

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577

Email: democraticservices@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, 24th October, 2023** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

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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 Democratic Services Team at democraticservices@rutland.gov.uk meeting will also be available for viewing via Zoom at: <https://us06web.zoom.us/j/88681535182>

A G E N D A

1) WELCOME & APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 19th September 2023 and receive an update on any actions agreed in the minutes of the previous meeting.

(Pages 5 - 10)

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 Council's [Public Speaking Scheme for Planning Applications](#).

To request to speak regarding a planning application, please send an email to democraticservices@rutland.gov.uk

5) APPROVAL OF THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

To receive Report No.162/2023 from the Strategic Director for Places.
(Pages 11 - 112)

6) PLANNING APPLICATIONS

To receive Report No.156/2023 from the Strategic Director for Places.
(Pages 113 - 116)

a) [2022/1219/FUL](#)
(Pages 117 - 228)

b) [2023/0532/MIN](#)
(Pages 229 - 240)

c) [2023/0613/FUL](#)
(Pages 241 - 254)

7) APPEALS REPORT

To receive Report No.157/2023 from the Strategic Director for Places.
(Pages 255 - 260)

8) ANY OTHER URGENT BUSINESS

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

9) DATE OF NEXT MEETING

Tuesday, 7th November 2023

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor N Begy (Chair)

Councillor A Brown (Vice-Chair)

Councillor G Clifton

Councillor K Corby

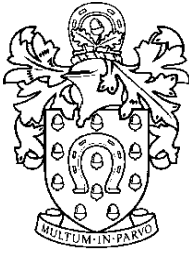
Councillor S McRobb

Councillor K Payne

Councillor R Payne
Councillor A West
Councillor C Wise

Councillor T Smith
Councillor D Wilby
Councillor H Zollinger-Ball

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Rutland County Council

Catmose Oakham Rutland LE15 6HP.

Telephone 01572 722577

Email: democraticservices@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, 19th September, 2023 at 7.00 pm

PRESENT:

Councillor N Begy (Chair)	Councillor A Brown (Vice-Chair)
Councillor G Clifton	Councillor K Corby
Councillor S McRobb	Councillor K Payne
Councillor R Payne	Councillor T Smith
Councillor A West	Councillor D Wilby
Councillor C Wise	Councillor H Zollinger-Ball

OFFICERS PRESENT:

Justin Johnson	Development Manager
Nicholas Thrower	Principal Planning Officer
Joe Mitson	Planning Officer
Robyn Green	Highways Engineer
David Ebbage	Democratic Services Officer
Kylie Wesson	Planning Solicitor

IN ATTENDANCE:

Councillor R Powell	Ward Member
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1 WELCOME AND APOLOGIES

No apologies were received.

2 MINUTES

Consideration was given to the minutes of the meetings held on 8th August and 22nd August 2023.

RESOLVED

- a) That the minutes of the meeting on the 8th August and 22nd August 2023 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor H Zollinger-Ball declared a personal interest in item 5e, Planning Applications, application 2023/0724/FUL as he was the agent, therefore, he would leave the meeting at that point.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

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

In relation to 2023/0271/FUL, Cynthia Moss spoke as a member of Whissendine Parish Council, Councillor Rosemary Powell spoke as a Ward Member and Matthew Mortonson spoke as the agent.

In relation to 2023/0332/FUL, Carolyn Cartwright spoke as a member of Bisbrooke Parish Meeting and Jon Gibbison spoke as the applicant.

In relation to 2023/0593/FUL, Joyce Lucas spoke as a member of the public supporting the recommendation, Rosemarie Whittaker spoke as a member of the public opposing the recommendation, and Dr Sarah Furness, Lord Lieutenant of Rutland, spoke as the applicant.

5 PLANNING APPLICATIONS

Report No.136/2023 was received from the Strategic Director of Places.

The Chairman informed the Committee that planning application 5d, application 2023/0613/FUL, Land to the west of Uppingham Road, Seaton had been deferred to a later meeting.

Item 5a – 2023/0271/FUL – Land To The South Of Stapleford Road, Whissendine, Rutland.

Application for reserved matters consent for the erection of 66 no. dwellings for layout, scale, landscaping and access (other than as already approved as part of outline planning permission) pursuant to outline planning permission 2021/1263/OUT.

(Parish: Whissendine; Ward: Whissendine)

Item 5b – 2023/0332/FUL - 4 no. four bedroom dwellings plus farm access way to retained farm land.

(Parish: Bisbrooke; Ward: Lyddington)

Item 5d – 2023/0593/FUL - Oakham Library, Catmos Street, Oakham.

Erect statue and plinth with associated landscaping works

(Parish: Oakham; Ward: Oakham South)

Item 5e – 2023/0724/FUL - 8 Lyndon Road, North Luffenham, Rutland, LE15 8JZ

Single storey rear extension. Removal of outhouse and existing gazebo.

(Parish: North Luffenham; Ward: Normanton)

5a **2023/0271/RES**

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

Prior to the debate the Committee received deputations from Cynthia Moss who spoke as a member of Whissendine Parish Council, Councillor Rosemary Powell who spoke as a Ward Member and Matthew Mortonson who spoke as the agent. The Committee also had the opportunity to ask questions of the speakers.

Through debate, several concerns were raised by Members around the density of the housing proposed and the loss of biodiversity and habitat within the site. Members were also concerned about the location of the affordable housing within the site but officers confirmed what was proposed was deemed appropriate and in line with policy.

It was moved by Councillor A West and seconded that the application be approved subject to the conditions in the report and an additional condition for details of additional landscaping around the water retention site to enhance biodiversity and amenity.

Upon being put to the vote with five votes in favour, six against and one abstention, the motion was lost.

It was then moved by Councillor R Payne and seconded that the application be deferred and for it to be brought back to a future meeting. The reasons for deferral were:

- The density of the housing proposed within the location.
- Issues around the biodiversity net gain.

This was seconded and upon being put to the vote, with nine votes in favour and three against, that motion was carried.

RESOLVED

- a) That planning application 2023/0271/RES be **DEFERRED** to a future meeting.

5b **2023/0332/FUL**

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

Prior to the debate the Committee received deputations from Carlyne Cartwright who spoke as a member of Bisbrooke Parish Meeting and Jon Gibbison who spoke as the applicant.

It was moved by Councillor K Corby and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with ten votes in favour, one against and one abstention, the motion was carried.

RESOLVED

- a) That the application 2023/0332/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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/>

5d 2023/0593/FUL

Joe Mitson, 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 Joyce Lucas who spoke as a member of the public supporting the recommendation, Rosemarie Whittaker who spoke as a member of the public opposing the recommendation, and Dr Sarah Furness, Lord Lieutenant of Rutland, spoke as the applicant.

It was confirmed through questioning with the statue being made from bronze material, maintenance funds would not be needed to maintain the statue.

It was moved by Councillor A Brown and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eleven votes in favour and one abstention, the motion was carried.

RESOLVED

- a) That the application 2023/0593/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- b) The full list of reasons can be found on the planning application page of the Council's website

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

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At 9.15pm Councillor Zollinger-Ball left the meeting

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5e 2023/0724/FUL

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

It was moved by Councillor T Smith and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with twelve votes in favour, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0724/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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.137/2023 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

The Chair thanked Robyn Green, Highways Engineer, who was leaving the authority for her hard work, professionalism and diligence throughout her time at Rutland and the Committee wished her well for the future.

8 DATE OF NEXT MEETING

Tuesday, 24th October 2023.

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The Chairman declared the meeting closed at 9.26pm.

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PLANNING AND LICENSING COMMITTEE

24 October 2023

APPROVAL OF THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Report of the Strategic Director of Places

Strategic Aim:	Sustainable Lives	
Cabinet Member(s) Responsible:	Cllr C Wise, Portfolio Holder for Transport, Highways and the Environment	
Contact Officer(s):	Angela Culleton, Head of Public Realm	aculleton@rutland.gov.uk
	Emily Frikha, Environment Manager	efrikha@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Committee recommends to Council:

1. To approve the Hackney Carriage and Private Hire Licensing Policy.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is for Council to approve the Hackney Carriage and Private Hire Licensing Policy following the recent policy development and public consultation exercise.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In their November 2022 audit of Taxi Licensing, Internal Audit identified areas where the control environment could be strengthened and improved. This included the introduction of a Licensing Policy for hackney carriage and private hire vehicles bringing together all existing procedures in one place and in line with Department for Transport statutory standards.
- 2.2 A new policy has been developed under the shared service arrangement with Peterborough City Council. The new policy provides guidance and information regarding the general approach taken by Rutland County Council when administering its functions within the legislative framework of The Town and Police Clauses Act 1847 and the provisions within The Local Government (Miscellaneous Provisions) Act 1976.

- 2.3 The policy has 7 sections which provide an overview of the licensing regime and sets out the roles and responsibilities of applicants, licence holders, the Trade, drivers and operators.
- 2.4 Section 2 provides for the general provisions for hackney carriages and private hire vehicles and outlines the general requirements, appearance, age, insurance, safety equipment, CCTV in licensed vehicles, maintenance and testing of vehicles and other aspects.
- 2.5 Section 3 provides for the general provisions for hackney carriage and private hire drivers, including suitability of drivers, the application process, convictions, cautions and related matters, DVLA, medical requirements, driver requirements, offences, monitoring.
- 2.6 Sections 4 to 7 address operator suitability, safeguarding, enforcement and fees and charges.
- 2.7 A Final Draft of the proposed policy is attached at Appendix A.
- 2.8 The policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The Council expects licence holders to comply with its terms and conditions.
- 2.9 During the life of the policy, we will consider areas for future development including the greening of the taxi fleet, additional requirements around the use of CCTV and the introduction of bylaws. These areas are likely to require further consultation.
- 2.10 The Council is keen to achieve reductions in carbon emissions and improve air quality as part of its green agenda. The step change needed to green fleet will take time to put in place and require the essential supporting infrastructure development.
- 2.11 Switching to low emission vehicles addresses the biggest source of localised air pollution from standard fuelled vehicles. Electric vehicles produce no exhaust fumes leading to significant public health benefits. They are also quieter than standard fuel equivalents, reducing noise pollution and improving the working environment for the drivers. We will consider electric vehicle trials as part of our future development work.
- 2.12 The introduction of electric taxis will require new charging infrastructure to be available and may require upgrades to the electricity grid. In some cases, a new transformer or a new substation will be required which leads to additional costs. Grid upgrades are subject to application and queue prioritization systems. This can be a time-consuming process. Changes to infrastructure need to be planned well in advance and can incur significant cost. The current position in Rutland will need to be assessed prior to any changes being implemented.

3. CONSULTATION

- 3.1 On 14th March 2023, the Planning and Licensing Committee gave approval for the draft policy to go out to public consultation. The consultation ran from 8th June to 21st July 2023.
- 3.2 We directly contacted the following groups to make them aware of the consultation:

- Rutland licensed taxi and private hire drivers
- Rutland licensed taxi and private hire operators
- Town Councils
- RCC's Transport Team
- RCC's Community Safety Team
- RCC's Children's Safeguarding Team
- Police Chief Constable
- Chamber of Commerce
- Groups representing disabled people (including Vista and Age UK)
- Campaign for Better Transport
- Neighbouring Licensing (Local) Authorities
- General public via Council communication methods

3.3 The consultation asked specific questions about proposed vehicle age limits, the use of CCTV, vehicle testing, and safeguarding training as well as asking for any general comments and feedback. We received 82 responses in total. Therefore, no changes are required to the policy as a result of the consultations. The full results of the consultation are contained in Appendix B.

4. ALTERNATIVE OPTIONS

4.1 It is recommended in statutory guidance that the Council, as the Licensing Authority, maintains a licensing policy that brings together all requirements, procedures and conditions. Therefore, the alternative option to not implement the policy is not recommended. In addition, by implementing a licensing policy, the Council would be meeting statutory standards of providing clear and consistent guidance for the trade.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications associated with approving the Policy.

5.2 Consideration will be given to full cost recovery of any additional costs (for example those related to implementing driver safeguarding training) through increases in licensing fees and charges, providing these are reasonable.

6. LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 The DfT Statutory Taxi and Private Hire Vehicle Standards require the Council, as a licensing authority, to determine its statement of licensing policy for each 5-year period. The Authority must consult on the policy and publish the policy. Throughout the 5-year period, the Council is required to keep the policy under review and make any appropriate revisions.

7. EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment First Stage Screening has been completed. It is not felt that a full Equalities Impact Assessment is required for this Policy as no potential discriminatory impacts have been identified. The Policy is intended to deliver improved services for all users of the service.

8. COMMUNITY SAFETY IMPLICATIONS

8.1 The primary aim of the legislation is to protect the public and safeguard the

vulnerable. Licence holders must be considered 'fit and proper' and vehicles must be well maintained.

- 8.2 The implementation of the Hackney Carriage and Private Hire Licensing Policy is an important contribution to community safety. A robust and enforced policy contributes to an accountable service which in turn can help to reduce crime and anti-social behaviour.

9. HEALTH AND WELLBEING IMPLICATIONS

- 9.1 A robust Hackney Carriage and Private Hire Licencing Policy can contribute positively towards improved health and wellbeing. Taxis provide a vital service for members of the public who may not have access to their own vehicles ensuring that they can travel for work, school, domestic purposes and pleasure. It is important that access to these services is accessible and open to all.

10. ORGANISATIONAL IMPLICATIONS

There are no organisational implications resulting from the approval of the Policy.

11. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 Council is recommended to approve the draft Hackney Carriage and Private Hire Licensing Policy in Appendix A.
- 11.2 This decision is required to comply with the Council's statutory obligation to have full regard to the Department for Transport Statutory Taxi & Private Hire Vehicle Standards.
- 11.3 A robust consultation exercise has taken place and demonstrated support for the draft policy.

12. BACKGROUND PAPERS

- 12.1 There are no additional papers to the report.
- 12.2 The following have been used in the preparation of this report and the draft Policy:
- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - Department for Transport (DfT) Statutory Taxi & Private Hire Vehicle Standards

13. APPENDICES (MANDATORY)

- 13.1 Appendix A – Draft Policy
- 13.2 Appendix B – Consultation outputs

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

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Rutland
County Council

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Rutland County Council

Hackney Carriage and Private Hire
Licensing Policy

2023

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Definitions

The Council	Means Rutland County Council
The Licensing Authority	Means the licensing function within Rutland County Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Licensing Committee	Is the committee which determine licensing matters as set out in the council's constitution
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
This Policy	Is this policy document and appendices
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Proprietor	Is the registered owner or part owner of a vehicle
The Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
Driving licence	A full GB driving licence issued by DVLA, or acceptable equivalent as defined by DVLA
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Operator	The business which invites and accepts bookings for private hire work
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Private Hire Door Stickers	Door stickers which must be permanently affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Insurance invalid unless pre-booked with an operator'
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
DVLA	Is the Driver and Vehicle Licensing Agency
DfT	Is the Department for Transport
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
The Equality Act	Means the Equality Act 2010
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day-to-day life
Conditions	Mean the conditions of licence applied by the council to either a driver's licence, an operator's licence or a vehicle licence.
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
Road Traffic Acts	Including all associated legislation
PSV	Means Public Service Vehicle
WAV	Wheelchair Accessible Vehicle
Byelaws	Locally adopted 'conditions' applicable to hackney carriage drivers
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any waiting time. To be fitted in all hackney carriage vehicles and may be fitted in some private hire vehicles, if byelaws are adopted
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time, soilage charge and the licence plate number.
NR3S	A register for recording details of refused, revoked or suspended drivers licences/applications, which licensing authorities must check and update.

The County of Rutland

Rutland became a Unitary Authority in 1997. Rutland covers a total area of 39,398 hectares. This is an area of mixed farms with small farms predominating. Rutland is a sparsely populated rural County, among the lowest 10% population density across English local authority areas at the last 2021 census.

Two main market towns, Oakham and Uppingham, plus 50 villages make up the County. Between the 2011 and 2021 census the population of Rutland has increased by 9.8% from around 37,400 in 2011 to around 41,000 in 2021. The population levels in Oakham and Uppingham are not large enough to meet the Government definition of 'a town'. The number of residents from ethnic backgrounds other than white (British) account for less than 2% of the population.

Tourism makes a significant contribution to the local economy within Rutland and provides a major focus for the Service's work. There are estimated to be about two million visitors a year, of those visiting, most are day-trippers.

Rutland Water is the largest made reservoir in Europe and an amazing spot for every type of water sport. Set in 4200 acres of open countryside, Rutland Water lies at the very heart of the county and is as spectacular in beauty as it is in size. Created in the 1970's to meet an ever-increasing demand for water, nowadays it is widely regarded as a leading centre for water and land-based leisure activities and has year-round appeal for those wishing to fish, cyclists, sailors, and bird watchers.

There are around 1700 businesses operating in Rutland with a majority employing less than 10 people. Small businesses are the norm for Rutland.

There are approximately 200 licensed drivers, approximately 30 licensed hackney carriage vehicles (taxis), and over 100 licensed private hire vehicles and 16 operators.

Rutland County Council recognise the vital and important role that hackney carriage and private hire vehicles, drivers and operators play in an integrated transport system. They provide services in situations where other forms of transport are either not available such as rural areas, late night economy or for persons with mobility difficulties.

SECTION 1

1. Introduction

Policy Purpose, Status and Scope

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by Rutland County Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, guidelines, and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all these procedures and documents in one overarching policy.
- 1.2 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured, and available where and when required, and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 The primary focus when administering its functions are public safety, safeguarding and wellbeing.
- 1.5 In exercising its discretion in carrying out regulatory functions, the council will have regard to this policy and appendices, statutory guidance, and best practice.
- 1.6 In formulating this policy, consideration has been given to local circumstances and requirements, the DfT best practice guidance March 2010, the DfT Statutory Taxi & Private Hire Vehicle Standards Guidance (July 2020) issued under section 177(1) of the Policing and Crime Act 2017, the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018) and the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- 1.7 Every decision, application and enforcement action will be considered on its own merits.
- 1.8 The council may depart from this policy if merited but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law; applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- 1.10 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority. But must still comply with their own local authority conditions and the general law.

Consultation and Revision

- 1.11 The council will consult with stakeholders prior to the adoption of this policy and will do so for the further continuation and development of the policy.
- 1.12 This policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The council expects licence holders to comply with its terms and

conditions.

- 1.13 Once adopted, appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon.
- 1.14 The council is also considering adopting local byelaws which would apply to hackney carriage drivers. Any proposed byelaws would be based on the DfT model, in consideration of best practice and would be subject to a separate consultation process.
- 1.15 The initial policy will take effect after consultation with all stakeholders.
- 1.16 Persons wishing to respond and make comment on this policy or any of the appendices must do so within the consultation period. This is to ensure that all comments can be properly considered prior to their adoption
- 1.17 The consultation will take place between 8th June to 21st July 2023, with those listed in paragraph 1.19. All consultation responses will be given consideration when determining the final policy.
- 1.18 The consultation draft policy will be made freely available on the council's website and main council buildings. There will be a public notice in the local newspaper advising of the consultation.
- 1.19 Consultation takes place with the following:
- Rutland County Council Hackney Carriage Representatives
 - Taxi and private hire drivers and proprietors
 - Rutland County Council private hire operators
 - Rutland County Council Councillors
 - Parish Councillors
 - Passenger Transport
 - Local Children's Safeguarding
 - Police Chief Constable
 - Chamber of Commerce
 - Groups representing disabled people
 - Campaign for Better Transport
 - Neighbouring Licensing (Local) Authorities
 - General public

(And other bodies and groups that the Licensing Authority consider appropriate)

- 1.20 The Licensing Committee will fully consider all responses to the consultation at a meeting **TBC** (to be arranged), then recommend to full council at a meeting **TBC**, to adopt the amended policy. Where the adoption of this policy results in a process change, this will be implemented at the earliest opportunity.

The Licensing Regime – General overview

- 1.21 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation. Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The council is not involved in the licensing of PSV's, they are the responsibility of The Traffic Commissioner.
- 1.22 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved if an accident or incident occurs.
- 1.23 In order to be licensed correctly the licenses must 'match,' i.e., issued by the same local authority. A hackney carriage vehicle and the driver must be licensed by the same local authority. For private hire,

the operator, driver, and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.

- 1.24 The legislation places a duty on the local authority to only licence those who are 'fit and proper.' The term 'fit and proper' is not defined in legislation therefore the widest interpretation will apply.
- 1.25 The legislation allows local authorities to set their own conditions, requirements, and application processes. Licensing Authorities must have regard to the DfT Statutory Guidance (issued under section 177(1) of the Policing and Crime Act 2017) which sets minimum standards to directly address safeguarding of the public.
- 1.26 The aim of the legislation is to ensure that the public have reasonable access to services and to ensure the public are protected. Public safety is paramount and has a wide scope, it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the legislation and having regard to the guidance issued by the Secretary of State, the Council have set conditions and processes in place, which promote well run, safe and responsible businesses.

Applicant and Licence holders' responsibilities

- 1.27 Other legislation is also applicable such as the Road Traffic Act, Health and Safety at Work Act, the Health Act, the Equality Act etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council. Rutland County Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation pertaining to their roles.
- 1.28 All licence holders (proprietors, operators, and drivers) shall co-operate with any reasonable request made by an Authorised Officer.
- 1.29 All renewal applications must be submitted to the Council prior to the date of expiry of the existing licence. If a licence holder fails to submit a fully complete application to renew before the date of expiry of the licence, they will be required to apply as a new application and meet all the requirements. The Council will only consider a late renewal in exceptional cases R (on the application of Exeter City Council) v Sandle [2011] LLR480, in which case the renewal date will be from the date of expiry of the previous licence. The Council will accept licence renewals from 28 days before the date of expiry.
- 1.30 Licence holders must ensure that they are correctly registered with HM Revenue and Customs (HMRC) for tax purposes. Licence applications for drivers (hackney carriage and private hire) and operators licenses are subject to the requirements of the Finance Act 2021. The Licensing Authority is legally required to share information with HMRC and cannot consider a renewal application, until confirmation from them has been obtained that applicant(s) are correctly registered for tax purposes.
- 1.31 In order to assist the determination of an applicant's 'fit and proper' status, all applicants are required to provide a valid DBS check. The level of DBS required is determined by the type of application. Operators and Proprietors (who are not also licensed drivers) will be required to provide an annual basic disclosure. All licensed drivers must provide an Enhanced DBS and barred lists check, maintain continuous registration with the DBS update service and authorise the licensing authority to routinely check for new information.
- 1.32 As the DBS cannot access criminal records held overseas, all applicants who have spent an extended period (six months or more) living or working outside the UK since they were 18 years of age, will be required to submit a 'Certificate of Good Character' or criminal record(s) information, for each Country they lived or worked in for six months or more. Further information on applying for overseas criminal record information or 'Certificates of Good Character' can be found in the home Office guidance. (See link below)
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

- 1.33 All licence holders must notify the licensing department within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including speeding offences.

Role of Hackney Carriage and Private Hire Trade and the difference between them

- 1.34 The council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors, and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc., and are vital in helping to maintain a healthy local economy.
- 1.35 Whilst the public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate.
- 1.36 Within the district in which a hackney carriage vehicle and driver are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public i.e., 'ply for hire' in public places. They are not required to be booked via an operator. Where byelaws are adopted, hackney carriage vehicles must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs' and are sometimes also referred to as Black or London Cabs.
Hackney carriages licensed by another local authority who operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e., carry out pre-booked journeys.
- 1.37 A private hire vehicle is not allowed to accept direct bookings from the public, they can only accept bookings from a licensed operator, they cannot operate independently, i.e., without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance. The fares charged are not regulated by the authority but must be agreed with the operator at the time of booking. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'. Where byelaws are adopted and a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare.
- 1.38 In determining if a vehicle is being used for private hire purposes and needs to be licensed, the council will have regard to the guidance issued by DfT. See link below.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf
- 1.39 The conditions set by this council require both hackney carriages and private hire vehicles to display the licence plate on the rear of the vehicle. A hackney carriage vehicle is required to display a white plate and a private hire vehicle must display a yellow plate, unless exempted. All licensed vehicles are required to display a sign identifying the vehicle licence number in the top left-hand side of the windscreen, unless exempted private hire.

Rutland Local Transport Plan

- 1.40 Rutland County Council are an enabling council in relation to climate change and will encourage use of low emission vehicles using the local infrastructure residents can put in place. There are no plans for infrastructure changes in the Rutland County Council area due to low public need, as private need is rising.

Passenger Transport

- 1.41 To become an approved operator for children's transport, please email the Transport Team. Email address: transport@rutland.gov.uk

Information sharing

- 1.42 The council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA (Driver Vehicle Standards Agency), Department of Work and Pensions, NAFN (National Anti-Fraud Network NR3S), benefit fraud etc. The council will share information with other departments or regulatory bodies including other Licensing Authorities where appropriate. The council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 1.43 The legislation also requires local authorities to maintain a public register.
- 1.44 The council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

Decision making

- 1.45 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy, the council's constitution, statutory guidance, common law precedent and industry best practice. Officers have delegated powers but may also refer certain matters to the licensing committee if appropriate.
- 1.46 Enforcement actions will be in accordance with this policy, the council's enforcement policy and the Regulators' Code 2014.
- 1.47 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the magistrate's court within 21 days of being given the decision. Except in the case of a refusal to grant a Hackney Carriage proprietors (vehicle) licence, in which case the appeal is directly to Crown Court.

Immigration Act – all licences

- 1.48 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to home Office guidance.
- 1.49 The council takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise where required with relevant home Office departments. If, however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- 1.50 A licence may be suspended, revoked, or refused to be renewed if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.51 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment and loss of licence.

Policing And Crime Act 2017

- 1.52 The council will give full regard to the guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. The policy includes provisions in line with the DfT Statutory Taxi & Private Hire vehicle Standards July 2020. If any future changes to the guidance affect any parts of this policy or related appendices, they will be amended at the earliest opportunity.

- 1.53 The Statutory guidance recommends adoption of several best practice minimum standards, to better protect children and vulnerable adults and by extension, the wider public, when using taxis and private hire vehicles. Some of these best practices were already in place, however, the following are now also incorporated;
- Mandatory requirement for licensed drivers to maintain subscription to the DBS update service and allow the licensing authority to make enquiry checks with DBS
 - Annual basic DBS disclosure requirement for proprietors and operators, who are not also licensed drivers
 - Checking and reporting to NAFN NR3S (see Appendix J)
 - Mandatory safeguarding training, including county lines, for all licensed drivers and operators.
 - Requirement for all licence holders to notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
 - Requirement for all applicants who since the age of 18, have spent an extended period (i.e., six months or more) outside the UK, to provide a Certificate of Good Character or criminal record(s) information.
 - Revisions to the Guidelines Relating to the Relevance of Convictions
 - Operators to maintain a register of staff, have sight of a basic DBS for staff on the register and provide a copy of their policy on employing ex-offenders.

SECTION 2

2 General provisions for hackney carriages and private hire vehicles

Vehicles General

- 2.1 Rutland County Council has not limited the number of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.
- 2.2 Proprietors (who are not also licensed drivers) must provide a basic DBS disclosure with their application and annual renewal. Where the proprietor of the vehicle is a company or partnership, a basic DBS will be required for all directors, partners, secretary, etc. and any other persons with significant control. Proprietors who have not resided continuously in the UK since they were 18 years old, i.e., have spent an extended period (six or more continuous months) outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable.
- 2.3 The maximum duration of a vehicle licence is one year; this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.
- 2.4 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed before the expiry of the licence, will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, in exceptional circumstances (see paragraph 1.29).
- 2.5 An application for a vehicle renewal must be submitted to the Licensing Authority, prior to the expiry of the existing licence and prior to having the vehicle tested.
- 2.6 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the unnecessary burden of a vehicle being de-licensed.
- 2.7 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g., driven by a garage mechanic.

- 2.8 Therefore, any other person who is not a licensed driver themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty.' Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person, is likely to be invalid and in any case, will not be accepted by the Licensing Authority. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.
- 2.9 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.
- 2.10 The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix B for private hire vehicles and Appendix A for hackney carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix E. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.
- 2.11 This authority does not allow 'dual plating' of licensed vehicles. No vehicle will be granted a licence if it is licensed in another district. Any vehicle found to be licensed by another authority will have the licence suspended or revoked.
- 2.12 The council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable, and roadworthy vehicles. All vehicles must also conform to the M1 type approval and construction and use regulations. Vehicles which are not M1 type approved, (e.g., N1) must provide VIVA (Voluntary Individual Vehicle Approval) documentation confirming conformity and safety of alterations and updated V5C to correlate.
- 2.13 Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to licence a vehicle which did not meet the specifications and standards, they are encouraged instead to put forward a case for modification of the standards.
- 2.14 All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.
- 2.15 All expired plates must be returned to the council or retained by the appointed testing station upon renewal.
- 2.16 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

Appearance

- 2.17 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers, and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.
- 2.18 The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud, and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.19 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
- 2.20 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle unless it is a private hire vehicle and has been granted a plate exemption certificate.

- 2.21 The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer.
- 2.22 All licensed vehicles (except private hire vehicles which have been granted a plate exemption certificate) must display a sign identifying the vehicle licence number in the top left-hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council should the licence be suspended or revoked.
- 2.23 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator's name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.24 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. This signage must state 'Private hire vehicle – insurance invalid unless pre-booked with operator.'
- 2.25 All signage relating to hire and reward (including door signage, company insignia etc.) must be removed from the vehicle, whenever it is sold or transferred outside Rutland's licensed trade, or delicensed.

Age policy

- 2.26 The council must ensure that the vehicles it licenses are fit and safe for the purpose they are licensed for, with consideration to reliability, environmental impacts, passenger comfort, and the need to sustain a high quality of licensed vehicles.
- 2.27 Therefore, there are various age restrictions and testing requirements applicable for vehicles it will licence. There are conditions regarding the maximum age a vehicle will be initially licensed, the age at which six monthly tests are required, and the age at which a vehicle will be de-licensed, and they are different for private hire, hackney carriages, speciality, and limousine vehicles.

The table and information provided below is a guide, but please refer to the appropriate appendices attached.

	Hackney carriage	Private hire
Maximum age limit beyond which the vehicle will not be licensed	15 years old	10 years old
Age at which the vehicle will be subject to six monthly inspections	10 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old	8 years old

To allow the trade a transition period, existing licensed vehicles will continue to be licensed for a further 2 years after this policy takes effect, providing the vehicle still meets all other required standards. After this time, all vehicles must meet all required standards.

Insurance

- 2.28 It is the responsibility of proprietors, operators, and drivers to ensure that they are properly always insured. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.

- 2.29 Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period in case of any retrospective claims.
- 2.30 Insurance policies for a licensed vehicle which contain named drivers who are not also licensed drivers, will not be accepted. (See paragraph 2.8)

Safety equipment

- 2.31 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

CCTV in licensed vehicles

- 2.32 The installation of CCTV in licensed vehicles can be a deterrent to criminal and or anti-social behaviour and be a source of evidence in the case of disputes between drivers and passengers, other incidents, and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.
- 2.33 The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers, and operators to determine.
- 2.34 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO (Information Commissioner's Office) and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link <https://ico.org.uk/>
- 2.35 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 2.36 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

Maintenance of vehicles

- 2.37 It is expected by the council and the travelling public, that all vehicles over three years old are serviced in accordance with the manufacturer's requirements or at least annually. Licensed vehicles have high usage and mileage, and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 2.38 Maintenance is a key factor with any vehicle and its good practice for all commercial vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and operators. It should be noted that the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.
- 2.39 Vehicles which present to the councils appointed testing station with multiple faults on multiple

occasions which demonstrate that the vehicle is not being appropriately maintained, may be subject to 3 mechanical tests annually (every 4 months) to ensure public safety.

Vehicle testing

- 2.40 The law requires all vehicles to have a yearly MOT test. However, as licensed vehicles provide a service to the public and have more usage, wear, and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test.
- 2.41 Once a vehicle has passed this enhanced test and provided all required documentation, the council will issue a licence.
- 2.42 The appointed vehicle testing stations are to be determined and information will be made available on the council's website.
- 2.43 The council considers it appropriate to require all vehicles of a certain age, to be subject to a six-monthly vehicle test at the appointed testing station. This is to ensure that, as the vehicle gets older, it still meets the required standards applied by this council, and the law regarding vehicle emissions.
- 2.44 Vehicles must be presented for vehicle testing at the appointed testing station. Proprietors and or drivers, must book these appointments themselves. They must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e., yearly or six monthly).
- 2.45 It is an offence to use on a public road a vehicle of testable age that does not have a valid MoT or current certificate of compliance, except when:
- Taking it away from the testing station after it has failed the test
 - Taking it to or bringing it away from a place whereby previous arrangement repairs are to be or have been made to remedy the defects for which the vehicle was failed
 - Taking it to the testing station for a test booked in advance.
- Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.
- 2.46 Vehicles which have failed the vehicle test must not be used for hire and reward work, until the vehicle has been re-presented to the testing station and been passed as fit for use and is licensed.

Accidents

- 2.47 Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.
- 2.48 The driver involved in the accident must provide details to the licensing department of how, where and when the accident occurred. The damage to the vehicle must be assessed by an officer, where the vehicle is not capable of being driven, photos must be taken and given to the licensing department with the vehicle's licence plate and a vehicle suspension notice will be issued.
- 2.49 Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.
- 2.50 Vehicles which have sustained damage may apply for a temporary replacement vehicle whilst the vehicle is being repaired. The replacement vehicle will carry the same licence number as the damaged vehicle, therefore the licence plate for the damaged vehicle must be given back for the temporary plate to be released. Replacement vehicles must first be passed as fit for service by the council's appointed testing station and must meet all the other requirements and standards applicable. There is a separate application form and fee payable for this service and the reinstatement of the plate.

