

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, 14th February, 2023** 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/84869476282>

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 17th January 2023 and receive an update on actions agreed in the minutes of the previous meeting.
(Pages 3 - 6)

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.28/2023 from the Strategic Director for Places.
(Pages 7 - 10)

- a) 2022/0547/FUL
(Pages 11 - 26)
- b) 2022/0562/LBA
(Pages 27 - 36)
- c) 2022/0646/FUL
(Pages 37 - 62)

6) APPEALS REPORT

To receive Report No.29/2023 from the Strategic Director for Places.
(Pages 63 - 66)

7) ANY OTHER URGENT BUSINESS

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

8) DATE OF THE NEXT MEETING

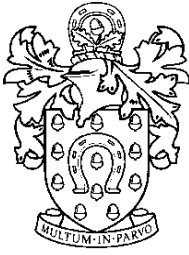
Tuesday, 14th March 2023.

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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 Payne	Councillor R Wilson



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, 17th January, 2023 at 7.00 pm

PRESENT:

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

ABSENT:

Councillor D Blanksby	Councillor R Wilson
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OFFICERS PRESENT:

Justin Johnson	Development Manager
Paul Milne	Planning Officer
Sherrie Grant	Planning Solicitor
David Ebbage	Governance Officer

1 WELCOME AND APOLOGIES

Apologies were received from Councillors D Blanksby and R Wilson.

2 MINUTES

Consideration was given to the minutes of the meeting held on 22nd November 2022 and 20th December 2022.

RESOLVED

a) That the minutes of the meeting on 22nd November 2022 and 20th December 2022 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor E Baines and W Cross declared a personal interest in item 5 – Planning Applications, application 2022/0951/FUL as they knew the applicant. Both Councillors confirmed they came to the meeting with an open mind.

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 2022/0951/FUL, Stuart Paton spoke as the applicant.

5 PLANNING APPLICATIONS

Report No.09/2023 was received from the Strategic Director of Places.

Item 5 – 2022/0951/FUL – Barn conversion to form a single dwelling, including detached carport.

(Parish: Clipsham; Ward: Greetham)

Paul Milne, 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 Stuart Paton who spoke as the applicant and Councillor Nick Begy who spoke as the Ward Member. The Committee also had the opportunity to ask questions of these speakers.

It was explained by the Planning Officer that an objection was received from Clipsham Parish Meeting as they felt the application was contrary to local plan policies. The Council considered the proposal, specifically Policies CS4 and SP6 which restricted new housing in the countryside but felt the development would result in an appropriate re-use of the buildings. This was supported by the advice in Paragraph 80 of the revised National Planning Policy Framework.

Members were disappointed to not have any members of Clipsham Parish Meeting present at the meeting to make their comments known to the Committee.

Members agreed around the quality of the outbuildings and that they met the criteria for Section 3A of SP6 ‘the vacant building to be converted and re-used is a permanent structure capable of being converted without major re-construction’.

Members did request an informative to be put on the application to encourage the applicant to look into other sustainable sources for energy as it currently was an oil based development.

It was moved by Councillor J Dale and seconded that the application be approved subject to the conditions in the report and the additional informative suggested by Members. Upon being put to the vote the motion was unanimously agreed.

RESOLVED

- a) That the application 2022/0951/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer 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/>

6 APPEALS REPORT

Report No. 10/2023 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**.

7 ANY OTHER URGENT BUSINESS

There were no items of urgent business.

8 DATE OF NEXT MEETING

Tuesday, 14th February 2023

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The Chairman declared the meeting closed at 7.34pm

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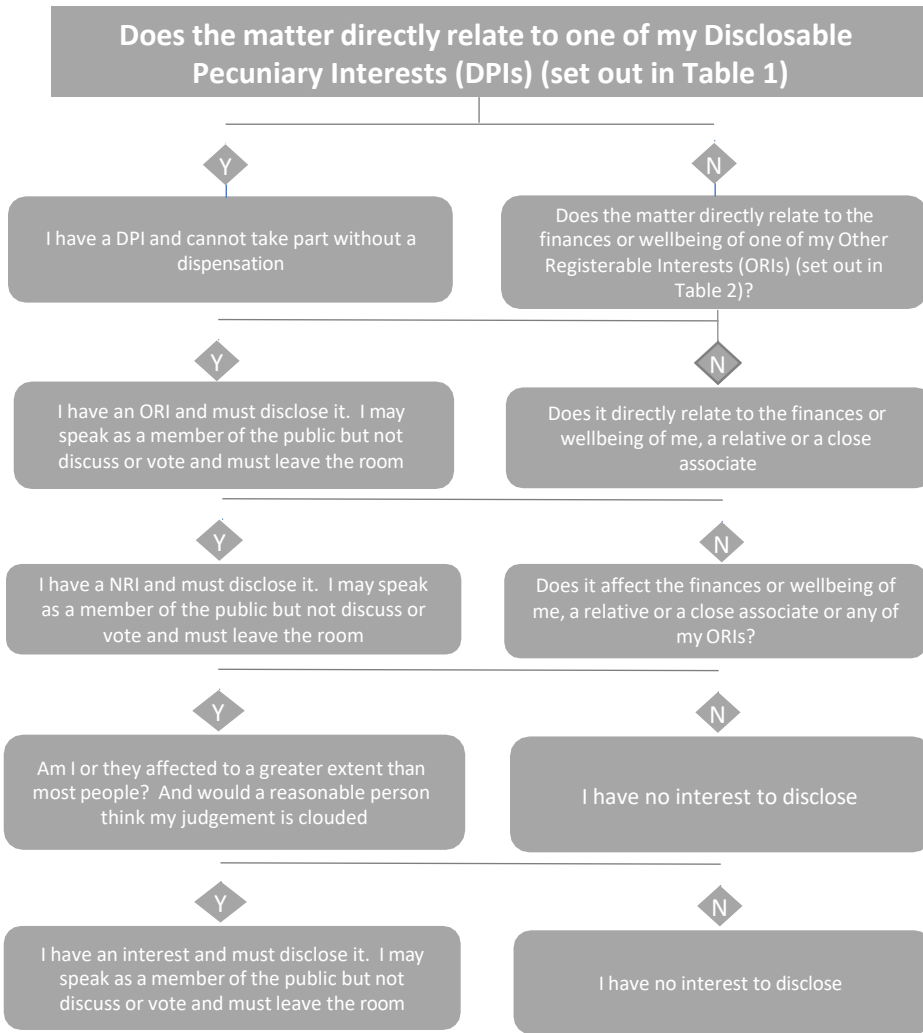
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Maintaining and promoting high standards of conduct

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

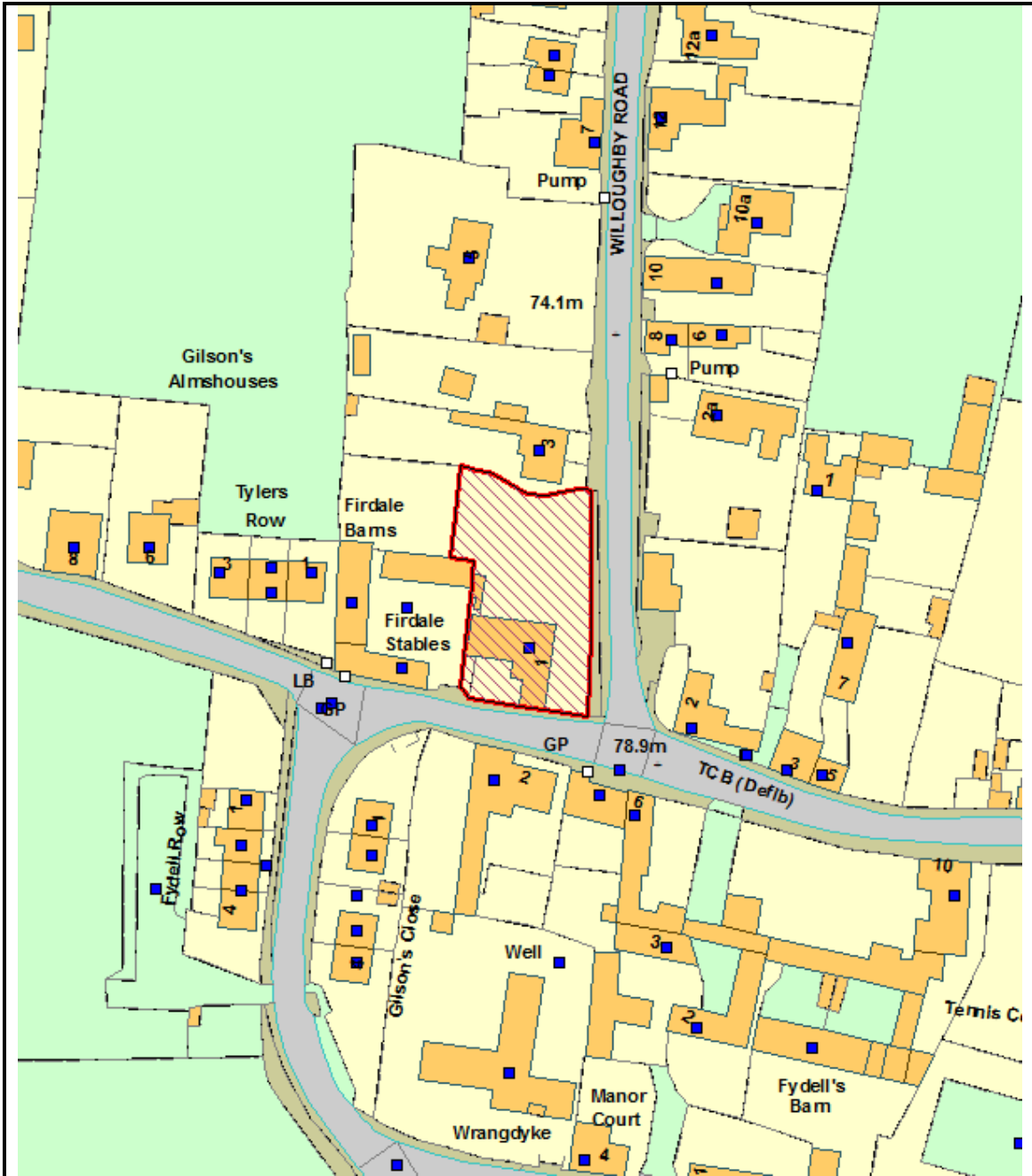
Planning & Licensing Committee – Thursday 14th February 2022

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2022/0547/FUL	Mr & Mrs Martin, Firdale House, 1 Willoughby Road, Morcott, Proposed Swimming Pool and Changing Room.	Approve	11-26
2	2022/0562/LBA	Mr & Mrs Martin, Firdale House, 1 Willoughby Road, Morcott, Proposed Swimming Pool and Changing Room.	Approve	27-36
3	2022/0646/FUL	Mrs Louise Brown, Land Adjacent to Fairchilds Lodge, Lyddington Road, Caldecott, Demolition of existing agricultural barn and erect 2 no. 3 storey dwellings, relocation of entrance doors to barn No 2 to the rear, extension of existing farm track, creation of new parking and turning area to the rear of barn 2.	Approve	37-62

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2022/0547/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0547/FUL	ITEM 2	
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:	14 February 2023		
Determination Date:	5 July 2022		
Agreed Extension of Time Date:	20 February 2023		

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. A noise survey has been submitted in relation to the proposed pool plant and air source heat pump and concludes the impact would be acceptable on 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. A separate listed building application has now been submitted which proposes repairs to the wall.

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:

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.

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.

- 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 and the air source heat pump maintained in accordance with the noise mitigation measures as set out at paragraph 5.1.1 of the Noise Impact Assessment Report Version 3 25 January 2023.

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.

7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:-

- a) A scheme for the monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery.
- e) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- f) Details of site compounds, storage area and contractor and visitor parking.
- g) Details of the site enclosure or part thereof and gated site security.
- h) A scheme for dealing with complaints.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

Informatives

You are advised that a separate listed building application is required to carry out necessary work to the boundary walls.

The developer must contact the Highway Control Team to agree the extent of a pre-condition highway survey and carry out a joint inspection of the condition of the public highway before site traffic uses the road/s. A similar inspection will take place on completion of works.

You are advised a submission under the Party Wall Act is likely to be required.

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 to facilitate the operation of the pool and changing room. 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.

Revised plans have been received adding sections to illustrate the relationship and impact on the boundary walls.

Relevant Planning History

4. 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. Application 20230073/LBA is pending and proposes repairs to the boundary wall.

