject of previous structural repairs and maintenance issues and that various reports have been commissioned to assess the walls and the potential impact of the development.
25. The report considered the current condition of the wall on the Firdale House side to be reasonable bearing in mind that previous re-pointing work has been carried out, although there are areas which may need attention in the future and should be protected against water ingress to prevent freeze/thaw cycles expanding the moisture in the stone, thus weakening and loosening the mortar bond holding the stones together and shearing off the local edges of the stones.
26. Following this initial visual observations PW Architects have carried out a detailed survey of this wall including checking the verticality of the wall (June 2022). The result of the survey illustrates that the wall undulates slightly as well as changes direction in two areas.
27. The trial holes excavated in the Melville House site exposed the base of the northern wall, which was very shallow, approximately 150mm below current ground levels. The foundation to the wall consisted of two courses of brickwork formed on the firm to stiff clay. There was little or no corbelling to the brickwork which is the normal construction procedure in this type of older wall construction. It was noted that there was concrete benching against part of the wall base close to the corner of the house. This may have been incorporated in previous construction works to protect the base of the wall having been exposed.
28. The difference in level of the two walls is approximately 1000mm and 1200mm for the western and northern walls respectively. The thickness at the top of the walls is between 310 – 440mm but may be thicker at the base as would be expected in this situation.
29. The condition of the wall on the Melville House side shows that previous repair work has been carried out but there are still some open joints which could allow water ingress but is mainly at the base of the wall which may aid drainage in some instances. There is also some slight bulging and the alignment at the top of the wall leans out where the wall turns.
30. Notwithstanding the above there are no immediate signs of any recent significant cracking since the repairs were carried out three years ago that could be attributed to ongoing progressive movement. This type of bulging defect is not uncommon in older random rubble walls. The report notes that in this particular case it is not considered that the amount of bulging is significant in structural stability terms but

as a precautionary measure some remedial enhancement may be sensible to alleviate future deterioration.

31. The report then considered whether the depth and proximity of the pool will undermine the two walls. Theoretical load dispersion lines radiate out at an angle of 45 degrees from the underside of the foundations. The evaluation of this when superimposed onto the section drawing illustrates that the dispersion lines do not encroach on the pool excavation in either direction and therefore should not cause any de-stabilisation of the wall in this manner.
32. The report then considered whether the walls in their present condition are stable. The report concluded that under current applied load conditions, the walls are stable; however, it notes that the key to retaining the equilibrium and stability is to avoid surcharging the soil immediately behind the wall which induces an additional horizontal force on the rear of the wall. Therefore, it is important that this is avoided during the construction process and the report recommends that spoil is not heaped or stored in the area immediately behind the northern wall and that no construction plant is allowed in this area. This will also apply to the western wall but to a lesser extent since the retaining side is in the Firdale Barns site.
33. The report concludes there is no evidence of the walls accommodating any recent or progressive movement that will compromise the overall structural stability of the walls and it is considered that the excavation and construction of the pool can be safely constructed when taking the necessary precautions as outlined above without destabilising the walls.
34. As a precautionary measure it recommends a protection barrier of temporary low key shallow trench sheeting is installed adjacent to the working area of the pool to minimize any tendency of the ground to move during excavation and construction of the pool. The report also concludes that a full condition survey be carried out before work commences.
35. In addition, PW Architects have set out detailed remedial repair/reinstatement work to be carried out to the wall which would include the installation of a series of Helifix CemTies to improve the integrity and robustness of the northern wall, as well as re-point any open mortar joints with a sand lime mortar.
36. A further report has been commissioned by a resident which notes the proximity of the northern wall to the property at 3 Willoughby Road, notes the shallow footings, the lean of the wall and the condition of the wall. The report recommends a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the wall and to then take daily readings during construction and to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out.
37. Building Control has been consulted and stated the walls/structure of the proposal may impact the nearby building(s)/wall, and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal regarding the walls and neighbouring buildings and provide a solution and justify the proposed structure. They also state the Party wall Act would need to be taken into account by the owner.

38. It is considered that the submitted report demonstrates that the development could be carried out without harm to either boundary wall. However, the condition of the northern wall especially is noted and is a concern. As such, a condition requiring a construction method statement to include exclusion zones, wall alignment monitoring, remedial works etc. will be imposed. It is also noted that the walls are likely to require remedial works regardless of the proposed development and as the walls are protected through their listed status, a separate listed building application would be required to cover these works.
39. The Conservation Officer has stated the works to the wall should be treated separately as listed building consent will be required to safeguard the wall and necessary remedial action will be required as the wall cannot be left in its current condition. An informative can be added to request this application. The Conservation Officer notes that the boundary wall does not form part of the application per se, given its separation from the detached pool building; however, if the swimming pool affects the integrity of the wall, then it should be a consideration as part of the application.
40. In conclusion, it is considered that sufficient evidence has been provided to demonstrate that the development could take place without harm to the boundary wall, subject to appropriate conditions to control the construction. However, a separate listed building application will be required to set out the required works to repair the wall, regardless of this application.