Taximeters

- 2.51 If byelaws are adopted, all hackney carriage licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles may also have a taximeter fitted. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed by a person authorised by the authority.
- 2.52 Within district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

Transfer of ownership of the vehicle

- 2.53 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

Accessibility of vehicles

- 2.54 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this council. The council expects that proprietors, drivers and operators consider the service they provide to ensure they provide service to all members of society without discrimination.
- 2.55 The council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.
- 2.56 All new (grant) hackney carriages licensed by this council will be designated for the purposes of section 165 of the Equality Act 2010, wheelchair accessible vehicles (WAV) and will appear on the maintained list under section 167 of the 2010 Act. This is to ensure that people with disabilities can hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.57 Private hire vehicles which meet the criteria (ability to carry a passenger in their wheelchair) will be designated and added to the 167 published list. Exemptions will be considered on a case-by-case basis.
- 2.58 Drivers of designated vehicles are required to perform duties to assist passengers and must not refuse or charge disabled persons more than a non-wheelchair user for the same journey.
- 2.59 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair vehicles. The duties are:
- To carry the passenger while in the wheelchair;
 - Not to make any additional charge for doing so;
 - If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, and
 - To give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out

of the vehicle.

- 2.60 Drivers of designated vehicles (who are not exempt) who fail to comply with the section 165 requirements will be committing an offence which will be taken particularly seriously.
- 2.61 All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities.
- 2.62 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. (Further information on exemption certificates and notices can be found in section 3.77 to 3.82)
- 2.63 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.64 Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

Funeral and wedding vehicles

- 2.65 There is no requirement for a vehicle to be licensed as a private hire if it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 2.66 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

Speciality Vehicles and Limousines

- 2.67 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.68 Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 2.69 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix E.
- 2.70 The council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

Critical failure

- 2.71 The council has an essential testing criterion for vehicles which have reached a certain age. The essential testing criteria are items which the council considers to be critical areas of a vehicle test, e.g., steering and suspension, brakes, exhaust emissions etc. This is considered a major failure and can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective. See Appendix G for testing criteria for vehicles which have reached the standard age limit.
- 2.72 If a vehicle fails a mechanical test on one or more of these critical items, the vehicle will be automatically suspended, and the vehicle must not be used. The vehicle may be repaired and re-

presented to the testing station within 30 days for retesting. If the vehicle passes the mechanical test within 30 days, the suspension notice will be lifted, and the vehicle may be relicensed.

- 2.73 If the vehicle does not pass the mechanical test within 30 days, it will be de-licensed.
- 2.74 Vehicle emissions are tested and checked on mechanical inspections. Vehicles will only pass the mechanical inspection, if the vehicle emissions continue to meet the defined criteria as set out in the V5 vehicle registration logbook.

Private hire exemption to display licence plate etc.

- 2.75 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.
- 2.76 The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must always display their plates.
- 2.77 Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the vehicle licence number in the windscreen, Part 1 and Part 2 notice, the licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with a licence plate, which must be affixed within the boot of the vehicle. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.
- 2.78 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 2.79 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- 2.80 Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee, and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.
- 2.81 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix H.
- 2.82 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the vehicle licence number in the windscreen, Part 1 and Part 2 notice, the plate and door stickers as required by the conditions for private hire vehicles.

Required information to be displayed inside all licensed vehicles – Part 1 and Part 2 notice

- 2.83 Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle which conveyed them to progress their complaint or report their concern.
- 2.84 Whilst licensed vehicles display their licence plate which contains identifying details, these are displayed on the outside of the vehicle. Members of the public do not routinely get the information off the licence plate prior to getting into a licensed vehicle. If they have a problematic journey, they may

attempt to get the information, but this can be difficult if it is late at night, or the vehicle quickly drives away.

- 2.85 Also, whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to request to see the driver's badge, especially if they have had a difficult journey.
- 2.86 In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the council has determined that certain information must be displayed inside all licensed vehicles, (except for exempted (executive) private hire vehicles) in the form of a Part 1 and Part 2 notice.
- 2.87 A Part 1 notice must contain the following information and must be displayed in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle;
- the proprietor of the vehicle,
 - the telephone number where a customer can make a complaint, report a concern, or comment positively e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - the vehicle registration number, and
 - the vehicle licence plate number.
- 2.88 A Part 2 notice must be displayed alongside the Part 1 notice and must contain a photograph of the driver of the vehicle and the driver's licence number in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. See Appendix I
- 2.89 By requiring the display of a Part 1 and Part 2 notice inside all licensed vehicles, the customer is fully empowered to easily report issues or concerns. It will also assist proprietors and operators to quickly identify the vehicle and driver utilised to address the complaint or concern reported.

SECTION 3

3. General provisions for hackney carriage and private hire drivers

Drivers general

- 3.1 The council can only licence drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. There is no definition or general test that determines whether a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgement for the licensing authority to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty, and previous character. Previous convictions and cautions are taken into account as well as other information.
- 3.2 Therefore, the council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.
- 3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, use of NR3S, using intelligence from the police or any other regulatory authority as appears relevant.
- 3.4 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full GB driving licence (or equivalent as defined by DVLA) for a minimum of 12 months. Therefore, the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.
- 3.5 In order to be a licensed driver an applicant must:

- Submit a signed completed application form with fee,
- Provide a tax check code
- Provide proof of right to work in the UK,
- Complete and pass the taxi competency course provided by Peterborough Regional College,
- Provide a satisfactory enhanced DBS with barred list check and sign up and maintain registration with DBS update,
- Provide a DVLA check,
- Provide group 2 medical report,
- Provide a recent passport type photo,
- Undertake and pass the approved Safeguarding training, and
- Pass the driving assessment test.

- 3.6 All new and renewal driver (and operator) applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing drivers and operators will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Licensed drivers are required to attend refresher training every three years and provide proof of pass attendance with their renewal application.
- 3.7 Drivers' licenses are generally issued for a three-year duration. They may be issued for a lesser period if appropriate, e.g., the applicant's right to work is of a shorter or limited duration. They may also be renewed, however, if a licensed driver fails to renew prior to the date of expiry of the existing licence, they will be required to apply as a new driver and meet all the requirements. Exceptions may be made in exceptional circumstances. (See paragraph 1.29)
- 3.8 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all **new** driver applicants are required to confirm that they have read and understood HMRC's published guidance in relation to their tax obligations.
- 3.9 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all driver applicants seeking to **renew** their licence are required to complete a HMRC tax check to confirm that the individual or company has been appropriately registered for tax and that the income from the licensed activity has been reported on a tax return. This is also a requirement for any driver licensed with another licensing authority that is seeking to be licensed with Rutland County Council. The Licensing Authority must receive confirmation that the applicant has completed a tax check before they are able to make a determination on any application.
- 3.10 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time to avoid any unnecessary burden.
- 3.11 It is important that drivers notify the council within 48 hours of any significant changes which occur after their licence has been granted. Such as change of name or address, or email address or telephone number, change of immigration status, changes in their physical or mental health which may affect their driving ability, all convictions, cautions or arrests, DVLA penalty points etc. or any other matter which may question their fit and proper status.
- 3.12 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and byelaws if adopted. Drivers are reminded that the driver's badge remains the property of Rutland County Council, all expired, surrendered, or revoked badges must be returned to the council.
- 3.13 This council issues two types of licences for drivers, a hackney carriage driver licence and a private hire driver licence. The driving assessment test for hackney carriage drivers is more rigorous. Therefore, a hackney carriage driver may drive a private hire vehicle, but a private hire driver cannot drive a hackney carriage vehicle.
- 3.14 Private hire drivers may apply to become hackney carriage drivers, they will need to submit the required application and fee and pass the enhanced test.

Suitability of driver

- 3.15 Licensed drivers will encounter vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 3.16 Consideration of suitability includes character and patterns of behaviour and are not limited to incidents which occur whilst the driver is 'on duty.' Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk, will also be taken into account when assessing their fit and proper status. For new applications, the onus is on the applicant to satisfy the council that they are 'fit and proper.'
- 3.17 The council requires applicants to fulfil certain criteria to ensure that the public are protected, and drivers can provide the service which is expected of them.
- 3.18 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) with barred list check and a medical health check to the DVLA group 2 standard, and share information held by DVLA and other licensing authorities upon new and renewal applications.
- 3.19 Applicants for new and renewals, who fail to report or declare an offence, or other relevant matter, will be taken particularly seriously. As it deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

Application process

- 3.20 Applicants must fully complete an application and provide the relevant paperwork required and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to legal action if it constitutes fraud.
- 3.21 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.22 New applicants must complete and pass the Taxi Competency Course delivered by Peterborough Regional College and prescribed Safeguarding and County-Lines training.
- 3.23 Applicants who have criminal convictions, may submit an enquiry with the enhanced DBS and barred list check for consideration, prior to taking the college course, medical check and driving assessment test. The convictions and cautions will be assessed, and the applicant will be provided with an indicative decision. This does not prohibit the applicant from submitting a full application for a formal determination.
- 3.24 When an applicant has fulfilled all the application criteria, they will be required to take a driving assessment test, to assess driving ability, safety, control of the vehicle, awareness of controls within the vehicle, and local Knowledge, without the use of satellite navigation equipment.

Convictions, cautions and related matters

- 3.25 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants are required to undertake and submit an Enhanced DBS with barred list check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.
- 3.26 The council uses an external provider called GB Group (Frist Advantage) to process the DBS

certificates. Applicants are responsible for completing these checks and must register and apply online via the GB Group (First Advantage) website. After registering and completing the online process, applicants are required to print off the completed form and take it to a post office with the relevant identification and original documentation required. Applicants are also responsible for the payment of the appropriate fee to complete the issuing of the DBS certificate. DBS certificates must be no older than 3 months at the time of application.

- 3.27 All licensed drivers are required to maintain continuous registration with the DBS update service and provide authorisation to enable the licensing authority to routinely check for added information in accordance with statutory guidance and where there is reasonable cause for doing so.
- 3.28 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.
- 3.29 Where convictions or cautions appear on a DBS, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off,' they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.
- 3.30 Applicants who have not resided continuously in the UK since they were 18 years old, i.e., have spent an extended period (six or more continuous months) living or working outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable, in addition to the Enhanced DBS certificate.
- 3.31 The existence of a criminal conviction or caution does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.32 Further information is contained in the guidelines relating to the relevant of convictions / cautions in relation to taxi licensing attached at Appendix F.
- 3.33 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, places a duty on all licensing authorities in England to record information relating to drivers' licenses that have been refused, revoked or suspended if the decision was based wholly or in part, on concerns relating to safeguarding or road safety issues, on the National Register of Taxi Licence Refusals, Revocations and Suspensions NR3S. Furthermore, before a licensing authority in England decides whether to grant or renew a driver licence, a search of the register for any entry relating to the applicant must be conducted.
- 3.34 Where an entry on NR3S is found, Rutland County Council will contact the relevant licensing authority requesting the information held. This information will be considered in assessing the application. Further information is contained in the policy on the use of the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S) attached at Appendix J
- 3.35 It is a mandatory part of applying for or renewing a hackney carriage or private hire driver licence to disclose information on applications made and licences granted, refused, revoked or suspended by another authority. Failure to declare this information will question the 'fit and proper' status of the applicant.
- 3.36 The 2022 Act also requires licensing authorities in England to share information relevant to safeguarding or road safety concerns with the licensing authority that issued the licence. If such information is received regarding a driver licensed by this authority, Rutland County Council will consider if the licence should be suspended or revoked.
- 3.37 Whilst each application is determined on its own merits, some offences are of such a serious nature that it is unlikely that a licence would be issued. Such as crimes resulting in death, exploitation and

indecent offences relating to sexual assault or rape.

- 3.38 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need.' This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.
- 3.39 It is a requirement for licensed drivers to notify the licensing department of any cautions, convictions, arrests, immigration offences, road traffic offences such as speeding, or any other relevant matters criminal or civil, which may question their fit and proper status, that occur during or after the licence has been issued. In such circumstances, licensed drivers must notify the licensing department within 48 hours of an arrest and release, charge, or conviction.
- 3.40 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

DVLA

- 3.41 As driving is the predominant aspect of a licensed driver, the council needs to consider if applicants hold a valid driving licence and if the licence holder has been issued any penalty points.
- 3.42 As the paper counterpart of the driving licence was abolished in June 2015, applicants and licensed drivers will be required to share information held about them by DVLA via an online process.
- 3.43 Applicants and licensed drivers are required to register online with the DVLA share my licence portal and provide the access code to the council with their application and upon request. The access code will provide the council with information regarding penalty points etc. As the access code is only valid for a limited duration, drivers may be contacted and requested to provide another code, to enable progression of their application.
- 3.44 As the DVLA share my licence portal can only check driving licenses issued in Great Britain (England, Wales, and Scotland) applicants who hold an acceptable equivalent driving licence, (as defined by DVLA) will need to convert it to a GB driving licence prior to application.
- 3.45 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at Appendix F

Medical Requirements

- 3.46 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.47 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore, various body systems need to be functional for safe driving.
- 3.48 Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to normal car drivers.
- 3.49 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for

bus and lorry drivers.

- 3.50 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals.
- 3.51 Therefore, applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.52 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU. If the applicant's own doctor completes the medical assessment it may speed up the application, as they already have full access to their medical records.
- 3.53 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old. Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than four months at the time of submission with the relevant application.
- 3.54 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.55 Licensed drivers must notify the council and their medical practitioner of any deterioration in their physical or mental health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the public.
- 3.56 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work, this is for the safety of the driver and the public. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards.

Taxi Competency Course provided by Peterborough Regional College.

- 3.57 Rutland County Council and Peterborough Regional College have jointly developed a course specifically for those who wish to be licensed drivers. The course tests some of the skills required to be a licensed driver, such as reading and writing, numeracy, equality and disability awareness, customer service, understanding of the conditions applied by the council, etc.
- 3.58 All new applicants must pass the taxi competency course provided by Peterborough Regional College. Those wishing to enrol on the course should contact the information centre at Peterborough Regional College, Park Crescent Campus, contact telephone number 01733 863068, where they will be issued with the course handbook and the pre-course reading material. When attending the course, applicants must take with them two forms of identification, one of which must be a DVLA driving licence with photo card, the other a utility bill no more than 3 months old.
- 3.59 Applicants must conduct themselves appropriately when attending the course. Behaviour of a rude or abusive manner will question their 'fit and proper' status and may result in their application being terminated.

Driving Assessment Test

- 3.60 Once a complete application has been received and assessed, new applicants must take and pass a driving assessment test. The test will assess driving ability, control of the vehicle, awareness of controls within the vehicle, and local area knowledge without the use of satellite navigation equipment.

- 3.61 Applicants must provide a roadworthy licensed vehicle in which to take their test.
- 3.62 The tests applied are different for private hire driver applicants and hackney carriage driver applicants. As hackney carriage drivers can be hired on the spot, the local knowledge part of the test is more rigorous. Also, as all hackney carriages are designated WAV's, applicants must be able to demonstrate that they can safely load, unload, and safely secure a wheelchair in the vehicle.
- 3.63 Historically the driving assessment test has been provided in house by authorised council officers. The council have determined that the test should be delivered by an external provider whose assessors have been accredited by DVSA. This will ensure that the person undertaking the role of examiner is specifically trained in this role.
- 3.64 An approved list of Driving Assessment Test providers will be made available on the council's website.

Service Expectations

- 3.65 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable, and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.
- 3.66 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action.
- 3.67 Conditions applicable to private hire drivers are attached at Appendix C.
- 3.68 Hackney carriage drivers can be conditioned by way of byelaws. The licensing authority are considering adopting byelaws, if adopted, they will be subject to a separate consultation process and will be attached at Appendix K.
- 3.69 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands-free mobile phone.
- 3.70 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 3.71 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council.
- 3.72 This council condemns discriminatory behaviour, which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.
- 3.73 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.
- 3.74 Driving for long periods of time, when sleepy or fatigued impairs driving ability, reduces reaction time, vigilance, alertness, concentration, is dangerous and increases the risk of accidents. Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

Requirement to display information – Part 1 and Part 2 notice

- 3.75 As licensed vehicles may be driven by different licensed drivers and licensed drivers may utilise different licensed vehicles, the Part 1 and Part 2 notices can be interchanged. The driver must ensure that the correct information is displayed in the Part 1 and Part 2 notice prior to the commencement of all journeys with passengers.
- 3.76 The Part 1 notice must correctly reflect the proprietor information for that journey and drivers must ensure that they display their Part 2 notice in the vehicle they are driving. (See section 2.83 To 2.89 for further information and Appendix I for example)

Exemption certificate

- 3.77 Drivers may apply for an exemption certificate if, for health reasons, they are unable to convey assistance dogs, or provide physical assistance to passengers in wheelchairs. Drivers who have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult to provide the service, may apply for an exemption certificate.
- 3.78 The council will only consider exemption applications which are accompanied with a medical report signed by a registered medical practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.
- 3.79 Where an exemption application has been considered and approved by the council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when they are driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they then do not comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.
- 3.80 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal the refusal to the Magistrates Court within 28 days.
- 3.81 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.
- 3.82 Licensed drivers of designated WAV vehicles who fail to comply with the duties under section 165 of the Equality Act will be subject to enforcement action. Drivers convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

Idling offence environmental impact

- 3.83 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988.

Monitoring of licensed drivers

- 3.84 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.85 Where serious complaints, which question a drivers fit and proper status are received, they are investigated, and appropriate action is taken. Less serious complaints and minor infringements are

not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.

Hackney carriage drivers

- 3.86 It is understood that Hackney carriage drivers waiting on taxi ranks, will attempt to operate a first in the queue system. So that when a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this usually works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 3.87 The customer has the choice in this situation, drivers who, whilst waiting on a rank, refuse or neglect to drive without reasonable cause are committing an offence.
- 3.88 Drivers are also advised that it is an offence to leave their vehicle unattended on a rank.
- 3.89 As the testing criteria for hackney carriage drivers is more stringent than those applied to private hire drivers, a licensed hackney carriage driver may also drive private hire vehicles.

Hackney carriage proprietors – Part 1 notice

- 3.90 Hackney carriage proprietors must ensure that their vehicles comply with the requirement to display required information in the form of a Part 1 notice as detailed in section 2.83 To 2.89 and example provided at Appendix I.
- 3.91 If a proprietor is made aware of a safeguarding or serious complaint concerning the fit and proper status of a driver, they must notify the licensing department immediately or as soon as possible and provide details of their actions taken.

SECTION 4

4 Operators

General

- 4.1 The legislation requires any person, who during business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator.
- 4.2 Any individual, partnership, company, or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- 4.3 The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 4.4 The legislation requires the authority to only licence operators who are fit and proper to hold an operator's licence and who are not disqualified by reason of their immigration status.
- 4.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for a five-year duration but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter

duration.

- 4.8 All renewal applications must be submitted to the Council prior to the date of expiry of the existing licence. Exceptions may be made in exceptional circumstances. (See paragraph 1.29)
- 4.9 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.10 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 days.
- 4.11 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 4.12 Operators are required by law to keep a record of bookings and records relating to each vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Operator's conditions at Appendix D.

Application – suitability of applicant

- 4.13 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured, and safe vehicles and drivers, therefore the council is required to ensure that they are also fit and proper.
- 4.14 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an operator's licence. The supporting documents must be the originals, not photocopies or photographs.
- 4.15 Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure with their application and on an annual basis. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act. Applicants who have not resided continuously in the UK since they were 18 years of age, i.e., have spent an extended period (six or more continuous months) outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable.
- 4.16 Where the application for an operator's licence is in the name of a company, the DBS requirement (including annual DBS) extends to all named Directors, Partners, Company Secretaries, and all persons with significant control. Operators are required to notify the licensing authority in writing of any changes in directors, partners, or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.
- 4.17 Applicants for operators' licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been refused, suspended or revoked and details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.18 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all operator applicants seeking to renew their licence are required to complete a HMRC tax check to confirm that the individual and or company are appropriately registered for tax and that the income from the licensed activity has been reported in a tax return. This is also a requirement for any operator licensed with another licensing authority that is seeking to be licensed with Rutland County

Council. The licensing authority must receive confirmation that the applicant has completed a tax check before they are able to determine any application.

- 4.19 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.
- 4.20 The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade.
- 4.21 All new and operator (and driver) applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing operators (and drivers) will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Operators are required to attend refresher training every five years and provide proof of pass attendance with their renewal application.

Suitability of premises

- 4.22 When considering an application for an operator's licence at a new premises, consideration may be given to the location, the vicinity, facilities, parking arrangements, planning permission etc. to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents, and the public.
- 4.23 Operators intending to operate from new premises will be required to submit with their application proof of planning permission, or proof that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.

Operators' responsibilities and obligations

- 4.24 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at Appendix D
- 4.25 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 4.26 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 4.27 It is not expected that subcontracting of bookings would be commonplace. Customers who book through a Rutland operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by other licensing authorities are different to those applied by this authority, therefore, may not meet the licensing requirements of this authority.
- 4.28 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings, and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.

- 4.29 The Licensing Authority must be satisfied that private hire operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles, do not pose a risk to the public. To this end, operators are required to keep and maintain a register of all staff that will be taking bookings and/or dispatching vehicles.
- 4.30 Operators are required to evidence that they have had sight of a Basic DBS check for all individuals on their register of booking and dispatch staff and must ensure that Basic DBS checks are conducted on any individuals added to their register. Should an employee cease to be on the register and is then later re-entered, a new Basic DBS certificate must be requested for that individual and sight of this recorded.
- 4.31 Operators are required to provide a copy of their policy on employing ex-offenders in roles that would be on the register as above.
- 4.32 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the ICO website;
<https://ico.org.uk>
- 4.33 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for customers must ensure that they have valid public liability insurance.
- 4.34 Operators must make customers fully aware of any additional charges which may be applied, e.g., for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.
- 4.35 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- 4.36 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- 4.37 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload, and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.38 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 4.39 Where a private hire vehicle is unsuitable to fulfil a booking on the basis that a vehicle of more than eight passenger seats is required (vehicles which accommodate more than eight passengers are classed as Public Service Vehicles), the operator must inform the person making the booking that PSV's are not licensed by the council, but rather are the responsibility of the Traffic Commissioner, and that the driver of such vehicles are subject to different checks and are not required to undergo an enhanced DBS check.
- 4.40 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

Part 1 notice and complaint policy

- 4.41 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer.
- 4.42 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.
- 4.43 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers and maintain records of complaints received.
- 4.44 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.45 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 4.46 The specified information to be recorded must include the following information as a minimum:
the name of the complainant and how they can be contacted,
the date the complaint was made and the time and date of the journey,
If the booking was subcontracted the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
the name of the driver and vehicle being reported,
the nature of the complaint or concern,
The date by which the operator will respond to the complaint, which must not exceed 72 hours from time of receipt,
The action taken if any, by the operator to resolve the complaint or concern.
- 4.47 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 4.48 If an operator is made aware of a safeguarding or serious complaint concerning the fitness of a driver, they must notify the licensing department immediately or as soon as possible and provide details of the actions taken by the operator.
- 4.49 Operators must ensure that the vehicles they utilise display a correctly completed Part 1 notice (See section 2.83 to 2.89 and appendix I for further information) and door signage

SECTION 5

5. Safeguarding

- 5.1 Safety, security and welfare applies to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits and disadvantages of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc. in licensed vehicles in their risk assessments.

- 5.2 Drivers and operators may refuse to carry any passenger if they have good cause, e.g., a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused 'bilked' payment. Where this occurs drivers and operators should keep records of why the service was refused.
- 5.3 Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur using technology.
- 5.4 Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.
- 5.5 All new and renewal driver and operator applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing drivers and operators will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Licensed drivers are required to attend refresher training every three years and provide proof of pass attendance with their renewal application. Operators are required to attend refresher training every five years and provide proof of pass attendance with their renewal application.
- 5.6 Further information can be found on the following link: <https://lrsb.org.uk/>

SECTION 6

Enforcement

- 6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.
- 6.2 As all licence holders are 'fit and proper,' they are expected to fully understand the conditions and requirements placed on them by this authority and other applicable legislation.
- 6.3 The council will take appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence or this policy, or byelaw if adopted.
- 6.4 Offences under legislation outside that applicable to private hire and hackney carriages, may be considered, if they call into question the fit and proper status of the licence holder.
- 6.5 The council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g., the Police, DVSA, the Home Office etc.
- 6.7 Every enforcement action taken by the council, will be determined on the individual circumstances, will be in accordance with this policy, the council's enforcement policy and the Regulators Code.

- 6.8 There are a range of sanctions and actions which may be taken by the council, e.g., prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety. Licences that are refused, revoked or suspended due to safeguarding or road safety concerns, will be entered onto the NR3S register.
- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 The council will revoke, suspend, or refuse to renew a licence where the licence holder has committed offences that put public safety at risk.
- 6.11 Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action.

Right of appeal

- 6.12 This Licensing Authority retains absolute discretion to decide that a licence will not be granted if the vehicle, driver, or operator does not meet the requirements of the policy or conditions of licensing. There is a right of appeal to the Magistrates’ Court within 21 days of being given that decision, and thereafter to the Crown Court. In the case of a refusal to grant a hackney carriage proprietors (vehicle) licence, the right of appeal is directly to the Crown Court within 21 days.

SECTION 7

7. Fees, Charges and Refunds

- 7.1 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed, and any increase or reduction will be published and consulted upon as required by the legislation. The current fees and charges are available on the website. (See link below)
<https://www.rutland.gov.uk/licensing/licence-fees>
- 7.2 If byelaws are adopted, the council will set the maximum fares which can be charged by hackney carriage vehicles and private hire vehicles fitted with a taximeter within its district. This does not prohibit a driver from charging less than the fare shown on the meter. Please see Appendix L for an example of a fare card.
- 7.3 The council has no power to regulate the fares charged by private hire operators, they are a private contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g., for waiting time or for cleaning a soiled vehicle.
- 7.4 Requests for refunds by licence holders must be made in writing and will be considered on a case-by-case basis. Consideration will be given to the reason for the request and the costs incurred by the council at the point of request, including the cost incurred to arrange the refund. Please note that some fees are non-refundable.

Appendices

Conditions of Fitness for Hackney Carriage Vehicles	A
Private Hire Vehicle Licence Conditions	B
Private Hire Drivers Licence Conditions	C
Private Hire Operator's Licence Conditions	D
Limousine and Speciality Vehicles Licence Conditions	E
Guidelines Relating to the Relevance of Convictions / Cautions in relation to Taxi Licensing	F
Testing criteria for vehicles which have reached the standard age limit – critical failure	G
Private hire plate exemption conditions for executive bookings	H

Example of Part 1 and Part 2 Notice
Policy on the use of the National Register of Taxi Licence Refusals, Revocations and
Suspensions (NR3S)
Byelaws for Hackney Carriage Drivers (if adopted they will be subject to a
separate consultation process and will be attached at appendix
Hackney Carriage Fare Card example (if byelaws are adopted)

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RUTLAND COUNTY COUNCIL CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES

Hackney Carriage Vehicle Specification and Type Approval

SECTION 1. APPROVED VEHICLES

- 1.1 The following vehicles are approved by Rutland County Council (the Licensing Authority) to be licensed as Hackney Carriage Vehicles: TX4, LEVC TX, Mercedes-Benz Vito and M8 Taxis, the Peugeot E7 SE and XS short wheelbase models, the Nissan Dynamo Taxi and any other vehicle that meets the requirements specified within the conditions of fitness.
- 1.2 To allow the trade a transition period, existing licensed vehicles will continue to be licensed for a further 2 years after this policy takes effect, providing the vehicle still meets all other required standards. After this time, all vehicles must meet all required standards

SECTION 2. VEHICLE APPROVAL

- 2.1 It must be understood that, although the conditions set out in this document have been complied with, approval will be withheld if the Licensing Authority is of the opinion that a vehicle is unsuitable for public use.
- 2.2 Although the Licensing Authority may extend approval of any type of taxi to all other taxis conforming to the design of that type, it must be understood that the Licensing Authority may withdraw such general approval if, in its opinion, any unsuitable features arise.
- 2.3 No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist, the committee may decide to approve the vehicle.
- 2.4 Vehicles will be licensed subject to the following restrictions.

Maximum age limit beyond which the vehicle will not be licensed	15 years old
Age at which the vehicle will be subject to six monthly inspections	10 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old

- 2.5 Years of age; calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994. The operating period being subject to compliance with the council's standard of fitness.
- 2.6 Vehicles subject to 6 monthly inspections at a time and place to be notified by the authorised officer of the council.
- 2.7 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.8 The applicant must study the Conditions of Fitness set out in Section 3 of this document and provide detailed specifications of the proposed vehicle, or vehicle conversion demonstrating that the vehicle meets the requirements of the Conditions of Fitness. It will also be necessary to arrange a preliminary inspection of the vehicle.
- 2.9 The applicant should address any current guidance issued by the Department for Transport (DfT) [or any replacement body if this should change] for the design of Hackney Carriage Vehicles and indicate to the Licensing Authority the extent to which those guidelines have been accommodated. Applicants should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis.
- 2.10 There shall be provided and maintained in the vehicle at all times a suitable and efficient fire

extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available for immediate use in an emergency.

- 2.11 Arrangements must then be made to present the completed vehicle for inspection by the Licensing Authority. When presented, all associated equipment must be present for the inspection and testing of the vehicle; i.e., wheelchair ramps, straps, safety equipment etc. A declaration must be provided by the manufacturer or authorised person that the vehicle conforms to the law and is safe for use as a public carriage, together with a certificate of registration and summarised documentary evidence that the vehicle meets the Conditions of Fitness as stated in Section 3 of this document.
- 2.12 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.13 The approval of the vehicle will be determined by the Licensing Committee who will consider each application under its own merits. Although a vehicle may meet the criteria as set out by the Conditions of Fitness, where justifiable reasons exist the committee may decide after consideration not to approve the vehicle. Where a vehicle does not completely comply with the Conditions of Fitness, however justifiable reasons exist the committee may decide after consideration to approve the vehicle.

SECTION 3. CONDITIONS OF FITNESS

3. General Construction

- 3.1 Every new type of hackney carriage vehicle must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- 3.2 Every new type of Hackney Carriage Vehicle offered for approval must comply in all respects with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g., conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category.
- 3.3 Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum a disabled person in a Department of Transport reference wheelchair in the passenger compartment.
- 3.4 No equipment and/or fittings, other than those approved by the Local Authority may be attached to or carried on the inside or outside of the vehicle.
- 3.5 No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.
- 3.6 Before considering any modification to a Hackney Carriage Vehicle, approval must be sought from the Licensing Authority.

4. Steering

- 4.1 The steering wheel must be on the offside of the vehicle.

5. Tyres

- 5.1 All tyres must comply with the relevant legislation and be marked accordingly.

- 5.2 Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
- 6. Brakes**
- 6.1 An anti-lock braking system is to be fitted.
- 7. Interior lighting**
- 7.1 Adequate lighting must be provided for the driver and passengers.
- 7.2 Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.
- 8. Electrical Equipment**
- 8.1 Any additional electrical installation and/or aftermarket components to be used within the taxi must meet the requirements of the relevant Automotive Electromagnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.
- 9. Fuel Systems**
- 9.1 Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.
- 10. Exhaust emissions standards**
- 10.1 New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e., the respective Euro standard. Current, approved, taxi models must meet prescribed emissions standards.
- 11. Body**
- 11.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- 11.2 The overall length must not exceed 5.2 metres. This is essential for determining the size of taxi ranks, other pick-up points in Rutland.
- 12. Facilities for the disabled**
- 12.1 Every new (grant) taxi must be equipped to approved standards in order that wheelchair passengers may be carried. Vehicles licensed prior to this policy taking effect can remain licensed for a further 2 years without being wheelchair accessible, provided all other required standards are met.
- 12.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.
- 12.3 Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 12.4 The door and doorway must be so constructed as to permit an unrestricted opening across the

doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.

- 12.5 The clear height of the doorway must be not less than 1.2 metres.
- 12.6 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
- 12.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a. be not more than 380 mm from the ground, (measured at the centre of the tread width);
 - b. the surface shall be covered in a slip-resistant material;
 - c. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- a. not be more than 380 mm in height from the ground, (measured at the centre of the step width);
 - b. not be less than 250 mm deep;
 - c. the surface shall be covered in a slip-resistant material;
 - d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
 - e. not be capable of operation whilst the vehicle is in motion;
 - f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
 - g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
- 12.8 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
- 12.9 Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
- 12.10 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
- 12.11 A ramp for the loading of a wheelchair and occupant must be always available for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

13. Passenger compartment

- 13.1 Occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 35.5cm.
- 13.2 Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.
- 13.3 The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.

- 13.4 Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
- 13.5 Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).
- 13.6 Colour contrasting sight patches are required on all passenger seats.
- 13.7 Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.
- 13.8 An induction loop system (or equivalent) must be fitted.

14. Driver's compartment

- 14.1 The driver's compartment must be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls.
- 14.2 The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, controls must be properly protected from contact with luggage.
- 14.3 Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.
- 14.4 Where a single piece glazed partition is fitted, a facility must be provided for making payment to the driver.

15. Visibility – Driver

- 15.1 A single-piece, full width rear window must be fitted. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

16. Visibility – Passenger

- 16.1 The windows should maximise passenger visibility into and out of the vehicle.
- 16.2 The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.
- 16.3 A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.
- 16.4 Windows must conform with both Type Approval and Construction and Use Regulations. Post manufacturer window tinting is not permitted.
- 16.5 Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

17. Heating and ventilation

- 17.1 An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.

18. Door fittings

- 18.1 An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion.
- 18.2 When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 18.3 The door must not open from the inside if the driver has the foot brake depressed.
- 18.4 The interior door handle must be clearly identified to prevent it being mistaken for any other control.

19. Fare table (If byelaws are adopted)

- 19.1 A frame must be provided for the fare table and fixed in an approved place. A position for an interior number plate is to be provided with the words "The number of this taxi is...." Shown immediately above the position of the plate.

20 Taximeter (If byelaws are adopted)

The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained as to comply with the requirements of the Council: -

- a. all taximeters must be calendar controlled, approved and sealed by a person authorised by the authority
- b. the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter and cancel any external "For Hire" sign;
- c. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- d. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
- e. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- f. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- g. the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- h. the taximeter affixed to the vehicle shall be appropriately set to ensure that the Council's hackney carriage fare scale currently in force in the County is recorded thereon.

21. Floor covering

- 21.1 The flooring of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned.
- 21.2 The floor covering must not impede the movement of wheelchairs. The colour of the floor covering must contrast with any up-stand areas around it and with the colour of the seats.