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

Officer Evaluation

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 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.
9. 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.
10. 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.
11. LCC Archaeology recommend a written scheme of investigation to safeguard any remains.
12. 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

13. 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.
14. 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.
15. The proposal also includes an air source heat pump to be located in the plant room; this would facilitate operation of the pool and changing room. A Noise Impact Assessment Report has been submitted and identified the key receptors as 2 and 3 Willoughby Road. The report states the standard used permits the installation of domestic air source heat pumps provided that the noise level does not exceed 42 dB Laeq, 5 minutes at 1 metre from a neighbouring habitable window.
16. A 3D sound model was used to calculate the predicted sound pressure levels at selected potential receiver points and outdoor amenity areas. The report set out that as a standard, the measurement of noise to be emitted should not exceed 42 dB Laeq, 5 minutes, for the worst affected receptor measured one metre from the receptor. From the modelling, the worst-case specific sounds level from the proposal would be 33 dB Laeq, 5 minutes. The report concludes that the noise breakout from the air source heat pump at the worst affected receptor would be below the 42 dB measurement and concludes the proposal would present as a low impact. The report makes recommendations with respect to maintaining the air source heat pump such that noise levels do not increase. This is subject to a condition.
17. A resident has commented on the noise survey and stated the following:
 - The NIA acknowledges that the ASHP would be located adjacent to a barn that has the benefit of planning permission to be converted to residential accommodation but fails to assess the potential noise impacts on that property. Whilst the barn retains the ability to be converted to residential accommodation, the potential noise impacts on that property must be assessed. A failure to do so would mean that it is not possible for the Council to take into account a material consideration, namely the impact of noise on that property.
 - The NIA dismisses the application of BS4142:2014 on the basis that the Town and Country Planning Order 2011 provides a basis for rating and assessment of noise rising from ASHPs. The Town and Country Planning Order 2011 does not appear to exist and therefore, the Council clearly cannot rely on the NIA

which seeks to justify noise impacts on the basis of such an order. Reliance on the NIA would therefore be an error of law.

- It however may be the case that the NIA is intending to rely on the Town and Country Planning Act (General Permitted Development) (England) Order 2015 (“the GDPO”). However, this Order does not provide any permitted development rights for the AHSP at the site and there is no evidence to suggest that the Order was introduced “to encourage the use of energy efficient devices as part of domestic permitted development rights”. The GDPO simply is not applicable here as planning permission is sought for the development.
- In such circumstances, there are no other standards or guidance that should be applied instead of BS4142:2014. It is therefore necessary for a noise impact assessment, undertaken in accordance with the appropriate standards, to be submitted.
- A further significant concern with the NIA, is the fact that there is no consideration of the existing background noise levels. Noise impacts can be unacceptable when relatively low levels of noise are created in an environment where existing background noise levels are much lower. BS4142:2014 would require an assessment to take into account existing background noise levels for this reason.

18. In response the Council’s Public Protection Officer stated:

- The Noise Impact Assessment did consider the impact in accordance with the NPPF guidance on sound. In addition, more technical acoustic standards can assist in ensuring the assessment is in accordance with good acoustic practice.
- When I asked for the Noise Impact Assessment, it was unclear from the information supplied by the applicant at that time what plant would be installed. Requesting an NIA will often ensure the applicant considers the noise impact and will often result in them submitting the required information and rethinking their application to reduce unacceptable sound sources.
- The applicant noise consultant argued that a BS 4142:2014+A1:2019 was unnecessary as this was a simpler installation, which is reasonable. For more straightforward and smaller installations like this one, I considered the information against the latest Briefing Note Institute of Acoustics - November 2022 1 ASHP Heat Pumps Professional Advice Note.
- The Institute of Acoustics and Environmental Health recommend that ‘*larger heat pump installations, which require full planning applications, may require a more comprehensive noise assessment to be undertaken (typically based on BS 4142:2014+A1:2019)*’. However, for smaller and simpler installations such as this, the guidance note is more appropriate.
- The guidance note advises: *Where it is practical to do so, it is recommended that the installation sound rating level does not exceed 35dB at any noise-sensitive façade of neighbouring residential premises.* It has been calculated for this development that the sound rating level does not exceed 33dB_{L_{Aeq}} at the closest noise-sensitive receptor, which is below the recommended level.
- Although the legal reasoning may differ in the NIA, the acoustic information supplied satisfied me that the impact was acceptable, which is what I have to consider.
- The Noise Impact Assessment did take into account the barn and the need to properly insulate it if it was converted to a dwelling irrespective of whether this

development went ahead or not (please see paragraph below). If the barn were in the process of being converted to a dwelling, we would ask it to be considered as a sensitive receptor.

- It is understood that the barn is currently in use as domestic storage accommodation. However, should the barn undergo future change to accommodate residents whether under the ownership of the client or the agent, in accordance with local authority requirements a separate NIA is likely to be required. This is likely to include an assessment with respect to the proposed air source heat pump noise breakout referred to in the report. Evidence of a robust sound insulation scheme for the accommodation in accordance with BS 8233:2014 is also likely to be a requirement of the local authority.
 - Given this, and the potential change in noise climate at the time of potential change of use it is not considered appropriate at the time of writing to consider the barn as a noise sensitive receptor in the report.
19. It is therefore considered 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

20. 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

21. 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

22. 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 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
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

43. LCC Ecology

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.

44. LCC Archaeology

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).

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.

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.

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.

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.

45. Public Protection

Originally asked 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.

I have read the acoustic report supplied and I am satisfied on the information provided that there will be no significant adverse impact on amenity to nearby residential properties and I have no objection to this development.

46. Building Control

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.

47. **Conservation Officer**

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.

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.

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.

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.

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.

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.

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.

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

48. 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.

49. A petition has been submitted stating the following:

We the undersigned, would ask the Highways Department to carry out a thorough assessment of Willoughby Road, Morcott, and the junction with the High Street, in connection with the recent planning application at the top of Willoughby Road. We are concerned with the impact of additional mechanical and other traffic on the busy and narrow roads, pavements and footpaths which are already in a bad condition.

This was signed by 12 residents.

Conclusion

50. 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.

2022/0562/LBA



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0562/LBA	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:	14 February 2023		
Determination Date:	6 July 2022		
Agreed Extension of Time Date:	20 February 2023		

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. A separate application to repair the wall has now been submitted. A noise survey has been submitted which is addressed in the associated report, 2022/0547/FUL as residential amenities issues are not covered in this listed building application.

RECOMMENDATION

APPROVAL subject to the following conditions:

1. 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.

2. 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.

3. 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.

Informatives

You are advised that a separate listed building application is required to carry out necessary work to the boundary walls.

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

5. 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. Application 2023/0073/LBA seeks consent for the repair of the existing boundary wall, including some rebuilding works and is pending.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

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

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.
8. 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.
9. 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.

10. 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.
11. 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

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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 require remedial works regardless of the proposed development and as the walls are protected through their listed status, a separate listed building application has now been submitted to cover these works.
30. 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.
31. 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

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

Human Rights Implications

33. 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

34. **Parish Council**

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

35. **Building Control**

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.

36. **Conservation Officer**

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.

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.

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.

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.

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.

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.

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.

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

37. Objections received from three properties 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;
- No need for the changing rooms;
- Impact on highway safety.

38. A petition has been submitted stating the following:

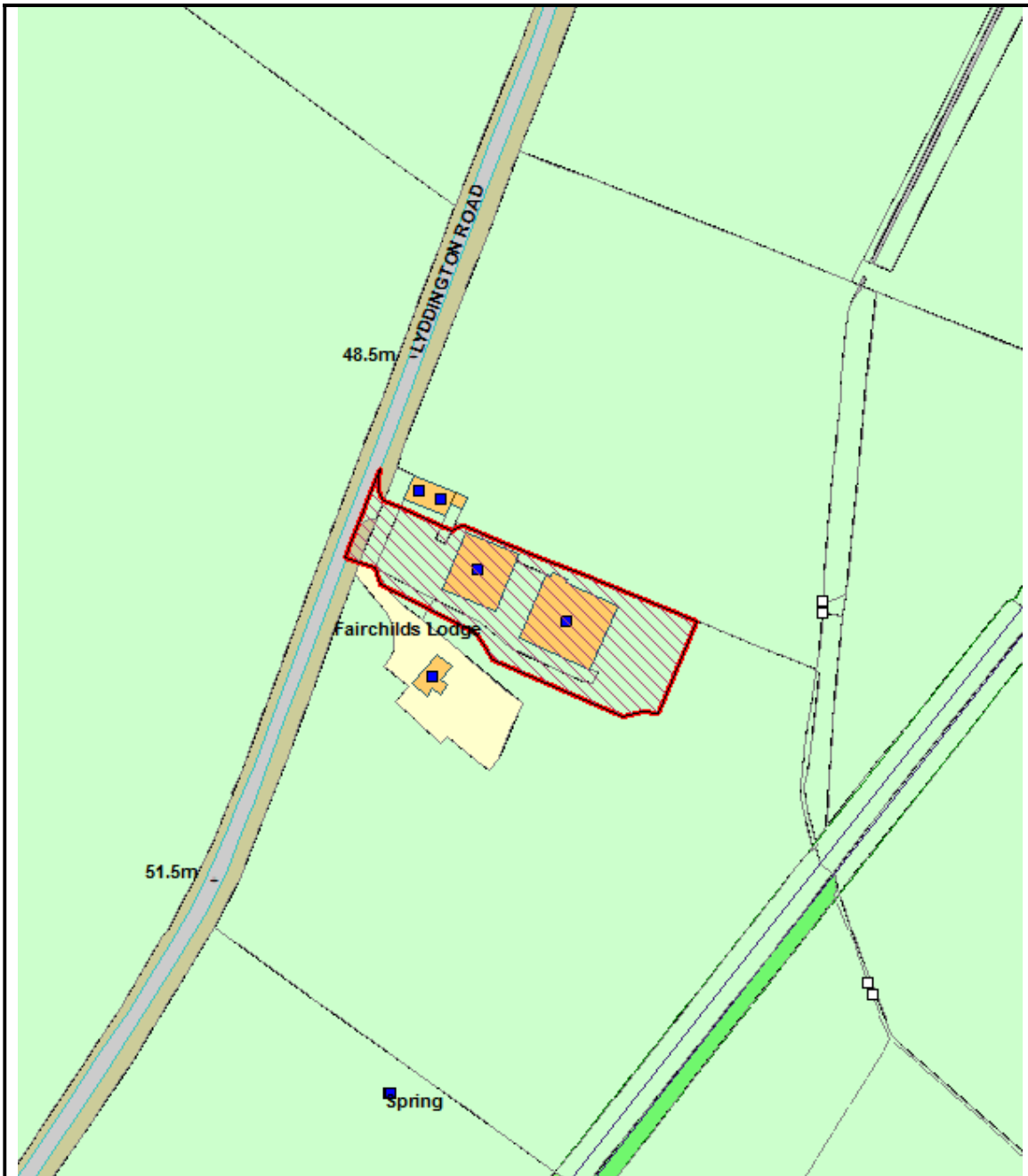
We the undersigned, would ask the Highways Department to carry out a thorough assessment of Willoughby Road, Morcott, and the junction with the High Street, in connection with the recent planning application at the top of Willoughby Road. We are concerned with the impact of additional mechanical and other traffic on the busy and narrow roads, pavements and footpaths which are already in a bad condition.

This was signed by 12 residents.

Conclusion

39. 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.

2022/0646/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0646/FUL	ITEM 1	
Proposal:	Demolition of existing agricultural barn and erect 2 no. 3 storey dwellings, relocation of entrance doors to barn No 2 to the rear, extension of existing farm track, creation of new parking and turning area to the rear of barn 2.		
Address:	Fairchild Lodge, Lyddington Road, Caldecott, Rutland		
Applicant:	Mrs Louise Brown	Parish	Caldecott
Agent:	Mr Tony Ansell	Ward	Lyddington
Reason for presenting to Committee:	Member application		
Date of Committee:	14 February 2023		
Determination Date:	21 July 2022		
Agreed Extension of Time Date:	17 February 2023		

EXECUTIVE SUMMARY

The principle of residential development here has been established through the granting of a Class Q Prior Approval at Appeal. And planning permission granted under reference No 2021/0672/FUL erection of 3 no. two-storey dwellings together with associated car parking and landscaping. (Subject to a legal agreement). The proposal would offer a smaller scheme than the current approval, would not be contrary to local and national planning policies or have a detrimental impact upon the surrounding area.

RECOMMENDATION

APPROVAL,

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; Location Plan Received 30 January 2022, Site Plan Received 8 November 2022, AB/01B/PL/2022, AB/02B/PC 2022 and LB/11/PL/2022.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England)

Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings, and no provision of buildings, enclosures, swimming or other pool, shall be erected or carried out except with prior planning permission.
Reason: In the interests of the character and appearance of the open countryside and surrounding residential amenity.

5. No development above ground level shall be commenced until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."
Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
7. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
8. Notwithstanding details shown on Site Plan Received 8 November 2022, no access gate shall be inserted into the replacement boundary hedgerow.
Reason: For the avoidance of doubt and to ensure no residential encroachment into the adjacent agricultural land.
9. There shall be no external lighting on the site, any external lighting required, either temporary lighting during building work, or permanent lighting post development, must be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat Conservation Trust, 2018) (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>)). Full details of any proposed external lightning shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. To reduce the impact of lighting on bats, lighting should consist of LED light sources fitted with downward deflectors (i.e. hoods, cowls, shields, louvres) at a low level, and, ideally, be on PIR sensors. No up-lighting should be used.
Reason: To ensure that any protected species which are legally protected

under the Wildlife and Countryside Act 1981 are not compromised by the work hereby approved.