Crime and Disorder

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

Human Rights Implications

42. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

LCC Ecology

43. The proposed swimming pool and changing room are to be located on what appears to be managed garden and are therefore unlikely to significantly impact ecology; ecology surveys are not required. The application site is within a Swift Alert Area, where opportunities for artificial nest sites should be taken within proposed development. However, this development does not provide an opportunity for this enhancement and no swift nest boxes will be required.

LCC Archaeology

44. The site lies within the Historic Settlement Core of Morcott and within the land of Firdale House a grade II listed building. Therefore, there is the potential for archaeological remains to be impacted from the earliest time of the Morcott to the more recent past. The development proposals include works (e.g., foundations, services, and landscaping) likely to impact upon those remains. In consequence,

the local planning authority should require the developer 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 205).

45. To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.
46. A contingency provision for emergency recording and detailed excavation should be made to the satisfaction of your authority in conjunction with your archaeological advisors in this Departments Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.
47. The applicant should, if planning permission is granted, also obtain a suitable Written Scheme of Investigation (WSI) for the archaeological recording from an archaeological organisation 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 WSI should comply with the above-mentioned Brief and with relevant Chartered Institute for Archaeologists (CIfA) Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
48. 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.

Public Protection

49. I would ask for a sound assessment by BS4142:2019 in order to judge whether the sound from the plant associated with the pool is likely to adversely impact neighbouring properties.

Building Control

50. The walls/structure of the proposal may impact the nearby buildings/wall and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal in regard to the close walls and neighbouring buildings and provide a solution and justify the proposed structure. Also, the Party Wall Act would need to be taken in to account by the owner – it would be advised the owner contact a competent Party wall surveyor for advice.

Conservation Officer

51. The proposal is for a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building at Grade II, therefore the application would be assessed under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses.
52. Furthermore section 72 (1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
53. I can advise that I have no objection to the principle of the swimming pool or the ancillary pump room, these structures will be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the Morcott Conservation Area and the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building, then overall the harm to the historic environment here is limited. There is no harm on the fabric of the listed building itself and so the limited harm is on the setting which for a curtilage building is generally within keeping provided the use of materials are sympathetic and the scale is limited to single storey, I would suggest the height of the building to the ridge is as low as it can be to comply with Building Regulations.
54. Overall, the historic environment is important in this location with the abundance of listed buildings and set within the Morcott Conservation Area, the site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range – with typical characteristics of an early 19th century farmstead. The historic characteristics of the site and the wider historic environment hereabouts does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations, notwithstanding any other planning matters around amenity issues or design.
55. I would suggest however than a section plan would be useful, showing the depth of the pool in relation to the proximity of the boundary wall with the neighbour so that the engineering operation required for digging to a depth of 2 metres – (suitable for the swimming pool depth) can be assessed against the proximity of the boundary wall, this would then be considered in conjunction with the structural report which has been carried out independently on the boundary wall. Would it then be worth – from a structural point of view - checking to see if Building Control can provide their opinion of the section plan and the structural survey – in terms of whether the depth of the swimming pool would have any impact on the proximity of the boundary wall. Perhaps the swimming pool is far enough away from the boundary wall not to have a direct impact on its integrity? I do agree that the boundary wall does not form part of the application per se, given its separation from the detached pool building, but if the swimming pool affects its integrity, then it should be a consideration as part of the application, as per the request for the input from Building Control above.
56. In terms of the setting of the historic boundary wall then the swimming pool and the ancillary pump house does not necessarily present any harm to the visual

setting of the site beyond any other curtilage buildings that custodians of listed building enjoy in their garden spaces. In terms of setting then I do not consider the swimming pool to have any heritage harm on the significance of the wall, or the wider historic environment for that matter, given its siting and scale.