22. Luggage

- 22.1 Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.

23. Taxi Roof Sign

23.1 A "Taxi" roof sign approved by the council must be fitted and be clearly visible daytime and night-time when the taxi is available for hire.

24. Radio Equipment

24.1 Where equipment for the operation of a two-way radio system is fitted to a taxi, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.

24.2 Any other radio equipment, either in the passenger or driver compartment, must be approved by the council.

25. Electrical Equipment

25.1 Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.

25.2 Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

26. Required information to be displayed inside the vehicle – Part 1 and Part 2 notice

26.1 The proprietor must ensure that the vehicle displays a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;

- The name of the vehicle proprietor
- The contact telephone number where a customer can make a complaint, report a concern, or positive comment e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
- The vehicle registration number
- The vehicle licence plate number

26.2 Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;

- The licensed drivers photograph and
- The driver's licence number

26.3 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

26.4 All licensed vehicles must display a sign identifying the vehicle licence number in the top left-hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council, should the licence be suspended or revoked.

27 Other licence holder responsibilities

27.1 All licence holders (proprietors, operators, and drivers) shall co-operate with any reasonable request made by an Authorised Officer.

RUTLAND COUNTY COUNCIL
PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The following are conditions attached to the Private Hire vehicle licence. These conditions are additional to the requirements imposed upon proprietors/drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010, and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

Appearance, Design, Signs, Notices etc

1. (a) The vehicle must not be equipped with roof fittings except that a wireless aerial which may be fitted but only in such a manner to satisfy the Council.
- (b) All vehicles must also conform to the M1 type approval and construction and use regulations. Vehicles which are not M1 type approved, (e.g., N1) must provide VIVA (Voluntary Individual Vehicle Approval) documentation confirming conformity and safety of alterations and updated V5C to correlate.
2. (a) There shall be no lights, plates, signs, advertisements or other fittings (other than the licence plate referred to in Condition 6 and other signage referred to in (c) to (g) below) displayed on or from the vehicle, except those approved by the Council in accordance with or displayed to comply with requirements under the current lighting and licensing regulations approved by the appropriate Secretary of State.
- (b) The vehicle must not be equipped with any sign or notice such as the word "CAB" or "TAXI" or be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.
- (c) The vehicle to display on the rear passenger doors in a prominent position, **"Private Hire Vehicle – Insurance Invalid Unless Pre-Booked with Operator"** door stickers, as issued by Rutland County Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle, and that words "Taxi" or "Cab" are not featured. These stickers must be permanently affixed to the vehicle. Magnetic door signs are not permitted.
- (d) Vehicles must display a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
 - The name of the proprietor
 - The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - The vehicle registration number, and
 - The vehicle licence plate number
- (e) Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
 - The Driver's photograph and
 - The driver's licence number
- (f) Vehicles must display a no smoking sign as required by the Health Act 2006
- (g) All licensed vehicles must display a sign identifying the vehicle licence number in the top left-hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council should the licence be suspended or revoked.

Radio, Microphone, PDA, mobile phone etc

3. Any radio, microphone, PDA, mobile phone etc. installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

Use of Taximeter

4. If byelaws are adopted and the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
- (a) all taximeters must be calendar controlled, approved and sealed by a person authorised by the authority.
 - (b) the machinery of the taximeter must be only visible to persons who have boarded the vehicle;
 - (c) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (e) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
 - (f) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (g) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. All meters must be sealed by an authorised officer of the County council and be calendar controlled.
 - (i) only meters approved by Rutland County Council may be fitted to the vehicle.

Private hire vehicles that are fitted with a taximeter must display inside the vehicle a statement of maximum fares as set by the council. Operators and / or drivers cannot demand a fare greater than that recorded on the taximeter, save for any extra charges authorised by the council.

Maintenance of Vehicle

5. The vehicle shall:
- (a) be of such design to enable any person in the carriage to communicate with the driver;
 - (b) be fitted with a roof or covering which can be kept watertight;
 - (c) contain windows and a means of opening and closing not less than one window on each side;
 - (d) contain seats which must be properly cushioned or covered;
 - (e) be provided with a proper carpet, mat, or other suitable covering for the floor;
 - (f) contain fittings and furniture kept in a clean condition safe and well maintained and in every way fit for public service;
 - (g) be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
 - (h) be provided with at least four doors (or three doors in the case of the diesel "Fortwo" Smart Car);
 - (i) be a right-hand drive vehicle.
 - (j) Vehicles fitted with a passenger tail lift must maintain a valid LOLER (Lifting Operations

Lifting Equipment Regulations) certificate of compliance and produce it upon request.

6. A plate provided by the Council identifying the vehicle as a Private Hire vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.

The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Whilst the vehicle is not being used as a Private Hire vehicle the licence plate must be covered from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

7. The vehicle shall be submitted for annual inspection at the place, date and time as notified by the Council in each year during which the licence is in force and at any other time at the Authority's discretion. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, wheels, fittings, furniture, and all parts must be in good repair and order. All steering parts and braking linkages must be thoroughly cleaned. All vehicles more than six years old to be tested every six months.
8. All brakes, machinery, furniture, and fittings shall be kept in good order and condition.

Safety Equipment

9. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment must be in date and carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Licence Period

10. Private Hire vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the council or retained by the appointed testing station upon renewal.

11. Change of Address or Ownership of vehicle

- (a) The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days if they transfer ownership of the vehicle.
- (b) All signage relating to hire and reward (including door signage, taximeter if fitted, company insignia etc.) must be removed from the vehicle, whenever it is sold or transferred outside Rutland's licensed trade, or delicensed.

Vehicle Documentation

12. The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.
 - (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
 - (b) the Private Hire vehicle Licence issued by the County Council;
 - (c) a current Ministry of Transport Test Certificate (where applicable) or CoC issued by the authority;
 - (d) the vehicle registration documents; and

- (e) the driving licence issued by DVLA, or acceptable equivalent defined by DVLA

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Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.
- (b) Windows must conform with both Type Approval and Construction and Use Regulations. Post manufacturer window tinting is not permitted

Employees

14. If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

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Vehicle Requirements

- (a) Vehicles will be licensed subject to the following restrictions.

Maximum age limit beyond which the vehicle will not be licensed	10 years old
Age at which the vehicle will be subject to six monthly inspections	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	8 years old

- (b) To allow the trade a transition period, existing licensed vehicles will continue to be licensed for a further 2 years after this policy takes effect, providing the vehicle still meets all other required standards. After this time, all vehicles must meet all required standards
- (c) A vehicle will continue to be licensed as set out above, subject to the vehicle passing any necessary tests laid down by the County Council and there being no break during the licensing period.
- (d) Vehicles will be subject to 6 monthly inspections at a time and place to be notified by the authorised Officer of the Council.
- (e) Any vehicle damage that materially affects the safety, performance appearance, or the comfort of the passenger, must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
Where a vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised Officer, the Council may allow a replacement vehicle that meets the above criteria to be licensed as a replacement for the accident damaged vehicle for a period not exceeding 3 months. All accidents must be reported to the council within seventy-two hours.

Cheques

16. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

Other licence holder responsibilities

17. All licence holders (proprietors, operators, and drivers) shall co-operate with any reasonable request made by an Authorised Officer.

RUTLAND COUNTY COUNCIL
PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The following are conditions attached to the private hire driver's licence. These conditions are additional to the requirements imposed on private hire drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010, and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

1. Use of Taximeter (If byelaws are adopted)

The driver of a private hire vehicle provided with a taximeter shall ensure that the taximeter is sealed and approved by a person authorised by the County Council. All meters must be calendar controlled.

- (a) As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (b) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer;
- (c) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

2. Fare to be Demanded

- (a) The driver shall not demand (from any hirer of a private hire vehicle) a fare in excess of (any previously agreed for that hiring between the hirer and the operator or, if byelaws are adopted and the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare) the fare shown on the face of the taximeter. The driver **must** confirm prior to the commencement of the journey, the name of the hirer, the destination, and the cost of the journey;
- (b) The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or if byelaws are adopted and the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare shown on the face of the taximeter.

3. Interference with Equipment

The driver of a private hire vehicle shall not tamper with or permit any unauthorised person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle

4. Shortest Route

The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

5. Driver's Identification Badge

The Driver must always when acting as a driver of a private hire vehicle wear his identity badge, as provided by the Council, in such manner as to be plainly and distinctly visible. The badge must be handed over for inspection, if requested, to any authorised officer or Police Officer for the purposes of

the Local Government (Miscellaneous Provisions) Act 1976.

6. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council or any Police Officer, return the driver's badge and licence to the Council and obtain a receipt for it. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return the driver's badge to the Council. Badges must be renewed before the expiry date of the existing badge. (Exceptions may be made in exceptional circumstances, see paragraph 1.27)
Drivers are reminded that it is an offence to drive a licensed Hackney / Private Hire vehicle whilst not being in possession of a current licence.

7. Assistance with Luggage

The driver of a private hire vehicle so constructed as to carry luggage shall:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.

8. Operation of Vehicle

- (a) Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions and it is not causing an obstruction, Drivers must switch off their vehicle engine when waiting, and not leave their engine idling when parked for more than a couple of minutes anywhere.

9. Drivers of private hire vehicles shall always carry a written record of all hirings to be produced on demand to an authorised officer of the County Council or any Police Officer. **THE DRIVER SHALL ONLY ACCEPT HIRINGS THAT HAVE BEEN PASSED VIA THE PREMISES OF THE LICENSED OPERATOR FOR WHOM HE WORKS AND IMMEDIATELY UPON RECEIPT OF SUCH A HIRING THE DRIVER MUST RECORD THE SAME IN HIS OWN RECORD OF BOOKINGS BEFORE PROCEEDING TO THE PICK-UP POINT.**

10. Lost Property

The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Any property found shall be returned to the hirer or handed in to the nearest Police Station within 24 hours.

11. Carriage of Other Persons

The driver of a private hire vehicle shall not permit any other person to be conveyed in the vehicle without the express consent of the first hirer.

12. Licence Plate

- (a) The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire. The driver must ensure that the plate is securely fixed to the rear outside of the vehicle in such a manner as to be easily removed by an authorised officer of the Council or Police Officer.
- (b) The licensed driver must ensure that the vehicle is displaying a sign identifying the vehicle licence number in the top left-hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council, should the licence be suspended or revoked.

13. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired, be in attendance

at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by reasonable cause.

14. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Conduct of Driver

The driver shall:

- (a) always be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (b) take all reasonable steps to ensure the safety of passengers conveyed in, entering, or alighting from the vehicle driven by him;
- (c) not drink, eat, or smoke in the vehicle;
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Drivers are reminded that it is an offence to sound a horn whilst stationary except in traffic and not at all between 11.30pm and 7.00am in areas where there is a 30mph speed limit in force); and
- (f) NOT consume ANY alcohol whilst on duty and ensure that he/she complies with statutory legislation in relation to drink driving offences.
- (g) Co-operate with any reasonable request made by an Authorised Officer.

16. Smoking

It is against the law for a driver or passenger to smoke in a licensed vehicle. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

17. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not allow any child below the age of twelve years to be conveyed in the front of a private hire vehicle:

18. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide the hirer with a written receipt for the fare paid.

19. Vehicle Damage Notification

The driver of a private hire car shall within seventy-two hours report all accidents in writing to the Council.

20. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself, the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed at the driver's discretion.

21. The carrying of hearing dog, guide dog or other assistance dog shall not be at the driver's discretion and such a dog accompanying a visually or hearing-impaired person must be carried at no additional cost.

22. Health of Driver

The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether their health condition is one which should be reported should consult their doctor.

23. A Group 2 medical certificate completed by a registered general practitioner who is licensed to practice in the UK must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

24. Period of Licences

Private Hire Drivers Licences are generally issued for a three-year duration but may be granted for a lesser duration if appropriate, or if the applicant's right to work is of a shorter or limited duration. Drivers are responsible for ensuring they renew their licence at the appropriate time. Drivers who fail to renew their licence prior to expiry will be required to apply as a new driver, except in exceptional cases R (on the application of Exeter City Council) v Sandle [2011] LLR480.

25. Acceptance of Hirings

The driver shall not whilst driving or in charge of a private hire vehicle ply for hire or otherwise:

- (a) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
- (b) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
- (c) offer the vehicle for immediate hire whilst the driver is on a road or PUBLIC PLACE or PRIVATE PROPERTY.

26. Before commencement of a journey the driver shall confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed meter is used in accordance with the County Council's regulations if byelaws are adopted.

27. Before commencement of duty, a private hire driver shall ensure:

- (a) that the vehicle is licensed in accordance with the County Council's regulations;
 - (b) the vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment; and
 - (c) that he inspects the vehicle to ensure that it is in a fit and proper condition to be used as a private hire vehicle.
- (d) the vehicle is displaying the required notice in the windscreen identifying the vehicle licence number
- (e) the vehicle is displaying the correct Part 1 and Part 2 notice, in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. The part 1 notice must contain the following information;

- name of the proprietor,
- the telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
- the vehicle registration number, and
- the vehicle licence plate number.

The Part 2 notice must display the driver's photo and licence number

28. When a driver is not using a licensed vehicle for private hire purposes, the driver shall ensure that the licence plate is obscured from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

29. Documentation

At the request of an authorised officer of the Council or a Police Officer the driver must within 7 days produce for inspection the following documents:

- (a) the vehicle licence;
- (b) the vehicle registration documents;
- (c) a Certificate of the policy of motor insurance as required by Part IV of the Road Traffic Act 1988 or any other enabling Act;
- (d) where appropriate a Ministry of Transport Test Certificate; or CoC and
- (e) his own driving licence issued by DVLA or equivalent as defined by DVLA.

30. Convictions/Cautions

- (a) The proprietor/driver shall within 48 hours disclose to the Council in writing details of an arrest and release, charge or conviction of any sexual offence, or offence involving dishonesty, or violence, any convictions, cautions, DVLA penalty points etc. imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.
- (b) Licensed drivers must also report to the council within 7 days any changes to their immigration status, or any convictions of an immigration offence, or any requirement to pay an immigration penalty. A licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- (c) All licensed drivers are required to maintain continuous registration with the DBS update service and provide authorisation to enable the licensing authority to routinely check for added information in accordance with statutory guidance and where there is reasonable cause for doing so

31. Advertisements etc.

The driver of a private hire vehicle shall not place or suffer to be placed any printed, written, or other matter by way of advertisement on any part of the vehicle except with the prior written consent of the Council.

Cheques

32. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

Rutland County Council Private Hire Operator's Licence Conditions

Introduction

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the driver's insurance will almost certainly be invalid.

The council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements local authorities also can take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operator's licence we will consider the location of the premises, parking arrangements for vehicles and what the effect of granting the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the town centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location. Any application for a town centre location will also be considered in accordance with the Rutland County Council Development Plan.

In granting a licence the authority will attach conditions to the licence, and as part of the authority's role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally were deemed appropriate or necessary.

It is good practice and appropriate to regularly review the conditions to ensure that they remain relevant and are fit for purpose. It should be remembered that where conditions are set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

1. Planning Requirements

- (a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent in these cases. Operators must comply fully with any condition attached to such consent.
- (b) Where planning consent is not required written confirmation from the council's planning department will be required.
- (c) In the case of an operator with only one vehicle operating from a residential address and the council's planning department has confirmed that planning permission is not required the following conditions must be adhered to:
 - (i) only one vehicle can operate from the premises
 - (ii) customers must not visit the premises
 - (iii) customers must be picked up away from the premises
 - (iv) any advertising from the premises must have prior approval from the council's planning department.

2. Records

2.1 Records of vehicles and drivers

- (a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following: -
- (i) the call sign or other identifying mark used on booking records;
 - (ii) the licence plate number;
 - (iii) the vehicle registration number;
 - (iv) the name and address of vehicle proprietor;
 - (v) a valid current certificate of motor insurance or security for the vehicle together with, where appropriate, a Ministry of Transport certificate and or certificate of compliance, and ensure both the driver and vehicle hold a current licence issued by the same authority;
 - (vi) the names and addresses of drivers and the badge numbers of drivers.
- (b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.
- (c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.
- (d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained to safely load, unload, and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- (e) Operators are required to keep and maintain a register of all staff that will be taking bookings and/or dispatching vehicles.
- (f) Operators are required to evidence that they have had sight of a Basic DBS check for all individuals on their register of booking and dispatch staff and must ensure that Basic DBS checks are conducted on any individuals added to their register. Should an employee cease to be on the register and is then later re-entered, a new Basic DBS certificate must be requested for that individual and sight of this recorded.
- (g) Operators are required to provide a copy of their policy on employing ex-offenders in roles that would be on the register as above.

2.2 Records of bookings

- (a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the pages of which are numbered consecutively, the following details: -
- (i) the time and date of each booking;
 - (ii) by what method the booking was received, i.e., telephone or personal call;
 - (iii) journey from _____ to; (Full address including house number where appropriate)
 - (iv) the full name of the hirer;
 - (v) cost of fare quoted for journey.
 - (vi) the name of the driver who fulfilled the booking
 - (vii) that driver's licence number or individual call sign
 - (viii) the vehicle registration number which fulfilled the booking
 - (ix) the name of the individual that dispatched the vehicle or accepted the booking

If the above data is to be retained electronically, the operator must make appropriate provision to

ensure it is backed up to maintain data integrity and retention period.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises).

- (b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.
- (c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

3. **Information as to Charges**

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking, information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such information is passed to the driver.

4. **Statement of Fares**

If byelaws are adopted, operators who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (e.g., cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

5. **Term of Licence**

A Private Hire Vehicle Operator's Licence is usually granted for a five-year duration but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

6. **Ofcom licence**

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

7. **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- (a) Ensure that when a private hire vehicle has been hired to attend an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that if it is intended that a diesel "Fortwo" Smart Car is to be dispatched to fulfil a booking, it is highlighted with the customer and if requested, an alternative licensed vehicle is supplied.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.
- (g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

8. **Disorder**

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

9. **Change of Address**

- (a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.
- (b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

10. **Convictions/Cautions**

- (a) The operator shall within 48 hours disclose to the Council in writing details of any conviction/cautions imposed on him or arrests and release, charge or conviction of any sexual offence, or offence involving dishonesty or violence, (or if the operator is a company or partnership, on any of the directors or partners or other persons with significant control) during the period of the licence.
- (b) The operator must notify the council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- (c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must cease to operate and return their operator's licence to the council within 7 days.
- (d) Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure on an annual basis
- (e) Where the operator is a company, the annual DBS requirement extends to all named Directors, Partners, Company Secretaries, and all persons with significant control. Operators must notify the licensing authority in writing of any changes in directors, partners, or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.

11. **Facilities for Passengers**

- (a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.

- (b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath, or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.
- (c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair to the satisfaction of the Council.

12. **Complaints and requirement to display required information - Part 1 notice**

- (a) Operators must have a formal written complaints procedure and policy in place which must be made freely available to all customers. The procedure must, as a minimum include and document the following matters:
 - (i) The way in which customers can complain, including the operator's business name and telephone number.
 - (ii) When the complaint was made (date and time)
 - (iii) Who made the complaint
 - (iv) The nature of the complaint
 - (v) When the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt).
 - (vi) The resolution offered by the operator, and
 - (vii) That the complainant may further their complaint to the licensing department if they remain unsatisfied with the operator's resolution.
- (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.
- (c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted to another licensed operator.
- (d) All vehicles utilised by the operator (except were subcontracted to another licensed operator) must clearly display a Part 1 notice, which must contain the following information in a conspicuous unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle:
 - (i) The name of the proprietor
 - (ii) The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - (iii) The vehicle registration number, and
 - (iv) The vehicle licence plate number
- (e) Operators must monitor complaints to see if there are any trends, or if they relate to drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue.
- (f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

13. **Taximeters (If byelaws are adopted)**

- (a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.
- (b) The operator must ensure that all vehicles operated by his base station fitted with meters have been sealed by a person authorised by the Council.

14. **Acceptance of Bookings**

- (a) The operator must advise all drivers **OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT**, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise: -
- (i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
 - (ii) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
 - (iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.
- (b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the County Council to drive a licensed private hire vehicle.

15. **Satellite Offices**

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

- (a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.
- (b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off-street parking to accommodate all vehicles.
- (c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger
- (d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.
- (e) Booking records must be kept in accordance with section 2 of this document.
- (f) Private Hire Marshals must be clearly identifiable to the public and fully aware of their responsibilities in accordance with the conditions as attached to the operator's licence and all associated legislation.
- (g) Private Hire Marshals or any other person representing the operator must not approach the public or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.
- (h) Where official marshals are not employed by the operator and existing members of staff of a premises are acting as an agent for the operator, then the agent representing the operator must not approach the public or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.
 - (i) Driver's must not take bookings direct from customers.
 - (j) Where a driver is temporarily undertaking the role of a marshal, the driver must be clearly identifiable as such and must not be in the vicinity of his vehicle.
 - (k) Where a driver is temporarily undertaking the role of a marshal, the driver must not take a booking and then carry out the job himself.

16. **Licence Fees**

- (a) A licence in respect of which a licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

17. **Other licence holder responsibilities**

18. All licence holders (proprietors, operators, and drivers) shall co-operate with any reasonable request made by an Authorised Officer.

RUTLAND COUNTY COUNCIL

Limousine and Speciality Vehicles Licence Conditions

Rutland County Council reserve the right to consult with DVSA (Driver and Vehicle Standards Agency (formerly VoSA)) if it believes a vehicle does not meet the standards set out in the latest version of their document for Guidance for Limousine Operators. The authority may refuse any vehicle upon application that does not meet the criteria.

It is the responsibility of each applicant to ensure that no more than 8 (Eight) passengers are ever transported in the vehicle at any one time. Seating capacity can be defined by the number of seating positions, which again can be defined by sculpting in the seat and/or seat belts. When signing the vehicle licence application, you are confirming that you will adhere to this.

On application for a limousine vehicle licence the applicant must be able to prove that the vehicle is of an approved standard to be used on the UK highway. If a vehicle is less than ten years of age it will require an IVA (Individual Vehicle Approval) certificate, a current MOT test certificate and a V5 vehicle registration certificate. Any vehicle over ten years of age will require a current MOT test certificate and a V5 vehicle registration certificate.

If any applicant is unsure how to obtain the relevant registration documentation, they should contact DVLA and/or DVSA.

Limousines should ideally be chauffeur driven vehicles and will not be permitted to be used for standard day to day private hire work.

For the licensing of prestige cars each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar, or other high-end models from manufacturers such as BMW or Mercedes Benz however this list is non-exhaustive, and approval will be at the council's discretion; Also incorporated into this section would be vintage or classic cars. Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three-wheeler.

All vehicles when presented for inspection must have all relevant documentation such as the MOT test certificate and a V5 vehicle registration certificate.

All speciality vehicles should ideally be chauffeur driven vehicles and will not be permitted to be used for standard day to day private hire work.

Rutland County Council reserve the right to consult with DVSA if it believes a vehicle does not meet the standards of roadworthiness as set out in the categorisation of vehicle defects.

It should be noted that at the time of writing there is an exemption under the Local Government (Miscellaneous Provisions) Act 1976, when vehicles are used for weddings and funerals. However, this may change once the results of the law commission consultation are known, and changes made to legislation.

1. **Licensing Requirements**

- 1.1 The general conditions imposed by Rutland County Council (hereafter referred to as the Council) for private hire vehicle operators and drivers will be applicable to the licensing of stretch limousines and Speciality Vehicles unless amended by the following provisions.
- 1.2 The general conditions imposed by the Council for private hire vehicles where applicable to the

licensing of stretch limousines and speciality vehicles are included in section 12. General Conditions for Private Hire Vehicles.

1.3 The type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days

or any other similar events considered by the Council to be special in nature. However, vehicles used solely for weddings and funerals are exempt from the requirements of private hire licensing.

2. Private Hire Operator's Licence

2.1 Persons taking bookings for private hire work using stretch limousines or speciality vehicles will be required to hold a private hire operator's licence issued by the Council.

2.2 All bookings of a limousine or speciality vehicle for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

3. Private Hire Driver's Licence

3.1 Any person driving a stretch limousine or speciality vehicle for private hire will be required to be licensed as a private hire driver by the Council.

4. Stretched Limousine - Definition

4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that can carry up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles.

4.2 In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

4.3 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

4.4 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

5. Vehicle Testing

5.1 A stretched limousine vehicle will be subject to a **twice-yearly mechanical examination at** intervals to be specified by the Council at its authorised testing station to determine its safety and suitability for

the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be issued for a period of 12 months only**, renewal subject to a satisfactory retest.

5.2 The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:

- a European Whole Vehicle Type approval, or
- a British National Type approval, or
- an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA)).

5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.

5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g., American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.

5.5 A plate on the door pillar shall confirm the total weight of the vehicle.

5.6 DVLA V5 or equivalent shall be produced to authenticate registration.

5.7 A speciality vehicle will be subject to an **annual MOT test** at any DVSA authorised MOT testing centre. This will apply to all speciality vehicles regardless of age, date of import or date of registration. **A licence for a speciality vehicle will be issued for a period of 12 months**, renewal subject to a satisfactory retest.

5.8 Limousine and speciality vehicles will receive an exemption to display an external identification plate, a paper permit will be issued which must be clearly displayed on the nearside of the front windscreen.

5.9 An exemption notice will be issued and must be always carried in the vehicle; the notice must be produced upon request by an authorised officer of the council or any police officer on request.

5.10 The driver will also be exempt from wearing a private hire badge under the exemption notice. But must have it available for immediate inspection by an authorised officer of the council or any police officer on request.

5.11 The vehicle will be exempted from displaying the vehicle licence number in the windscreen and the Part 1 Part 2 notice.

6. **Vehicle Requirements**

6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be always used. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).

6.2 Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.

6.3 The vehicle must maintain valid road vehicle excise duty.

6.4 Vehicles may either be left or right-hand drive.

6.5 Vehicles must be fitted with at least 4 doors (limousines).

6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations (limousines). In the case of speciality vehicles seat belt requirements will depend on the Road Vehicle (Construction and Use) Regulations relating to the age of the vehicle; where this allows for seatbelt exemption children must not be carried in the vehicle.

6.7 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by DVSA.

7. **Passengers**

7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.

7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.

7.3 Passengers must not be carried in the front compartment.

8. **Insurance**

8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a full policy of insurance must be presented before the vehicle is licensed. An insurance cover note will not be accepted.

9. **Alcohol**

9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.

9.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.

9.3 If there are any passengers below the age of 18, then there shall be no alcohol in the vehicle.

9.4 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

10. **Entertainment**

10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

11. **Advertisements**

11.1 No signs, notices or any other markings will be displayed on or in the vehicle without the written

permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

- 11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

12. **General Conditions for Private Hire Vehicles**

- 12.1 Listed in this section are the conditions taken from the council's general conditions for private hire vehicles which are applicable to the licensing of stretch limousines and speciality vehicles.

12.2 Maintenance of Vehicle

- a) The vehicle shall be of such a design to enable any person in the carriage to communicate with the driver;
- b) The vehicle will be provided with a proper carpet, mat, or other suitable covering on the floor;
- c) The vehicle will be kept in a clean, safe condition and well maintained and in every way fit for public service; and
- d) The vehicle will be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage.

12.3 Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

12.4 Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

12.5 Vehicle Documentation

The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.

- a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
- b) the Private Hire vehicle Licence issued by the County Council;
- c) a current Ministry of Transport Test Certificate or CoC (where applicable);
- d) the vehicle registration documents; and
- e) the driving licence (issued by DVLA)

12.6 Alteration of Vehicle

No material alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

12.7 Employees

If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

13. **Right of Appeal**

- 13.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the council to grant a private hire vehicle licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.
- 13.2 Please note that failure to comply with any of the conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

DRAFT

Rutland County Council - Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing

Introduction

Rutland County Council as the Taxi Licensing Authority, has the responsibility to ensure all drivers of hackney carriages and private hire vehicles that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences, and are not disqualified by reason of their immigration status. The taxi Licensing Authority will take such measures as appropriate to protect members of the public, other road users and the drivers themselves.

There is no definition or test that determines whether a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty, and previous character. Previous convictions and cautions are considered as well as other information.

Convictions and cautions do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.

The assessment is ongoing, and drivers have a duty to disclose within 48 hours, any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

These guidelines will be referred to by officers exercising their powers of delegation, under the Council's Scheme of Delegations in determining whether a person is 'fit and proper' to hold a driver's licence.

1. General

1.1 Scope

These guidelines apply to the grant, revocation, suspension, or renewal of Operator's Licences ("Operator's Licences"), Licences to drive hackney carriages and/or private hire vehicles ("Driver's Licences") and hackney carriage and/or private hire proprietors' licences (vehicle licenses) issued by Rutland County Council ("the Council").

1.2 Purpose

The purpose of these guidelines is to facilitate the Council's duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Driver's, Operator's, and Proprietors Licences in accordance with the legislative considerations set out below.

2. Legislative Background

2.1 Licensing Legislation

The Council licences drivers, operators and proprietors under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ("the Relevant Legislation").

2.2 Grant and Renewal of Licences

Sections 51, 55 and 59 of the Relevant Legislation prescribe that the Council shall not grant a Driver's or Operator's Licence unless satisfied that the applicant is fit and proper for that purpose.

Whilst the relevant legislation is not specific as to what will constitute a fit and proper person for the purpose of determining whether to issue a Licence, it is commonly accepted that any history of offending will be a relevant consideration. The overriding aim of the licensing authority is to protect the public.

2.3 Immigration Act 2016

The immigration Act also places a duty on the licensing authority to verify an applicant's right to work in the UK prior to issuing a licence. The council is prohibited from issuing a licence, (drivers and operator's licence) to anyone who is disqualified by reason of their immigration status. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and hackney carriage driver licences may be suspended or revoked by this authority. Where licences expire, or are revoked or suspended on immigration grounds, the licence must be returned within seven days. Failure to return the licence within seven days is a criminal offence.

2.4 Suspension or Revocation of Licence

Section 61 of the Relevant Legislation prescribes that the Council may suspend, revoke, or refuse to renew a Driver's Licence in the following circumstances:

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency, or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (d) any other reasonable cause

If the decision to revoke, suspend or refuse a licence is wholly or partly based on safeguarding of passengers or road safety concerns, details will be entered on the NR3S register.

Similarly, Section 62 of the Relevant Legislation prescribes that the Council may suspend, revoke, or refuse to renew an Operator's Licence in the following circumstances:

- (a) there has been an offence under or non-compliance with the Relevant Legislation;
- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (e) any other reasonable cause.

2.5 The Council will also have due regard to:

- (a) s.17 of the Crime and Disorder Act 1998 which states 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the

need to do all that it reasonably can to prevent crime and disorder in its area.

- (b) The Department for Transport's Statutory Taxi & Private Hire Vehicle Standards Guidance which recognises the need for criminal record checks as an important safety measure and details that a licence should not be granted in relation to: Crimes resulting in Death, Exploitation, Sexual Offences, including applicants on the Sex Offenders Register or on any barred list.

3. Disclosure of Convictions/Cautions

- 3.1 All persons ("Applicants") seeking to obtain an Operator's, Driver's or Proprietors Licence will be required to disclose the existence and detail of all relevant convictions and/or cautions they may have.
- 3.2 For the purpose of meeting their disclosure obligations, applicants for a driver's licence will be required to obtain an Enhanced Disclosure with barred list check from the Disclosure and Barring Service ("DBS") and maintain continuous registration with the DBS update service, and provide authorisation in order to enable the licensing authority to routinely check for new information in accordance with statutory guidance, and where there is reasonable cause for doing so.
- 3.3 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 3.4 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender's Act 1974 and the Rehabilitation of Offender's Act 1974 (Exceptions) Order 2002 ("the Order"). In particular, the following is of note:

4. Drivers

- 4.1 Hackney and private hire drivers working with children and/or vulnerable adults are included within the scope of the Order. This means that all convictions, irrespective of age or sentence imposed can be considered if relevant to the application and will not become spent for this purpose.
- 4.2 In view of the application of the Order, the Council will request an Enhanced Disclosure with barred list check from the Disclosure and Barring Service (DBS) the response to which will contain information of any current or spent convictions, cautions, reprimands, or warnings as well as for example other relevant information held by the Police. More information about the DBS and the checks that they perform is available on their website.
- 4.3 All driver applications (new and renewal) will be checked against the NR3S register

5. Operators and proprietors

- 5.1 Private Hire Operators and vehicle proprietors do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal information about passengers and afforded access to them if they walked into the Operator's office to hire a private hire vehicle.
- 5.2 In view of the above and requirement of the Relevant Legislation, that Operators and Proprietors are fit and proper persons, the Council will require operators and proprietors (who are not also licensed drivers) to submit a basic DBS disclosure with their application and on an annual basis.
- 5.3 Where the application for an operator's licence is in the name of a company, the DBS requirement (including annual DBS) extends to all named Directors, Partners, Company Secretaries, and all persons with significant control. Operators are required to notify the licensing authority in writing of any changes in directors, partners, or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.
- 5.4 Information obtained from the DBS will be shared only with those authorised to receive it in the course of their duties.

6. **Assessment of Applications**

- 6.1 The Council will not preclude applications from persons who have previous criminal convictions /cautions subject to the application of these guidelines. Having a criminal record will not necessarily be a bar from obtaining a Licence. **Each case will be decided on its own merits.**
- 6.2 The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant's history may be such that they can never be deemed a fit and proper person. The Council retains absolute discretion as to whether a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained, and observations made during the relevant application process.
- 6.3 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to consider as appropriate.
- 6.4 Careful consideration of the evidence provided should be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the balance of probabilities that they could pose a danger to the public. Consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.
- 6.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.
- 6.6 The Council is also entitled to use other records and available information when determining applications. This may include information held by the council or other Licensing Authorities, use of NR3S, information disclosed by the Police under the Common Law Police Disclosure (CLPD) scheme for reporting offences where there is a pressing social need, or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will normally be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will normally have their licence revoked.