10. No development above ground level shall commence until details (drawings and photographs) identifying bio-diverse uplift on site has been submitted to and approved in writing by the Local Planning Authority. The habitats created shall remain in perpetuity thereafter.
Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in paragraph 179 and 180 of the National Planning Policy Framework (2021).
11. 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 LPA) shall be carried out until the developer has submitted and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
12. Prior to the first occupation of the dwellinghouse vehicular parking and turning area shown on Drawing Block Plan (Part) Showing Parking and turning AB/03C/PL/2022, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that adequate onsite parking exists to serve each dwelling and vehicles can enter and leave the highway in a forward gear in the interest of highway safety.
13. No development above ground level shall be commenced until there has been submitted to and approved, in writing, by the Local Planning Authority details of the boundary treatment separating the vehicular access to barn No 2 and the residential garden area.
Reason: To ensure that the boundary treatment is designed in a manner appropriate to the locality and to enhance the appearance of the development.

Notes to Applicant

1. Vegetation clearance must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the all-clear from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
2. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

3. This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the issue relating to not to cause permit or allow Implementation of the Previous Permission granted at appeal for 3 dwellings (2020/0843/PAD) and not at any time to cause permit or allow Implementation of any Class Q Consent relating to the Barn.

Site & Surroundings

1. The site is an agricultural building within a farmyard located about half a mile east of Caldecott, within the open countryside. The building is a portal/steel framed structure, with an approximately 2.45 metre high blockwork wall along two sides. Above this wall is a mixture of steel and timber cladding. These walls/cladding wraps around the corners of the north-west and south-east gables, though these elevations are predominantly open. The roof of the building is clad in steel profiled sheeting, and it has a concrete floor.
2. The site and surrounding grazing land is flat, and the barn is visible from public views when travelling in either direction along the road; however there is established hedgerow along the roadside boundary to the site and surrounding fields.
3. The applicant successfully applied for the conversion of another smaller agricultural building within the farmyard to 2 new dwellings (reference no. 2018/0660/PAD). These have subsequently been converted, with the finalised scheme being submitted as a planning application (work commencing prevented a further Class Q submission, with the fallback position of the Class Q permission justifying the proposal). It is understood that these are presently being used as holiday lets. There is a further agricultural barn at the rear of the farmyard.
4. A Class Q Prior Approval application was refused in 2020 under reference no. 2020/0843/PAD for the conversion of the barn into three dwellings. This subsequently allowed at appeal on 9 February 2021. Rather than convert the barn in accordance with the prior approval, a planning application was submitted exploiting the fallback position, under reference No 2021/0672/FUL for the demolition of the existing barn and the erection of three new dwellings together

with associated car parking and allocated landscaping, designed to appear in scale and appearance as barn conversions and a farmhouse. Planning permission was granted by the Planning and Licencing Committee at its meeting in August 2021 was subject to a legal agreement not to undertake the previous prior approval allowed at appeal.

Proposal

5. The current application now seeks permission for the demolition of existing agricultural barn and erect 2 no. 3 storey dwellings, relocation of entrance doors of barn No 2 to the rear, extension of existing farm track, creation of new parking and turning area to the rear of barn 2.
6. Proposed materials would be coursed reclaimed red brick, render and timber boarding with natural roofing slates.
7. The remaining farm building to the rear would be retained. As part of this application, it is proposed to relocate of entrance doors of barn No 2 to the rear elevation to allow its continued use, extension of existing farm track, creation of new parking and turning area to the rear of barn 2. The access serve the proposed residential dwellings and barn No 2 would be separated.
8. The existing and proposed plans are attached as Appendices.
9. During the determination of the application several amendments have been made to the scheme to address issues with the external appearance, scale and form of both the proposed dwelling, materials to be used. In addition, the size of the application site has been increased to accommodate an access track and parking and turning area to allow the relocation of the access doors to barn No 2 to be relocated to the rear to allow its continued use without access been restricted by the residential development. Drawings have also submitted to show that sufficient parking and manoeuvring space can be accommodated on the site to server the residential development and allow cars to park and turn and leave the site in forward gear.

Relevant Planning History

2017/0250/PAD	Change of use from agricultural building to dwelling (main barn)	Refused
2017/0592/PAD	Conversion of barn to residential use (Roadside Barn)	Prior approval Not required
2018/0660/PAD	Conversion of existing Roadside Barn to 2.no residential units	Approved
2019/0651/FUL	Conversion of bar to 2no. residential units (Roadside Barn)	Approved
2020/0843/PAD	Class Q Prior Approval for three dwellings (main barn)	Refused (allowed) at appeal

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development
Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 15 - Conserving and enhancing the natural environment

Site Allocations and Policies DPD (2014)

SP6 - Housing in the Countryside
SP15 - Design and Amenity
SP19 - Biodiversity and Geodiversity Conservation
SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS03 - The Settlement Hierarchy
CS04 - The Location of Development
CS19 - Promoting Good Design
CS21 - The Natural Environment

Supplementary Planning Guidance

Design Guidelines for Rutland

Neighbourhood Plan

There is no adopted Neighbourhood Plan for the Parish

Officer Evaluation

Principle of the use

10. The Development Plan, specifically Policies CS4 and SP6, restricts new housing in the countryside to that which is necessary, usually for agriculture or forestry. This is supported by the advice in Paragraph 79 of the revised National Planning Policy Framework (NPPF).
11. Policy CS4 states that conversion will only be permitted where the building is close to sustainable settlements and where there is no environmental impact. Policy SP6 builds on the Core Strategy and sets out where residential conversion might be allowed.

12. Since the introduction of Class Q permitted development rights, with no consideration of sustainability, this can be a material consideration in the determination of an application to convert a rural building, i.e. where there is a clear possibility and intention to use the Class Q rights. There is an extant Class Q approval granted and a planning permission, and case law has established that a fallback position should be given considerable weight.
13. Notwithstanding this, every application should still be assessed on its merits. In this instance the proposed scheme would result in an internal floor area of approximately 533m². The previous planning approval granted under reference No 2021/0672/FUL was 465m² compared to the extant class Q approval 536m². The proposed design of the new dwellings would represent a visual enhancement over the previous planning permission and prior approval conversion scheme. On this basis it is considered that the proposed scheme would be a benefit from the fallback position.
14. During the determination period of the application the application has been revised to address issues with the external appearance, scale and form of both the proposed dwelling and the use of materials. The size of the application site has been increased to accommodate an access track and parking and turning area to allow the relocation of the access doors to barn No 2 to be relocated to the rear to allow its continued use without access been restricted by the residential development. Additional information has been submitted to show that sufficient parking and manoeuvring space can be accommodated on site to server the residential development.
15. Notwithstanding this, were it not for the extant Class Q consent and planning permission for 3 dwellings for the site, local and National planning policies restricting development in the open countryside would be unhindered and facilitate a robust reason for refusal. It should also be noted that the Class Q was for three dwellings, as is the current proposal; for the avoidance of doubt there would be no scope for any further increase in the number of units, regardless of size or footprint. The site has also reached its maximum number (5) of residential units under Class Q.
16. Given the above, it is considered that the principle of residential development here has been established, and as such the proposal would not be in conflict with Section 5 of the NPPF (2019), Policy CS04 of the Rutland Core Strategy (2011), and Policy SP6 of the Site Allocations and Policies Development Plan Document (2014).

Impact of the use on the character of the area

17. The Design Officer has confirmed that 'the revisions made to the above application in December 2022, I can confirm that the open porch on Dwelling B is now acceptable. The previous amendments made in November 2022 have been covered in my comments of 11 November 2022 and since the scheme was submitted in May 2022 – the original (built and landscape) proposals have been improved significantly to sit more comfortably in to the site and context.'

18. The relocation of the barn doors in barn No 2 to the rear elevation would not have a significant visual impact on the appearance of the buildings. The access track to the rear of barn No 2 already exists and the land to the rear has already been used for storage of agricultural equipment and fencing. Formalising this area of land into a hard surfaced parking and turning area would not have an adverse impact on the wider environment and would screen vehicle movement currently open to view from the adjacent highway.
19. Although the number of dwellings has been reduced from 3 to 2 and it is considered that the designs of the new buildings would be a visual improvement over the scheme granted prior approval scheme and those granted approval under reference No 2021/0672/FUL. By virtue of the design, scale and materials to be used, the proposal would not have a detrimental impact upon the character or appearance of the open countryside or local area, in accordance with the NPPF (Sections 5 9, 12 & 15), Policies CS04, CS19 & CS21 of the Rutland Core Strategy (2011) and Policies SP6, SP15, SP19 & SP23 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

20. There would be no adverse impacts on the amenity of any nearby properties.

Highway issues

21. The existing access would be used; Revised plans have been submitted showing parking complying to the councils' adopted standards and that there is sufficient space to manoeuvre on the site to leave in forward gear.
22. The Highway Authority have no objection to the scheme, and conditions are imposed for the proposed parking and turning area to serve the residential development. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Section 106 Heads of Terms

23. Like the previous application the applicant has confirm their agreement to enter into a legal agreement stating 'further to our call yesterday as discussed, the s.106 requirement could simply be dealt with by a Deed of Amendment where we insert a new plan showing the outline of the proposed two dwellings – and that we agree in all other respects to abide by the existing s.106 agreement which in short requires us to never make another Class Q application on the site'. This revised agreement is currently being drafted between the relevant legal parties and contains the obligation 'not to cause permit or allow Implementation of the Previous Permission granted at appeal for 3 dwellings (2020/0843/PAD) and not at any time to cause permit or allow Implementation of any Class Q Consent relating to the Barn.

Ecology

24. On the rear of barn No 2 are two owl boxes. In relation to any adverse impact on these boxes (not in use at the time of last site visit), The senior Planning Ecologist

has stated that Barn owls get habituated to humans and their activity around a farmyard, and I think vehicles nearby are unlikely to deter them from using the nest boxes. As long as they don't add extra external lights near to the boxes, which may put them off as it will interfere with their vision. In accordance with other ecological advice concerning biodiversity improvement on the site appropriately worded conditions are proposed.

Crime and Disorder

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

Human Rights Implications

26. 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.
27. It is considered that no relevant Article of that act will be breached.

Consultations

28. **Caldecott Parish Council**

Caldecott Parish Council has no objection to this application.

29. **Archaeology**

Thank you for your consultation on the above planning application.

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Thanks,
Chloe Cronogue-Freeman
Senior Planning Archaeologist
Leicestershire County Council

30. **Design Officer - Policy**

Dwelling A - central glazed element now all one as discussed - Dwelling B - solid element under porch removed allowing porch to overhang - although there is now a smaller solid element labelled 'store' - more info on this needed - assuming brick? If having, needs recessing behind timber posts but may still look odd

31. **Ecology Unit**

With reference to the above consultation, please see our standing advice regarding this application:

G: New field entrances and minor applications requiring removal of hedgerows (NOTE: this is separate to Hedgerow Regulations approval applications, which LCC will assess individually when consulted)

There is no need for an ecology survey unless over 20m of native species hedgerow adjacent to countryside is being removed. Surveys are not needed for removal of non-native hedges or those forming a residential curtilage or not adjacent to open countryside.

A Note to Applicant regarding badgers and nesting birds may be applied, as above.

Removal of over 20m of hedge should trigger a pre-determination hedgerow survey. It is helpful to use the same survey standards as for Hedgerow Regulations applications.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/438652/hedgerow__guide_part_1.pdf

If the hedgerow is classed as 'Important' for wildlife and landscape when applying these survey standards, it should not be removed.

Compensatory planting for loss of a native species hedgerow should be a planning condition. For suitable species, see below.

H: landscape plans for small developments - species-mixes

Suitable trees for woodlands and tree planting in natural open space or adjacent to open countryside are:

Oak (*Quercus robur*)

Aspen (*Populus tremula*)

Field Maple (*Acer campestre*)

Birch (*Betula pendula*)

Crab apple (*Malus sylvestris*)

Wild Cherry (*Prunus avium*)

Scots Pine (*Pinus sylvestris*) - small amounts

Rowan (*Sorbus aucuparia*)

Woodland shrubs can be from the hedge list below.

In wet areas and waterside, these species are recommended:

Crack Willow (*Salix x fragilis*)

White Willow (*Salix alba*)

Alder (*Alnus glutinosa*)

Osier (*Salix viminalis*)

Grey Sallow (*Salix cinerea*)

Goat Willow (*Salix caprea*)

Tree and shrub species to avoid in natural situations:

These species are often in planting lists but are not native in our area; we recommend replacement with a locally native species: Beech, Hornbeam, Bird Cherry, Yew, Horse Chestnut, Bay Willow, Weeping Willow, Sweet Chestnut, Common Lime, Balsam Poplar, Hybrid Black Poplar, Sycamore, Norway Maple, Sea Buckthorn.

Wayfaring tree (*Viburnum lantana*) and Whitebeam (*Sorbus aria*) are only native in limestone areas (parts of Rutland and the eastern edge of Melton). These species are native, but rare and of conservation significance in our area: Small-leaved Lime (*Tilia cordata*), Wild Service Tree (*Sorbus torminalis*), Alder Buckthorn (*Frangula alnus*), Sessile Oak (*Quercus petraea*), native Black Poplar (*Populus nigra*). We recommend they are avoided because of the risk of introducing pathogens or non-native genetic material into our local stock.