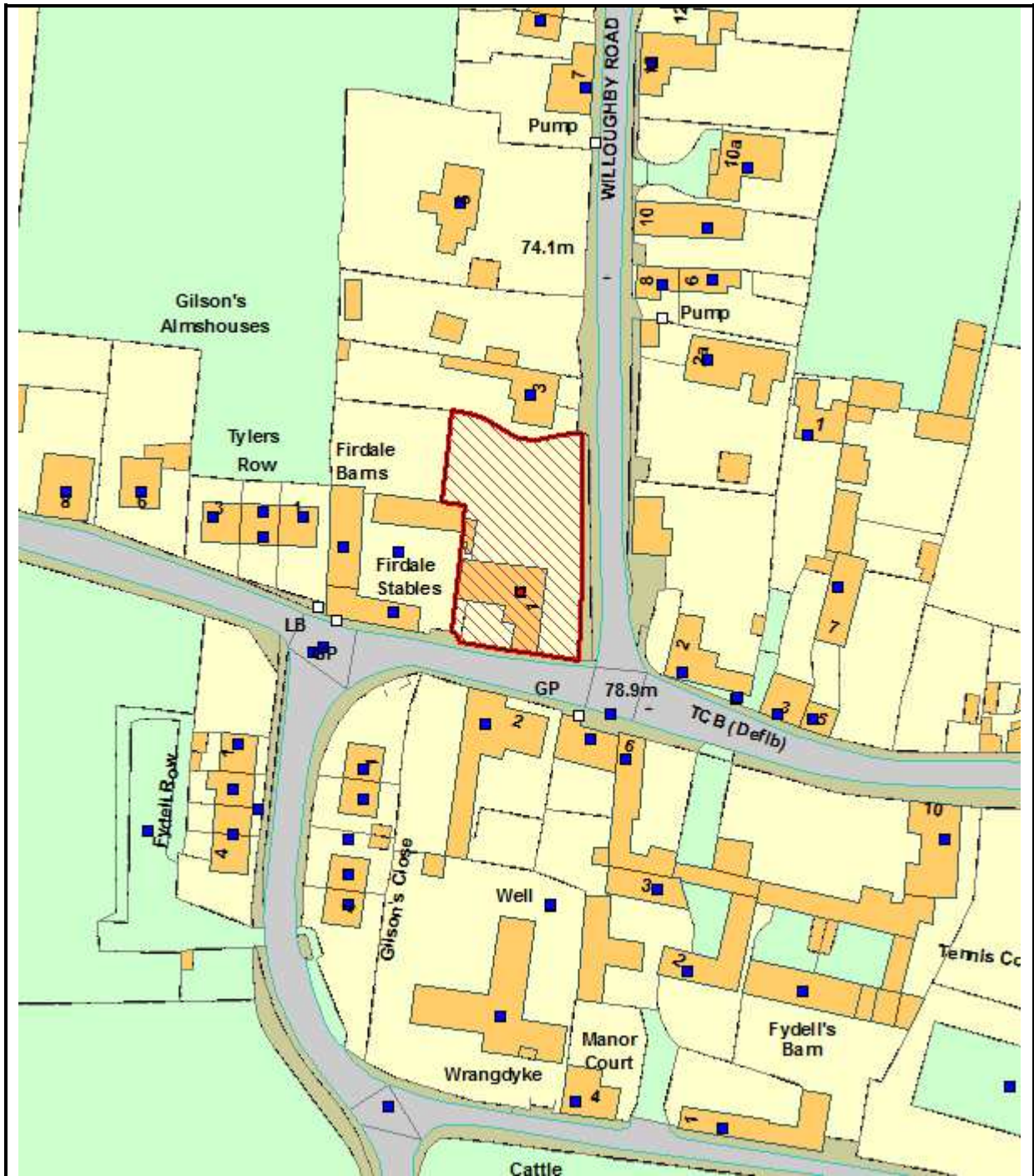
57. Provided of course that the wall remains in situ or is repaired under a separate application for listed building consent. It is certainly in the interests of the custodians of listed buildings to ensure that maintenance is carried out. In any case and without the application for the swimming pool then the boundary wall is bowing on the neighbour's side considerably, the effect of under-maintenance is showing on the neighbour's side, whereas the wall appears well maintained on the applicant's side. Regardless of the application for the swimming pool the boundary wall is in need of re-pointing and a repair strategy to address the future of the retaining wall and the extent of intervention required for it to be made good or at least structurally secure for the foreseeable future. Indeed, the wall can be maintained and repaired outside of the scope of this application in order that it remains preserved going forward.
58. Future repairs required to the wall (outside of the scope of the application for the swimming pool application if preferred, since the wall has been failing for a number of years) can be controlled under a separate application for listed building consent and would be assessed as required by Sections 16(2) and 66(1) of the Act which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it

Neighbour Representations

59. 3 objections received which are summarised below:
- Impact of the construction on the wall and consider RCC should instruct an independent professional to assess the impact;
 - Disruption during construction;
 - Increase in noise and disturbance from the use of the swimming pool, pool close to the upper floor windows of the neighbouring property especially given the 1.2 metre height difference between the two sites;
 - Impact on the heritage assets;
 - Wall deteriorated in the dry months.