7. **Impact of Cautions/Convictions**

- 7.1 Each application will be carefully assessed and in each case the information provided will be considered in relation to the circumstances and shall consider one or more of the following (non-exhaustive) factors:
- 7.2 **Level of Responsibility.** The Council will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.
- 7.3 **Date of Offence(s).** The Council recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period will be considered more serious than an isolated minor conviction.
- 7.4 **Attitude of the Applicant.** The Council will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.
- 7.5 **Mitigating Circumstances.** The Council may ask applicants about offence(s)/convictions so that the context can be considered. Consideration will also be given to any references provided.
- 7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

8. Rehabilitation

- 8.1 These guidelines prescribe the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.
- 8.2 Representatives of the Council tasked with deciding whether to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent, or habitual offending history). Simply remaining free of conviction may not be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

9. Right of Appeal

- 9.1 Applicants have a right to appeal against decisions made in pursuance of these guidelines in the following circumstances:

9.2 Licences

A right of appeal arises against the following decisions:

- Refusal to grant or renew an Operator's or Driver's Licence;
- Suspension or revocation of an Operator's or Driver's Licence; and
- The imposition of conditions which may have been placed on the grant of an Operator's or Driver's Licence.

Any such appeal must be made in writing to the Magistrates Court within 21 days of the date of the decision letter having been served.

The appeal will be processed and determined by the Magistrates Court.

- 9.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes this statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver (Road Safety Act 2006, s 52, 2A & 2B).
- 9.4 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the operator.

10. Updating and Repeat Checks

- 10.1 Successful applicants are required to notify the Council within 48 hours of any convictions or cautions, arrests and release, charge or conviction of any sexual offence, or offence involving dishonesty or violence, or any other relevant matter criminal or civil, which may question their fit and proper status, they may receive after the grant of their Licence/Approval.
- 10.2 In order to assist the determination of an applicant's 'fit and proper' status, all applicants are required to provide a valid DBS check. The level of DBS required is determined by the type of application. Operators and Proprietors (who are not also licensed drivers) will be required to provide an annual basic disclosure. All licensed drivers must provide an Enhanced DBS and barred lists check, maintain continuous registration with the DBS update service and authorise the licensing authority to routinely check for new information.
- 10.3 If a licence holder's conduct is such that, were they to be applying for a new licence their application

would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

11. Breaches of these guidelines

- 11.1 Applicants are prohibited from driving a private hire or hackney carriage vehicle, or performing the duties of an operator without first having obtained a relevant Licence for this purpose.
- 11.2 Persons who have previously been granted a Driver's or Operator's Licence which has been suspended or revoked are prohibited from continuing to drive or perform the duties of an operator unless they have submitted an appeal in accordance with paragraph 9 of this Policy.

12. Guidelines

The following paragraphs offer a general guide on the decision, which might be taken where cautions or convictions are disclosed.

Offences Involving Violence

Offences against Children under 14 years and Young Persons 14 to 17 years

- 12.1 Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.
- 12.2 Where the commission of an offence involved loss of life a licence will normally be refused. In other cases, anyone of a violent disposition will normally be refused to be licensed until they have at least been 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However, given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

Offences against Other Persons

- 12.3 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases, minimum periods of time from completion of any sentence imposed will be applicable before an application is likely to be considered favourably. Each case is assessed on its own merits and consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.
- 12.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide whilst driving
 - Terrorism offences
 - Exploitation
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 12.5 A licence will not normally be granted where the applicant has a conviction for an offence such as:
- Malicious wounding or grievous bodily harm which is racially aggravated
 - Arson

- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 10 years prior to the date of application.

12.6 An application will normally be refused where the applicant has a conviction for an offence such as:

- Racially aggravated criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction or completion of any sentence imposed is less than 7 years prior to the date of application.

12.7 An application will normally be refused where the applicant has a conviction for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Fear of provocation of violence (S4 Public Order Act 1986)
- Intentional harassment, alarm, or distress (S4A Public Order Act 1986)

and the conviction or completion of any sentence imposed is less than 10 years prior to the date of application.

12.8 An application will normally be refused where the applicant has a conviction for an offence such as:

- Obstruction
- Criminal damage
- Harassment, alarm, or distress (S5 Public Order Act 1986)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction or completion of any sentence imposed is less than 3 to 5 years prior to the date of application

13. **Weapon Offences**

13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be conviction free and completed any sentence imposed at least 7 years prior to the date of application.

14. **Sex and Indecency Offences**

14.1 Any applicant currently on the Sex Offenders Register will not be granted a licence.

Offences against Children under 14 years and Young Persons 14 to 17 years

14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

Offences against Other Persons

14.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers; an application will normally be refused where an applicant has a conviction for an offence of:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.4 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Sexual or indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.5 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Indecent exposure
- Soliciting (including kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.6 A licence will not normally be granted if an applicant has a conviction for any sex or indecency offence.

15. Dishonesty Offences

15.1 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period. In addition, overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general, a minimum period of 7 years from conviction or completion of any sentence imposed should be required before an application can be considered favourably. Offences of dishonesty include, but are not limited to:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud

- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences / offences involving dishonesty (including attempted or conspiracy to commit) offences which replace the above.

16. Drug Offences

- 16.1 A serious view will be taken regarding any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not normally be granted where the applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, until at least 10 years have elapsed since the conviction or completion of any sentence imposed.
- 16.2 An application will normally be refused where an applicant has any conviction for possession of drugs, or related to the possession of drugs, until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense, to demonstrate that they are not using controlled drugs.
- 16.3 If there is evidence of persistent drugs use, misuse or dependency, a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict, then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

17. Driving Offences

- 17.1 A serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where an applicant has a conviction for an offence such as:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by driving unlicensed, disqualified, or uninsured drivers or
 - Or any similar offences
- 17.2 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions may reflect the fact that the licensee does not take their professional responsibilities seriously and is therefore not a 'fit and proper' person to be granted or retain a licence.
- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or sanction imposed.
 - **Minor offences** (see Annex B for examples of minor offences). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence or sanction imposed

18. Drunk driving / driving under the influence of drugs / using a mobile phone whilst driving

- 18.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years have

elapsed since the completion of any sentence or driving ban imposed.

- 18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 7 years.
- 18.3 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, several related convictions could indicate a problem necessitating a medical, as laid down in 18.2.
- 18.4 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- Are much less aware of what is happening on the road around them
 - Fail to see road signs
 - Fail to maintain proper lane position and steady speed
 - Are more likely to 'tailgate' the vehicle in front
 - React more slowly, take longer to brake and longer to stop
 - Are more likely to enter unsafe gaps in traffic
 - Feel more stressed and frustrated.
- 18.5 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. Considering this, serious view will be taken of convictions for driving whilst using a mobile phone. Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not normally be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
- 18.6 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

19. **Discrimination Offences**

- 19.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

20. **Licensing Offences**

- 20.1 Licensing legislation is designed to ensure the public are protected and as such a serious view will be taken of convictions for offences under the Acts, such as plying for hire, overcharging, and refusing to carry disabled persons, when deciding whether an applicant is fit & proper. In general, a period of 3 to 5 years free of conviction must have elapsed before an application should be considered.
- 20.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
- 20.3 If an applicant has had a licence suspended, revoked, or refused by another authority as identified on the NR3S register, then checks will be made with that authority to aid the decision-making process.

21 **Insurance offences**

- 21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided 7 years have elapsed since the completion of any sanction or sentence imposed.
- 21.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance

related offence.

- 21.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operator's' licence revoked immediately and be prevented from holding a licence for at least 3 years.

22. Outstanding Charges and Summonses

- 22.1 If an applicant is the subject of any outstanding charge, summons, or is currently on bail awaiting a charging decision, no decision will be made, or licence granted until these outstanding matters are resolved.

Annex A

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users
CD40 Causing death through careless driving when unfit through drink
CD50 Causing death by careless driving when unfit through drugs
CD60 Causing death by careless driving with alcohol level above the limit
CD70 Causing death by careless driving then failing to supply a specimen for analysis
CD71 Causing death by careless driving then failing to supply a specimen for drug analysis
CD80 Causing death by careless, or inconsiderate driving
CD90 Causing death by driving: unlicensed, disqualified, or uninsured drivers
- DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle
DD80 Causing death by dangerous driving
DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit
DR20 Driving or attempting to drive while unfit through drink
DR30 Driving or attempting to drive then failing to supply a specimen for analysis
DR40 In charge of a vehicle while alcohol level above limit
DR50 In charge of a vehicle while unfit through drink
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70 Failing to provide specimen for breath test
DR80 Driving or attempting to drive when unfit through drugs
DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
LC30 Driving after making a false declaration about fitness when applying for a licence
LC40 Driving a vehicle having failed to notify a disability
LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
MS60 Offences not covered by other codes

MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play Street offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc

- MW10 Contravention of Special Road Regulations (excluding speed limits)

- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign
- TT99 To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- C80 Using a mobile phone while driving a vehicle

- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

Aiding, Abetting, counselling, or procuring

Offences as coded above, but with 0 change to 2 (for example CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 change to 4 (for example CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (for example CU10 becomes CU16)

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences, but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Testing criteria for vehicles which have reached the standard age limit

Modern technological advances have improved the build quality and durability of all vehicles so that they are now designed with a longer lifespan. However, this is dependent on regular preventative maintenance and servicing being carried out effectively and in accordance with the manufacturer's specifications. Failure to carry out such checks and tests can lead to costly repairs and even failure of critical safety features.

Licensed vehicles are subject to increased mileage and wear and tear than general vehicles. To ensure that the licensing of older vehicles does not have a negative impact on public safety or the environment, the council has an essential testing criteria. The criteria are items which the council considers to be critical areas of a vehicle test, which, if failed on a mechanical inspection are considered a major failure. Failure of these essential items can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective.

Vehicles which remain licensed beyond a standard age are subject to this essential testing criteria. The age of the vehicle is determined from the date when first registered as indicated on the vehicle's V5 registration logbook.

Where a licensed vehicle fails a mechanical inspection on one or more of the items contained in the table below, it will be immediately suspended and must not be used. The vehicle may be repaired and re-presented to the appointed testing station within 30 days for retesting. If the vehicle passes the mechanical test within 30 days, the suspension will be lifted, and the vehicle may be re-licensed. If a vehicle does not pass the mechanical test within 30 days, for whatever reason, it will be de-licensed.

Licensed vehicles should be presented to the appointed testing centre in a good serviceable condition, and subject to routine planned preventative maintenance and servicing to ensure the safety of passengers, the driver, and the public.

Age and type of vehicle subject to critical test criteria:

Hackney Carriage	Private Hire Vehicle
10 years old	8 years old

Critical Items

Steering and Suspension	Steering mechanism / system
	Transmission shafts
	Front suspension
	Rear suspension
Brakes	Condition of service brake system
	Condition of parking brake system
Tyres and Wheels	Tyre type and condition
	Road wheels
General	Exhaust emissions
	Vehicle structure
	Appearance – interior
	Appearance – exterior
Road Test	Where an issue is highlighted by the appointed testing centre, this will be determined on an individual basis depending on diagnosis

Rutland County Council - Private Hire Vehicle Plate Exemption

1. Objectives

- 1.1 The aim of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive vehicles” to operate without displaying external identification plates (private hire vehicle licence plate).

2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases, the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate), and drivers of those vehicles wear a driver's badge. The same legislation also allows Rutland County Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.
- 2.4 It is not intended that a significant number of private hire vehicles licensed by Rutland County Council should be exempt from the council's requirement to display an external vehicle identification plate, however the council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating its policy Rutland County Council does not seek to provide a definite list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.
- 2.6 This section provides guidance to potential applicants on the standards of vehicle, comfort, and equipment that the council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

3. Policy

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 3.3 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
- Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
 - Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes- Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce, and Bentley saloons. (The highest specification executive

- type cars from other manufacturers may also be considered).
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
 - d) The type of work is “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by Rutland County Council.
 - 3.5 Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate, they will be required to complete the appropriate application form. The application must be accompanied by supporting documentation and a non-refundable fee.
 - 3.6 The council may require applicants to provide additional documentation as reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application will be refused.
 - 3.7 Rutland County Council is entitled to recover its costs in relation to the application for and issuing of an exemption notice and may charge such fees as it believes are appropriate to recover all or part of those costs.
 - 3.8 The fee to accompany an application for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non-refundable.
 - 3.9 Where an application is granted, an exemption notice will be issued as soon as practical after the decision is made.
 - 3.10 Where a vehicle is exempted from the requirement to display an external identification plate the licensed driver of the vehicle will also be exempted from wearing a driver's badge.
 - 3.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period as that vehicle private hire licence unless either the licence or notice is otherwise surrendered or revoked.
 - 3.12 Exemption notices may be renewed annually subject to the vehicle undergoing an inspection by a licensing officer to ensure that it continues to be fit for purpose for an exemption. The annual renewal fee for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non-refundable.
 - 3.13 The fee for a replacement plate or exemption notice is listed in the council's Taxi Fees and Charges schedule.
 - 3.14 The authority to determine any application for an exemption notice is by delegation to the Licensing Manager.
 - 3.15 Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing committee.
 - 3.16 All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the council's standard private hire conditions.
 - 3.17 Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

Rutland County Council - Private Hire Vehicle Plate Exemption Conditions

The conditions listed below apply to all private hire vehicles granted an exemption from Rutland County Council from the requirement to display an external identification plate (private hire vehicle licence plate). The following conditions in addition to the standard conditions required for private hire vehicles.

- a) The vehicle licence plate and exemption notice issued by the council in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the council.
- b) Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the vehicle licence plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering the plate or notice unserviceable the operator shall make immediate application for a replacement which a fee is payable.
- d) The exemption notice issued by the council must be always carried in the vehicle and must be produced upon request to an authorised officer of the council or any police officer on request.
- e) When issued an exemption notice, the vehicle will not be required to display door signs which the council require private hire vehicles to display.
- f) When issued an exemption notice a taximeter must not be installed in the vehicle.
- g) The operator will not display in, on or from the vehicle any advertisement, signage, logos, or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- h) The operator will not display in, on or from the vehicle any advertisement, signage, logos, or insignia advertising third party companies, products, or services.
- i) During the period of the exemption notice the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- j) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- k) The operator will notify the council immediately of any change of use of the vehicle.
- l) The vehicle must not be used for private hire purposes other than for executive use (i.e., not for "normal" airport journeys or daily private hire use).
- m) The driver and passenger front side window glass and front windscreen must clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle provided they are factory fitted, comply with current legislation, and comply with any current private hire vehicle conditions.
- n) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the private hire vehicle licence plate unless being sold to another private hire operator licensed by the council; in which case the only the exemption notice must be returned.
- o) Exempted vehicles will not be required to display a Part 1 or Part 2 notice, or the licensed plate number in the windscreen

Example of a Part 1 Notice

Example of a Part 2 notice



Drivers licence number
PHD / HCD 01234

Complaints can be made to
Rutland County Council
rclicensing@peterborough.gov.uk
or by calling 01572 758366

The proprietor of this
vehicle is:

XYZ vehicles

Should you wish to
comment positively or
negatively on any aspect of
your journey today, please
call 01234 567890

Vehicle registration

AB01CDE

Licence plate number

PH/HC 0123

Policy on the use of the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)

1 Background

- 1.1 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and private hire driver licenses are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person, the licensing authority is entitled to suspend, revoke, or refuse to renew a licence.
- 1.2 Information which may question the 'fit and proper' status of an applicant or licensed driver, may come from many sources, one of which is other licensing authorities.
- 1.3 All applicants for either a new or renewal driver licence, are required to declare if they have previously applied for a hackney carriage or private hire driver licence with this or any other licensing authority and declare if any previous application was granted or refused, or licence revoked or suspended.
- 1.4 However, without a dedicated register, there was often no way to verify the information provided, which could have public safety implications and be relevant to an individual's 'fit and proper' status.

2 Introduction

- 2.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 introduced the requirement for a dedicated register and the Secretary of State has nominated NAFN (National Anti-Fraud Network Data and Intelligence Services) NR3S register for this purpose.
- 2.2 The objective of the NR3S register is to ensure that licensing authorities can make properly informed decisions on whether an applicant is 'fit and proper'
- 2.3 The 2022 Act requires licensing authorities in England to search the NR3S register for any entry relating to the applicant, before determining whether to grant or renew a drivers' licence.
- 2.4 An entry on the register, does not mean that an application will automatically be refused. Each application will be determined on its own merits.
- 2.5 Licensing Authorities in England are also required to record information of refusals, revocations, or suspensions on the NR3S register, if the reason for that decision was based wholly or in part on safeguarding of passengers or road safety concerns.
- 2.6 Every entry on the NR3S register will be retained for 11 years from the day on which it is first made. The NR3S register will automatically remove entries once the retention period has elapsed.
- 2.7 Access to the NR3S register is strictly controlled. It can only be accessed by a licensing authority, relevant authority and the Department for Infrastructure in Northern Ireland. Members of the public cannot access the register.
- 2.8 In this policy, the 'recording authority' refers to a licensing authority which made a specific entry onto the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S) the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

3 Checking the NR3S register as part of the application and renewal process

- 3.1 When an application is made to Rutland County Council for the grant of a new, or renewal of, a hackney carriage or private hire driver's licence, the Council will search the NR3S register, and a record will be kept.

- 3.2 The NR3S register maintains a record of all searches made, including:
- Details of the authority conducting the search
 - the date of the search;
 - the name or names searched;
 - the reason for the search (new application or renewal);
 - the results of the search
- 3.3 If the Council discovers any match (i.e., there is an entry in the register for the same name and or identifying details) a request will be made to the authority that entered those details (the recording authority) for further information about that entry. That request will also provide details of Rutland County Council's data protection policy.
- 3.4 The request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the recording authority) which will be detailed in the register.
- 3.5 The recording authority must provide the information within 20 working days from when it received the request. A record of the information received will be kept.
- 3.6 The information provided by the recording authority will only be processed, used and saved in connection with the particular application and in accordance with all relevant data and privacy requirements and will be retained in accordance with this council's retention policy.
- 3.7 The information provided will be considered prior to determining the application. Each application will be determined on its own merits. However, where an applicant fails to fully disclose information as requested, which is subsequently identified through NR3S, this will, in all instances, raise questions about an applicant's integrity and status as a 'fit and proper' person.

4. Adding information to the NR3S register

- 4.1 Details of refusals, revocations and suspensions will only be added to the NR3S register where the decision made is based wholly or in part on relevant information relating to safeguarding of passengers or road safety concerns. Section 1 of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, defines relevant information, see link below.
<https://www.legislation.gov.uk/ukpga/2022/14>
- 4.2 Rutland County Council have a statutory obligation to use the NR3S register. This means that when an application for a hackney carriage or private hire drivers' licence is refused, or when an existing hackney carriage or private hire driver's licence is revoked or suspended, and the decision is wholly or in part, based on the safeguarding of passengers or road safety concerns, that information will be entered onto the register within 5 working days of notifying the applicant of the decision.
- 4.3 The decision letter informing the applicant or licence holder of a refusal, revocation or suspension will also inform them if their details will be added to the NR3S register in accordance with Section 2 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- 4.4 The information recorded on the register will be limited to an individual's:
- Full name
 - Date of birth
 - Address
 - National insurance number
 - Driving licence number
 - Decision taken (but not the reason for it)
- 4.5 The following information will also be recorded on the NR3S register:
- Details of the licensing authority
 - Details of how further information about the decision can be obtained
 - The date on which the decision was made and (if different) the date on which it takes effect

- If the decision is to suspend the driver's licence for a period, the date on which the suspension is to end
- And any other information which the Secretary of State may prescribe in regulations

4.6 Licensing authorities also have an obligation to keep entries on the register up to date, so as to reflect any subsequent change made to the decision, e.g. on appeal.

4.7 Recording this information on the NR3S register does not mean that applicants will be automatically prevented from securing a licence in the future but is intended simply to ensure that licensing authorities are able to access an applicant's full licensing history, should further licence applications be made elsewhere.

5. Adding historic refusals, revocations and suspensions details on the NR3S register

5.1 To ensure the integrity of the NR3S register, historic decisions of refusals, revocations and suspensions relating to the safeguarding of passengers or road safety concerns may be added to the register.

5.2 Before any historic data is added, Rutland County Council will inform the person concerned, that their data will be added. The person concerned, will have 28 days to respond.

5.3 The Council will consider any responses, and data will only be added to the register, where it feels that it is fair and appropriate to do so.

5.4 Historic data will not be added if 11 years have elapsed since the date of the decision.

6. Responding to a request made for further information regarding an entry on NR3S

6.1 When the Council receives a request for further information from another authority (the second authority) a record will be kept of the request having been received.

6.2 The Council will then determine how to respond to the request. The Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that the second authority has adopted a policy similar to this Council.

6.3 If the Council is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

6.4 Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a licensed driver. Data is held on the NR3S register for a period of 11 years, but Rutland County Council (the recording authority) may not disclose information relating to every entry. Each application will be considered on its own merits.

6.5 The officer will record what action was taken and why. Rutland County Council will make and then retain a clear written record of every decision that is made because of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority

7. Data Protection and GDPR

- 7.1 Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1, to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.
- 7.2 The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority. The purpose is to assess whether an individual is a fit and proper person to hold a taxi or private hire licence. All data processing and sharing will comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). It is not intended that any NR3S data will be transferred out of the United Kingdom.
- 7.3 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision, or receipt of information of or under NR3S are a requirement of the authority's statutory licensing functions, to ensure that all drivers are fit and proper to hold the applicable licence.
- 7.4 NAFN and each Authority are Joint Controllers by reason of the relationship between them as regards the Database, and also by reason of the obligations imposed on them by the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, read in conjunction with section 6(2) of the Data Protection Act 2018 ("DPA 2018").
- 7.5 In relation to Shared Personal Data, NAFN and the Authority that recorded the Shared Personal Data in question in the Database are Joint Controllers.
- 7.6 Each party shall ensure that it processes the Shared Personal Data and the Accessed Personal Data on the basis of the following grounds:
- (a) The processing is necessary for compliance with a legal obligation to which the Controller is subject (UK GDPR Article 6(1)(c)); and/or
 - (b) the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (UK GDPR Article 6 (1)(e))
- 7.7 The register is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) These apply in relation to the personal data that is held on the register. UK GDPR and DPA 2018 impose obligations on
- NAFN
 - Authorities that provide information to the register and consult it and
 - Tameside (the authority which run and maintain the register, the 'processor')
- 7.8 The data will be held securely in accordance with Rutland County Council's general policy on the secure retention of personal data. Which is available at:
<https://www.rutland.gov.uk/sites/default/files/2022-11/Data%20Protection%20Policy.pdf>
- 7.9 At the end of the retention period, the data will be erased and/or destroyed in accordance with Rutland County Council's policy on the erasure and destruction of personal data.
<https://www.rutland.gov.uk/sites/default/files/2022-11/Document%20Retention%20and%20Record%20Disposal%20Policy.pdf>
- 7.10 Applicants and licence holders have various rights in relation to their data:
- the right to request access to their data;
 - the right to rectification or erasure of their data;
 - the right to restrict processing of their data; and
 - the right to object to the processing of their data for this purpose.

The authority will consider any such requests and respond within one month.

- 7.11 If applicants for and licence holders of, hackney carriage or private hire driver licenses, wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, enquires can be made by contacting:

Data Protection Officer
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP
dataprotection@rutland.gov.uk

Information on submitting a subject access request, can be found on the link below.

<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/your-rights-how-make-subject-access-request>

- 7.12 Applicants and licence holders may also submit a subject access request to NAFN, who can be contacted as below.

NAFN Data and Intelligence
Tameside One,
Market Place,
Ashton-under-Lyne
OL6 6BH
information.governance@tameside.gov.uk

- 7.13 Individuals also have a right to make a complaint to the Information Commissioner's Office, who can be contacted as below.

The Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700
<http://www.ico.org.uk>

NR3S Information disclosure form

This form is submitted following a match when searching the National Register of Refusals, Revocations and Suspensions (NR3S).

Name of licensing authority requesting information:					
Requesting authority reference number:					
Name of licensing authority from which information is sought:					
Name of individual in respect of whom the request is made:					
Decision in respect of which the request is made	Revocation		Refusal		Suspension
Other details for this record					
Subject Address:	Subject Driving licence number:	National insurance number:	Reference number:		

Declaration by requesting authority:

The licensing authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of hackney carriage and private hire licences are 'fit and proper' persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information you provide below will only be processed, used and saved by my licensing authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the licensing authority to applicants for and existing holders of taxi and private hire licenses, and will be retained in accordance with the licensing authority's retention policy relating to the provision of such information.

To enable your licensing authority to conduct a data protection impact assessment, details of my licensing authority's policy in relation to the use of information obtained as a result of this request can be accessed at <https://www.rutland.gov.uk/council-councillors/gdpr-data-protection>

Signed		Print Name	
Position		Date	

(For completion by providing authority)

Further information to support the decision recorded on NR3S Register in respect of the above named individual:

Declaration by providing authority:

The licensing authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the licensing authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the NR3S was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a hackney carriage or private hire licence, the above named individual has been made aware of the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed		Print Name	
Position		Date	

Rutland County Council are considering the adoption of byelaws

Should the Council determine to adopt byelaws, a separate Consultation will take place prior to their adoption.

If Byelaws are adopted, they will form Appendix K of this policy

DRAFT

Example Fare Card – If byelaws are adopted

RUTLAND HACKNEY CARRIAGE FARES (INCLUSIVE OF VAT)

FOR DISTANCE AND TIME

DAY TARIFF (0600hrs – 2200hrs)

FOR THE FIRST MILE OR PART THEREOF	£	
ON COMPLETION OF THE FIRST MILE	£	
FOR EACH SUBSEQUENT MILE	£	
WAITING TIME	£	PER HOUR

NIGHT TARIFF (2200hrs – 0600hrs)

& CHRISTMAS & NEW YEAR

1800Hrs DEC 24th TO 0600Hrs DEC 27th AND 1800Hrs DEC 31st to 0600 HRS JAN 2nd

FOR THE FIRST MILE OR PART THEREOF	£	
ON COMPLETION OF THE FIRST MILE	£	
FOR EACH SUBSEQUENT MILE	£	
WAITING TIME	£	PER HOUR

ADDITIONAL CHARGES APPLICABLE AT ALL TIMES:

A FEE OF £ IS PAYABLE FOR PERSONS SOILING THIS VEHICLE

<p>COMPLAINTS THE PASSENGER SHOULD CONTACT THE LICENSING OFFICER,</p>	<p>THIS VEHICLE LICENCE NUMBER IS:-</p>
--	---

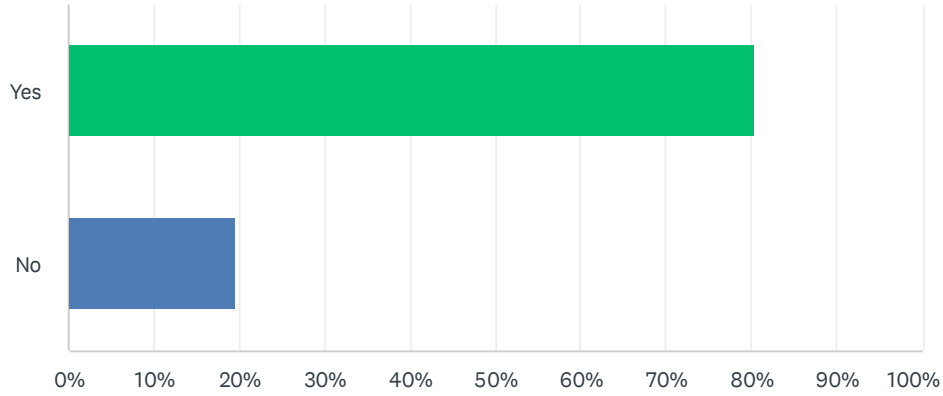
RUTLAND COUNTY COUNCIL, (TEL: 01572 758366) ON ANY MATTER CONCERNING THE FARE OR ANY OTHER ASPECT OF THE JOURNEY AFTER HAVING FIRST OBTAINED A RECEIPT FROM THE DRIVER STATING NAME AND BADGE NUMBER.

**HACKNEY
CARRIAGE**

DRAFT

Q1 Do you agree with our proposal to introduce a vehicle age limit on hackney carriage and private hire vehicles?

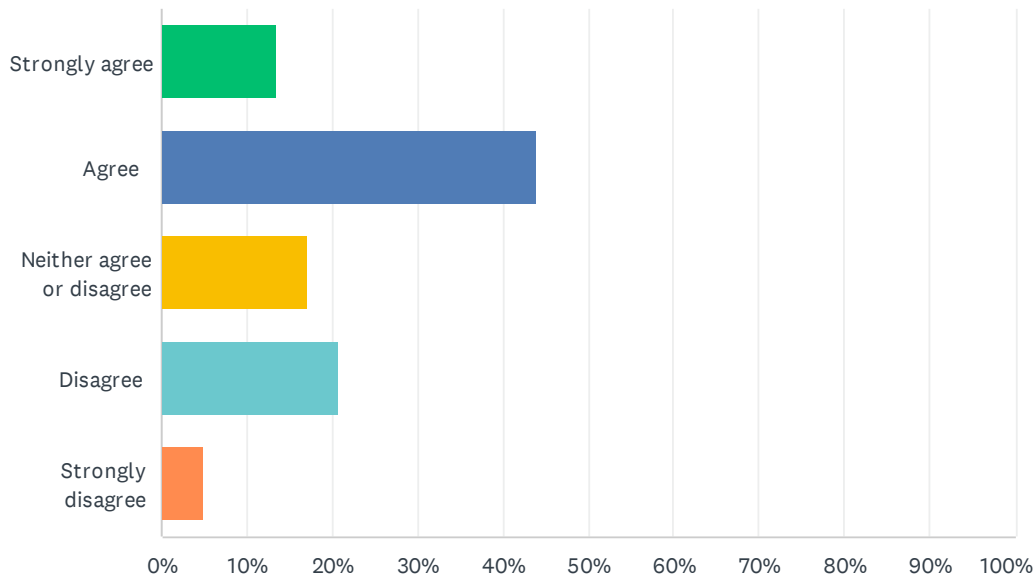
Answered: 82 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	80.49%	66
No	19.51%	16
TOTAL		82

Q2 Do you agree with the proposed vehicle age limits in Table 1?

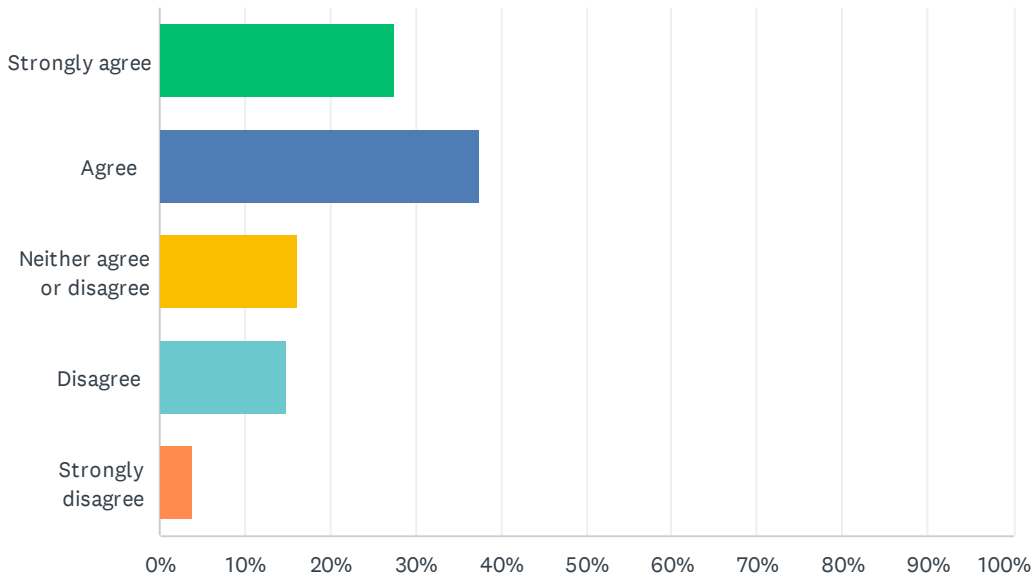
Answered: 82 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	13.41%	11
Agree	43.90%	36
Neither agree or disagree	17.07%	14
Disagree	20.73%	17
Strongly disagree	4.88%	4
TOTAL		82

Q3 While we encourage the appropriate use of CCTV in licenced vehicles, this is not imposed as a condition in our draft policy. Do you agree with the proposed policy not to impose CCTV in licenced vehicles as a condition?

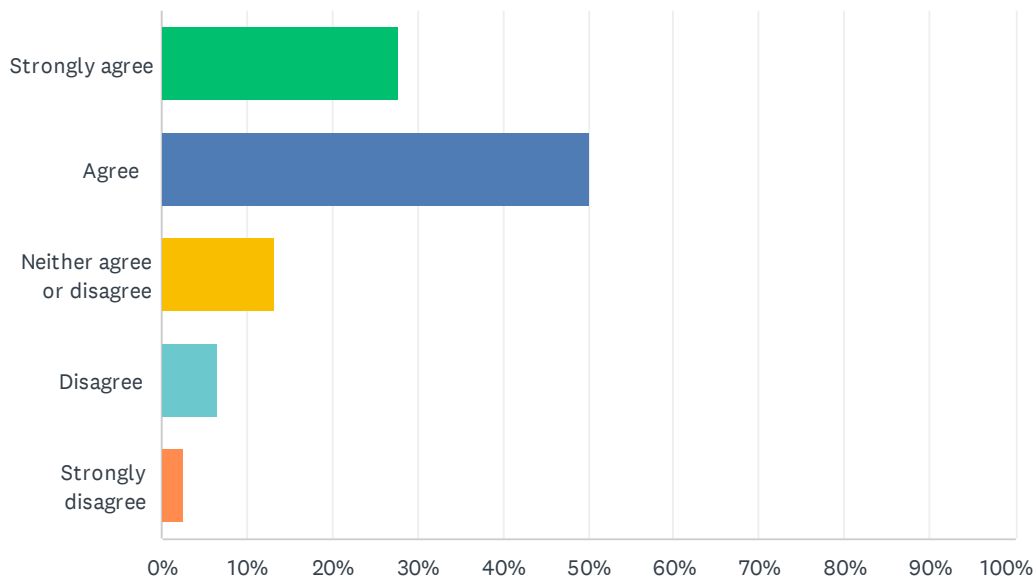
Answered: 80 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	27.50%	22
Agree	37.50%	30
Neither agree or disagree	16.25%	13
Disagree	15.00%	12
Strongly disagree	3.75%	3
TOTAL		80

Q4 Do you agree with the proposed vehicle testing requirements in our draft policy?