New native hedges

80% Hawthorn (*Crataegus monogyna*), plus any one or more of the following:

Field Maple (*Acer campestre*)

Hazel (*Corylus avellana*)

Dogwood (*Cornus sanguinea*)

Blackthorn (*Prunus spinosa*)

Dog Rose (*Rosa canina*)

Holly (*Ilex aquifolium*)

Wild Privet *Ligustrum vulgare*

Buckthorn *Rhamnus catharticus*

Gapping up hedges: Hawthorn (*Crataegus monogyna*) is recommended

Hedgerow standards: English Oak (*Quercus robur*) and Crab Apple (*Malus sylvestris*)

Suitable wildflower grassland species-mixes are for neutral, clay or loamy soils and should include Yellow Rattle (*Rhinanthus minor*). They should have UK provenance. These mixes, or similar, are acceptable:

<https://wildseed.co.uk/product-category/mixtures/complete-mixtures/> (Emorsgate EM2, EM4, EM5)

<https://britishwildflowermeadowseeds.co.uk/collections/neutral-soils>

<https://www.wildflower.co.uk/products/wildflower-seed-mixtures/all-wildflower-seed-mixtures/lw4-loam-alluvial-soils-100.html>

<https://germinalamenity.com/re1-traditional-hay-meadow-mg5-grassland>

Wildflower meadows should be created on clean low-nutrient subsoils - fertiliser must not be applied.

To maintain species diversity, meadows should be cut in late summer and the cuttings MUST be removed within a week. Tidying-up cuts are OK in autumn and early spring, but wildflower meadows should not be mown between mid-April and late-July.

32. **Highways**

LHA - further information is needed to clearly show parking and turning for the 2 dwellings (all drawings to include dimensions)

At present it is not clear how many spaces are provided for each property and where the vehicles can turn to ensure they enter the highway in a forward direction

33. **Public Protection**

Thank you for consulting the Pollution Team regarding the planning application referenced 2022/0646/FUL; while we have no objections to the proposal, we would suggest that a planning condition was applied about unsuspected contamination.

CONDITION: 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 LPA) shall be carried out until the developer has submitted and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

34. **Design Officer – Policy**

Evidence of a comprehensive site and contextual analysis and Design Process in accordance with the Design Guidelines for Rutland and South Kesteven (Design SPD) Para 1.5 and Section 3 and the National Design Guide: Context and Identity sections has not been given.

This work is needed in order to study key elements of the site such as key views towards it, views out of it, landscape and built character. Following the Design Process would also require a response to this context to be given, along with a vision and identity for the proposed dwellings.

This work should not be undertaken retrospectively following these comments in order to justify the present design, but rather the process started from the beginning and followed through in order - leading to a site specific design proposal that responds to the context (including landscape proposals).

This work, once undertaken, would demonstrate that the proposed dwellings sit comfortably within the site's landscape and built context, don't have a negative impact on views towards the site, take opportunities for views out of the site, have a strong character and identity and represent high quality design as defined in the Design SPD and the National Design Guide.

35. **Design Officer - Policy**

In reviewing this scheme, the Rutland Design SPD should be followed along with the National Design Guide. Both of these documents require a detailed site and contextual analysis to be produced and for schemes to respond to this analysis - with this work and narrative being clearly set out. The site sits in open countryside and there are clear views towards the site from Lyddington Road - these views have not been studied, illustrated, assessed or responded to. The character of the area and also the buildings that surround the proposal have also not been observed or responded to. How the existing buildings and the proposed new buildings will sit together and relate to one another and how these will appear within the landscape setting and views towards the site needs to be fully assessed and communicated.

The proposed scheme (2022/0646/FUL) introduces a number of architectural features that do not fit with the character of the area and that would have a negative impact on this character and views to the site. These features on the north elevations such as dormers on the roof, a gable feature and large extents of glazing. The scheme that was approved (2021/0672/FUL) has a more sensitive and simple northern elevation that is acceptable. This includes conservation skylights, some more traditional window openings and larger openings typical of openings on a barn building. The proposed scheme should be brought back to a much more sensitive design that would fit within the context

of the site as required by national and local policy.

36. Planning Policy

Further to our telephone conversation regarding this proposal for two dwellings instead of the three dwellings originally granted permission after the principle was established under Class Q, I can confirm that as this proposal is in open countryside the proposal falls outside the scope of Policy CS10, housing density and mix. The following policies are the main consideration given the principle for housing on this site has already been established:

Policy SP6, housing in the countryside is applicable where the development itself, or cumulatively with other development, should not adversely affect the character and landscape of the area, or cultural heritage.

The Design policies in the Cores Strategy and the Site allocations & Policies DPD are both applicable along with Policy SP23, landscape character in the countryside.

37. Ecology Unit

As confirmed in the email sent to Heads of Service on 10th June, due to increased workloads associated with major development and biodiversity net-gain, LCC Ecology Services are currently unable to respond individually to consultations on most minor and householder development. Instead, our standing advice should be followed (uploaded as a separate document). If you are not sure when to apply the standing advice, please phone for an informal chat.

Kind regards
Donna

Donna Oxbrough
Senior Planning Ecologist
Leicestershire County Council

38. Highways

No Objections following the submission of the revised block plan showing parking and turning submitted on 22/12/2022

39. Design Officer – Policy

Further to the revisions made to the above application in December 2022, I can confirm that the open porch on Dwelling B is now acceptable. The previous amendments made in November 2022 have been covered in my comments of 11 November 2022 and since the scheme was submitted in May 2022 – the original (built and landscape) proposals have been improved significantly to sit more comfortably in to the site and context.

40. Ecology Unit

Barn owls get habituated to humans and their activity around a farmyard, and I think vehicles nearby are unlikely to deter them from using the nest boxes. As long as they don't add extra external lights near to the boxes, which may put them off as it will interfere with their vision.

Neighbour Representations

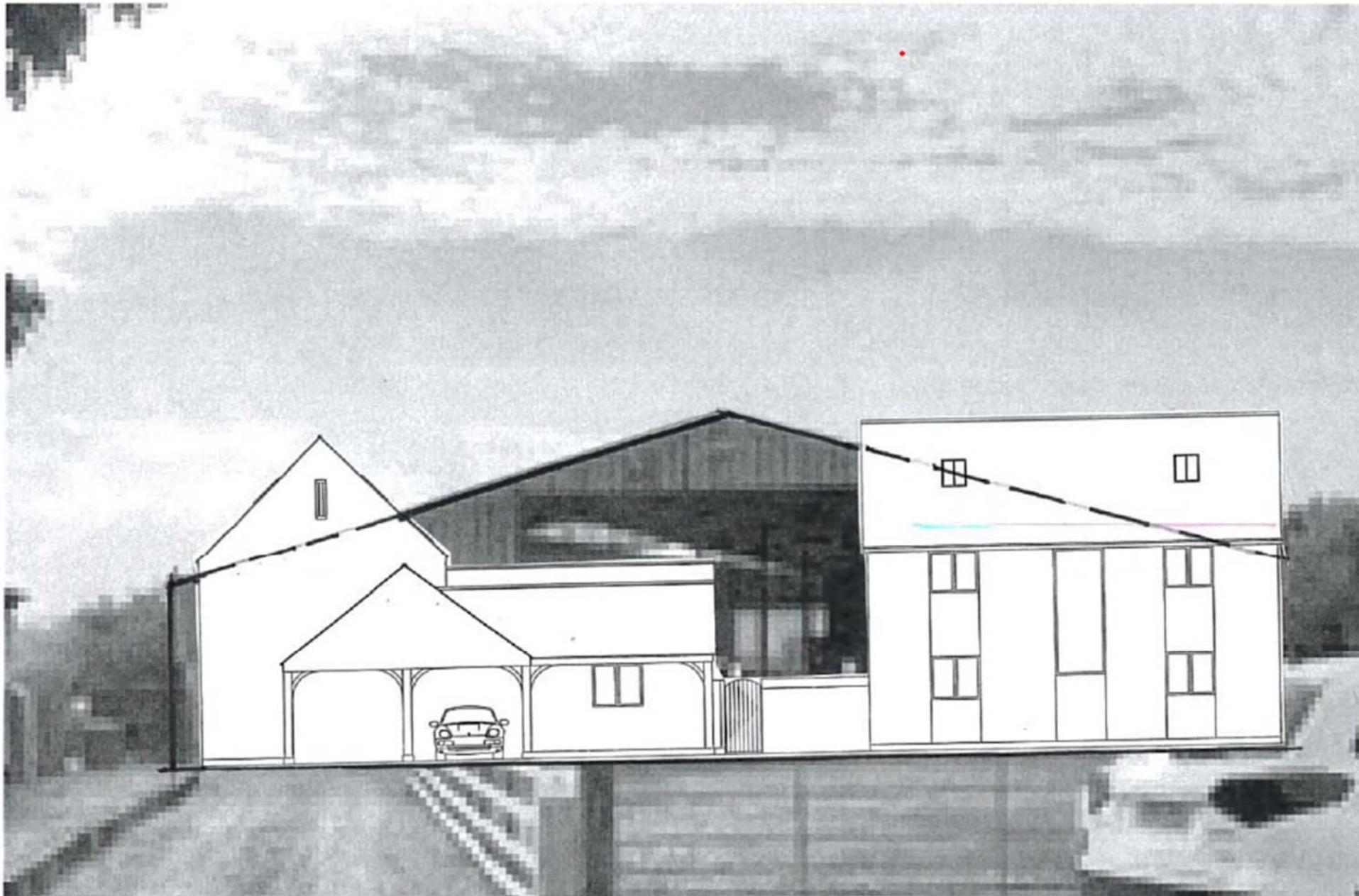
41. None

Conclusion

42. Taking the above into account, and subject to the completion of a legal agreement it is considered that the proposal is in accordance with the NPPF (Sections 5 9, 12 & 15), Policies CS04, CS19 & CS21 of the Rutland Core Strategy (2011) and Policies SP6, SP15, SP19 & SP23 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.

Appendix 1 - Artist Impression

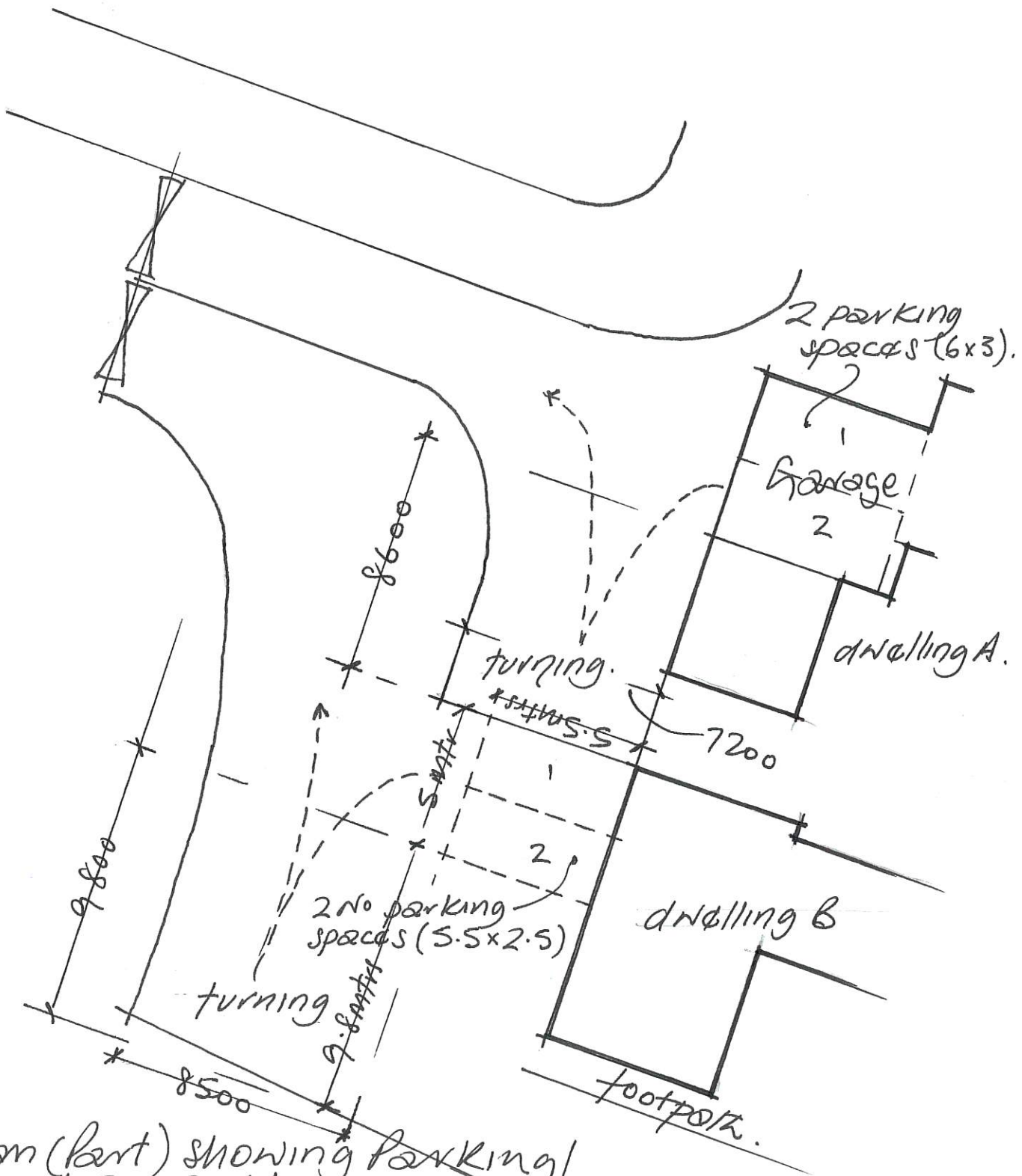
Fig 1. Barn as viewed from the entrance of the site from Lyddington Road