Conclusion

60. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area or affect the setting of any listed building or the fabric of the host building. There would be no harm to residential amenity, highway safety or ecology. The proposal is in accordance with Sections 9, 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0562/LBA	ITEM 4	
Proposal:	Proposed Swimming Pool and Changing Room		
Address:	Firdale House, 1 Willoughby Road, Morcott		
Applicant:	Mr & Mrs Martin	Parish	Morcott
Agent:	Mr Peter Wilmot	Ward	Braunston and Martinsthorpe
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	22 November 2022		
Determination Date:	5 July 2022		
Agreed Extension of Time Date:	25 November 2022		

EXECUTIVE SUMMARY

The proposal comprises an extension to the listed building to accommodate a changing room, w.c, plant room and air source heat pump and the provision of an outdoor swimming pool. The proposals are acceptable in principle and in terms of the impact on the listed building. Objections have been raised by residents to the potential impact of the construction of the swimming pool on the listed stone boundary wall; however, a structural report has been submitted which demonstrates the swimming pool can be constructed without harm to the structural stability of the boundary wall.

RECOMMENDATION

APPROVAL subject to the following conditions:

- The works shall begin before the expiration of 3 years from the date of this consent.
Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- The works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

2021-16-06A Location Plan
2021-16-07D Proposed Elevations, Layout and Section

Reason: For the avoidance of doubt and to comply with Policy CS22 Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.
- Prior to any above ground works, the following shall be submitted to and be approved in writing by the Local Planning Authority. Works shall then take place in accordance with these approved details.

-Sample stone
-Details of coursing of the stone
-Details of the mortar mix to be used and the method of application
-Roof material sample
-Details of all doors and windows
-Details of the rooflights (shall be conservation rooflights)

Reason: To ensure that materials of an acceptable quality appropriate for the listed building and to accord with Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

4. Prior to the commencement of works, a construction management plan setting out the method of construction for the swimming pool, to include delivery methods, safeguards to protect the boundary walls, including exclusion zones, a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the northern wall followed by daily readings during construction, to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out having first been approved in writing by the Local Planning Authority. Works shall only take place in accordance with these approved details.

Reason: To protect the listed walls and to accord with Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

Site & Surroundings

- 1 The site accommodates a single, two and three-storey stone and slate detached dwelling on the northern side of Main Street at the junction with Willoughby Road. The dwelling is orientated to face Willoughby Road, set behind a front garden, and bordered by a stone wall. The side gable abuts Main Street and vehicular access is off Main Street. The private amenity area is to the north, bordered by stone boundary walls.
2. The site is bordered by 3 Willoughby Road to the north, Firdale Barns and Stables to the west and the highway to the east and south.

Proposal

3. The proposal comprises the construction of a swimming pool and the erection of an extension to accommodate a changing room, w.c., plant and air source heat pump. The swimming pool would be set to the rear of the dwelling, not closer than 5 metres to the rear boundary wall with 3 Willoughby Road. The changing room building comprises a single storey lean to extension to the rear wall of Firdale Barns. This would be constructed of rubble ironstone and grey concrete roof tiles. An existing timber lean-to structure would be removed.
4. Revised plans have been received adding sections to illustrate the relationship and impact on the boundary walls.

Relevant Planning History

There is a detailed history on the site, none relevant to this proposal other than the associated planning application, 2022/0547/FUL, which is pending.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Officer Evaluation

Impact of the Proposal on the Listed Building

5. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
6. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features.
7. The proposal comprises the construction of a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building which is grade II. The swimming pool and ancillary pump room would be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the site. Furthermore, the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building and as such overall there would be no harm to the historic environment. The existing lean-to building is of no historic merit.
8. There is no harm to the fabric of the listed building itself. In terms of the setting of the listed building the proposed curtilage building is in keeping provided the use of materials are sympathetic and the scale is limited to single storey; these can be subject of an appropriately worded condition.
9. Overall, the historic environment is important in this location with the abundance of listed buildings. The site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range. The historic characteristics of the site and the wider historic environment does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations.
10. Taking the above into account, it is considered that subject to the imposition of conditions the application is considered to be visually acceptable and would not

result in harm to the grade II listed building. The proposal is therefore in accordance Section 16 of the NPPF, Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