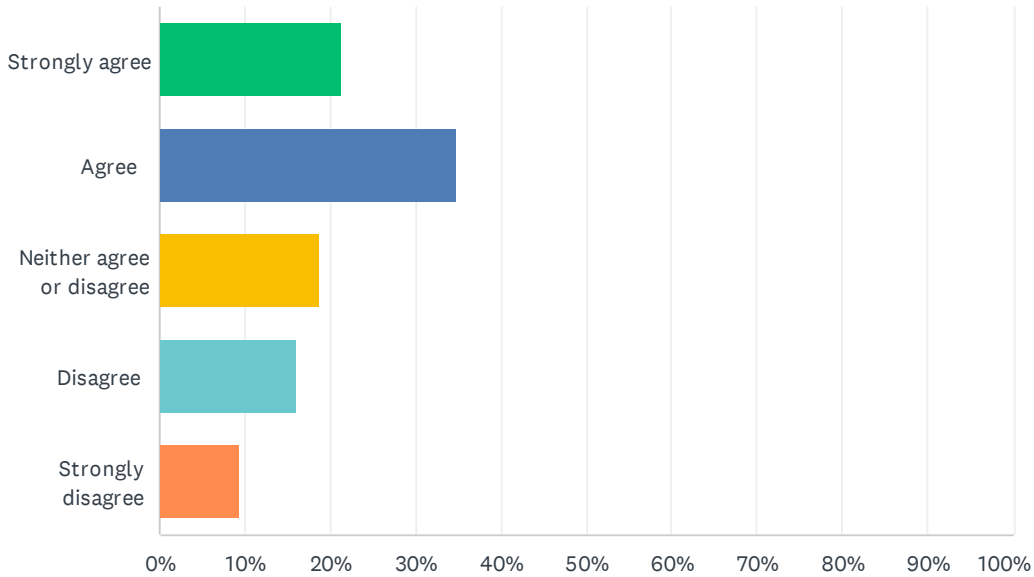
Answered: 76 Skipped: 6



ANSWER CHOICES	RESPONSES	
Strongly agree	27.63%	21
Agree	50.00%	38
Neither agree or disagree	13.16%	10
Disagree	6.58%	5
Strongly disagree	2.63%	2
TOTAL		76

Q5 Do you agree with the requirement for operators to use an appointed vehicle testing station that is determined by the Council?

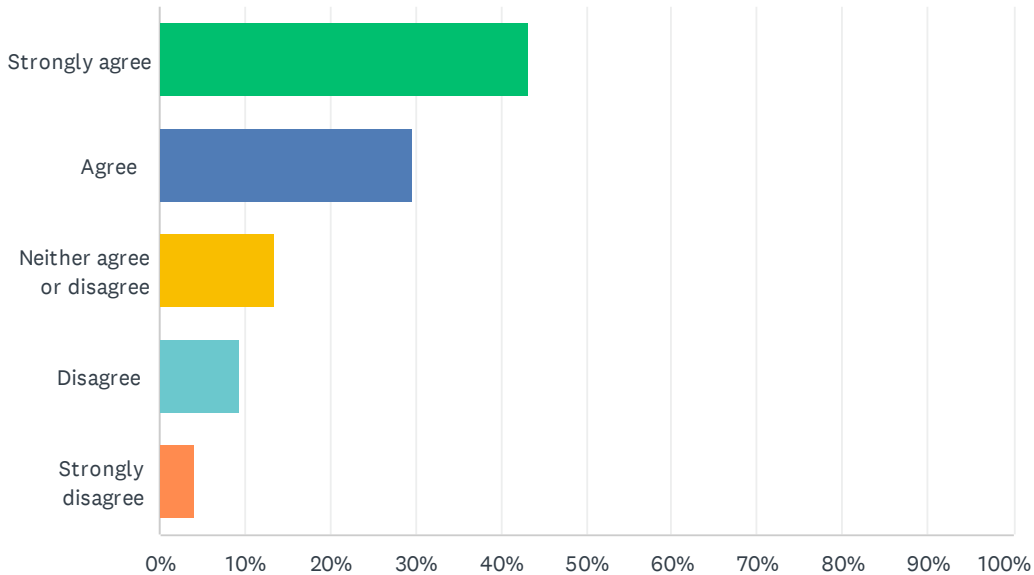
Answered: 75 Skipped: 7



ANSWER CHOICES	RESPONSES	
Strongly agree	21.33%	16
Agree	34.67%	26
Neither agree or disagree	18.67%	14
Disagree	16.00%	12
Strongly disagree	9.33%	7
TOTAL		75

Q6 Do you agree with the implementation of mandatory Safeguarding and County Lines training, as detailed our draft policy?

Answered: 74 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly agree	43.24%	32
Agree	29.73%	22
Neither agree or disagree	13.51%	10
Disagree	9.46%	7
Strongly disagree	4.05%	3
TOTAL		74

Q7 Do you have any additional comments that you wish to make in relation to the draft policy?

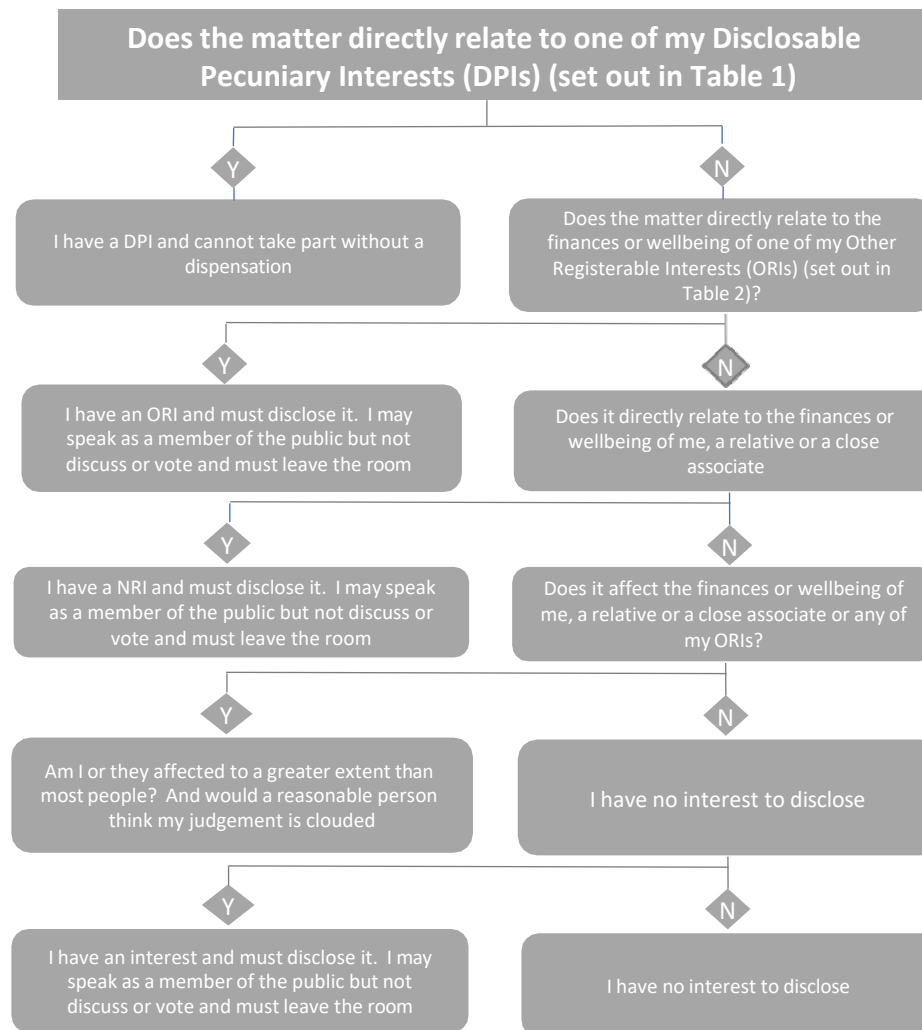
Answered: 29 Skipped: 53

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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

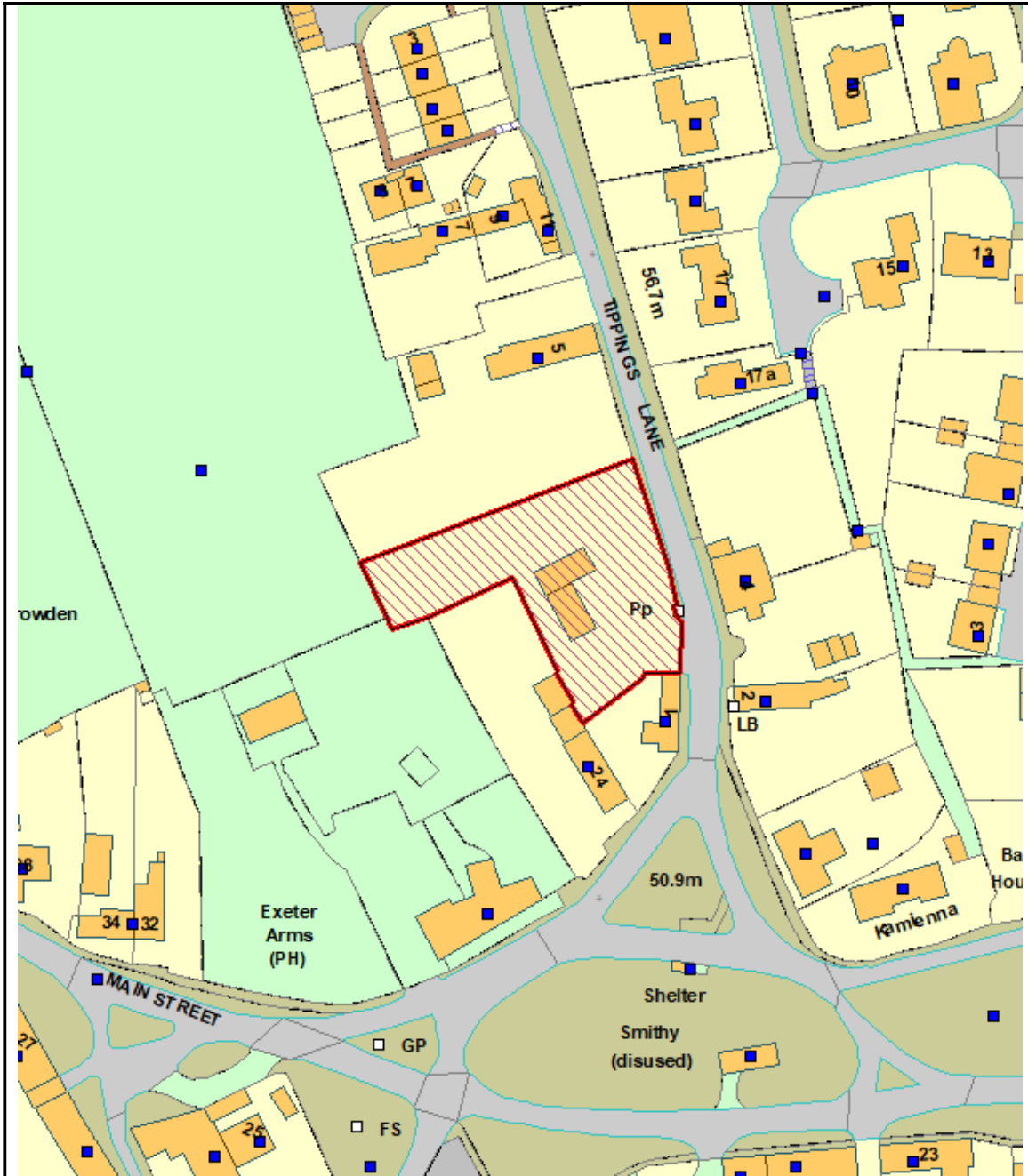
Planning & Licensing Committee – 24th October 2023

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2	2023/0532/MIN	Mick George Ltd, Greetham Quarry, Stretton Road, Greetham, Temporary permission to amend the initial extraction operations already approved under planning permission ref: 2020/0297/MIN.	Approval	229-240
3	2023/0613/FUL	Mr Giles Gilbey, Land to the West of Uppingham Road, Seaton, Change of use of land from agricultural to equestrian use and the erection of a stable building.	Approval	241-254

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2022/1219/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/1219/FUL	ITEM 1	
Proposal:	The demolition of commercial buildings and the erection of a detached dwelling with associated access.		
Address:	Pridmores Haulage 1 Tippings Lane Barrowden		
Applicant	Kaybee Developments Ltd	Parish	Barrowden
Agent:	Mr M Hubbard	Ward	Ketton
Reason for presenting to Committee:	Departure from Barrowden Neighbourhood Plan (Policy BW9)		
Date of Committee:	24 October 2023		
Determination Date:	29 December 2022		
Agreed Extension of Time Date:	27 October 2023		

EXECUTIVE SUMMARY

This is the redevelopment of a former commercial site with buildings of limited architectural merit within the Planned Limits of development for Barrowden. The Conservation Area Officer is in support of the Development of one dwelling on the site. It is considered that the proposed development would preserve and enhance the character and appearance of Barrowden Conservation Area, would not have an adverse effect on the setting nearby Grade II listed buildings and/or adjacent important open space or adversely impact the residential amenities of neighbouring properties and would be comply with to Sections 5, 11, 12, 15 and 16 of the NPPF (2021, Policies CS03, CS04, CS19 and CS22 of the Councils Adopted Core Strategy (2011), Policies SP5, SP15, SP19 SP20 and SP21 of the Site Allocations and Policies Development Plan Document (2014), Adopted SPD and Policies BW1, BW6 BW7 and BW8 of the Barrowden and Wakerley Neighbourhood Plan.

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 details shown on the submitted drawings, 20037/PL200 Location Plan, 20037/PL201 D, 20037/ PL205G 'Proposed Site Plan' 20037/PL206C Proposed Site Sections, 20037/PL207C Dwelling Plans & Elevations, 20037/PL209D Drainage Strategy Plan.
20037/PL202D Topographical Survey.
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No structure or erection exceeding 0.9 metres in height above carriageway level shall be placed within the visibility splays as shown on Drawing 20037/PL205E Proposed Site Plan
Reason: to provide adequate visibility between vehicles using the access and those in the existing public highway in the interests of highway safety.
4. No gates will be permitted across the vehicular access.
Reason: In the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
5. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable. in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
6. Car parking including garages and turning shall be provided in accordance with the approved layout plan prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.
Reason: In order to ensure that sufficient car parking and turning remains available on site in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).
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) Details of an operational wheel washing facility within the site and adjacent to the egress onto the highway. The wheel washing shall be provided at the commencement of the development and maintained during the period of construction.
 - 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) 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 residential amenity and highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

8. No development above ground level shall be commenced until
- a) precise details of the manufacturer and types and colours of the external facing materials,
 - b) roofing materials
 - c) rooflight details
 - d) description of the joints proposed
 - e) Details of the mortar mix, profile and finish
 - f) timber cladding 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, to protect the character and appearance of the Barrowden Conservation Area and because no details have been submitted with the application.

9. The garage doors shall be side hung vertical timber doors and shall be allowed to weather naturally and not stained or painted.
Reason: In the interests of the character and appearance of the local area.

10. No development above ground level shall be commenced until drawings to a scale of not less than 1: 50 fully detailing the new windows, rainwater goods, doors, and surrounds to be used and indicating precise details of the materials, manufacturer and types and colours shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in accordance with the approved details.
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

11. No development above ground level shall be commenced until details of hardstanding and surfacing for driveway. The approved materials shall be used/carried out in accordance with the approved details.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity, to protect the character and appearance of the Barrowden Conservation Area and because no details have been submitted with the application.

12. No development above ground level shall be commenced until drawings to a scale of not less than 1: 50 fully detailing the new of stonework for repairs to well/pump fronting Tippings Lane. The approved works shall be installed/carried out in accordance with the approved details.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity, to protect the character and appearance of the Barrowden Conservation Area and because no details have been submitted with the application.
13. The sound pressure level of noise emitted from the operation of the air source heat pump shall not exceed 38dBLAeq, 5 mins. The noise levels should be determined at the nearest sensitive receptor.
Reason: To avoid noise nuisance in the interests of the amenity enjoyed by neighbouring residential properties.
14. In the event of any reasonable noise complaint being received by the Local Planning Authority, the property owner or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.
Reason: To avoid noise nuisance in the interests of the amenity enjoyed by neighbouring residential properties.
15. The development hereby approved shall be carried out in accordance with the requirements of Section 6 – Recommendations and Mitigation of The Preliminary Ecological Appraisal Report (Philip Irving dated January 2021).
Reason: In the interests of the protection of wildlife and their habitat.
16. 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.
17. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained by the property owner.

Reason: To minimise the risk of flooding.

18. No demolition or development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Any integrated bat/bird boxes/roosts need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme and 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).

19. No development shall take place on site until 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." has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

20. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details and details associated with condition 13 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.

21. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority shown to be retained have been protected in accordance with details shown on drawing No 5179. Tippings.

Kaybee.AMS. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the hedgerows and trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

22. Any trees and/or hedgerow dying, being removed or being seriously damaged as a result of the failure to comply with condition 15 above shall be replaced in the next planting Season (October - March inclusive) with others of similar size and species.

Reason: To enable existing landscaping to be protected and retained in the interests of visual amenity.

23. The flat roofed area of the single storey side extension shall not at any time be used as a balcony or sitting out area neither shall any balustrade, railings, wall or other means of enclosure be erected on any part of the flat roof.

Reason: In the interest of the residential amenity and privacy of the occupiers of neighbouring properties who would otherwise suffer an unacceptable level of overlooking and loss of privacy.

24. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

No development shall take place until a full assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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 off site receptors.

25. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no enlargement, improvement or

other alteration to the dwellings shall be erected or carried out except with prior planning permission.

Reason: To enable the Local planning Authority to control development and to ensure adequate private amenity space is retained within the curtilages of the dwellings and that there is no adverse impact on the character and appearance of the Barrowden Conservation Area.

26. The residential annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted. It shall not be used as a separate dwelling and no separate curtilage shall be created.

Reason: It is considered that the site is inappropriate for an independent unit of accommodation in addition to the main dwelling and such development would be detrimental to the amenities of the area.

27. A native hedgerow shall be planted on the inside of the estate fencing along the southern side boundary of the site as shown on drawing No 20037/ PL205E using a mixture of locally native hedgerow species including Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Dogwood (*Cornus sanguinea*), Blackthorn (*Prunus spinosa*), Dog Rose (*Rosa canina*) and Holly (*Ilex aquifolium*). The existing hedgerows shall be retained thereafter from first occupation of the new dwelling (at a height of no less than 1.4 metres).

Reason: In the interests of the amenity of and to enhance the biodiversity of the site.

28. A native hedgerow shall be planted along the southern side and western rear boundaries of the site as shown on drawing No 20037/ PL205E using a mixture of locally native hedgerow species including Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Dogwood (*Cornus sanguinea*), Blackthorn (*Prunus spinosa*), Dog Rose (*Rosa canina*) and Holly (*Ilex aquifolium*). The existing hedgerows shall be retained thereafter from first occupation of the new dwelling (at a height of no less than 1.6 metres).

Reason: In the interests of the amenity of and to enhance the biodiversity of the site.

29. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order with or without modification), the first-floor window in northern elevation of the new dwelling shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To protect the privacy and amenities of the occupiers of adjoining property.

30. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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 additional window shall be inserted in the north and/or south elevation of the new dwelling, except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of neighbouring property.

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

Reason: To enable the Local planning Authority to control development and to ensure adequate private amenity space is retained within the curtilages of the dwellings and that there is no adverse impact on the character and appearance of the Barrowden Conservation Area.

Informatives

1. The following advice note are also suggested to be passed on to the appellant.

Section 184 Highways Act 1980 – permanent vehicular access for a dwelling

The development involves the construction of a new vehicular access within the public highway. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at highways@rutland.co.uk.

Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Section 149 Highways At 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the

deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit

Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority and must be dealt with as a separate matter following planning approval.

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained by emailing highways@rutland.gov.uk

2. Hydrocarbon impacted soils and ground water have been identified on this site. While a remediation scheme is anticipated please ensure this protects (including but not limited to):

The village pond (approx. 70m south of the site) which haven't been identified in the report but is thought to be feed by local ground waters. Protection will be necessary during phases of demolition/construction and investigation work. Potable water supply pipes to the proposed properties as standard plastic water supply pipes can be penetrated by hydrocarbons thereby potentially impacting future resident's supplies.

3. Habitats on site are potentially suitable for nesting birds and are protected by law. A survey is recommended before clearance of vegetation. Vegetation clearance during the bird-nesting season (March – July inclusive) should be avoided unless it is within 24 hours of a negative bird-nesting survey from an appropriately qualified ecologist.

4. 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

Site & Surroundings

1. The application site is the former site of Pridmores Haulage yard on the western side of Tippings Lane with large areas of concrete hardstanding and a utilitarian storage building at its centre. This building and part of the site is visible from the northern edge of the village green, across an intervening garden and through a vehicular access off Tippings Lane. As a commercial site with a building of limited architectural merit the site contrasts with the surrounding area.
2. The site is surround on three sides by residential properties with part of the rear the southwestern boundary adjacent to the curtilage of the Exter Arms Public House. The Exter Arms and the Barn to the rear, within the curtilage of the public house are Grade II Listed Buildings. To east of the Exter Arms and south of the application site is No 1 Tippings Lane and Rosemary Cottage, a Grade II Listed Buildings. To the east on the opposite side of Tipping Lane is Post Office (Rose Cottage) also a Grade II Listed Buildings. The site lies within the Barrowden Conservation Area. In addition, the eastern boundary abuts land designated as Important Open Space.

Proposal

3. The current revised application proposes the demolition of existing commercial buildings and used as an office WC and store and the construction one dwelling, residential annex, associated garaging and onsite parking, on site turning area and new vehicular access. The existing access that served the haulage yard now serves the cottage to the south.

4. In support of the current application the applicant's agent has made the following comments in relation to the comments received from Barrowden Parish Council.

‘.I appreciate that it is your place to assess the submitted comments of the Parish Council (PC) and take them into account in the determination of the planning application, but I feel that it is important that I respond on several of the issued raised by them, to balance out and counter these objections accordingly.

My comments are therefore set out below, in the order as raised by the PC for ease of reading/assessment.

Page 1

- The PC's support for the principle of the development of the site for residential purposes is welcomed.
- The PC refer to the dwelling as 'oversized' but do not define this. When does a dwelling become too large? They state below this that treble the number of dwellings could be accommodated on the site. The provision of 2 dwellings on the site has already been refused by the LPA and dismissed at appeal, with the Inspector agreeing with the LPA that, based on the scale and massing of the dwellings, the proposal would fail to preserve the character and appeal of this part of the Barrowden Conservation Area. With 2 dwellings being too large for the site, how can it be possible that 3 will be appropriate. Moreover, the 2 dwellings refused for the site covered a floor area of 384m², whereas the single dwelling now proposed has a footprint area of only 270m², equating to 29% less floor area coverage than the refused development.

Page 2

- The PC imply that the proposed development will impact on the nearby listed buildings and the traditional property opposite the site. In dismissing the appeal the Inspector found that the provision of 2 dwellings on this site, which were larger in footprint, had no adverse impact on the nearby listed building, so it cannot be possible that a single, smaller structure, that is further away from the listed buildings, can have an adverse impact on the nearby listed buildings.
- The PC imply that the proposed dwelling will be twice the height of the commercial buildings on the site. As a 2.5-storey dwelling it is always going to be higher than the commercial buildings it will replace, but the PC have not taken into account that the site will be dug-out and levelled in order to accommodate the proposed dwelling, which will minimise its height accordingly. There are several examples of traditional properties in this part of the village that are of an equivalent height and which also contain 2.5 or 3-storeys of accommodation.
- The PC also imply that the proposed dwelling will be seen from the village green. At present the ugly commercial buildings can be seen from the village green. The replacement of these with a bespoke dwelling, where only the rear of the dwelling will be seen from this location, will not be harmful to the view from the village green. Moreover, the NP indicates that the important view in this location is down to the village green, not up from it, so there is no conflict with the

NP in this regard (see paragraph 4.27 of the submitted Planning Statement).

- Again the PC comment in relation to the size of the building, but they do qualify this in stating why the size of the building is harmful in planning terms.
- We can deal with issues relating to slate, fencing and walling with you, as the Planning Officer, by way of condition discharge, or during the life of the planning application.
- We can provide a CMP by way of condition discharge, which will deal with matters relating to the impact of construction.
- We can deal with drainage more fully by way of condition discharge.

Page 3

- The PC state that the proposed development will have an impact on the surrounding properties and will result in significant over-shadowing and overlooking. We disagree with these comments entirely, as the proposed dwelling has been carefully designed in order to avoid such issues, but I am sure that you will assess these matters accordingly.
- The PC refer to the 'requirement' in the NP for new developments to be designed with 3 or fewer bedrooms. The policy actually states '...in particular...' with regard to the seeking bungalows and 3-bedroom houses within the village and the supporting text for the policy clearly states the local community '....expressed a preference...' for such development rather than seeing it as a 'requirement'. Image 31 of the NP is a photograph of a poorly designed, 1980's bungalow, in order to try and reinforce their comments in this regard – when would such a property ever be considered to be acceptable development, in planning terms, within a conservation area and close to listed buildings?
- They talk again of a 'desire to maximise the use of the site for more dwellings, with fewer bedrooms'. The planning history of the site dictates that there is no way that 3 dwellings will be built on this site, as 2 dwellings have already been refused based on their scale and massing. The provision of a single, larger dwelling on the site is the only reasonable and realistic solution for the development of this site.

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- Issues relating to noise can be dealt with as and when required. The provision of air source heat pumps to dwellings is permitted development, so should not be of a concern to the PC, especially as it is highly sustainable to incorporate such features in new development.

Conclusion

I trust that these comments can be taken into account in full in the determination of this planning application.'

Relevant Planning History

Application No 1981/0229 – Planning permission granted for the siting of a caravan to use as an office.

Application No 984/0169 – Planning permission was granted for the renewal of consent to site a caravan to be used as an office.

Application No 1986/0209 – Planning permission refused for a renewal of consent for the siting of the caravan on the site.

Application No 86/0488/9 – Planning permission granted for the erection of an office building on the site. It is not known as to whether this permission was ever implemented.

Application No 1993/0706 – Temporary planning permission granted (3 years) for siting of a portable office on the site.

Application No 1994/0669 – Planning permission was granted for the erection of an office, WC and store on the site.

No 2019/0292PRE- A prelim was submitted under reference proposing the construction of 5 No dwellings and the demolition of 2 No existing buildings. 2 No dwellings were proposed to be built on greenfield land designated as important open space. In the response The Local Authority stated it had concerns regarding design, impact on the character of the area and important open space and highway matters. As a result, and based on the submitted information, the proposal was considered unacceptable and unlikely to receive the support of the Local Authority if submitted as a planning application.

Application No 2020/1359/FUL - Was refused planning permission for the demolition of commercial building and construction of 2 dwellings and associated access and external works.

1. The land subject to this application has open undeveloped areas important to both the setting of the nearby historic building Rosemary Cottage, No. 24, Main Street and to the character and appearance of the Barrowden Conservation Area. The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock. Given this, the proposal would be contrary to Sections 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and

Policies Development Plan Document (2014) and Policy BW6 of the Barrowden and Wakerley Neighbourhood Plan.

2. Both houses would have extensive, double, and single storey elements to the rear adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. The dwellings having large sprawling footprints and excessive form do not reflect dwellings in this location and are at odds with the prevailing form and character of the area. Furthermore, this excessive built form will adversely interrupt a key vista from the established important open space of the village green to the south. This would fail to preserve or enhance character and appearance of the Barrowden Conservation Area. As such the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021), Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1 and BW6 of the Barrowden and Wakerley Neighbourhood Plan.
3. The proposal for two, 4 bed dwellings does not meet the identified local need for homes for Barrowden and is not making an effective use of land contrary to Sections 5 and 11 of the NPPF (2021) and Policy BW9 of the Barrowden and Wakerley Neighbourhood Plan.

Planning Appeal – Dismissed

The proposal would fail to preserve the character and appearance of Barrowden Conservation Area and would be contrary to Policy CS19 and CS22 of the Rutland Core Strategy (RCS) (2011) and SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW1 of the Barrowden and Wakerley Neighbourhood Plan (NP) which amongst other things seek to ensure the scale form and design of new development would preserve or enhance the character of the area.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 11- Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP21 - Important Open Space and Frontages

SP19 - Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS19 - Promoting Good Design

CS21 - The Natural Environment

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

BW1 - Landscape character and important views

BW6 - Design Principles

BW7 - Surface water flooding

BW8 -Infill and backland development within Barrowden

BW09 - Dwelling size and type

BW15 - Fibre broadband

BW10 - Affordable housing

Supplementary Planning Document

Supplementary Planning Document - Design Guidelines for Rutland SPD (2022)

Officer Evaluation

5. The main planning issues are considered to be:
 - i. Whether the proposed development would preserve or enhance the character or appearance of Barrowden Conservation Area (BCA).
 - ii. Whether the proposed development would have an adverse effect on the setting of the Grade II listed building (LB) known as Rosemary Cottage and if an adverse effect were shown whether this would be outweighed by any public benefit arising from the proposal.

- iii. Would the proposed development have an adverse impact on the residential amenities of neighbouring properties.
- iv. would the proposed comply with Adopted Planning Policy

Impact of the use on the character of the area

6. The existing buildings and much of the site is readily visible from the northern edge of the village green, across an intervening garden and through the current access off Tippings Lane. As a commercial site with a building of limited architectural merit the site contrasts with the surrounding area. It is considered that the existing site has negative effect within the immediate environment and on the character and appearance of the Barrowden Conservation Area.
7. It is accepted that the proposed new dwelling and garage would be visible from the village through the gap between the rear of 1 Tippings Lane and 24 Main Street (Rosemary Cottage). As stated by the appeal Inspector in paragraph 10 of the Appeal Decision Letter,

‘the effect would be noticeably more obvious the closer within the village green you were standing as the land levels rise and any intervening features which may screen, or filter views would no longer have this effect.’
8. However, the Appeal inspector concluded in paragraph 14 of the recent decision letter that this is not an important view.

‘I do not however agree with the assertion that the site forms part of an important view. This is based on a false premise set out by the Council and does not represent the view identified in the landscape character assessment. Nor does it reflect the evidence on the ground. The landscape character assessment identifies the important view across the village green from the junction of Main Street and Tippings Lane away from the appeal site, as opposed to looking across or towards the site. I therefore do not consider there is conflict with policy B1 of the Neighbourhood Plan as suggested’.
9. It is considered that the revised plans offer a considerable improvement over the earlier plans, and as such, the dwelling would have a similar scale and massing and takes cues from the architectural detailing of the house adjacent to the site. As such it is considered that the dwelling would not have an adverse impact on the character of the surrounding area and would fit into the immediate context and is an improvement over the commercial yard, enhancing the character and appearance of the Barrowden Conservation Area and setting of nearby heritage assets.

Impact on the neighbouring properties

10. In the appeal decision letter relating to the previous scheme for 2 dwellings larger dwellings on the site, the appeal Inspector concluded in paragraph 37 that

‘... The living conditions of neighbours has not formed part of the Council case. From what I have seen and read, I consider that the Council assessment in this regard was appropriate and living conditions of neighbours would remain at an appropriate standard ...’ and I regard this as neutral in the overall balance.’

11. The concerns of neighbours expressed about the current proposal are noted however it is not considered that the impact of the proposed development would have an adverse impact upon the residential amenities of neighbouring properties by reason of loss of privacy, loss of light and or increased overshadowing to justify refusal of the current application.

Heritage

12. The NPPF makes reference the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
13. At the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies adjacent the Ashwell Article 4 Conservation Area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
14. As part of the consideration of the previous appeal of proposing the construction of two dwelling the Appeal Inspector concluded that there would be no adverse impact on the setting of the neighbouring heritage assets, stating that,

“18. The appeal site is separated from the northern edge of the village green by the rear garden of No.1 Tippings Lane which adjoins the side of Rosemary Cottage a Grade II LB. It is the eastern side of this property that forms much of the western boundary to the appeal site.

19. Rosemary Cottage a Grade II LB is described in the list description as “Late C17/C18. Coursed rubble stone and thatch roof with moulded stone front gable stack and stone rear stack. Stone coped gable facing, front to left. 2 storeys of 2 2-light renewed casements over similar 3-light (in C20 extension to left), 3-light, 1-light and glazed door. A similar 2-light both floors on gable to street and a fixed 2-light mullion and transom window to rear.”

20. The Council argue that the proposed dwellings would be harmful to the setting of the LB, but do not explain how they regard it to be harmful. I am also

mindful that the Council's Conservation Officer did not raise this issue as an area of concern.

21. The current setting of the LB benefits visually from the open space adjacent to the eastern elevation allowing views and an appreciation of this façade from both the village green, but also through the current access off Tippings Lane.

22. The appeal site is set to the north of the majority of the eastern facade of the LB. The changes to the views of, and towards the LB by the proposed development from the south would not reduce the availability of the view of this facade. I do not consider that the changes that do arise would be harmful to the setting, or to any element of the setting which could be regarded as affecting its significance.

23. When viewed through the current access, the side elevation of the LB can be viewed, but the concrete yard and utilitarian building within the appeal site frame this view. The appeal proposal would replace the utilitarian building and large areas of hard standing, although views through the access would remain. The appreciation of the façade of the LB would remain from this aspect as well.

24. This would in my view preserve, the setting of the LB with the space immediately adjacent the LB façade remaining open which would consequently not impact on any area of significance of the LB resulting in no harm to this designated heritage asset.