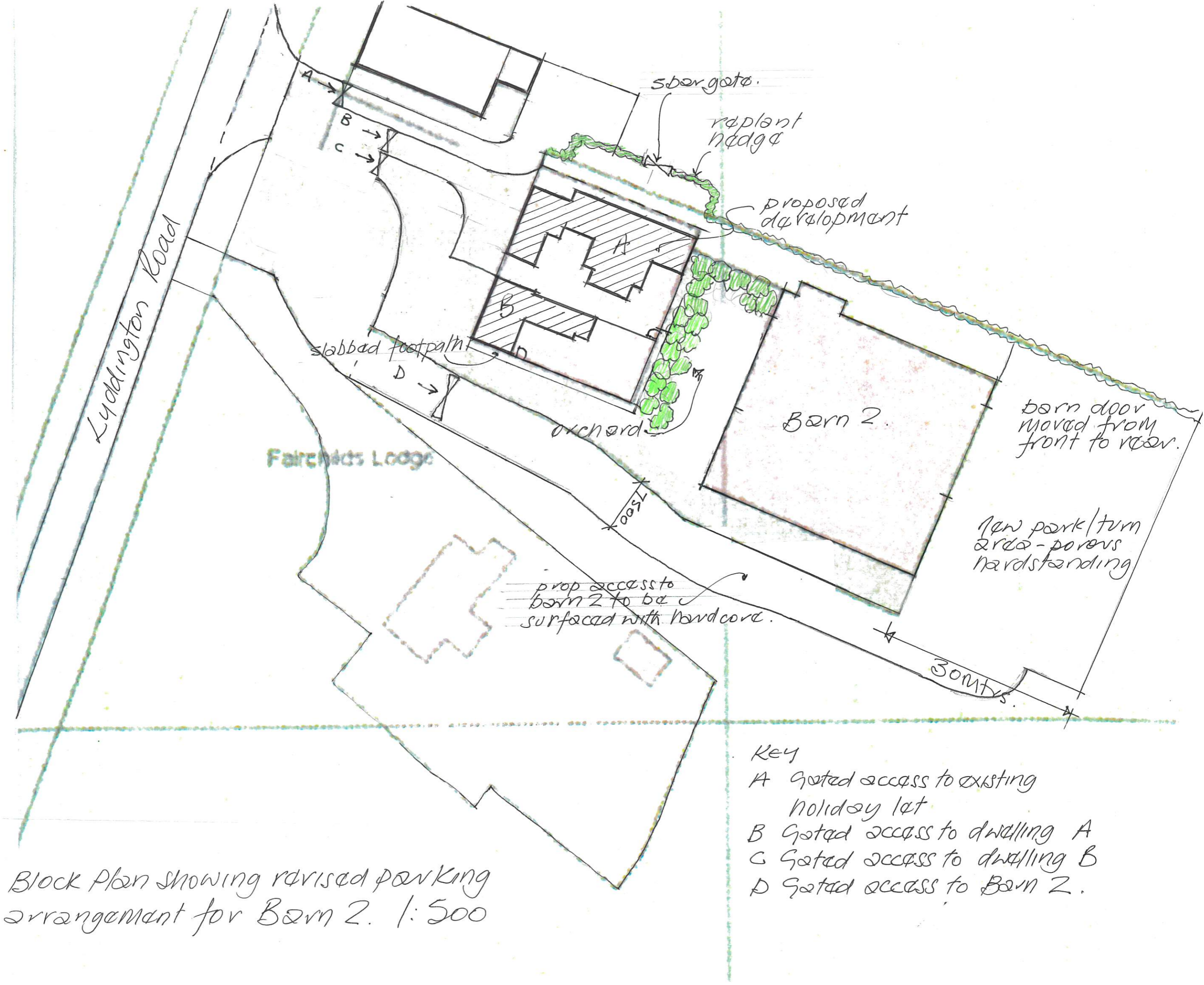
**SITE LOCATION PLAN
AREA 5 HA
SCALE 1:2500 on A4
CENTRE COORDINATES: 487462, 294315**



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
30/01/2023 16:22:37

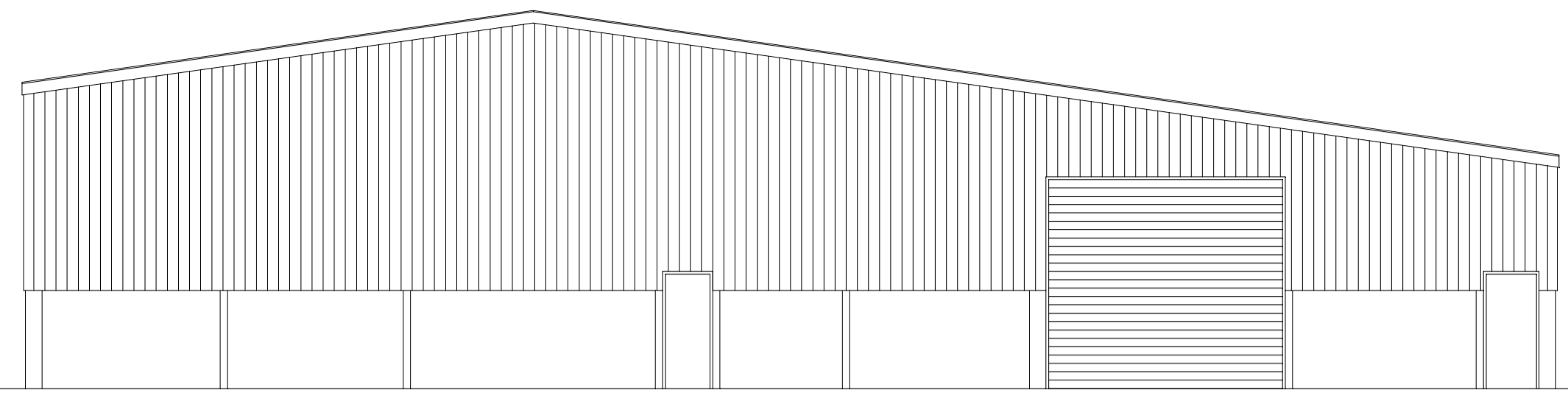


Block Plan (part) showing parking/
 turning 1:200 @ A4.
 Ref: AB/03C/PL/2022

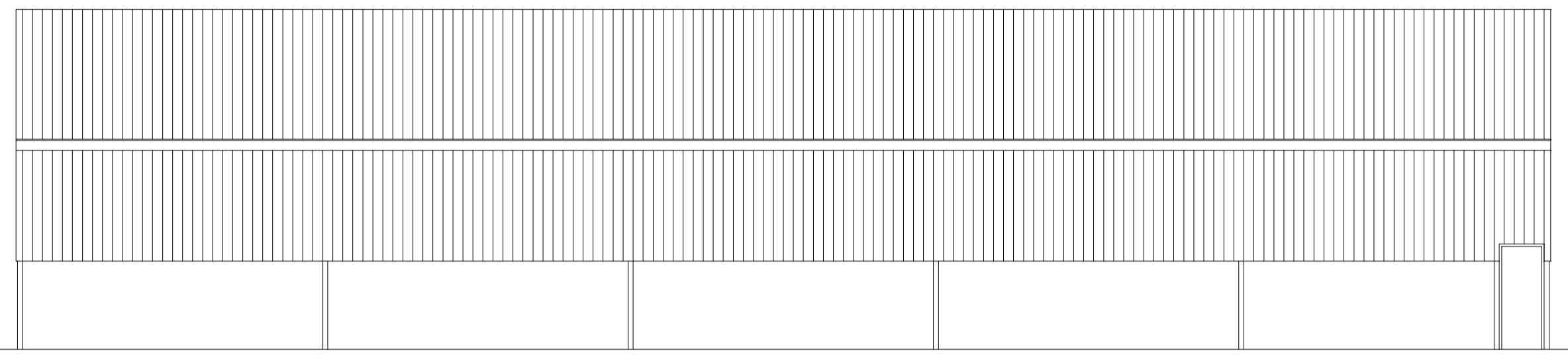


Block Plan showing revised parking arrangement for Barn 2. 1:500

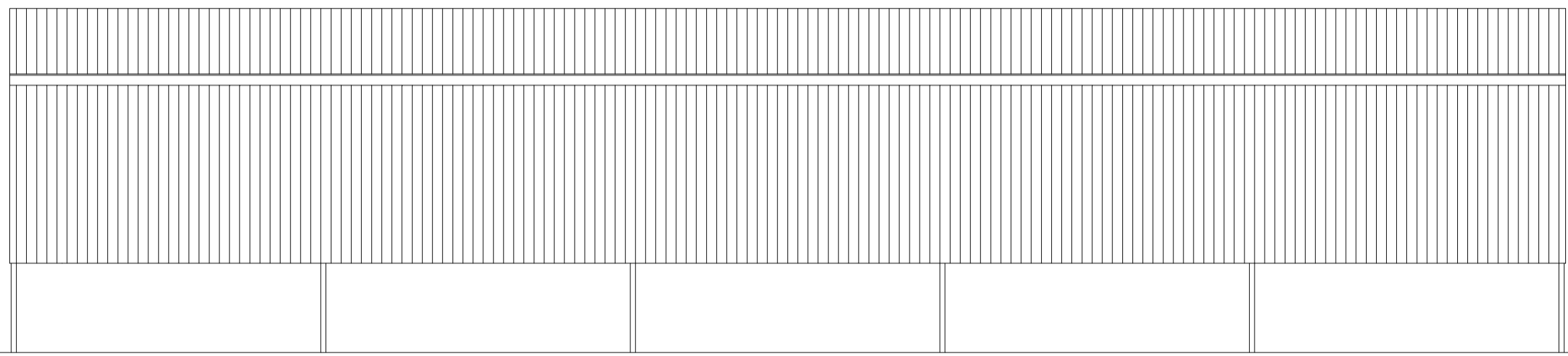
- Key
- A Gated access to existing holiday let
 - B Gated access to dwelling A
 - C Gated access to dwelling B
 - D Gated access to Barn 2.