Other Matters

11. Concern has been raised over the potential impact of the proposed swimming pool construction on the historic boundary walls. In response to this, a revised section plan has been submitted to demonstrate the construction of the and swimming pool would not adversely affect the structural integrity of the boundary walls. In addition, a structural appraisal report has been submitted in support of the application.
12. The report was commissioned to comment and advise on the structural implications of constructing the swimming pool in relation to the boundary wall and to assess the effects of the excavations on the stability of the walls. As part of this report, the wall was inspected from both the application site and from 3 Willoughby Road. Local ground conditions were inspected via two trial bore holes excavated at the base of both walls.
13. The report noted the general construction of the wall as random rubble construction consisting of natural coursed faced limestone/ironstone with a relatively loose binding stone core, capped with stone copings to prevent water ingress. The walls act as retaining walls with the western wall retaining material from entering the application garden and the northern wall retaining material from entering into the neighbouring garden.
14. The report noted that the walls have been the subject of previous structural repairs and maintenance issues and that various reports have been commissioned to assess the walls and the potential impact of the development.
15. The report considered the current condition of the wall on the Firdale House side to be reasonable bearing in mind that previous re-pointing work has been carried out, although there are areas which may need attention in the future and should be protected against water ingress to prevent freeze/thaw cycles expanding the moisture in the stone, thus weakening and loosening the mortar bond holding the stones together and shearing off the local edges of the stones.
16. Following this initial visual observations PW Architects have carried out a detailed survey of this wall including checking the verticality of the wall (June 2022). The result of the survey illustrates that the wall undulates slightly as well as changes direction in two areas.
17. The trial holes excavated in the Melville House site exposed the base of the northern wall, which was very shallow, approximately 150mm below current ground levels. The foundation to the wall consisted of two courses of brickwork formed on the firm to stiff clay. There was little or no corbelling to the brickwork which is the normal construction procedure in this type of older wall construction. It was noted that there was concrete benching against part of the wall base close to the corner of the house. This may have been incorporated in previous construction works to protect the base of the wall having been exposed.

18. The difference in level of the two walls is approximately 1000mm and 1200mm for the western and northern walls, respectively. The thickness at the top of the walls is between 310 – 440mm but may be thicker at the base as would be expected in this situation.
19. The condition of the wall on the Melville House side shows that previous repair work has been carried out but there are still some open joints which could allow water ingress but is mainly at the base of the wall which may aid drainage in some instances. There is also some slight bulging and the alignment at the top of the wall leans out where the wall turns.
20. Notwithstanding the above there are no immediate signs of any recent significant cracking since the repairs were carried out three years ago that could be attributed to ongoing progressive movement. This type of bulging defect is not uncommon in older random rubble walls. The report notes that in this particular case it is not considered that the amount of bulging is significant in structural stability terms but as a precautionary measure some remedial enhancement may be sensible to alleviate future deterioration.
21. The report then considered whether the depth and proximity of the pool will undermine the two walls. Theoretical load dispersion lines radiate out at an angle of 45 degrees from the underside of the foundations. The evaluation of this when superimposed onto the section drawing illustrates that the dispersion lines do not encroach on the pool excavation in either direction and therefore should not cause any de-stabilisation of the wall in this manner.
22. The report then considered whether the walls in their present condition are stable. The report concluded that under current applied load conditions, the walls are stable; however, it notes that the key to retaining the equilibrium and stability is to avoid surcharging the soil immediately behind the wall which induces an additional horizontal force on the rear of the wall. Therefore, it is important that this is avoided during the construction process and the report recommends that spoil is not heaped or stored in the area immediately behind the northern wall and that no construction plant is allowed in this area. This will also apply to the western wall but to a lesser extent since the retaining side is in the Firdale Barns site.
23. The report concludes there is no evidence of the walls accommodating any recent or progressive movement that will compromise the overall structural stability of the walls and it is considered that the excavation and construction of the pool can be safely constructed when taking the necessary precautions as outlined above without destabilising the walls.
24. As a precautionary measure it recommends a protection barrier of temporary low key shallow trench sheeting is installed adjacent to the working area of the pool to minimize any tendency of the ground to move during excavation and construction of the pool. The report also concludes that a full condition survey be carried out before work commences.
25. In addition, PW Architects have set out detailed remedial repair/reinstatement work to be carried out to the wall which would include the installation of a series of Helifix CemTies to improve the integrity and robustness of the northern wall, as well as re-point any open mortar joints with a sand lime mortar.