25. There is no dispute between the main parties about the effect on the setting of either 2 Tippings Lane or the Exeter Arms both, Grade II LBs. Although I note interested parties object on this basis. In light of the separation distances, and juxtaposition of the site to these LBs, I agree with the assessment of the main parties, that no harm has been demonstrated to either building or the respective settings.

26. As I do not regard there to be harm and the setting of the LB would be preserved, I do not find there to be a conflict with the principles within the NPPF, or conflict with policies CS22 of the RCS, or policy SP20 of the Site Allocations and Policies Development Plan Document (2014)."

15. The Conservation Area officer has stated that the revised plans offer a considerable improvement over the earlier plans. The single dwelling has a similar scale and massing and takes cues from the architectural detailing of the house adjacent to the site, such that the one dwelling proposed now fit into the immediate context and is an improvement over the commercial yard, it also sits well in the context of the renovated cottage.
16. Materials will need to be finely balanced in order that the details are well executed given the quality and character of the historic environment hereabouts. If a boundary wall is preferred over estate fencing, then final details can be reserved by condition. If timber windows are preferred in line with the requirements of the NP, then this can also be conditioned, though there would be no objection to using an aluminium system to the rear of the build where

modern doors are proposed. On balance and from a built conservation perspective it is better that this site is 'built out' rather than remaining as a commercial yard.

17. Notwithstanding the heritage and built conservation considerations, there are clearly some limitations at this site; the plot arrangement with the juxtaposition of other immediate houses and the access would constrain the site for additional houses of the number required by the Neighbourhood Plan, given the need to preserve amenity and to provide amenity and parking within the site. Also, the proximity of the recently refurbished cottage would be harmed if the site was to be over-developed. Whilst it would be welcomed to have more than one dwelling on this site – it is noteworthy that there is also the consideration that the site levels also offer a constraint which makes it difficult to use the plot effectively for a number of houses. A single dwelling is therefore considered to be more appropriate when weighing the above in the context of the planning balance and taking into account the relevant site constraints.
18. Overall, the views in and out of the Conservation Area remain preserved as the new build would not appear out of scale with the house adjacent to the site, a new build on this site would not be considered to draw the eye away from key views in and out of the Conservation Area, given it has been set back into the site. The impact on neighbouring listed buildings would be far less than a commercial yard operating here. It is considered that the proposals represent an improvement when considering the impacts on heritage assets in the planning balance. Overall, the public benefit is that the historic environment would be improved contextually.
19. There is no objection from a built conservation perspective though a high-quality use of materials will be necessary at this site.
20. In response to the objections raised by the Parish Council and their view that the site is suitable for accommodation more dwellings on the site the Conservation Area officer has stated that:

The application site is unfortunately constrained for the following reasons:

The topography of the site limits the layout of a proposal, as such the plot is constrained. Practically one house is feasible without the requirement for a substantial engineering operation, which would make the site unviable.

Development would be limited at this site in order to achieve similar plot to build ratios within the vicinity. The historic urban grain comprises wide plots and the detached house adjacent to the site would be the benchmark that should be considered to achieve a more legible form of development at this site, which would be typical of the urban grain and build density.

Notwithstanding the advice in the Neighbourhood Plan - an annexe was explored at this site - it would have provided additional accommodation -

however further buildings would reduce the amenity and setting of the neighbouring listed buildings at Rosemary Cottage, the public house and the listed barn to the public house - all listed buildings which have an overlooking aspect towards the application site. The present design for one house preserves the setting, additional houses would likely compromise amenity and setting.

From a historic environment perspective one dwelling is supported at this site given the heritage balance that further dwellings would likely lead to harm given the constraints mentioned above.

21. In support of the amended proposal a schedule of materials has been provided by the applicant. The parish council have stated that the revised design did not fully comply with policy BW6 Design Principles for Barrowden and Wakerley Neighbourhood Plan.

Para 2 (h) The developer proposes using powder-coated aluminium windows in the public realm. This is contrary to the Neighbourhood Plan, which requires traditional timber windows.

Para 2 (h) The stone should not be sawn stone but cropped limestone with a textured face to match the surrounding listed and non-listed buildings.

Para 2 (h) The use of metal estate fencing on the southern boundary is contrary to the requirement for stone walls where visible from the public realm. This should be a stone wall in keeping with the front of the site.

22. In response to the schedule of materials The Conversation Area Officer has stated that:

I have no objection to the materials schedule except for one concern regarding the garage door(s), this should not be a steel door it should be finished in timber side hung doors to achieve a traditional character to the appearance of the garage block in the context of the new build house. Specifically in order to preserve the character of the materials used in the local context of the Historic Environment hereabouts.

The stone to be used for the elevations should ideally be provided as a sample on site prior to commencement of works and the mortar mix should achieve a colour that is typical of mortar used locally, though no objection to the ratio and composition of the mortar mix. It would be really useful to have a 1m by 1m panel on site showing the stone and mortar colour mix prior to commencement.

23. Following further discussion, with the agent it has been agreed that the windows development would use timber windows and cropped limestone and side hung timber garage doors to comply with the requirements of the policy. Conditions set out above address these issues. In relation to the use of metal estate fencing and the planting of a native hedge along on the southern boundary, it is not considered that this would be contrary to policy BW6 as it does not form a public view.

24. The proposed development subject to conditions is considered to preserve and enhance the character and appearance of the Barrowden Conservation Area, would not result in harm to the setting of nearby Listed Buildings and would comply with national adopted Planning policies.

Highway issues

25. No objection from the Highway Authority subject to conditions and informatives. Concerns have been raised regarding the impact of the development on pedestrian and highway safety. The applicant has stated that the existing access to the site allowed the previous business use to have circa 5no trucks entering and exiting the site in early morning and evening, along with the respective staff cars which enabled them to get to and from work. There is no footpath on the side of the road to the application site, nor any footpath on either side of Tippings Lane to the north. It is noted that there is a public footpath on the opposite side of the road, running parallel to no.4 Tippings Lane which allows safe pedestrian movement in this location. The Highway Authority has no objections to the proposed development as, after construction, the number of commercial vehicles/large vehicles travelling through Barrowden will be reduced.
26. The proposal subject to condition, 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).

Drainage

27. The applicant has removed the positive discharge from the site and has provided attenuation/infiltration crates under the driveway, along with a permeable driveway. The new drainage scheme will ensure all surface water is managed within the site.
28. A condition is recommended stating that the building shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained by the property owner.

Noise

29. In relation to the concerns about the location, number and operational noise levels of the air source heat pumps there is no objection from Environmental Protection.
30. Conditions are recommended to ensure that noise from the pumps do not result in an adverse impact on adjacent neighbouring properties. In the event of any reasonable noise complaint being received by the Local Planning Authority, the property owner or their successors in Title, shall be required to undertake a full

noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority.

31. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority. As to their location it is not considered necessary to move the units further along the side elevations as suggested in the response from the Parish Council.

Pollution Risk

32. The use of the site as a haulage yard and the nature of the buildings currently on the site suggests that there is potential for ground contamination to be identified. Environmental Protection have raised no objection subject to a pre commencement condition requiring a detailed remediation scheme to bring the site to a condition suitable for the intended residential use by removing any unacceptable risks to human health.

Housing Delivery

33. The Framework seeks to contribute towards the achievement of sustainable development through meeting the needs of the present without compromising the needs of future generations. A key thread of this objective is to ensure that housing development is well located and supported by the necessary infrastructure and facilities.
34. The proposal will see the development of a brownfield site, within the planned limits of development of a smaller service centre (Policy CS3 of the Core Strategy) which has been marketed for a commercial use without success. The principle of residential development on the site and the loss of the commercial use may be accepted subject to the consideration of other material considerations. As a consequence, this is of significant weight in favour of the proposal.
35. However, the large 4 bed property and residential annex proposed do not relate well to the Strategic Housing Market Assessment 2019 Update mix which is much more varied (please see table immediately below).

Figure 4: Updated suggested housing mix by broad tenure – Rutland				
	1-bedroom	2-bedrooms	3-bedrooms	4+- bedrooms
Market	0-5%	25-30%	45-50%	20-25%
Affordable Home Ownership	15-20%	35-40%	35-40%	5-10%
Social/affordable rented	40-45%	25-30%	20-25%	5-10%

36. Nor has anything happened in actual delivery (in the green table below) to alter that. The green table below shows all new development in Rutland in the 5

years between 2016 and 2021 of all tenures, less a few obscure types rounded to zero based on Valuation Office Agency statistics.

<u>Growth for the 5 years 2016-21 by bedroom</u>		
1 bedroom	7.14%	60
2 bedroom	25.00%	210
3 bedroom	32.14%	270
4 bedroom	28.57%	240
5 bedroom	5.95%	50
6+ bedroom	1.19%	10
TOTAL	100.00%	840

37. Referring to Census 2011 figures for Barrowden (table below), this shows that the average house had 3.6 bedrooms. This would indicate that more than half of the properties in Barrowden had more than 4 or more bedrooms.

KS403EW - Rooms, bedrooms and central heating			
Source	ONS Crown Copyright Reserved [from Nomis on 11 November 2021]		
Population	All households		
Units	Households		
date	2011		
geography	Barrowden		
measures	value	percent	
Central Heating			
Occupancy rating (bedrooms) of - 1 or less	0	0.0	
Average household size	2.4	-	
Average number of rooms per household	7.4	-	
Average number of bedrooms per household	3.6	-	

38. Policy BW9 – Dwelling size and Type, of the Barrowden & Wakerley Neighbourhood Plan states the following:

‘Development proposals for new residential development will be supported where they meet defined local need for homes, in particular single storey dwellings, with 3 or fewer bedrooms.’

At paragraph 3.9 of the Neighbourhood Plan the existing house types within the village are assessed, which shows that there are 5 No. 1-bedroom houses (2%), 30 No. 2-bedroom houses (14%), 64 No. 3-bedroom houses (30%), 80 No. 4-bedroom houses (37%) and 36 No. 5+ bedroom houses (17%). Barrowden has a high proportion of dwellings with 4 or more bedrooms (54%). Dwellings with 4 bedrooms or more take up a large percentage of dwellings within Rutland. Conversely the percentage of housing stock in Barrowden with 1, 2 and 3 bedrooms is significantly lower than in Rutland.

39. Both Policy BW9 and the latest version of the Rutland Strategic Housing Market Assessment clearly articulate the requirement for new developments to be designed for 3 or fewer bedrooms. This requirement is well evidenced both in

terms of the SHMA but also by the village questionnaire from which the Neighbourhood Plan was developed. BW10 In relation to BW10 (Dwelling Size and type) Para 2, No evidence has been presented to demonstrate an identifiable shortfall in the provision of dwellings of 4 or more bedrooms. The only information provided by the applicant's agent are 3 letters from land agents showing a demand for large properties in the area.

40. The Planning Inspector in considering this issue for the development of 2 dwellings on the site application stated in paragraph 29 that:

"The NP policy BW9 has a preference for properties of 3 bedrooms or less, but it does not preclude larger properties. As the applicant notes paragraph 5.42 of the NP states "Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular..."

27. Barrowden is identified as a 'smaller service centre' within the settlement hierarchy set out under Policy CS3 of the RCS where a minor level of development is capable of being accommodated. This is supplemented by Policy CS4, which also endorses minor scale development on previously developed land or on infill sites such as the appeal site.

28. In seeking to resist the proposal both the Council and Parish Council indicate that the need within the village is for smaller properties, and the site would be better suited to accommodate a development of this type. Alternative proposals are not before me, and I must consider the appeal proposal on its own terms.

29. The NP policy BW9 has a preference for properties of 3 bedrooms or less, but it does not preclude larger properties. As the applicant notes paragraph 5.42 of the NP states "Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular."

41. Within the supporting Planning Statement, the applicant's agent has stated that:

"From paragraph 5.33 the NP relates to the housing needs for Barrowden and Wakerley, where it states that the Local Plan (which the NP must accord with) does not include a strategic housing requirement for Barrowden. At paragraph 5.34 there is an indication that, as there are no allocated sites for housing development within the village, all the NP is seeking to consider are small sites for affordable housing. With no specific housing requirement for the village, and the provision of a 5-bedroomed houses only increasing the percentage of such house type up by 2.7% (as indicated above), it is difficult to see how the NP

suggests that there is a defined need for smaller dwellings within the village. In addition, paragraph 5.34 does not suggest any support at all for developments that are not for affordable housing, so there are certainly mixed messages within these parts of the text for the NP.

4.30 Policy BW8 goes some way to addressing this in focusing on 'Infill and Backland Development within Barrowden' and sets the criteria that all such development should meet in order to make it acceptable. The proposed development accords with all 6 of the listed criteria within this policy and, as a result, is not in conflict with this policy.

4.31 Policy BW9 relates to 'Dwelling Size and Type' and based on census data, SMHA data and an NP questionnaire, states that development proposals for new housing will be supported where they meet a defined local need for homes, in particular single storey dwellings, with 3 or fewer bedrooms. Firstly, we would comment that there is no 'defined need' for smaller properties within the village. We contacted the Council on this matter in July and received their written response on the 5th August 2021, which clearly states that the 2019 SHMA update '...does not provide data at a village or ward level, but provides robust figures regarding Rutland as a whole'. Therefore, whilst there may be a desire for single storey dwellings, with 3-bedrooms or less within the village, there is no formal justification for this, hence the use of the phrase '...in particular...' within Policy BW9. Furthermore, our proposal is on a windfall site, will result in brownfield redevelopment and accords with Section 11 of the NPPF in making effective use of this land. All of these points, along with the careful and sympathetic design of the dwelling proposed, serve to outweigh the desire of the NP to seek smaller, single storey development. We also doubt that, in conservation terms, the provision of single storey dwellings on a site such as this, would be acceptable as they would potentially be harmful to the character and appearance of the Conservation Area.

4.32 The supporting text for Policy BW9, at paragraph 5.42, does state that:

'Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular'.

There are clear grounds, as set out in the paragraph above, to consider our proposed development on its own merits, especially as the provision of only one more 5-bedroom dwelling will only increase the number of such dwellings by only 2.7% within the village."

42. No other evidence has been presented by the applicant or their agent to demonstrate an identifiable shortfall in the provision of dwellings of 4 or more bedrooms. The only information provided by the applicant's agent are 3 letters from land agents showing a demand for large properties in the area.

43. It is considered that on balance given the size of the site, and the planning constraints, this site would not be suitable for the development of multiple dwellings as any proposal for multiple dwellings would not be able to address all the main planning issues. As stated by the Conservation Area Officer ‘

‘Notwithstanding the heritage and built conservation considerations, there are clearly some limitations at this site; the plot arrangement with the juxtaposition of other immediate houses and the access would constrain the site for additional houses of the number required by the Neighbourhood Plan, given the need to preserve amenity and to provide amenity and parking within the site. Also, the proximity of the recently refurbished cottage would be harmed if the site was to be over-developed. Whilst it would be welcomed to have more than one dwelling on this site – it is noteworthy that there is also the consideration that the site levels also offer a constraint which makes it difficult to use the plot effectively for a number of houses. Hence one house when taking in the balance of the constraints of the site would fit better in this context’

44. Previous advice has been given in a pre-application submitted under reference No 2019/0292PRE proposing the construction of 5 dwellings (2 dwellings proposed to be built on greenfield land designated as important open space). This was considered unacceptable because of concerns regarding design, impact on the character of the area and important open space and highway matters. More recently a planning application and appeal has been dismissed for 2 dwellings on the site. Given the limitations of the site it is considered that one dwelling is acceptable insofar as the dwelling proposed would enhance the character and appearance of the Conservation Area, would not harm the setting of listed buildings and/or the amenities on neighbouring residential properties.
45. As already discussed, the proposal is appropriate for the context and would not be at variance with the established local vernacular and would preserve and enhance the Barrowden Conservation Area and settings of nearby listed buildings and adjacent important open space. The development would be subject to conditions to comply with National Planning Policy Framework and Adopted Development Plan Policies. It is considered that the development of the site in this instance outweighs the harm identified to not providing the desired housing mix on the site. Therefore, the identified conflict with Policy BW10 is outweighed by other material considerations.

Crime and Disorder

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

Human Rights Implications

47. 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

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

Amended scheme

48. **Parish Council**

For the reasons explained below, Barrowden Parish Council does not support a single 5-bedroom dwelling to be built on this site and recommends REFUSAL of the application

If Rutland County Council is minded to approve the application, we will seek modifications to the design to align it with the Neighbourhood Plan. We would also seek that the Planning Committee determines the final decision because of the Parish Council and residents' concerns about the matter and its divergence with national policies, Rutland's Development Plans and the Barrowden and Wakerley Neighbourhood Plan.

Introduction

At the meeting of Barrowden Parish Council on Wednesday, 9th August 2023, Councillors considered the further modifications to the above application.

The proposed development will be governed principally by the Barrowden and Wakerley Neighbourhood Plan. It is the latest Development Planning Document adopted (December 2019), taking precedence over the Rutland Core Strategy 2011 and Site Allocation and DPD 2014.

The Parish Council has previously considered the development on at least 4 separate occasions, and Councillors are of the view that they positively support development on this site for a number of new dwellings provided that such development is in line with the provisions of the Barrowden and Wakerley Neighbourhood Plan, Local and National Planning Policies.

Consideration of a single Dwelling on the site

A single dwelling is not right for the following policy reasons:-

National Planning Policy Framework

Para 123 of the NPPF states that decisions on housing being built at low densities would be incompatible with the national and local position on housing needs. In these circumstances, applications should be refused when they do not make efficient use of the land available. The applicant has failed to provide evidence that alternative designs with 3 smaller dwellings on the site would not be viable.

In response to the Planning Pre-Application 2019/0292/PRE, the Planning Officer stated, in the email dated 12th November 2019, that at least 3

dwellings might be acceptable on this site subject to a number of conditions.

The proposal of one oversized dwelling fails to meet the requirement of NPPF para 123 when more appropriately sized dwellings could be accommodated on the site.

Neighbourhood Plan Policies

Considering each of the Neighbourhood Plan Policies in turn, the Parish Council believes that the single dwelling fails to meet the requirements of those Policies.

Policy BW1 Landscape Character and important views

This policy states that

The development shall conserve and enhance the positive characteristics of the local landscape outlined in the Barrowden and Wakerley Landscape and Character Assessment.

Within that Character Assessment provided as part of the evidence to the Inspector of the Neighbourhood Plan, it states that

Infill sites are sensitively integrated into the settlements and surrounding area in such a way as to not detract from the character of surrounding properties.

As an infill site, it fails to meet the requirement of being sensitively integrated into the settlements and surrounding areas, as it will detract from the 3 Listed Buildings and the mature property opposite 4 Tippings Lane. The application does not meet the requirements of the policy.

A cross-section from the Village through the gap between 1 Tippings Lane and 24 Main Street shows that the proposed building will still be twice the height of the existing commercial building and will be clearly seen from the Village Green, which would have an adverse impact contrary to BW1 para 2. This issue was also the principal reason the Inspector refused the appeal on the original application 2020/1359 for 2 dwellings. The attached diagram shows the 2 elevations superimposed on each other. It is evident from that comparison that the height of the proposed dwelling is identical to that which the Inspector rejected at appeal and therefore is still inappropriate.

The Parish Council notes that no overall height dimensions have been provided on the drawings. The overall height of the dwelling in any application must be specified to ensure that, if constructed, the building complies with approved drawings

The application does not meet the requirements of the policy.

Size of Dwellings

The RCC Strategic Housing Market Assessment concludes that the focus of new market housing in Rutland should primarily be on providing two- and three-bedroom properties. Within the County, there is expected to be

continued demand for family housing from new households and some demand for medium-sized properties (2 and 3 bedrooms) from households of older residents seeking to downsize and release equity in existing homes while retaining flexibility for friends and family to stay. Census data indicates that older residents, the over-60s, make up a higher proportion of the total population of Barrowden (33%) than of either Rutland (26%) or England(21%).

Census data further indicates that dwellings in Barrowden are likely to have more bedrooms than nationally, with approximately 46% of homes having 3 or fewer bedrooms compared to 81% across England as a whole. Currently, a relatively low proportion of the local population (25%) comprises young adults aged 21 to 40, compared to Rutland (35%), and the lack of smaller homes is likely to perpetuate this situation. Responses to the Neighbourhood Plan questionnaire further reinforce the need for smaller dwellings; the local community expressed a preference for more houses, including bungalows with one or two bedrooms, while 91% of respondents believed that there is no need for more homes with 4 or more bedrooms.

The Parish Council had discussions with the developer about the potential for 3 dwellings, each with 2 to 3 bedrooms, to be incorporated on-site. This would be the preferred option.

BW6 Design Principles for Barrowden and Wakerley

Policy Para 1 of the Policy re-affirms the need for the development to meet Barrowden & Wakerley Landscape and Character Assessment as the scale and mass of the proposed dwellings are not in keeping with the surrounding buildings. The building, with internal floor space in excess of 4550 sq. ft, would be one of the five largest dwellings in the Village and about 30% larger than the average "large" houses in the Village.

BW10 Dwelling Size and type

In relation to BW10 Para 2, No evidence has been presented to demonstrate an identifiable shortfall in the provision of dwellings of 4 or more bedrooms.

The application does not meet the requirements of the policy.

The Design of the Building

Notwithstanding the comments about the unsuitability of a single large dwelling on the site, the Parish Council has the following comments on the design of the building

BW6 Design Principles for Barrowden and Wakerley

Para 2 (e) Pleased to note the use of artificial Colleyweston slate on the main building with slate on the garage

Para 2 (h) The use of metal estate fencing on the southern boundary is contrary to the requirement for stone walls where visible from the public realm. This should be a stone wall in keeping with the front of the site.

Para 2 (h) The developer proposes using powder-coated aluminium windows in the public realm. This is contrary to the Neighbourhood Plan, which requires traditional timber windows.

Para 2 (h) The stone should not be sawn stone but cropped limestone with a textured face to match the surrounding listed and non-listed buildings.

Para 2 (h) No specific details of the external walling has been provided. This should be a pre-commencement condition.

The application does not meet the requirements of the policy.

BW7 The Local Impact of Construction

Given the narrowness of Tippings Lane and the fact that it is a bus route, if Officers are minded to approve the application, then the developer should be requested as a condition of the planning approval to provide a construction management and logistics plan, which would include the requirement that all vehicles belonging to the contractor or sub-contractors should be parked on-site or in identified locations outside the boundary of the site. No vehicles should be allowed to park on Tippings Lane or cause damage to the Village Green.

We note that under the recommendations for tree protection, there is a requirement for no bonfires to be lit on site. We would ask that this be made a specific condition as residents have already experienced problems with bonfires from the site during the renovation of No 1 Tippings Lane.

BW8 Surface Water Flooding

The Parish Council supports the position of the Local Flood Authority in that all surface water from the property should be dealt with on-site by way of infiltration and should not be drained into either the foul sewer or the surface water drainage system.

Noise

We note the limit of 38dBA for the Air Source pumps measured at the nearest receptor, i.e. window or door of neighbouring property. However, we would suggest that the pumps be placed further west along the side of the building.

Conclusion

Barrowden Parish Council's view is that this proposal fails to meet many of the requirements of the National Planning Policy Framework, Local Plan and Neighbourhood Plan Policies, all of which are material considerations and therefore, we recommend that the application be REFUSED

In the event that the Planning Authority is minded to grant planning permission, the Parish Council would seek to be consulted on all pre-commencement conditions submitted by the applicant.

Also, the Parish Council will request, through the Ketton Ward Councillors, for

the matter to be decided by the Planning Committee and not through delegated powers on the basis that the proposals fundamentally breach both the National and Neighbourhood Plan Policies as well being of great concern to residents.

Barrowden Parish Council

49. **RCC Highways**

The LHA no objections from December 2022 remain unchanged with the revised plans (apart from drawing number).

Conditions;

No structures within visibility splays

No structure or erection exceeding 0.9 metres in height above carriageway level shall be placed within the visibility splays as shown on Drawing 20037/PL205E Proposed Site Plan

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) Scheme for dealing with complaints.

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

50. **Conservation Area Officer**

The floor area is large I admit, though better than two houses, they need to

consider the scale, form and proportions of the immediate neighbouring houses as a comparison as to what would be acceptable.

Thank you for your consultation on the above proposal. In summary the proposal for the replacement commercial buildings for one dwelling.

Observations

The site is north of Rosemary Cottage and west of Post Office (Rose Cottage). Both grade II listed buildings, the site lies within the Barrowden Conservation Area. As such the Local Planning Authority has a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 'the Act', to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest they possess and Section 72 of 'the Act' is also relevant which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The proposal for one dwelling in replacement of the commercial buildings would not be objectionable in principle - however please may I highlight the following concerns:

Discussion

The site has operated as a commercial interest, the built form would be demolished to provide one dwelling. The principle of a replacement dwelling would be acceptable, however, the following concerns must be noted:

- The new dwelling would be large in scale, it should be designed to complement the scale of similar vernacular buildings within the settlement of Barrowden, a site cross section plan submitted with the application shows that the proposal is higher than No.4, adjacent to the site and so should be reduced to reflect a similar scale or reduction so as the massing of the new build does not compete with locally established buildings.
- The roof design is considerably top heavy with numerous rooflights and dormers, as such the dormer cheeks should be reduced and the number of rooflights reduced. Indeed, the scale of the new build would appear considerably excessive when considering views in and out of the Conservation Area, particularly through Tippings Lane and at the junction with Main Street. Though should be addressed in the comments above, therefore consideration of views to and from the site at Tippings Lane with the junction at Main Street.
- In terms of the use of materials then artificial Collyweston should be used rather than Spanish slate.
- Consideration should be made to the boundary treatments, rather than

estate fencing, a boundary wall would complement the established pattern of walls in the village.

- A short statement is required assessing the impact of the proposal on the 'significance' of immediate Heritage Assets, being nearby listed buildings and the Conservation Area, thus should highlight an understanding of the 'significance' of the historic environment hereabouts and thus highlighting whether any harm would adversely impact on 'significance', views in and out of Tippings Lane can be considered, particularly as the new proposal would be of a considerably higher scale than the present built form that exists on the site. The level of harm can then be understood and weighed on the basis of the requirements of paragraphs 200 – 202 of Section 16 of the NPPF.

The above concerns are required to be addressed from a Historic Environment perspective.

The proposal therefore should be adjusted in order that is able to accord with the relevant Neighbourhood Plan Policies and Policies CS19 and CS22 of the Rutland Core Strategy Development Plan Document (July 2011) and Policies SP15 and SP20 of the Rutland Site Allocations and Policies Development Plan Document (October 2014), which seek amongst other things to preserve the significance of listed buildings and protect the special features of Conservation Areas.

I would be able to comment further on the submission of information addressing concerns highlighted above.

Looking at the revised plan, the proportions are much better and the fenestration and arrangement to the apertures is improved. Whilst the garage still appears high - the overall massing is considerably reduced by the stepped down element to the main house.

Subject to materials I would not have an objection to the re-organisation of the elevations.

A materials schedule would consider:

- Type of stone and colour finish to elevations and details of slates/tiles, I think we said could use imitation collyweston on house with Welsh slate on garage.
- Section plans for windows – flush fitting casements preferred, either in timber or metal, no upvc.
- Conservation rooflights only
- Rise and fall brackets for rainwater goods – aluminium rainwater goods
- Details of hardstanding and surfacing for driveway
- Details of stonework for repairs to well/pump

The revised plans offer a considerable improvement over the earlier plans as

such, the one dwelling has a similar scale and massing and takes cues from the architectural detailing of the house adjacent to the site, such that the one dwelling proposed does now fit into the immediate context and is an improvement over the commercial yard, it also sits well in the context of the renovated cottage.

Materials will need to be finely balanced in order that the details are well executed given the quality and character of the historic environment hereabouts. If a boundary wall is preferred over estate fencing, then final details can be reserved by condition. If timber windows are preferred in line with the requirements of the NP, then this can also be conditioned, though there would be no objection to using an aluminium system to the rear of the build where modern doors are proposed. On balance and from a built conservation perspective it is better that this site is 'built out' rather than remaining as a commercial yard operating here.

Notwithstanding the heritage and built conservation considerations, there are clearly some limitations at this site; the plot arrangement with the juxtaposition of other immediate houses and the access would constrain the site for additional houses of the number required by the NP, given the need to preserve amenity and to provide amenity and parking within the site. Also the proximity of the recently refurbished cottage would be harmed if the site was to be over-developed. Whilst it would be welcomed to have more than one dwelling on this site – it is noteworthy that there is also the consideration that the site levels also offer a constraint which makes it difficult to use the plot effectively for a number of houses. Hence one house when taking in the balance of the constraints of the site would fit seemingly better in this context.

Overall the views in and out of the Conservation Area can remain preserved as the new build does not appear to be of a scale that is out of context with the house adjacent to the site, a new build on this site would not be considered to draw the eye away from key views in and out of the Conservation Area, given it has been set back into the site. The impact on neighbouring listed buildings would be far less than a commercial yard operating here. Therein lies the heritage balance therefore - that the public benefit is that the historic environment would be improved contextually.

I hope the additional information is useful. There is no objection from a built conservation perspective though a high-quality use of materials will be necessary at this site.

51. **Design Officer**

Further to the site meeting and subsequent amendments and clarifications with regards to the relationship between the proposed dwelling and Tippings Lane, I can now confirm that the initial concerns have been addressed. There will now be a grass bank and new planting adjacent to Tippings Lane. The extent of retained stone wall should be marked more clearly on the plan. An indicative height should also be illustrated. The proposed planting next to the

garage should tie in with native rural species – for example native mix rather than leylandii.

52. **Environmental Protection**

Contaminated land

We have reviewed the documents submitted including the Site Investigation report by Ground Engineering, Jan 2019 (ref. C14650).

As recommended in the Site Investigation Report by Ground Engineering further investigation would be necessary following the demolition of the existing buildings to assess the extent of contamination in the southern area of the site. It should be noted that gas monitoring is advised over a 3 month period with a minimum of 6 visits to account for variations in conditions with at least two visits during falling atmospheric pressure, therefore the data included within the report is insufficient to determine the ground gas risk at the site.

The groundwater monitoring suggests that the residual diesel contamination is localised to the area of the former tank, and has not been located in the boreholes in the south of the site. Two samples returned elevated Arsenic, one sample was retrieved from the Northampton Sand Formation which can be naturally elevated in arsenic, another elevated arsenic sample was identified within the deep Made Ground (WS3).

Following a subsequent site investigation a formal remediation strategy should be submitted to the local authority for approval. Therefore, this section suggests the following conditions are applied should the planning permission be granted.

Air Source heat pumps

I have spoken with Justin Bell regarding the operational levels of the air source heat pumps. Therefore, it would be appropriate to include the following conditions should planning permission be granted to ensure that the noise from the pump does not result in an adverse impact on neighbouring properties.

1. The sound pressure level of noise emitted from the operation of the air source heat pump shall not exceed 38dBLAeq, 5 mins. The noise levels should be determined at the nearest sensitive receptor.
2. In the event of any reasonable noise complaint being received by the Local Planning Authority, the property owner or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of

approval by the Local Planning Authority.

On reflection of the information provided this section would like to place a holding objection on the proposed development due to insufficient information provided regarding the potential noise associated with air source heat pumps.

On further review of the documentation the Proposed Site Plan (drawing no. 20037/PL205C) shows the 'Air source heat pump locations' with two outlined units. It should be noted that the MSC:020 document 'MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises' is only relevant to the installation of a single ASHP. Therefore, if more than one unit is to be installed a noise assessment will be required in accordance with BS4142:2014 to determine if the sound level of the proposed units do not exceed day time and night time background levels or whether mitigation measures will be required to achieve this.

If only a single air source heat pump is required, it will be necessary to evidence that the specification and location of the proposed air source heat pump will not exceed the requirements of outlined in the MSC:020 document otherwise a noise assessment will be necessary to determine the mitigation measures required

53. **Forestry Officer**

No objection

Thank you for sending over the new plans. The removal of the hedges will change the street scene landscape, however; the species is comprised of cypresses, which are unpopular and unlikely to raise objections from residents, Parish or the members. I would therefore only consider action to retain these if comments have been by the abovementioned in the consultation process.

The ash tree is being protected, which is good.

Currently, I have no objections to the proposals.

Tree Survey and Tree Protection Plan required.

54. **Senior Planning Ecology Officer**

Apologies for the delay. The Preliminary Ecological Appraisal submitted with the application is nearly three years old. Bats in particular are very transient and a negative result of a bat survey can only be reliable for a short period of time. As such I recommend that an updated daytime bat survey of the buildings is carried out prior to an assessment being made.

Although the report is dated January 2021, the bat element was undertaken on the 27th January 2020 according to the report, hence Nikki's comment. Given Philip's comment the date appears to be a typo. However, because the buildings were considered to have negligible potential for bats, I do not

consider it necessary for an updated survey to be done. No evidence of nesting birds was found either. Therefore I recommend the following Conditions are attached to any permission:

No demolition or development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Any integrated bat/bird boxes/roosts need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

The development hereby approved shall be implemented in strict accordance with the measures stated in sections 6.3 & 6.4 (Recommendations & mitigation) of the Preliminary Ecological Appraisal Report (Philip Irving, January 2021)

55. The Lead Local Flood Authority Officer

No Objections if built in accordance with Drawing 20037/PL209C. The Applicant removed the positive discharge from the site and has provided attenuation/infiltration crates under the driveway, along with a permeable driveway. The new drainage scheme will ensure all surface water is managed within the site.

The LLFA raise an objection to the proposed development.

The applicant has shown a permeable driveway surface to allow natural percolation but have also shown underground storm water attenuation crates which link into the foul sewer system. The attenuation crates will have a hydro brake fitted which restricts the flow to 2 litres per second.

This is not acceptable to the LLFA.

This is a small residential property and therefore all surface water should remain on the site and infiltrate through the ground. Ground investigations should be carried out to identify the most permeable areas on the site where soakaways could be installed.

56. Parish Council comments on the original Scheme

At the meeting of Barrowden Parish Council on Wednesday, 9th November 2022, Councillors considered the new proposals for the above application. The proposed development will be governed principally by the Barrowden and Wakerley Neighbourhood Plan. It is the latest Development Planning Document to have been adopted (December 2019) and therefore takes precedence over the Rutland Core Strategy 2011 and Site Allocation and DPD 2014.