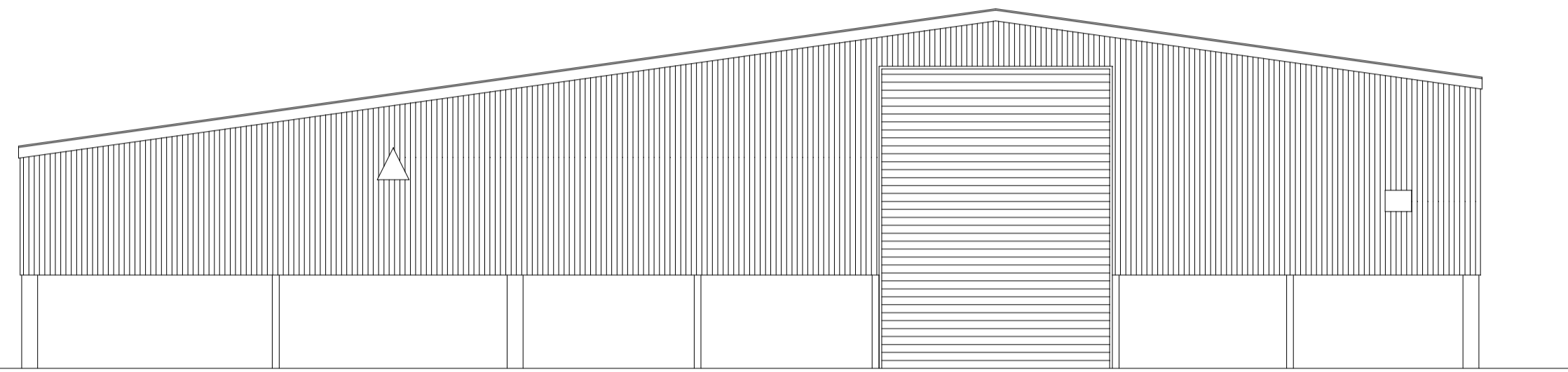
Proposed Front (West) Elevation 1:100



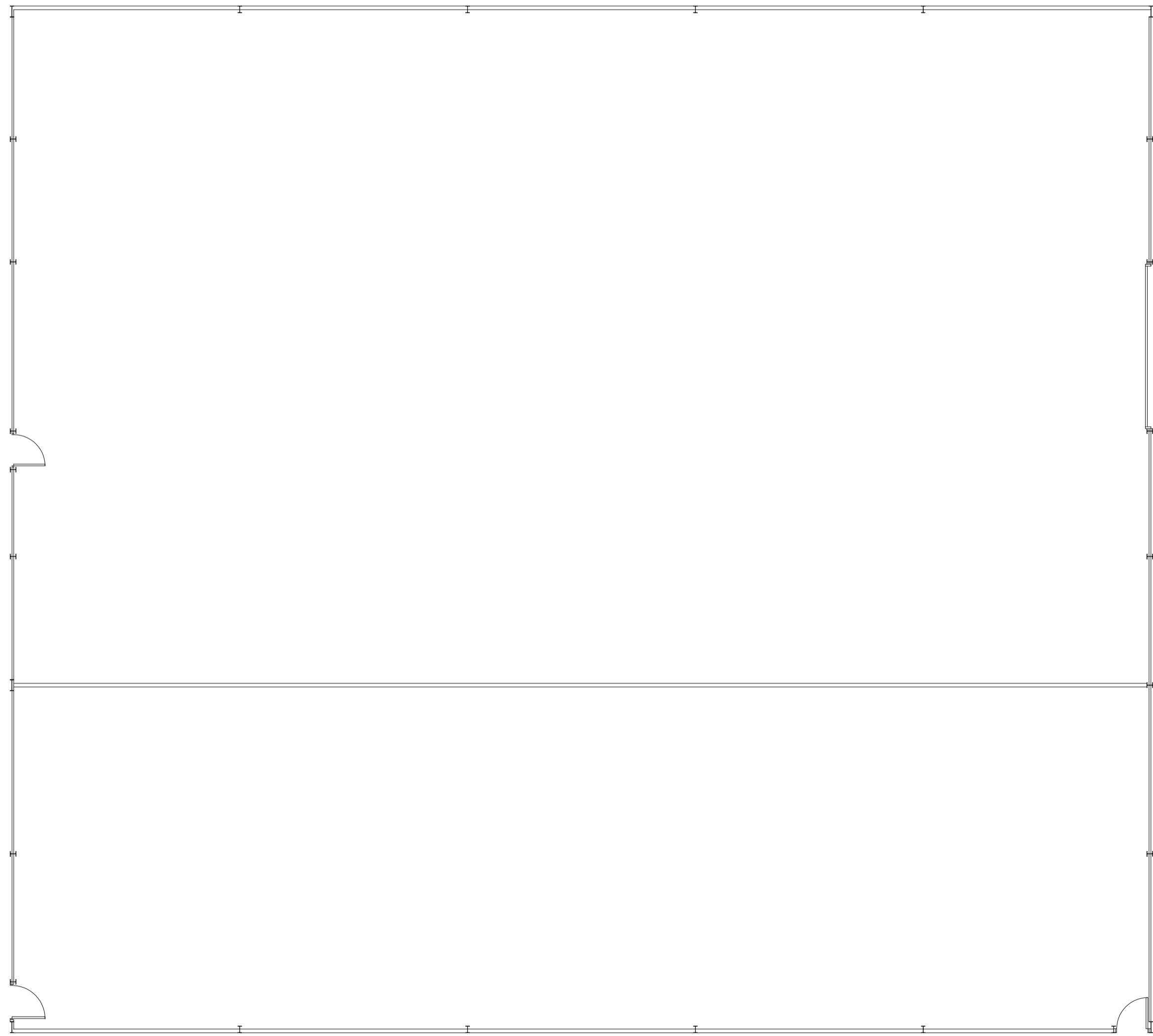
Existing Side (South) Elevation 1:100



Proposed Side (North) Elevation 1:100



Proposed Rear (East) Elevation 1:100



Proposed Ground Floor Plan 1:100

P R O P O S E D

Details of existing barn (and door to be moved):

Fairchild Lodge, Lyddington Road, Galdecott.

Scale 1:100

Planning Drawings

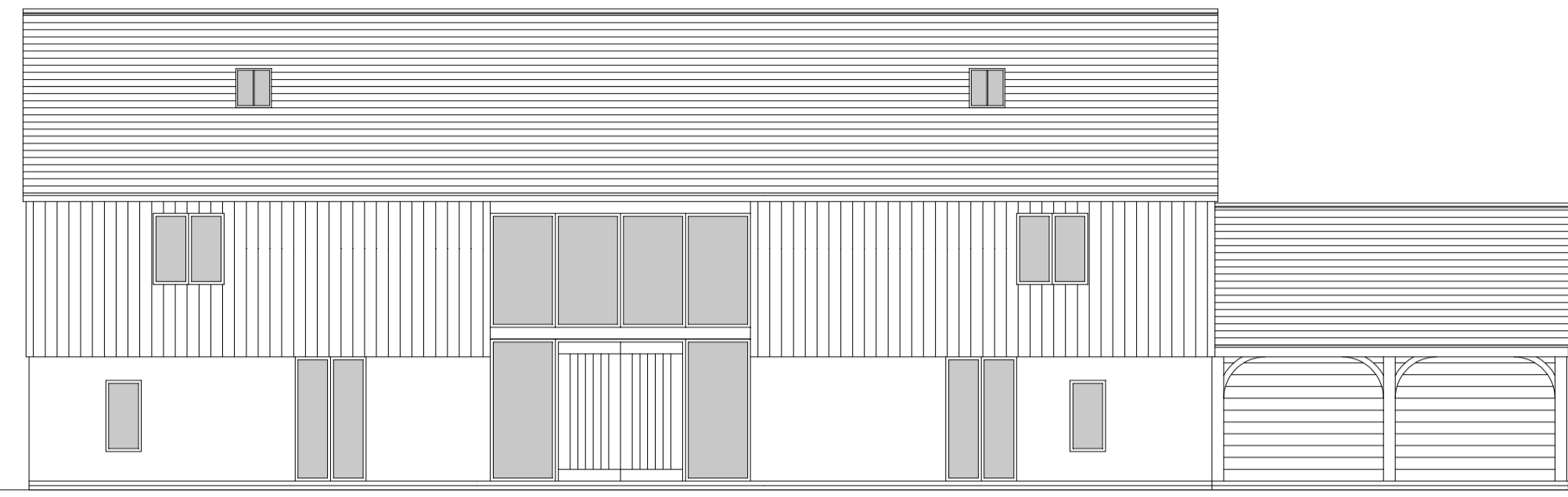
October 2022

Mr and Mrs A Brown

Ref: LB/11/PL/2022

Rutland Planning

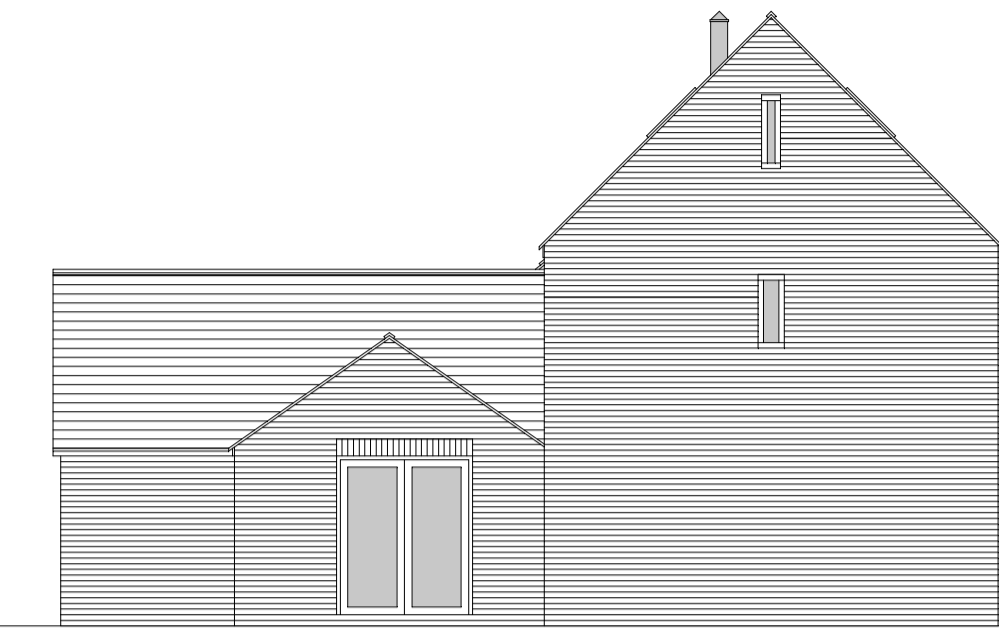
2, Highwood Close
Lougham
LE15 7JZ
07515147748
ray@rutlandplanning.co.uk