26. A further report has been commissioned by a resident which notes the proximity of the northern wall to the property at 3 Willoughby Road, notes the shallow footings, the lean of the wall and the condition of the wall. The report recommends a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the wall and to then take daily readings during construction and to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out.
27. Building Control has been consulted and stated the walls/structure of the proposal may impact the nearby building(s)/wall, and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal regarding the walls and neighbouring buildings and provide a solution and justify the proposed structure. They also state the Party wall Act would need to be taken into account by the owner.
28. It is considered that the submitted report demonstrates that the development could be carried out without harm to either boundary wall. However, the condition of the northern wall especially is noted and is a concern. As such, a condition requiring a construction method statement to include exclusion zones, wall alignment monitoring, remedial works etc. will be imposed. It is also noted that the walls are likely to require remedial works regardless of the proposed development and as the walls are protected through their listed status, a separate listed building application would be required to cover these works.
29. The Conservation Officer has stated the works to the wall should be treated separately as listed building consent will be required to safeguard the wall and necessary remedial action will be required as the wall cannot be left in its current condition. An informative can be added to request this application. The Conservation Officer notes that the boundary wall does not form part of the application per se, given its separation from the detached pool building; however, if the swimming pool affects the integrity of the wall, then it should be a consideration as part of the application.
30. In conclusion, it is considered that sufficient evidence has been provided to demonstrate that the development could take place without harm to the boundary wall, subject to appropriate conditions to control the construction. However, a separate listed building application will be required to set out the required works to repair the wall, regardless of this application.

Crime and Disorder

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

Human Rights Implications

32. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

Parish Council

33. No objection to this planning application as the decision will be made in association with the Conservation Officer dealing with listed buildings.

Building Control

34. The walls/structure of the proposal may impact the nearby buildings/wall and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal in regard to the close walls and neighbouring buildings and provide a solution and justify the proposed structure. Also, the Party Wall Act would need to be taken in to account by the owner – it would be advised the owner contact a competent Party wall surveyor for advice.

Conservation Officer

35. The proposal is for a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building at Grade II, therefore the application would be assessed under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses.
36. Furthermore section 72 (1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
37. I can advise that I have no objection to the principle of the swimming pool or the ancillary pump room, these structures will be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the Morcott Conservation Area and the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building, then overall the harm to the historic environment here is limited. There is no harm on the fabric of the listed building itself and so the limited harm is on the setting which for a curtilage building is generally within keeping provided the use of materials are sympathetic and the scale is limited to single storey, I would suggest the height of the building to the ridge is as low as it can be to comply with Building Regulations.
38. Overall, the historic environment is important in this location with the abundance of listed buildings and set within the Morcott Conservation Area, the site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range – with typical characteristics of an early 19th century farmstead. The historic characteristics of the site and the wider historic environment hereabouts does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations, notwithstanding any other planning matters around amenity issues or design.

39. I would suggest however than a section plan would be useful, showing the depth of the pool in relation to the proximity of the boundary wall with the neighbour so that the engineering operation required for digging to a depth of 2 metres – (suitable for the swimming pool depth) can be assessed against the proximity of the boundary wall, this would then be considered in conjunction with the structural report which has been carried out independently on the boundary wall. Would it then be worth – from a structural point of view - checking to see if Building Control can provide their opinion of the section plan and the structural survey – in terms of whether the depth of the swimming pool would have any impact on the proximity of the boundary wall. Perhaps the swimming pool is far enough away from the boundary wall not to have a direct impact on its integrity? I do agree that the boundary wall does not form part of the application per se, given its separation from the detached pool building, but if the swimming pool affects its integrity, then it should be a consideration as part of the application, as per the request for the input from Building Control above.
40. In terms of the setting of the historic boundary wall then the swimming pool and the ancillary pump house does not necessarily present any harm to the visual setting of the site beyond any other curtilage buildings that custodians of listed building enjoy in their garden spaces. In terms of setting then I do not consider the swimming pool to have any heritage harm on the significance of the wall, or the wider historic environment for that matter, given its siting and scale.
41. Provided of course that the wall remains in situ or is repaired under a separate application for listed building consent. It is certainly in the interests of the custodians of listed buildings to ensure that maintenance is carried out. In any case and without the application for the swimming pool then the boundary wall is bowing on the neighbour's side, the effect of under-maintenance is showing on the neighbour's side, whereas the wall appears well maintained on the applicant's side. Regardless of the application for the swimming pool the boundary wall is in need of re-pointing and a repair strategy to address the future of the retaining wall and the extent of intervention required for it to be made good or at least structurally secure for the foreseeable future. Indeed, the wall can be maintained and repaired outside of the scope of this application in order that it remains preserved going forward.
42. Future repairs required to the wall (outside of the scope of the application for the swimming pool application if preferred, since the wall has been failing for a number of years) can be controlled under a separate application for listed building consent and would be assessed as required by Sections 16(2) and 66(1) of the Act which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it

Neighbour Representations

43. 3 objections received which are summarised below:
- Impact of the construction on the wall and consider RCC should instruct an independent professional to assess the impact;
 - Disruption during construction;
 - Increase in noise and disturbance from the use of the swimming pool, pool

close to the upper floor windows of the neighbouring property especially given the 1.2 metre height difference between the two sites;

- Impact on the heritage assets;
- Wall deteriorated in the dry months.