The Parish Council has previously considered the development, and Councillors are of the view that they would support a development on this site provided that such development is in line with the provisions of the Barrowden and Wakerley Neighbourhood Plan, Local and National Planning Policies.

National Planning Policy Framework

Para 123 of the NPPF states that decisions on housing being built at low densities would be incompatible with the current Rutland position (in relation to its 5-year land supply). In these circumstances, applications should be refused if they are considered not to make efficient use of land.

In response to the Planning Pre-Application 2019/0292/PRE, the Planning Officer stated, in the email dated 12th November 2019, that at least 3 dwellings might be acceptable on this site subject to a number of conditions. The proposal of one oversized dwelling fails to meet the requirement of NPPF para 123, where treble the proposed number of dwellings could be accommodated on the site.

Rutland Design Guide

The applicant has not discussed this new application with residents or the Parish Council, contrary to the Design Guidelines for Rutland SPD.

Neighbourhood Plan Policies

Considering each of the Neighbourhood Plan Policies in turn, the Parish Council considers where the proposed development fails to meet the requirements of those Policies.

BW1 Landscape Character and important views

Policy BW 1 states that

The development shall conserve and enhance the positive characteristics of the local landscape outlined in the Barrowden and Wakerley Landscape and Character Assessment. Planning Application 2022/1219/FUL Former Haulage Yard , 1 Tippings Lane. Demolition of commercial buildings and construction of one dwelling, associated access and external works

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Within that Character Assessment, it states that Infill sites are sensitively integrated into the settlements and surrounding area in such a way as to not detract from the character of surrounding properties. As an infill site, it fails to meet the requirement of being sensitively integrated into the settlements and surrounding areas, as it will detract from the 3 Listed Buildings and the mature property opposite at 4 Tippings Lane.

A north-to-south cross-section from the Village through the gap between 1 Tippings Lane and 24 Main Street shows that the proposed building will be twice the height of the existing commercial building and will be clearly seen from the Village Green, which would have an adverse impact contrary to BW1 para

2. This issue was also the principal reason the Inspector refused the appeal on the original application 2020/1359 for 2 dwellings.

The application does not meet the requirements of the policy.

BW6 Design Principles for Barrowden and Wakerley Policy Para 1 of the Policy re-affirms the need for the development to meet B & W Landscape and Character Assessment as the scale and mass of the proposed dwelling are not in keeping with the surrounding buildings. The building is in excess of 4550 sq. ft of internal floor space which is about 30% larger than the average "large" houses in the Village. Para 2 (e) The proposal to use Mocha Spanish Slate (It is noted that the previous application 2020/1359 proposed the use of artificial Collyweston) The use of slate in this location will have a significant adverse impact on the surrounding listed buildings and would fail to meet the policy.

Para 2 (h) The use of metal estate fencing on the southern boundary is contrary to the requirement for stone walls where visible from the public realm. The application does not meet the requirements of the policy.

BW7 The Local Impact of Construction

Given the narrowness of Tippings Lane and the fact that it is a bus route if Planners are minded to approve the application then the developer should be requested as a condition of the planning approval to provide a construction logistics plan which would include the requirement that no vehicles belonging to the contractor or sub-contractors should be parked outside the boundary of the site, especially on Tippings Lane and adequate defined off-site parking should be identified.

BW8 Surface Water Flooding

The Parish Council support the desire of the developer to provide a SUDS system, however, while there are drawings of such a proposal, no infiltration testing has been presented to demonstrate that the ground conditions would be suitable for such a system. It is also essential that a full set of calculations is

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prepared to demonstrate the effectiveness of the SUDS system. The proposal is to allow up to 2 litres per second of surface water to enter the foul water sewage system. This is not acceptable and is contrary to the Anglian Water Surface Water Drainage policy, which states that:-

The disposal hierarchy should be in the following order of preference:

Rainwater re-use (rainwater harvesting)

Discharge by infiltration to the ground

Discharge to an open surface water body

Discharge to a surface water sewer, highway drain, or other drainage system

Discharge to a combined sewer

In its current form, the application does not meet the requirements of the policy.

BW9 Infill and Backland development

BW8 Para 3 states that

The proposal will not result in significant overshadowing or overlooking or have an overbearing visual impact on adjacent dwellings and gardens.

This proposal will have an impact on surroundings properties, including those to the north, as it will result in the significant overshadowing of that property as well as overlooking and having an overbearing visual impact on that dwelling and, more importantly, towards its rear garden, significantly reducing privacy from the dormer windows. No section is provided in relation to the properties to the north.

The application does not meet the requirements of the policy.

BW10 Dwelling Size and type

Both this policy in BW10 Para 1 and the latest version of the Rutland Strategic Housing Market

Assessment clearly articulate the requirement for new developments to be designed with 3 or fewer bedrooms. This requirement is well evidenced both in terms of the SHMA and also from the questionnaire from which the Neighbourhood Plan was developed. The application fundamentally fails to meet the requirements of the policy.

Village residents and the Parish Council indicated in response to the pre-planning application the desire to maximise the use of the site for more dwellings with fewer bedrooms, a maximum of three, to meet the needs of younger families and downsizing older residents.

In relation to BW10 Para 2, no evidence has been presented to demonstrate an identifiable shortfall in

the provision of dwellings of 4 or more bedrooms.

The application does not meet the requirements of the policy.

Planning Application 2022/1219/FUL

Former Haulage Yard , 1 Tippings Lane.

Demolition of commercial buildings and construction of one dwelling,
associated access and external works

BW16 Fibre Broadband

It is noted that the dwellings will be provided with Full Fibre broadband (FTTP). This should be a condition if the Council is minded to grant permission.

Other comments

Noise

It is noted that the dwelling will be heated by air-source heat pumps.

Given the rural location and especially the low levels of noise, especially during the night, a baseline noise assessment should be carried out by the developer overseen by the Rutland County Council

Environment Department. The developer should then provide a maximum noise level which will not be exceeded by the air source heat pumps so that they have no or minimal impact on neighbouring properties.

Heritage Assessment

While the heritage assessment provides information, it does not provide any context for the new building in respect of its surroundings. It seems to concentrate on replacing the existing commercial

buildings. This is not an acceptable comparison, and the additional comments provided by the developer still go nowhere near being adequate. While a desktop assessment is acceptable it should be carried out by an independent expert. We note that the hand pump is to be retained and should be conditioned if the application were to be approved.

Conclusion

Barrowden Parish Council's view is that this proposal fails to meet many of the requirements of the National Planning Policy Framework, Local Plan and Neighbourhood Plan Policies, all of which are material considerations and therefore we recommend that the application be REFUSED

In the event that the Planning Authority is minded to grant planning permission, the Parish Council will request, through the Ward Councillors, for the matter to be decided by the Planning Committee and not through delegated powers on the basis that the proposals fundamentally breach both the National and Neighbourhood Plan Policies.

Barrowden Parish Council

Neighbour Representations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

57. During the determination period of the application 9 responses have been received some of which include more than one email from the same people following reconsultation of neighbouring properties on the amended scheme.

These objections are summarised as follows:

1. House much too large for the plot. There is a need in this village for smaller properties for young and older residents who wish to remain in the village, and therefore two smaller homes would be more suitable, with reduced height.
2. The new dwelling will block the view to the west from my house especially in the winter when it will obliterate the afternoon sun. its already very dark because of the trees.
3. Tippings Lane is a very busy road with the bus route and one of the main ways out of Barrowden to the A47 and there is no footpath for pedestrians.
4. Suggest that the site be dug out as was the case on Back Road for the four houses there.
5. The scale of the proposed house is too large and would completely dwarf the surrounding listed building.
6. The dwelling is against the spirit of the Barrowden and Wakerley Neighbourhood Plan. Barrowden has enough large properties, but lacks smaller more affordable homes for both young people and those who are older and looking to down size. This proposed plan, whilst showing 4 bedrooms, has many other rooms, it is a very large property indeed. If permitted the house would dominate a prominent position near the Village Green. In my opinion this site would be far more suitable for 3 smaller houses.
7. The proposed building materials are totally at odds with the neighbouring houses, it neither matches, compliments or blends with its surroundings. Nothing around it is built from sawn bed stone.
8. The house should be set down further into the site. Such a large building would dominate and overwhelm the centre of the village and village green and nearby listed buildings.
9. The building is very large in scale for the plot and this part of the village.
10. Noise pollution from the heat source pump.
11. A section of deciduous hedge on the north roadside boundary should be retained to screen the property and retain wildlife habitat.

12. Loss of privacy from been overlooked.
13. Looking at the footprint of the building in comparison to the surrounding buildings in this historic part of the village, it looks much bigger and will dominate and overwhelm the lane.
14. The cut stone material will not be in keeping with the building stone material used in this part of the village.
15. The boundary wall is not clearly shown on the plans and its height is not clear. It would be important to allow a safe place for pedestrians to pause for large vehicles which regularly use the lane.
16. Blocking of Tipping Lane during the construction period.
17. Such a large building would dominate and overwhelm the centre of the village and village green and nearby listed buildings.

Comments received in support of the scheme.

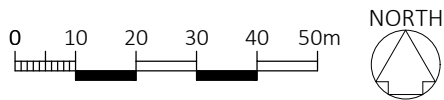
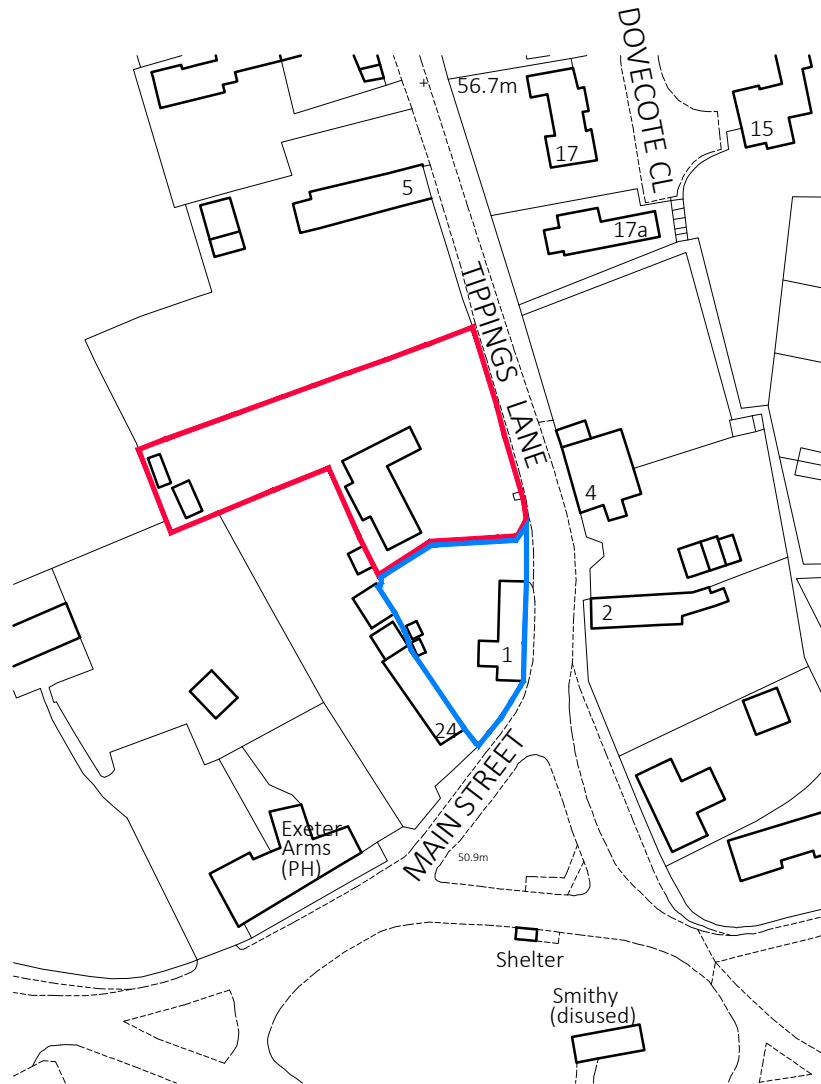
1. The Developers and the Architect amended plan takes into account the comments and concerns expressed by neighbours and residents.
2. Takes into account The village Neighbourhood Plan Policies with respect to usage of materials, street scene in a Conservation Area and the protection / retention of one of the remaining old Water Hand-pumps in the village.
3. One dwelling on the site, there will be less vehicles using the access.
4. It is a large property, but that's what people want, and although a preference is shown for smaller properties in the Barrowden & Wakerley Development Plan because it was thought older people could downsize, they don't, due to the cost of moving. They are quite happy to remain in their larger homes until it is time to leave the village altogether.
5. We need a balance of properties and we do have a sufficient number of smaller/medium sized homes.
6. One dwelling will reduce the traffic impact on this busy road compared to 3 or 4 properties.
7. There is more open garden aspect for both houses and more parking and turning space on the site.

Conclusion

58. Looking at a two-dimensional plan the site it can be argued that the site is large enough be able to accommodate more than one dwelling. However, the

topography and shape of the site limits the layout of a development proposing more than one dwelling. In addition to these restrictions the application site is within a designated conservation area and located close to a number of listed buildings and other none listed residential dwellings.

59. The Conservation Area Officer is in support of the scheme and has also stated that that the historic urban grain comprises wide plots and the detached house adjacent to the site would be the benchmark that should be considered to achieve a more legible form of development at this site, which would be typical of the urban grain and build density. The present design for one house preserves the setting, additional houses would likely compromise amenity and setting.
60. Taking the above into account, it is considered that the proposed development would preserve and enhance the character or appearance of Barrowden Conservation Area, would not have an adverse effect on the setting nearby Grade II listed buildings and/or adjacent important open space buildings or adversely impact the residential amenities of neighbouring properties and would be comply with to Sections 5, 11, 12, 15 and 16 of the NPPF (2021), Policies CS03, CS04, CS19 and CS22 of the Councils Adopted Core Strategy (2011), Policies SP5, SP15, SP19 SP20 (and SP21 (of the Site Allocations and Policies Development Plan Document (2014), Adopted SPD and Policies BW1, BW6 BW7 and BW8 of the Barrowden and Wakerley Neighbourhood Plan.



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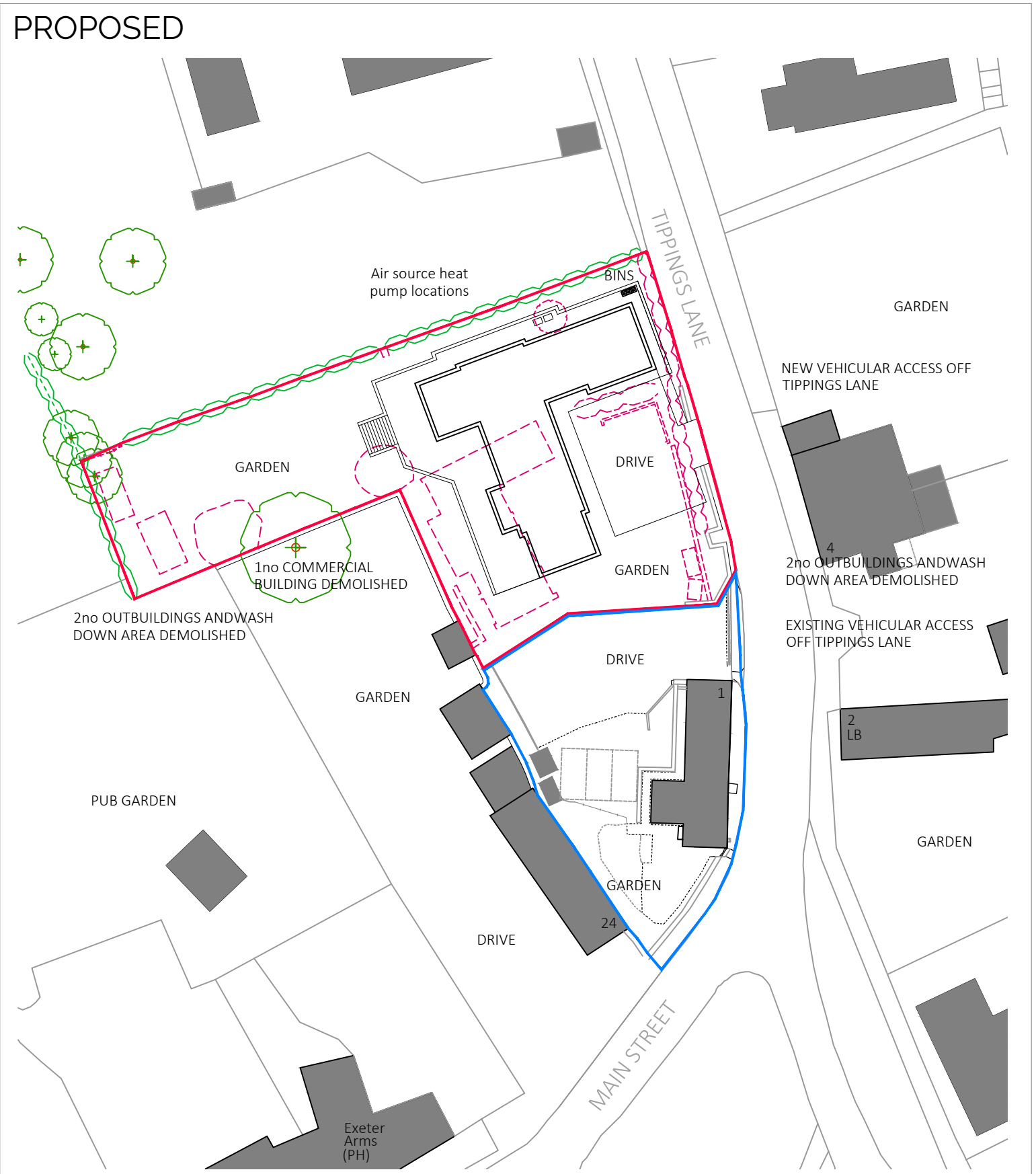
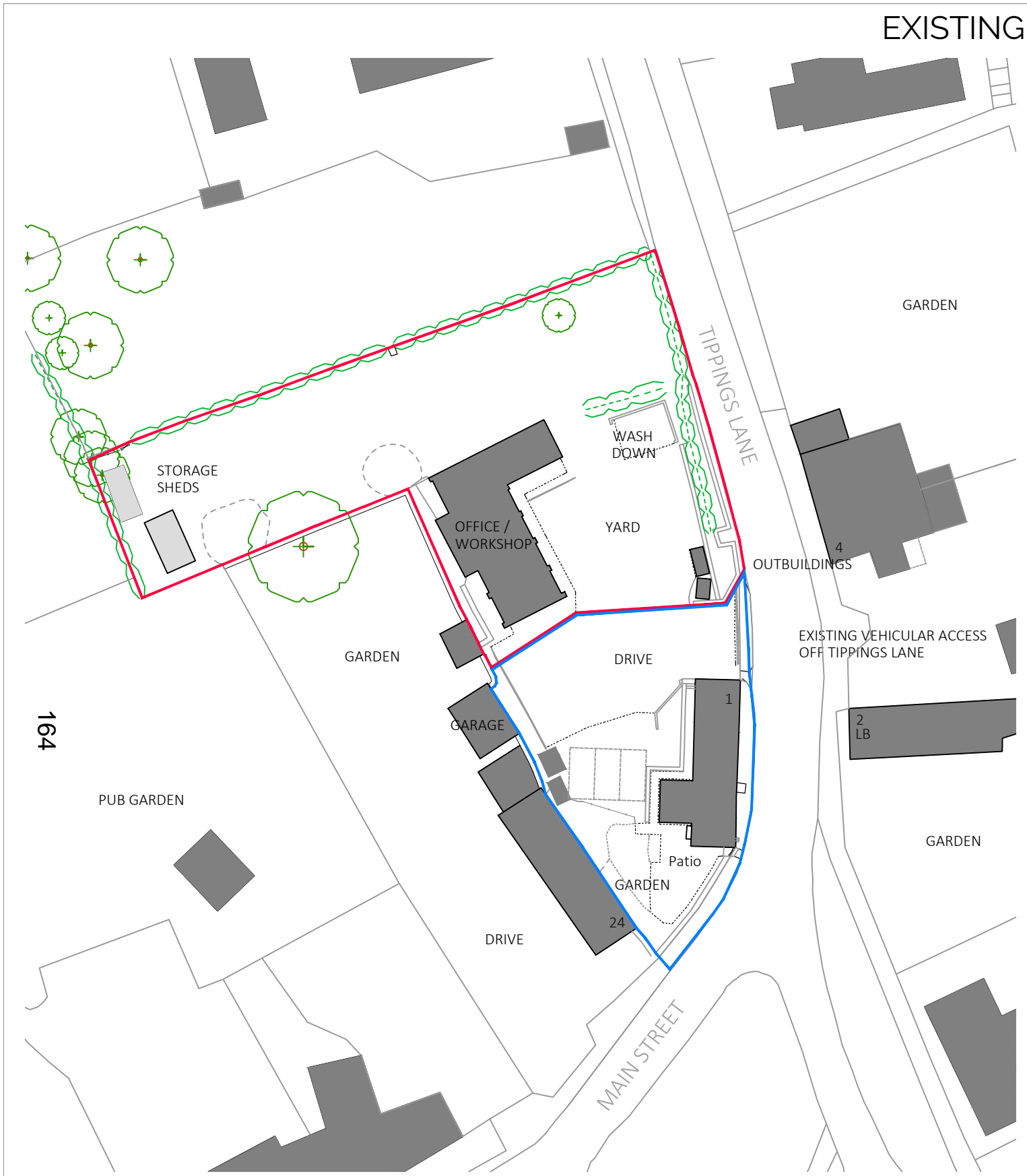
RESIDENTIAL DEVELOPMENT
 1 TIPPINGS LANE, BARROWDEN, RUTLAND
 SITE: LOCATION PLAN

Scale: 1:1250 @ A4
 Drawn: CRB

Date: 09/2022
 Dwg No: 20037/PL200

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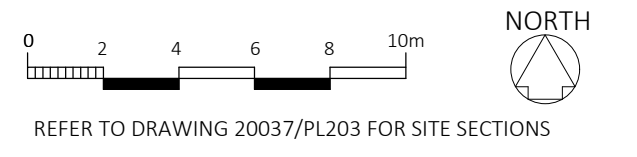
REVISION D
 REVISION C
 REVISION B
 REVISION A

PLANNING: Extents of boundary
 PLANNING: Extents of boundary
 PLANNING: Extents of boundary
 PLANNING: Extents of boundary

RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN, RUTLAND
EXISTING & PROPOSED SITE BLOCK PLANS
 Scale: 1:500 @ A3 Date: 09/2022
 Drawn: CRB Dwg No: 20037/PL201D

CRB 11/10/23
 CRB 03/11/22
 CRB 26/10/22
 CRB 25/10/22

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REVISION D
 REVISION C
 REVISION B
 REVISION A

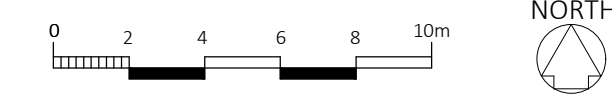
PLANNING: Boundary extents
 PLANNING: Boundary extents
 PLANNING: Boundary extents
 PLANNING: Boundary extents

RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
EXISTING SITE PLAN

Scale: 1:200 @A1 Date: 09/22
 Drawn: CRB Dwg No: 20037/PL202D

CRB 11/10/23
 CRB 03/11/22
 CRB 26/10/22
 CRB 25/10/22

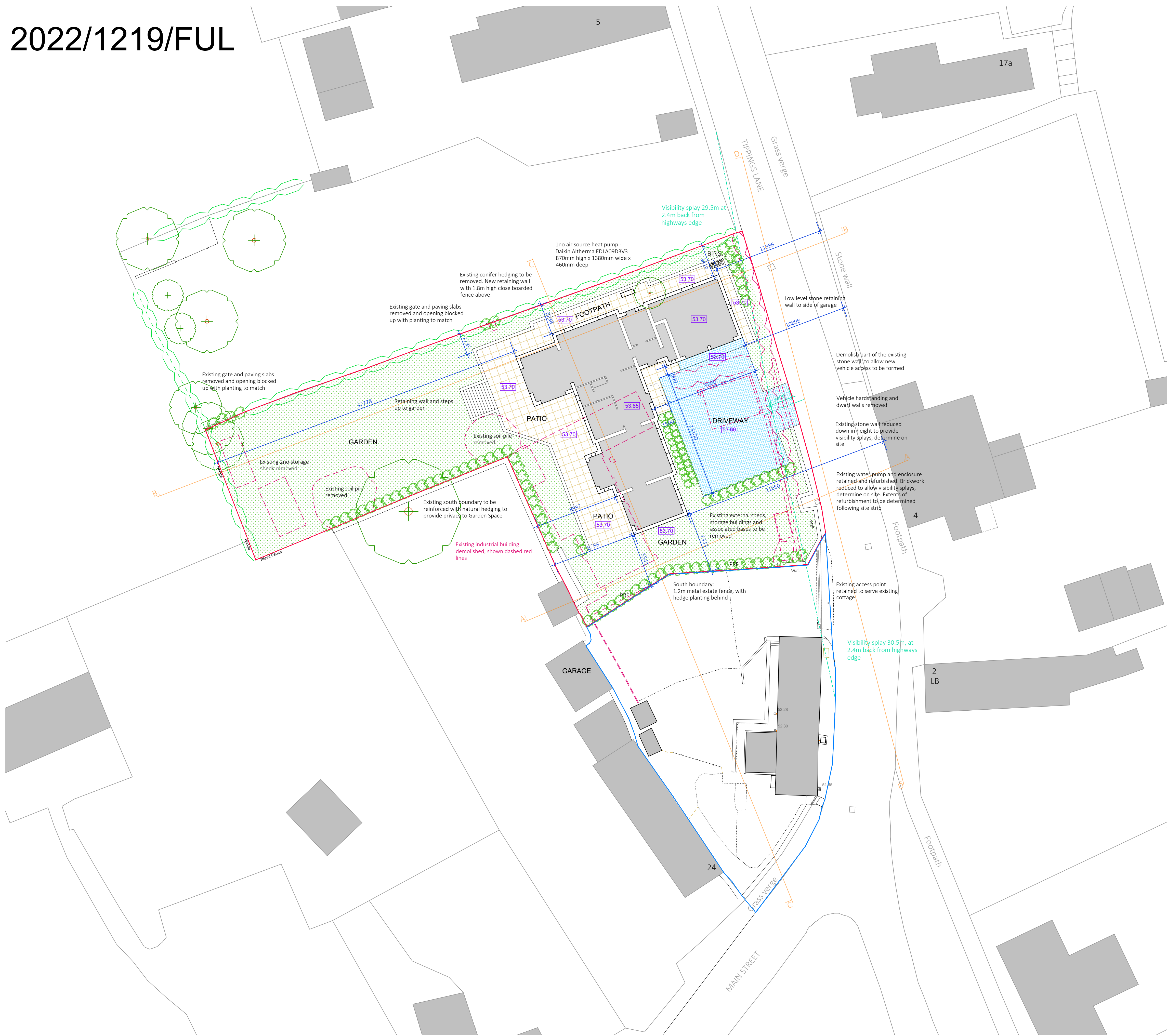
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- MATERIALS KEY:**
- Grey Sandstone keys and Patios
 - Porous paving
 - Grassed areas
 - New Planting
 - PRF 1.2m high metal estate fencing, black
 - Proposed levels

REFER TO DRAWING 20037/PL206 FOR PROPOSED SITE SECTIONS
REFER TO DRAWING 20037/PL207 FOR THE HOUSE PLANS

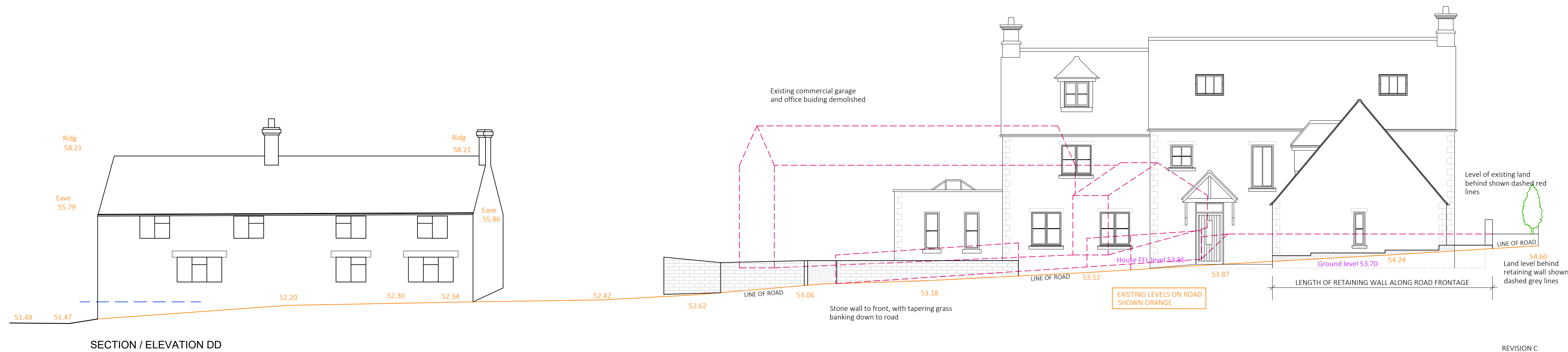
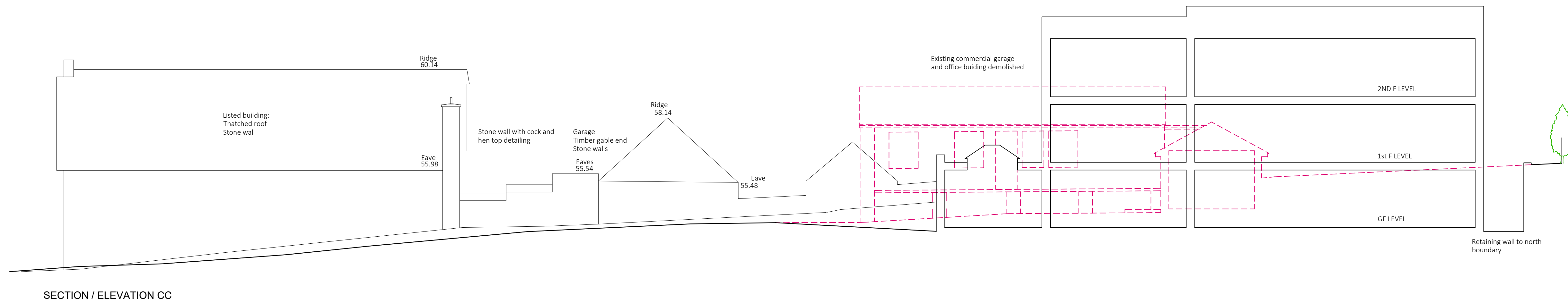
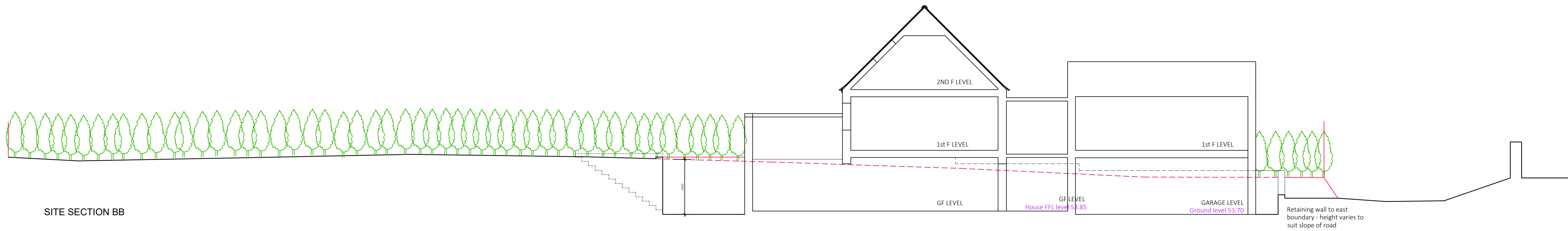
166



REVISION G	PLANNING: Extents of boundary	CRB	11/10/23
REVISION F	PLANNING: Driveway materials	CRB	05/09/23
REVISION E	PLANNING: Update to match revised house plans. Dimensions	CRB	19/07/23
REVISION D	PLANNING: Entrance dimensions	CRB	29/11/22
REVISION C	PLANNING: Extents of boundary	CRB	03/11/22
REVISION B	PLANNING: Extents of boundary	CRB	26/10/22
REVISION A	PLANNING: Extents of boundary	CRB	25/10/22

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RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
PROPOSED SITE PLAN
Scale: 1:200 @A1 Date: 09/2022
Drawn: CRB Dwg No: 20037/PL205G