Proposed Front (North East) Elevation 1:100



Proposed Side (North West) Elevation 1:100



Proposed Side (South East) Elevation 1:100



Proposed Rear (South West) Elevation 1:100

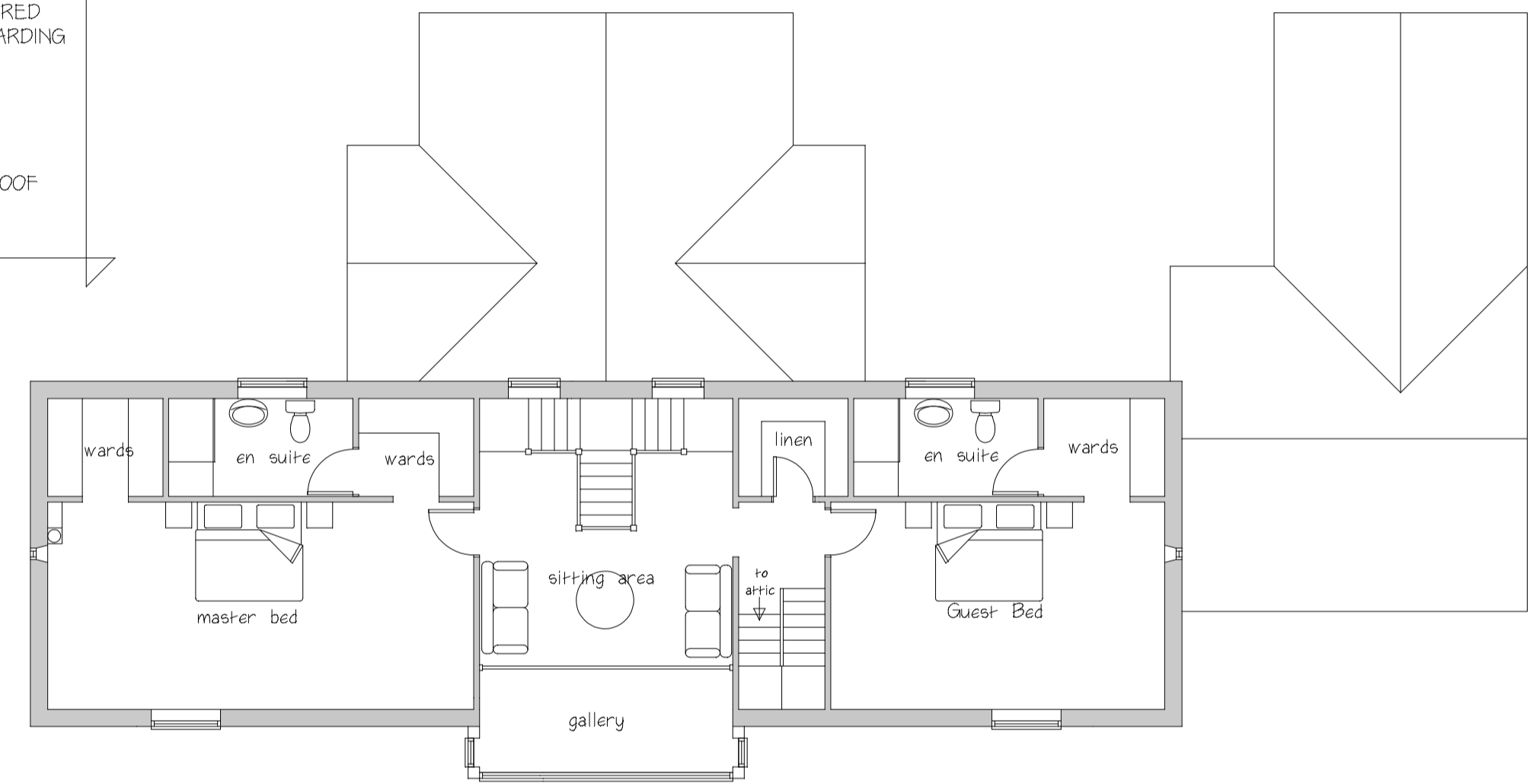
PLANNING NOTES

WALLS TO BE COURSED RECLAIMED STYLE RED BRICK, RENDER AND VERTICAL TIMBER BOARDING

ROOF TO BE NATURAL BLUE/GREY SLATE

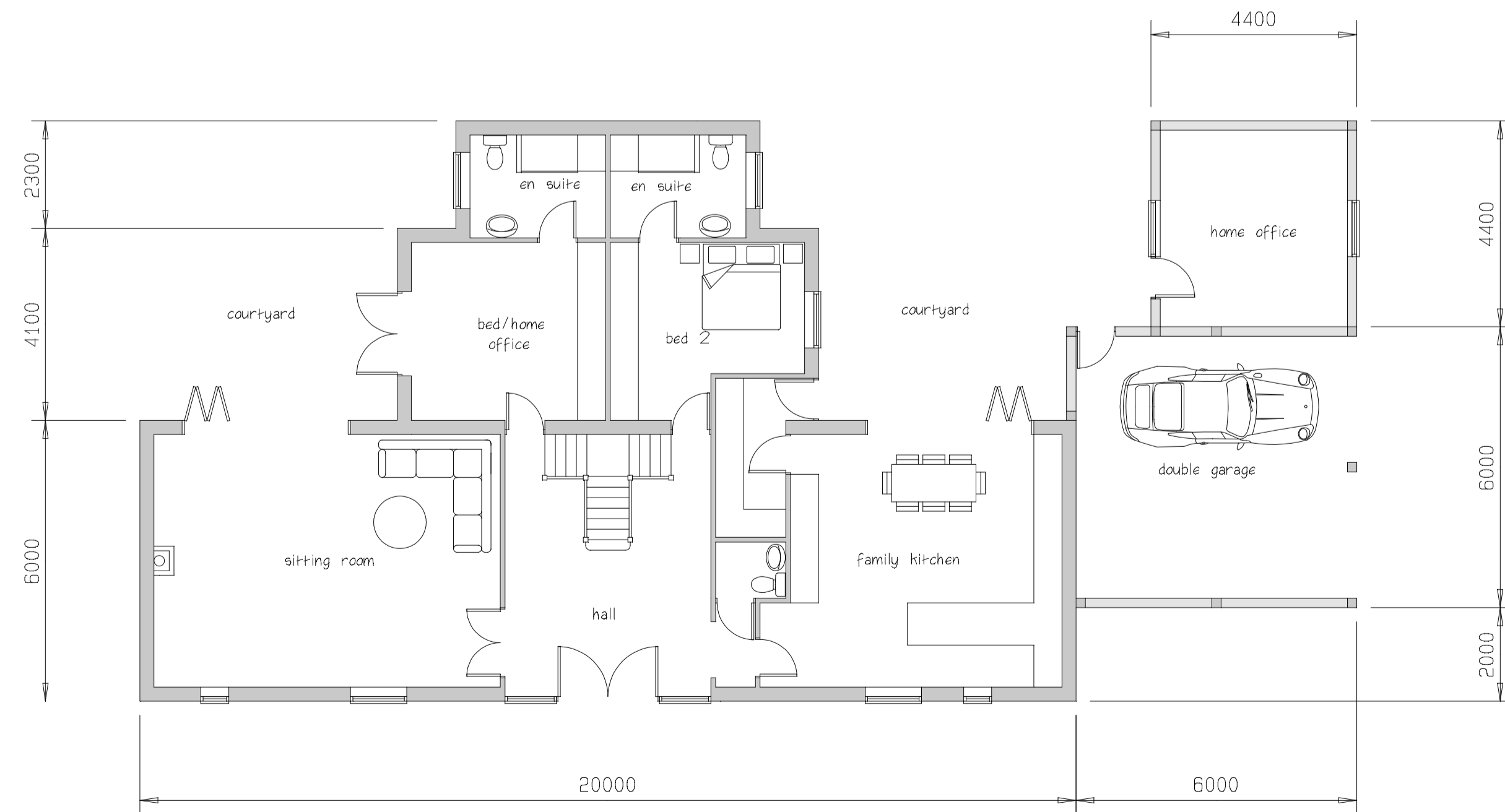
ANODISED ALUMINIUM WINDOWS AND DOORS

CONSERVATION STYLE METAL CASEMENT ROOF WINDOWS

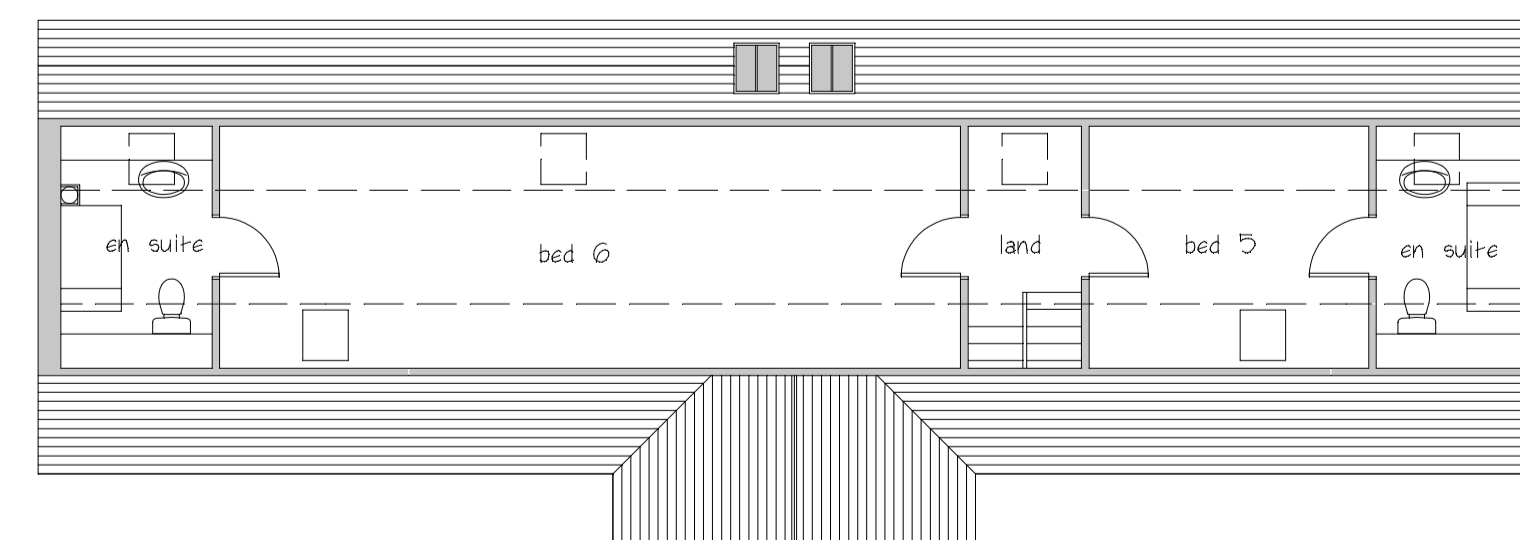


Proposed First Floor Plan 1:100

D W E L L I N G A



Proposed Ground Floor Plan 1:100



Proposed Second Floor Plan 1:100

AB/01B/PL/2022

REV A: GLAZING REDUCED TO THE FRONT ELEVATION & ROOF WINDOWS TO REPLACE DORMER WINDOWS FOR DWELLING 1
REV B: VERTICAL TIMBER BOARDING AND RENDER TO FRONT ELEVATION FENESTRATION ALTERED TO FRONT & STAIRWELL. FLUE ADDED

Proposed Detached Dwelling at

Fairchilds Lodge

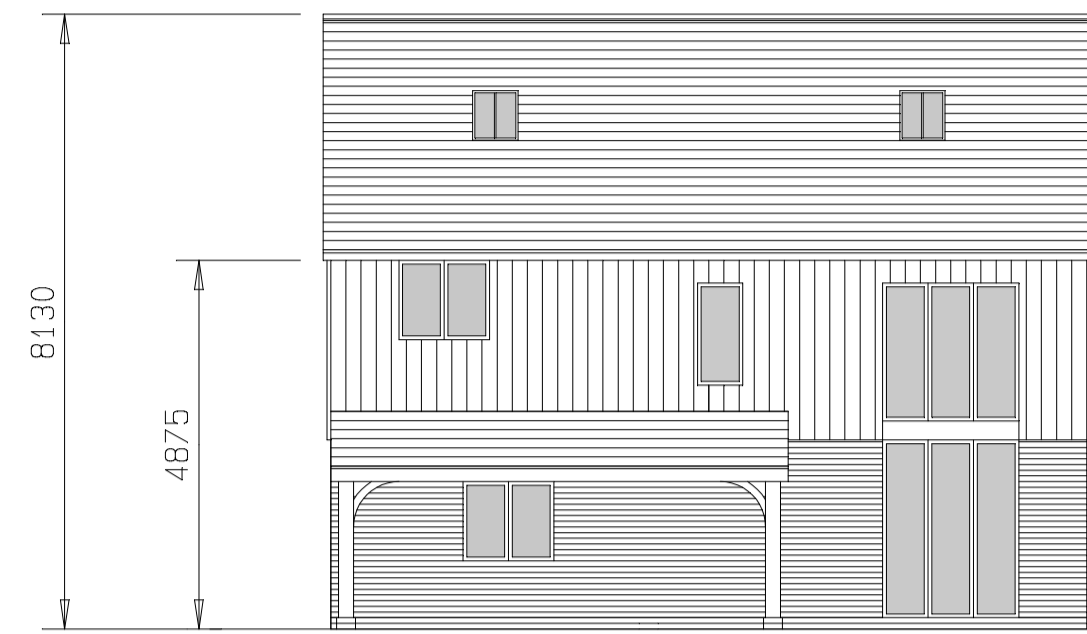
Lyddington Road

Caldecott

Rutland

Client Mr And Mrs Andrew Brown

April 2022



Proposed Front (North West) Elevation 1:100



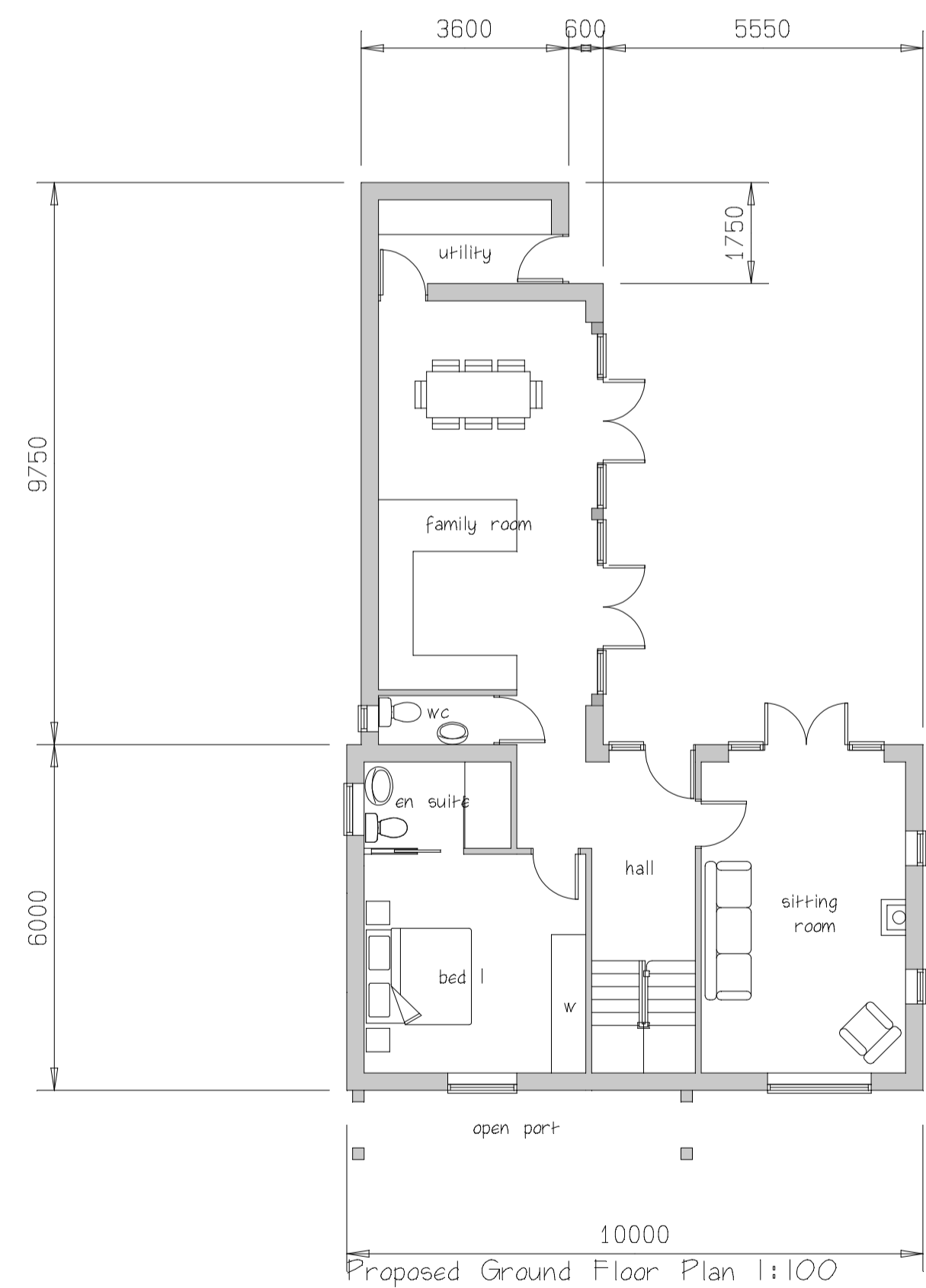
Proposed Side (South West) Elevation 1:100