Conclusion

44. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle and would not result in harm to the listed building. The proposal is in accordance with Section 16 of the NPPF, Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

2022/0924/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0924/FUL	ITEM 5	
Proposal:	Extension to existing agricultural unit, including demolition of part of existing structure and new solar panels to roof.		
Address:	Barn at Manor House, Main Street, Ridlington		
Applicant:	Mr and Mrs Baines	Parish	Ridlington
Agent:	Mr Jason Edwards	Ward	Braunston and Martinsthorpe
Reason for presenting to Committee:	Applicant the son of Cllr Baines		
Date of Committee:	22 November 2022		
Determination Date:	10 October 2022		
Agreed Extension of Time Date:	25 November 2022		

EXECUTIVE SUMMARY

The proposal comprises the removal of part of the existing agricultural building, the erection of an extension and the siting of solar panels onto the roof. The proposals would be visually acceptable, would not be harmful to the identified heritage assets, would not be harmful to residential amenity or highway safety. The application is supported subject to conditions.

RECOMMENDATION

APPROVAL subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

2022/11 01B Location Plan
2022/11 02C Proposed Block Plan, Elevations and Layout

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.

3. Prior to any above ground development, the following shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details.

- Details of external wall materials/finished colours
- Details of external roofing materials/finished colour

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement detailing how this unsuspected contamination shall be dealt with. Development shall then take place only in accordance with these approved details.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

Site & Surroundings

1. The site is located to the north of Main Street with the dwelling occupying the eastern part of the site with a range of agricultural buildings further west. The agricultural buildings form a courtyard with the building the subject of this application forming the western section. The building comprises two elements, a breeze block pitched roof building with a corrugated roof and a corrugated lean-to element to the rear. There are further agricultural buildings to the east, a neighbouring property to the south and paddock to the west and north. The land levels fall northwards.

Proposal

2. The proposal comprises the removal of the rear section of the building together with a replacement extension. This would match the depth of the existing to the west but would infill the north-west corner. The ridge height of the main building would be retained and the rear roofslope pitch would be altered to cover the existing rear portion of the building and the extension to the rear. The extension would be constructed of painted brick and metal sheeting for the walls and metal sheeting for the roof. Solar panels would be added onto the rear roofslope. The building would continue to be used for agricultural purposes.

Relevant Planning History

There is no relevant planning history.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP13 – Agricultural, Horticultural, Equestrian and Forestry Development

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS16 – The Rural Economy

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

None

Officer Evaluation

Principle of Development

3. The proposal comprises the removal of part of the existing agricultural building, the erection of an extension and the siting of solar panels onto the rear roofslope. The existing building is in agricultural use and the proposed extension would not alter this.
4. The site is within the Planned Limits of Development and Policies CS16 and SP13 support agricultural development in principle. As such, no objection is raised to the principle of the proposals which accord with the thrust of the above policies. Policy SP13 relates to the visual impact, pollution, vehicular movements, and biodiversity; these are discussed below.

Impact of the use on the character of the area

5. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area,

through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.

6. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
7. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features. Policy CS19 relates to design, Policy SP15 relates to design and amenity.
8. The site is within the conservation area, under the Article 4 Direction and Manor House is grade II, buildings to the south of the site are also grade II listed (Chimney Cottage and 1 Church Lane on the southern side of the highway) and St Mary and St Andrew's church (grade II*) is to the south of the site.
9. The building is set back from the highway, with 15 Main Street intervening with the highway to the south. This part of Main Street is relatively built up with limited gaps between buildings providing glimpses of the countryside beyond. The application building is therefore not prominent from the highway and is glimpsed with 15 Main Street and its garage set in the foreground. As a result, although within the conservation area and with the listed Manor House to the east, the host building is not visually dominant or prominent from the public realm.
10. The building is of little architectural or historic merit and the extension to the rear is a low-lying structure; no objection is raised to the removal of this element. The extension would be of the same depth as the existing lean-to with the existing rear roofslope of the main building altered in pitch to cover the existing retained building and the proposed extension. The bulk and massing of the side and rear elevations would therefore be greater; however, the change would be marginal, and the appearance of the proposed extension would be an enhancement to the existing lean-to. The proposal would infill the northern corner of the building; this would add only a minimal amount to the building and views of this would largely be obscured from the public realm by the proposed rear extension. Furthermore, the land levels fall from the settlement which further reduces the visual impact of the proposal.
11. The proposal also comprises solar panels on the western roofslope. These would be set in from the side elevations, the eaves and ridge. This roofslope is not prominent, being set at an angle to the highway and public realm to the south with buildings intervening. Clear views of the rear elevation are not possible from the public realm. Furthermore, the solar panels would not be read on conjunction with Manor House with the panels not visible from the host dwelling.
12. Subject to a condition relating to external materials, it is not considered the proposal would be visually harmful. The proposal would preserve the character and appearance of the conservation area and would not adversely affect the setting of any nearby listed building by reason of the limited nature of the proposals, the intervening development, and the separation distances.