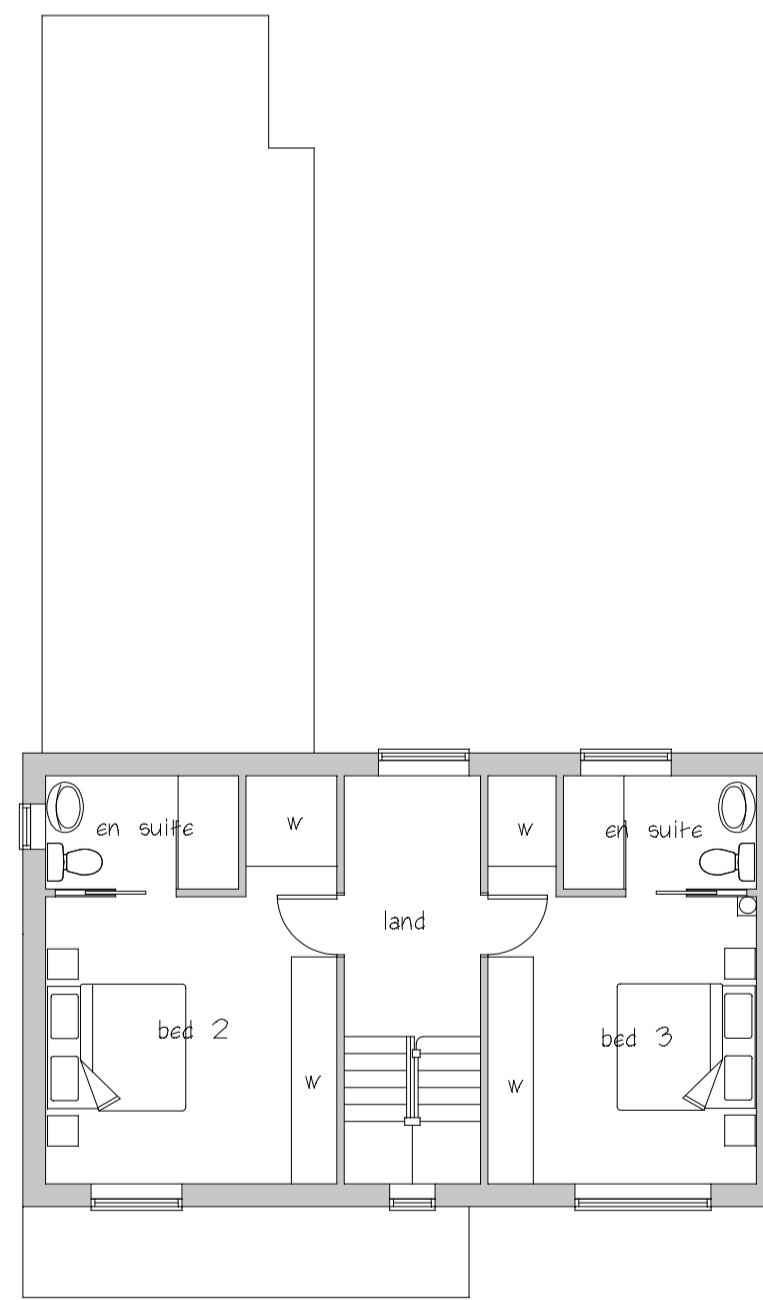
Proposed Side (North East) Elevation 1:100



Proposed Rear (South East) Elevation 1:100



Proposed Ground Floor Plan 1:100



Proposed First Floor Plan 1:100

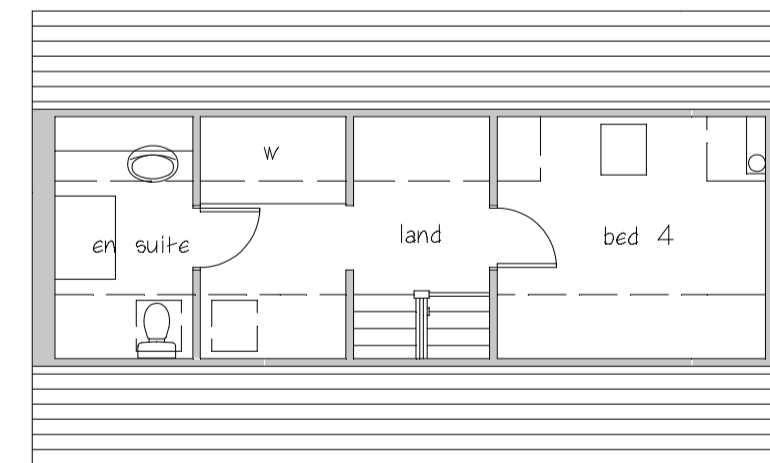
PLANNING NOTES

WALLS TO BE COURSED RECLAIMED STYLE RED BRICK, HORIZONTAL & VERTICAL TIMBER BOARDING

ROOF TO BE NATURAL BLUE/GREY SLATE

ANODISED ALUMINIUM WINDOWS AND DOORS

DORMERS TO HAVE LEAD ROOF AND CHEEKS



Proposed Second Floor Plan 1:100

Rev A Aug 22: Dormers replaced with roof windows
 Rev B: Fenestration altered. Vertical boarding & render introduced to front elevation. Flue added

AB/02B/PL/2022

Proposed Detached Dwelling at

Fairchilds Lodge

Lyddington Road

Caldecott

Rutland

Client Mr And Mrs Andrew Brown

April 2022

D W E L L I N G B

Rutland  Planning

2 Harewood Close
 Lougham
 Oatham
 LE19 7JZ
 07505147748
 rony@rutlandplanning.co.uk

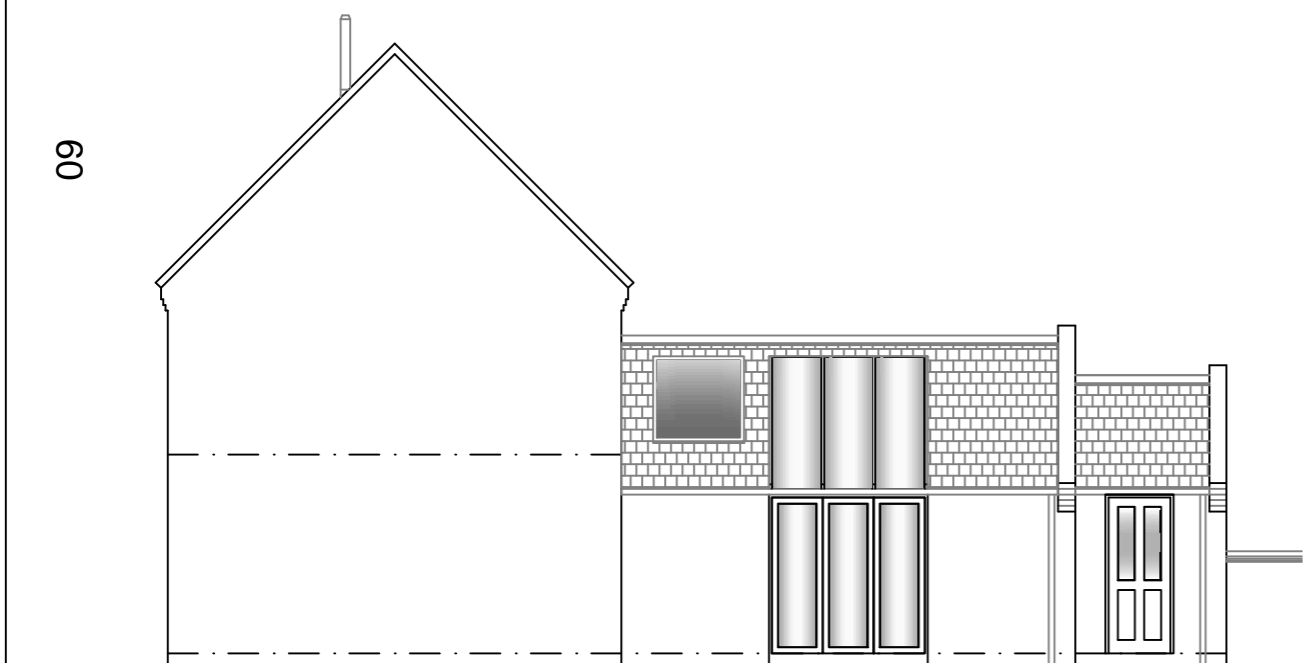


PLOT 1
**FRONT ELEVATION
 (NW)**

CAR PORT DRIVEWAY

PLOT 3

PLOT 2



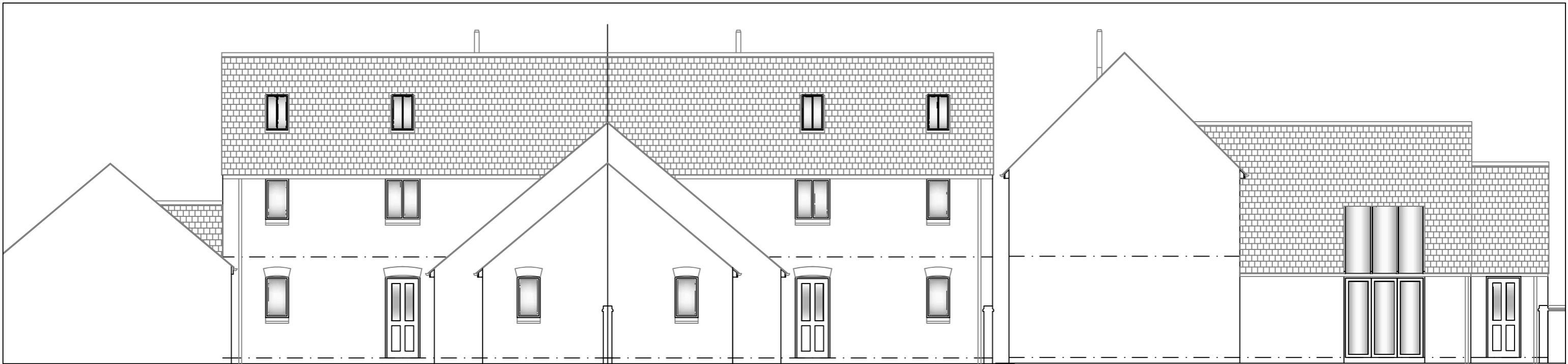
SIDE ELEVATION



**REAR ELEVATION
 (SE)**

PLOT 3 DRIVEWAY

Hives Associates CHARTERED SURVEYOR Scales Dyke, 19 Main Street, Lyddington, Oakham, Rutland, LE15 9LR TEL OAKHAM 01572 823825 FAX 01572 823925 Mobile: 07768 694095	
Client: Mr & Mrs A Brown	
Project: Barn Conversion Fairchild Lodge Caldicott	
Drawing title: Proposed elevations	
Drawn by: M Hives	Drawing Number:
Date: 14 May 2021	2178-2-400
Scale: 1:100@A3	
<small>THIS DRAWING IS COPYRIGHT © THIS DRAWING IS NOT TO BE SCALED. DIMENSIONS TO BE SITE CHECKED BEFORE COMMENCEMENT OF WORK. HIVES ASSOCIATES LTD TO BE NOTIFIED OF ANY OMISSIONS OR ERRORS.</small>	



REAR ELEVATION
(SW)

PLOT 1 PLOT 2

SIDE ELEVATION

PLOT 1



FRONT ELEVATION
(NE)

PLOT 1

<p>Hives Associates CHARTERED SURVEYOR</p> <p>Scales Dyke, 19 Main Street, Lyddington, Oakham, Rutland, LE15 9LR TEL OAKHAM 01572 823825 FAX 01572 823925 Mobile: 07768 694095</p>	
<p>Client: Mr & Mrs A Brown</p>	
<p>Project: Barn Conversion Fairchild Lodge Caldicott</p>	
<p>Drawing title: Proposed elevations 2</p>	
<p>Drawn by: M Hives</p>	<p>Drawing Number: 2178-2-401</p>
<p>Date: 14 May 2021</p>	<p>Scale: 1:100@A3</p>
<p><small>THIS DRAWING IS COPYRIGHT © THIS DRAWING IS NOT TO BE SCALED - DIMENSIONS TO BE SITE CHECKED BEFORE COMMENCEMENT OF WORK. HIVES ASSOCIATES LTD TO BE NOTIFIED OF ANY OMISSIONS OR ERRORS.</small></p>	

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PLANNING AND LICENSING COMMITTEE

14 February 2023

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 None

3. DECISIONS

3.1 **APP/A2470/W/22/3295674 – Mr Tony Wray (CKC Projects Ltd) – 2021/1405/FUL**

Land East of Cemetery Lane, Manton, Rutland
Retention of existing building for use as an Artist's Studio.

Delegated Decision

Appeal Dismissed – 27 January 2023

3.2 **APP/A2470/W/22/3304770 - Mrs Hazel Glassford - 2022/0020/APPEAL**

Replacement windows. Detached garage. Addition of 3 no. roof windows to the rear and demolition of rear extension. Paint exterior of dwelling (as existing).

Delegated Decision

Appeal Decision: The appeal is allowed and the planning permission Ref 2021/1129/FUL for Replacement windows. Detached garage. Addition of 3 no. roof windows to the rear and demolition of rear extension. Paint exterior of dwelling (as existing) at 22 Burley Road, Langham, Rutland LE15 7HY granted on 14 February 2022 by Rutland County Council, is varied by deleting condition No 3.

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 **(APPEAL A) - APP/A2470/C/21/3286572 – Mr Adrian Hopkinson – 2021/0017/APPEAL**

52 Burley Road, Langham, Oakham, Rutland, LE15 7HY

Without planning permission, the material change of use of land, from agricultural land to use as a garden incidental to the enjoyment of the dwelling house, 52 Burley Road Langham. Without planning permission, the erection of 3 timber buildings.

The appeal succeeds in part on ground (c), the erection of Building 3 at 52 Burley Road, Langham. The appeal is allowed on ground (a), the enforcement notice is quashed, and planning permission is granted for the erection of Buildings 1 & 2 at 52 Burley Road, Langham.

5.2 **(APPEAL B) - APP/A2470/C/21/3286573 – Mrs Theresa Hopkinson – 2021/0018/APPEAL**

52 Burley Road, Langham, Oakham, Rutland, LE15 7HY

Without planning permission, the material change of use of land, from agricultural land to use as a garden incidental to the enjoyment of the dwelling house, 52 Burley Road Langham. Without planning permission, the erection of 3 timber buildings.

The appeal succeeds in part on ground (c), the erection of Building 3 at 52 Burley Road, Langham. Planning permission is granted for Buildings 1 & 2 & the enforcement notice quashed under appeal A above.

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.