13. The proposal accords with Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD and the above-mentioned Act.

Impact on the neighbouring properties

14. There are no neighbouring dwellings to the north or west and other agricultural buildings intervene to the east. 15 Main Street lies to the south and has a relatively shallow garden. However, the additional bulk and massing on the side elevation would be limited and the impact on the outlook from this property would be marginal. The additional footprint would be obscured from this property by the proposed extension to the rear which would occupy the same footprint as the existing. Given this, the separation distance, and the topography, it is not considered the proposal would be unduly harmful to the residential amenities of occupiers of that property.
15. The existing use of the building is agricultural, and this would remain the case with the proposed extension. This would have no greater impact on any nearby dwelling than the existing.
16. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Extensions to Dwellings SPD (2015).

Highway issues

17. The proposal would not alter the existing access, parking or turning and the use of the building for agriculture would remain the same. The additional footprint would be limited and would not generate a significantly higher level of traffic than the existing. As such, the proposal would not have an unacceptable adverse impact on highway safety and the proposal would be in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

18. Given the nature of the building, its construction, the large elements of open elevations, it is not considered there are protected species within the building. The proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

Crime and Disorder

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

Human Rights Implications

20. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

21. Highways

The Highway Authority's comments are based upon the supporting information submitted by the applicant. The Highway Authority has not been made aware of any departures from this information by the LPA that should be considered and as such the assessment of the proposal is provided against this context. The application proposes an extension to an existing agricultural unit. It is understood that access to the site is to remain unchanged as is the internal layout. The Highway Authority is satisfied that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the public highway network. The internal site layout is considered to be adequate with sufficient space for the safe and efficient manoeuvring of vehicles. In line with the above the Highway Authority raises no objections to this proposal.

22. Public Protection

It is not anticipated that the site will be impacted by land contamination that may pose a risk to future users of the proposed development, therefore it is suggested a condition is applied if planning permission is granted.

23. Parish Council

No objection.

Neighbour Representations

24. No comments received.

Conclusion

25. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area or affect the setting of any listed building. There would be no harm to residential amenity, highway safety or ecology. The proposal is in accordance with Sections 9, 12, 15 and 16 of the NPPF, Policies CS16, CS19, CS21 and CS22 of the Core Strategy and Policies SP5, SP13, SP15, SP19 and SP20 of the Site Allocations and Policies DPD.

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PLANNING AND LICENSING COMMITTEE

22nd November 2022

APPEALS

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Rosemary Powell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

2.1 APP/TPO/A2470/9194 - Ms Lea Dawson - 2022/0032/PTA

4 Spinney Lane, Stretton, Rutland, LE15 7RB

1 no. Wellingtonia - Reduce by 20 metres.

Delegated Decision: There is no evidence of defects in the tree that would justify felling the tree or reducing by 20.0m due to an increased risk of damage to property,

risk to life or threat of injury. The Wellingtonia tree, by virtue of its size, form, and location makes a significant contribution to the character and appearance of the area. The felling of the tree or its reduction by 20.0m would result in a detrimental impact to public amenity.

3. DECISIONS

3.1 APP/A2470/D/22/3305714 – Mrs Angela Lashbrook – 2022/0407/FUL

7 Cedar Street, Braunston-In-Rutland, LE15 8QS

Replacement windows to front elevation and to entrance porch

Delegated Decision

Appeal Allowed – 31st October 2022

3.2 APP/A2470/W/22/3298868 – Mr H Barnaby Atkins – 2021/1147/FUL

Manton Lodge Farm, Lodge Lane, Manton LE15 8SS

Resubmission of refused application number 2021/0503/FUL, change of use of part of a field to a tennis court with surrounding fence

Delegated Decision

Appeal Dismissed – 8th November 2022

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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

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