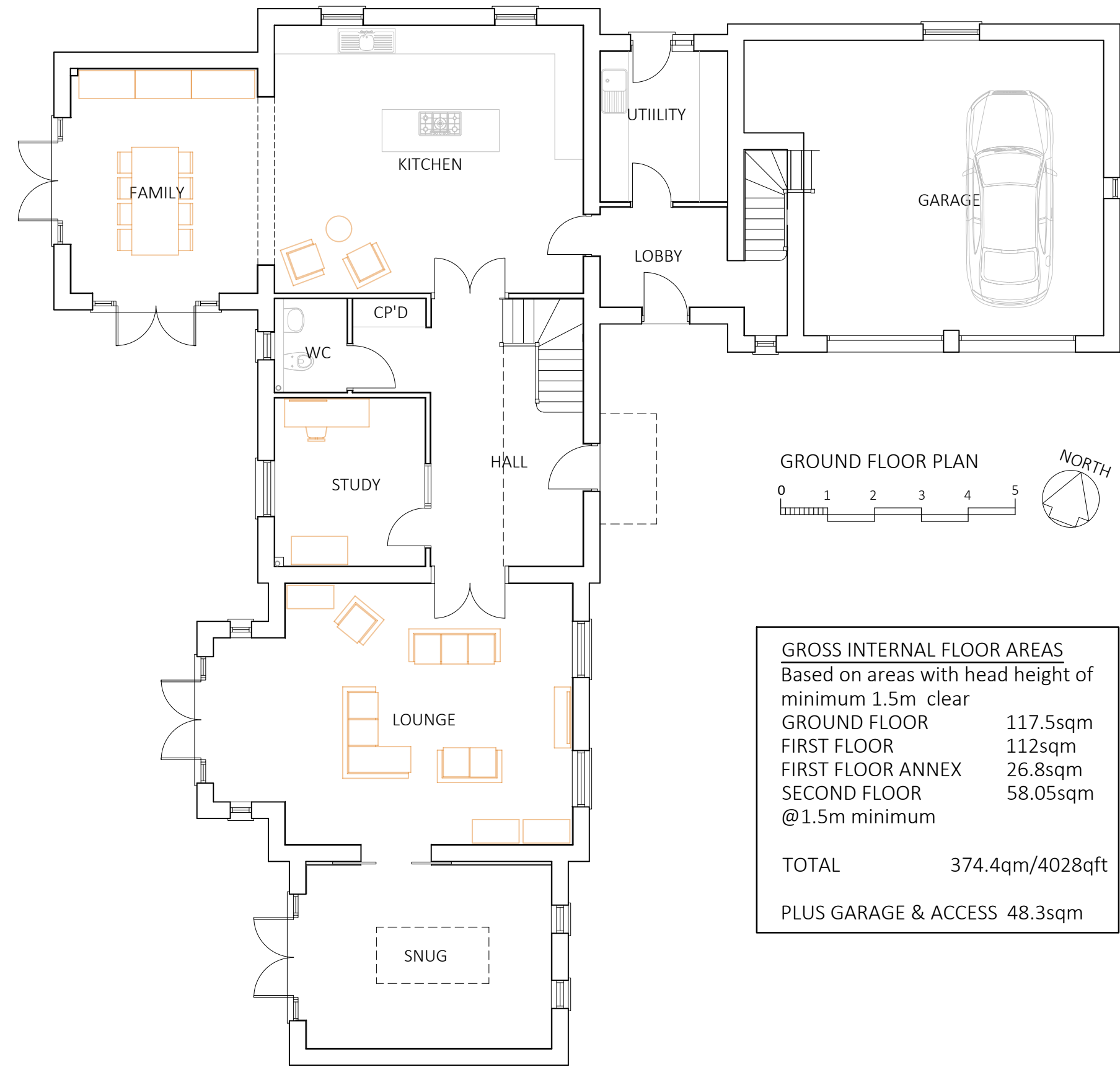
REVISION C
REVISION B
REVISION A

PLANNING: To suit revised design
PLANNING: Section DD & BB - additional notation
PLANNING: Site section legend plan omitted. Annotation added

CRB 21/07/23
CRB 14/03/23
CRB 25/10/22

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RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
PROPOSED SITE SECTIONS
Scale: 1:100 @A1 Date: 09/2022
Drawn: CRB Dwg No: 20037/PL206C



GROSS INTERNAL FLOOR AREAS
Based on areas with head height of minimum 1.5m clear

GROUND FLOOR	117.5sqm
FIRST FLOOR	112sqm
FIRST FLOOR ANNEX	26.8sqm
SECOND FLOOR	58.05sqm @ 1.5m minimum
TOTAL	374.4qm/4028qft
PLUS GARAGE & ACCESS 48.3sqm	



FIRST FLOOR PLAN



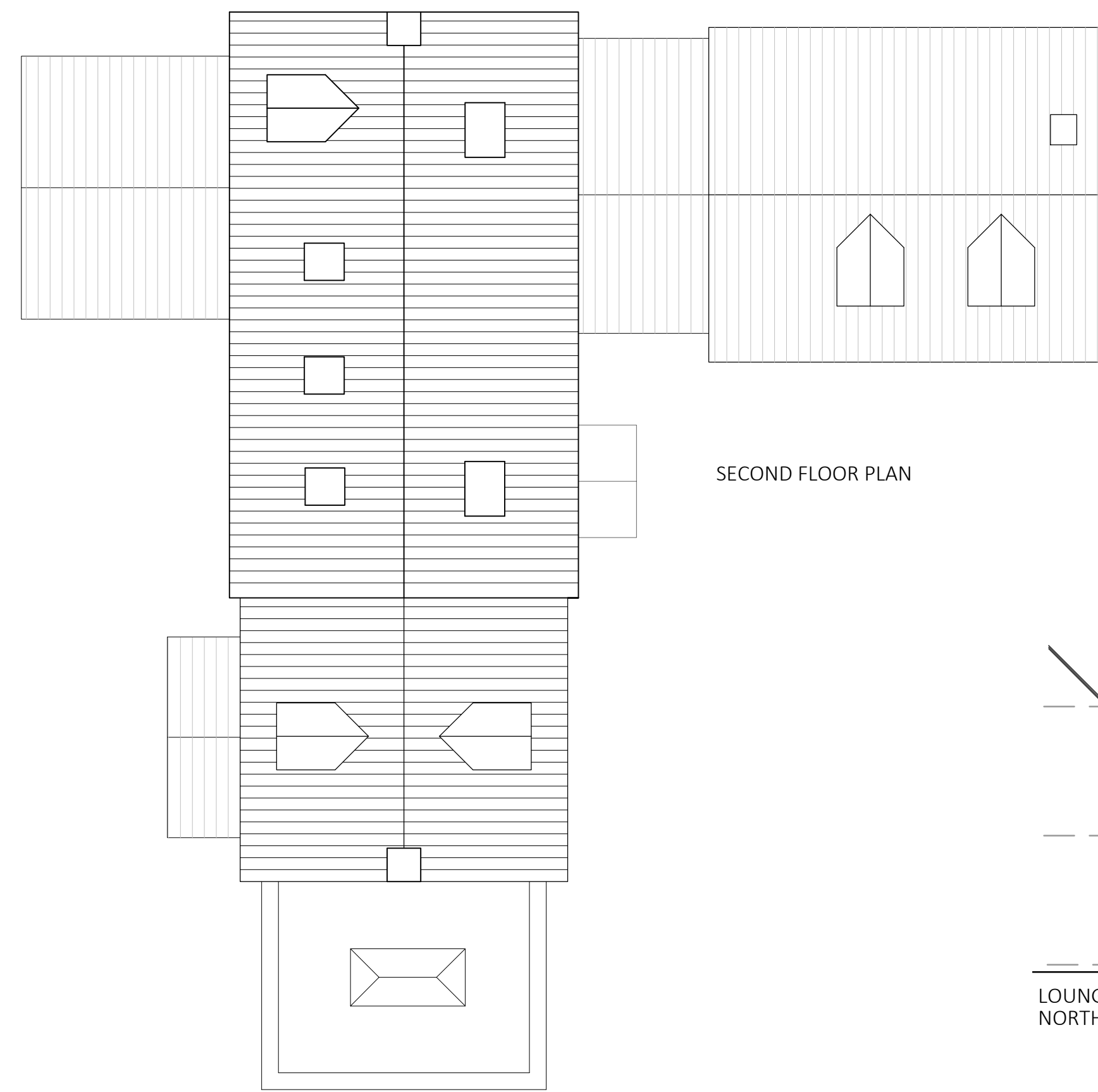
FRONT EAST ELEVATION



REAR WEST ELEVATION



SECOND FLOOR PLAN



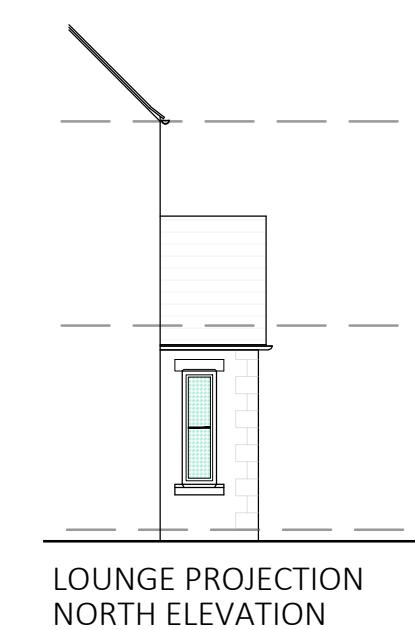
SECOND FLOOR PLAN



SIDE SOUTH ELEVATION



SIDE NORTH ELEVATION

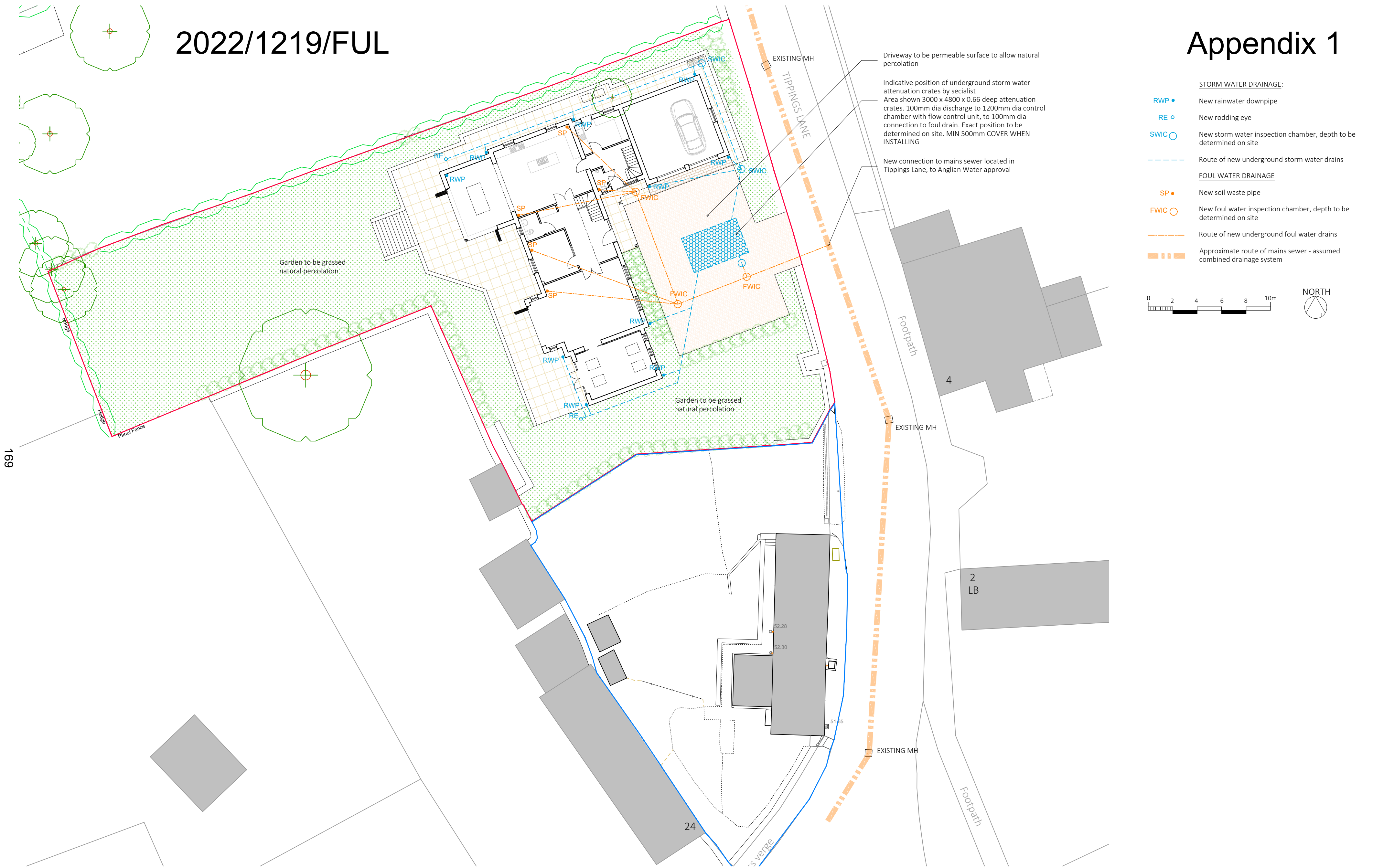


LOUNGE PROJECTION NORTH ELEVATION

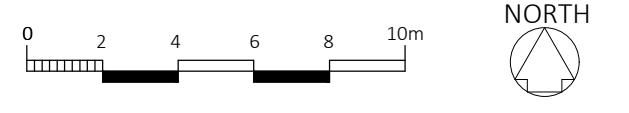
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2022/1219/FUL

Appendix 1



- STORM WATER DRAINAGE:**
- RWP • New rainwater downpipe
 - RE ◦ New rodding eye
 - SWIC ◯ New storm water inspection chamber, depth to be determined on site
 - Route of new underground storm water drains
- FOUL WATER DRAINAGE**
- SP • New soil waste pipe
 - FWIC ◯ New foul water inspection chamber, depth to be determined on site
 - Route of new underground foul water drains
 - Approximate route of mains sewer - assumed combined drainage system



Driveway to be permeable surface to allow natural percolation

Indicative position of underground storm water attenuation crates by specialist Area shown 3000 x 4800 x 0.66 deep attenuation crates. 100mm dia discharge to 1200mm dia control chamber with flow control unit, to 100mm dia connection to foul drain. Exact position to be determined on site. MIN 500mm COVER WHEN INSTALLING

New connection to mains sewer located in Tipping's Lane, to Anglian Water approval

REVISION D	PLANNING: Extents of boundary	CRB	11/10/23
REVISION C	PLANNING: Extents of boundary	CRB	03/11/22
REVISION B	PLANNING: Extents of boundary	CRB	26/10/22
REVISION A	PLANNING: Extents of boundary	CRB	25/10/22

RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
DRAINAGE STRATEGY PLAN

Scale: 1:200 @A2 Date: 09/2022
 Drawn: CRB Dwg No: 20037/PL209D

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LEGEND

EXISTING BUILDINGS SHOWN SHADED GREY, INCLUDING SURROUNDING BUILDINGS.

EXTERNAL AREAS:

COMMERCIAL BUILDING	139sqm
SMALL SHEDS AT REAR	28sqm
SMALL SHEDS AT FRONT	6sqm
Total	173sqm

FOOTPRINTS OF PREVIOUSLY REFUSED SCHEME FOR 2 DWELLINGS SHOWN OUTLINED IN PINK:

PLOT 1	234sqm
PLOT 2	150sqm
Total	384sqm

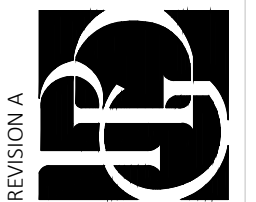
FOOTPRINT OF PROPOSED SCHEME, SINGLE DWELLING SHOWN OUTLINED IN BLUE:

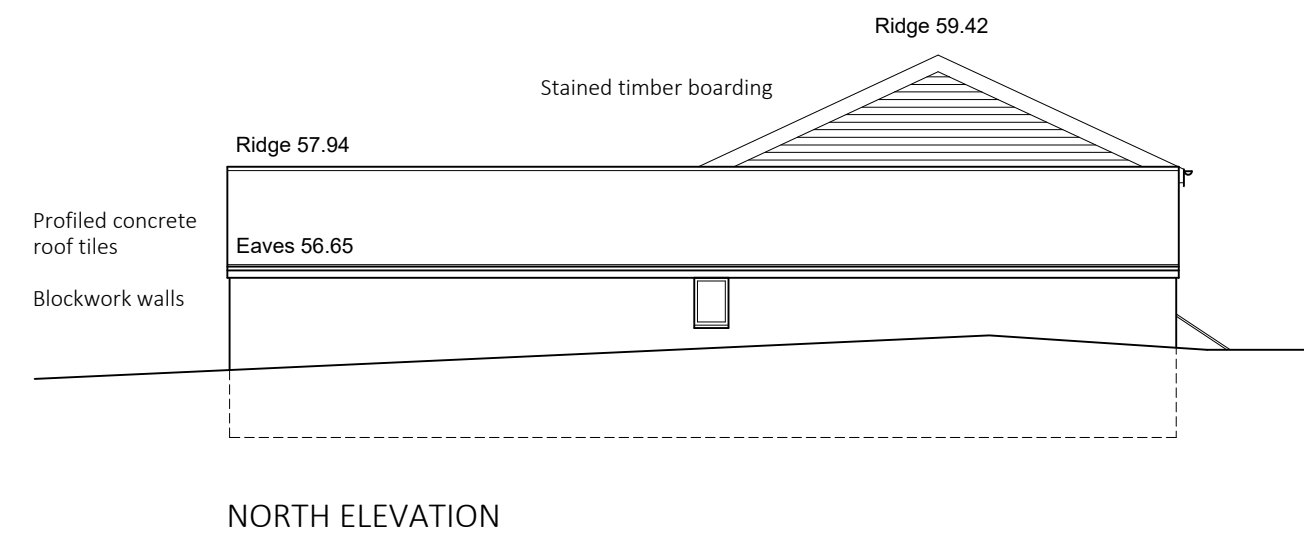
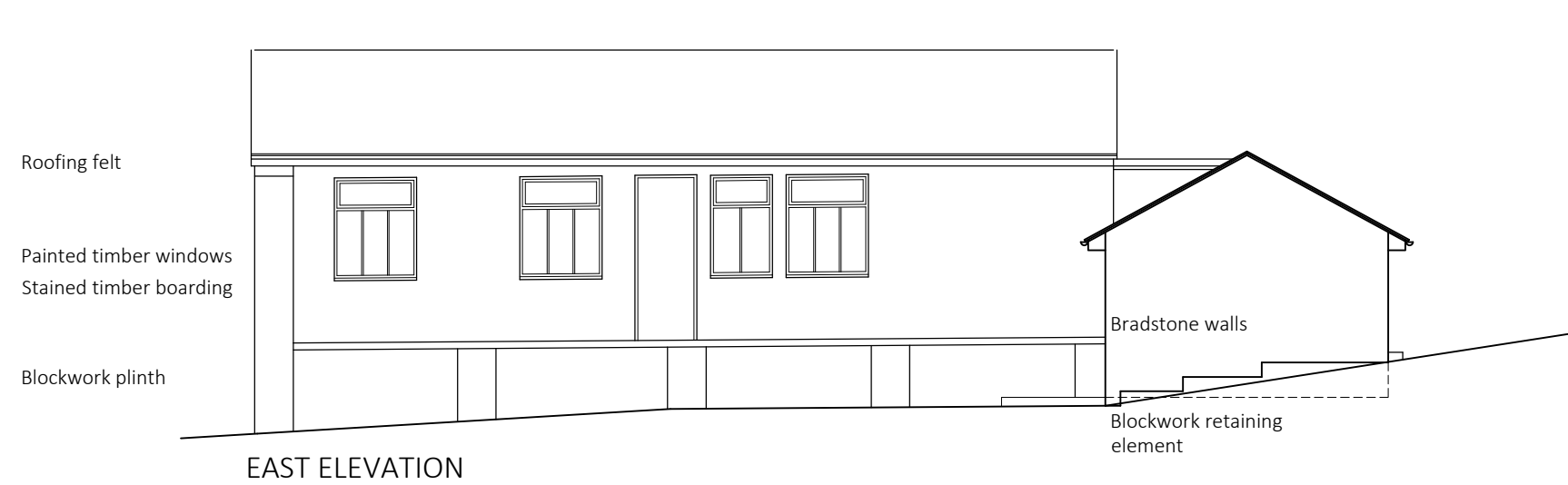
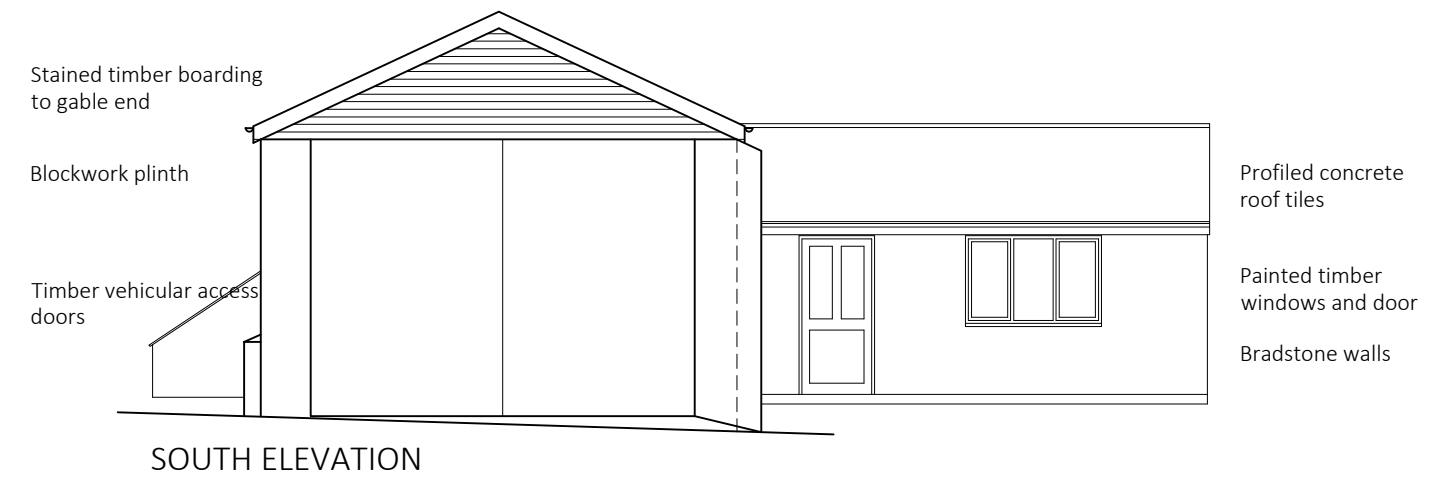
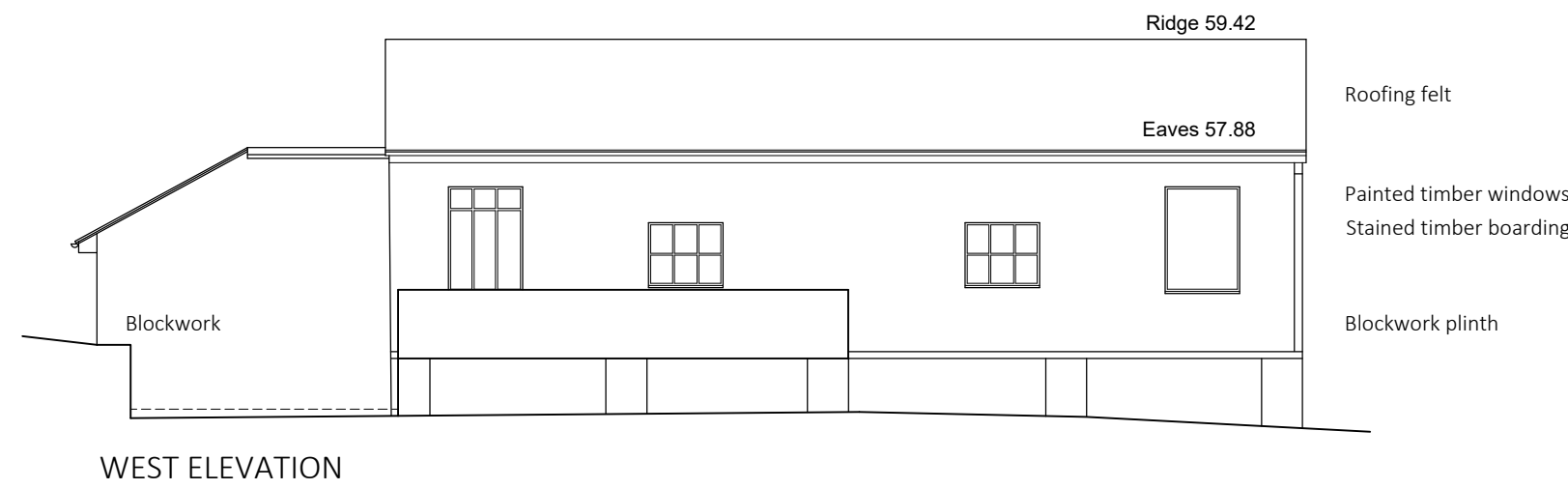
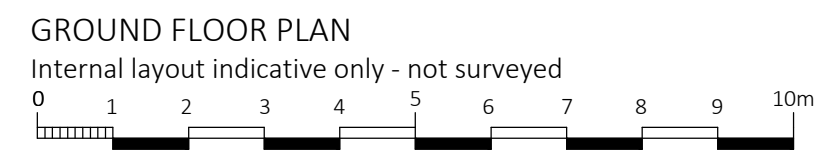
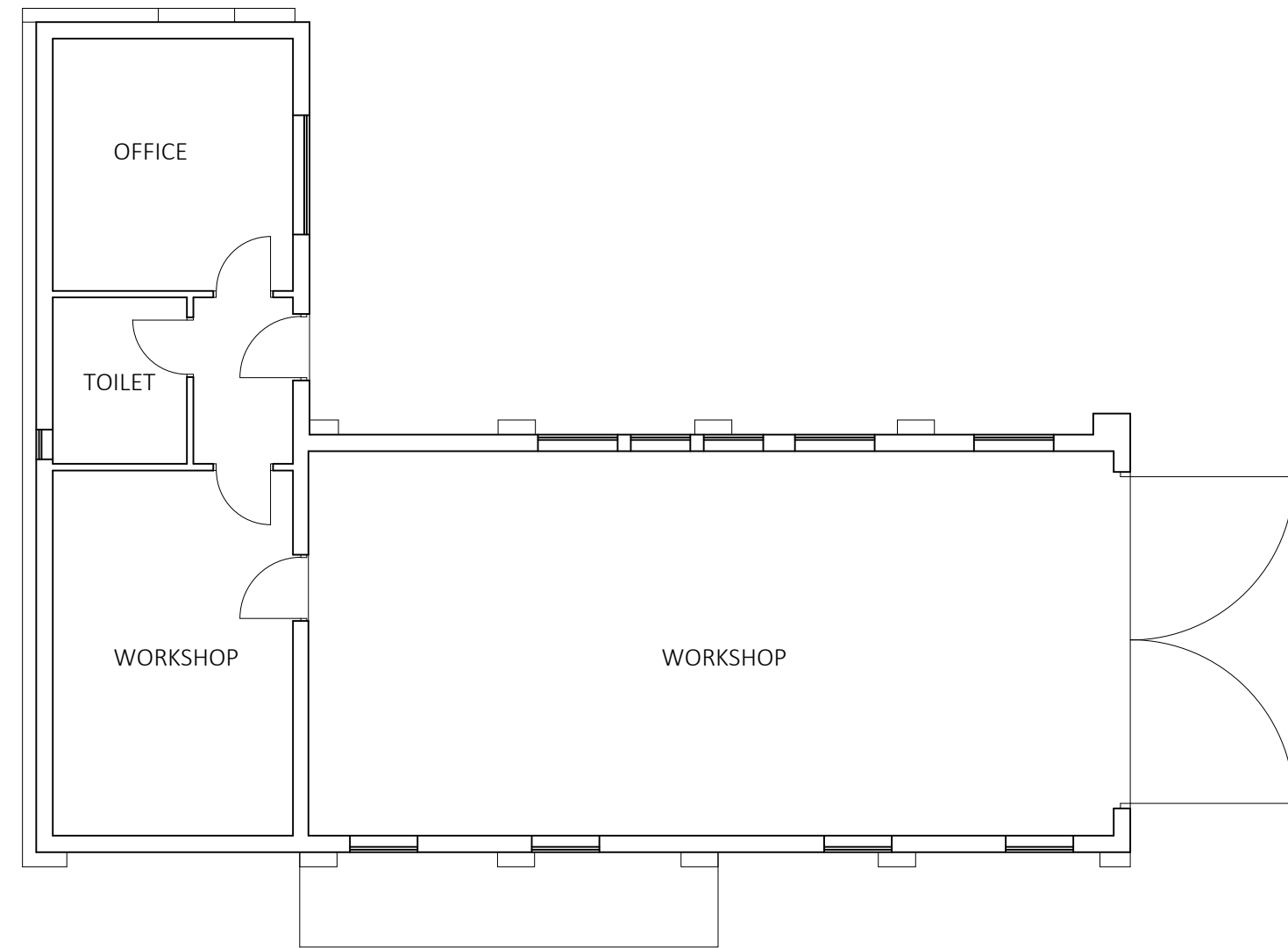
PLOT	270sqm
------	--------

170

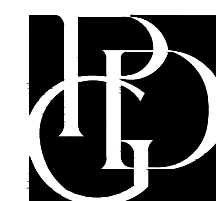
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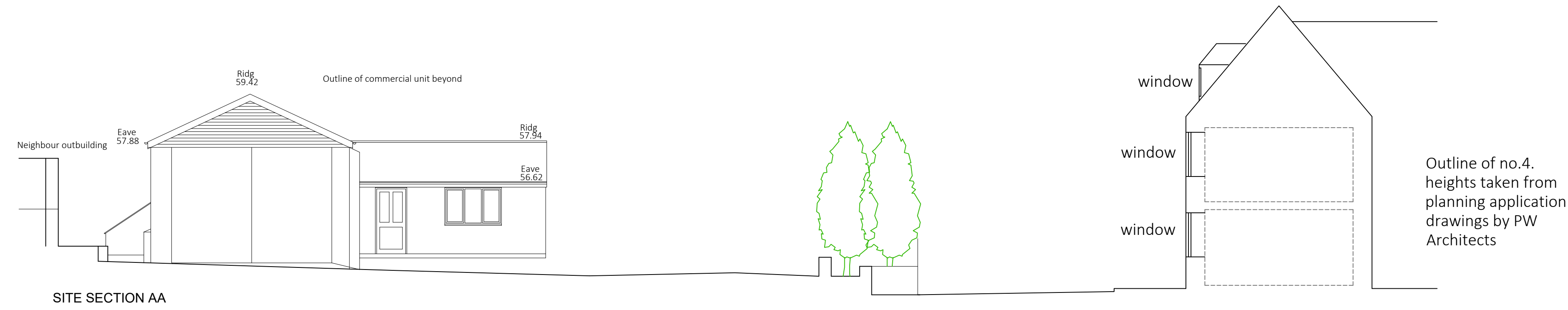
REVISION A
 Additional annotation
RESIDENTIAL DEVELOPMENT
 1 TIPPINGS LANE, BARROWDEN, RUTLAND
 SITE MASSING COMPARISON
 Scale: 1:200 @ A1
 Date: 09/2022
 Drawn: CRB
 Dwg No: 200037/PL208A



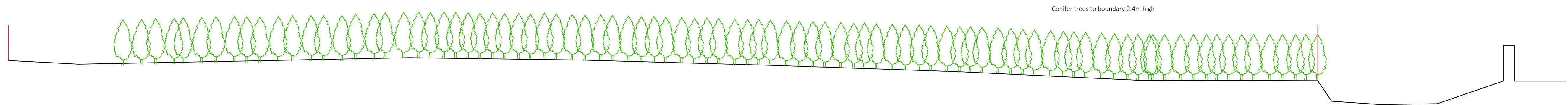


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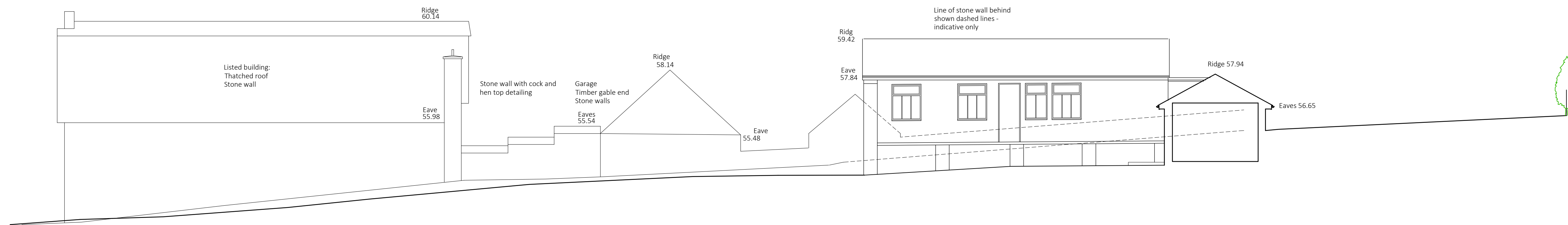




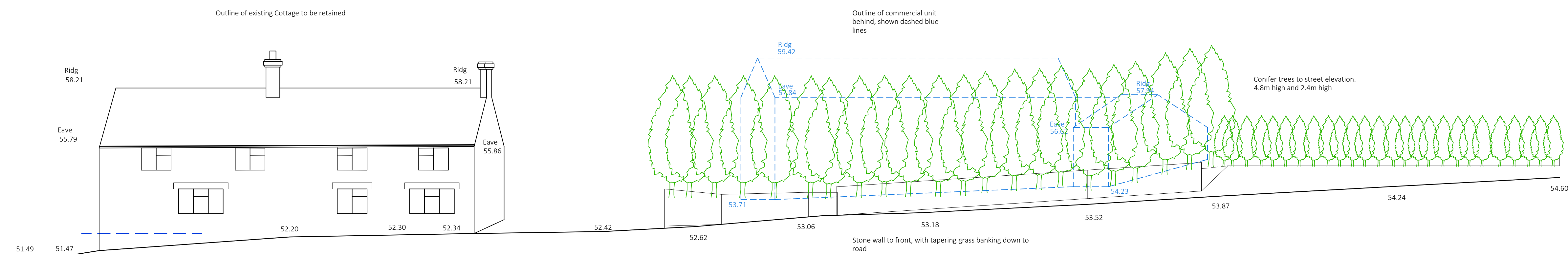
SITE SECTION AA



SITE SECTION BB



SECTION / ELEVATION CC

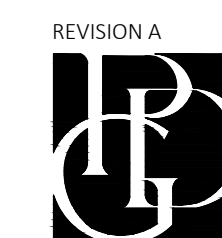


SECTION / ELEVATION DD

REFER TO SITE PLAN FOR LOCATION OF SECTIONS

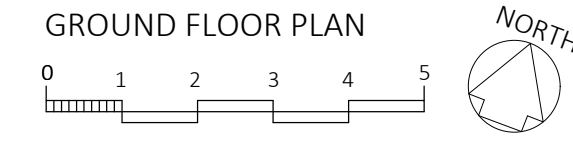
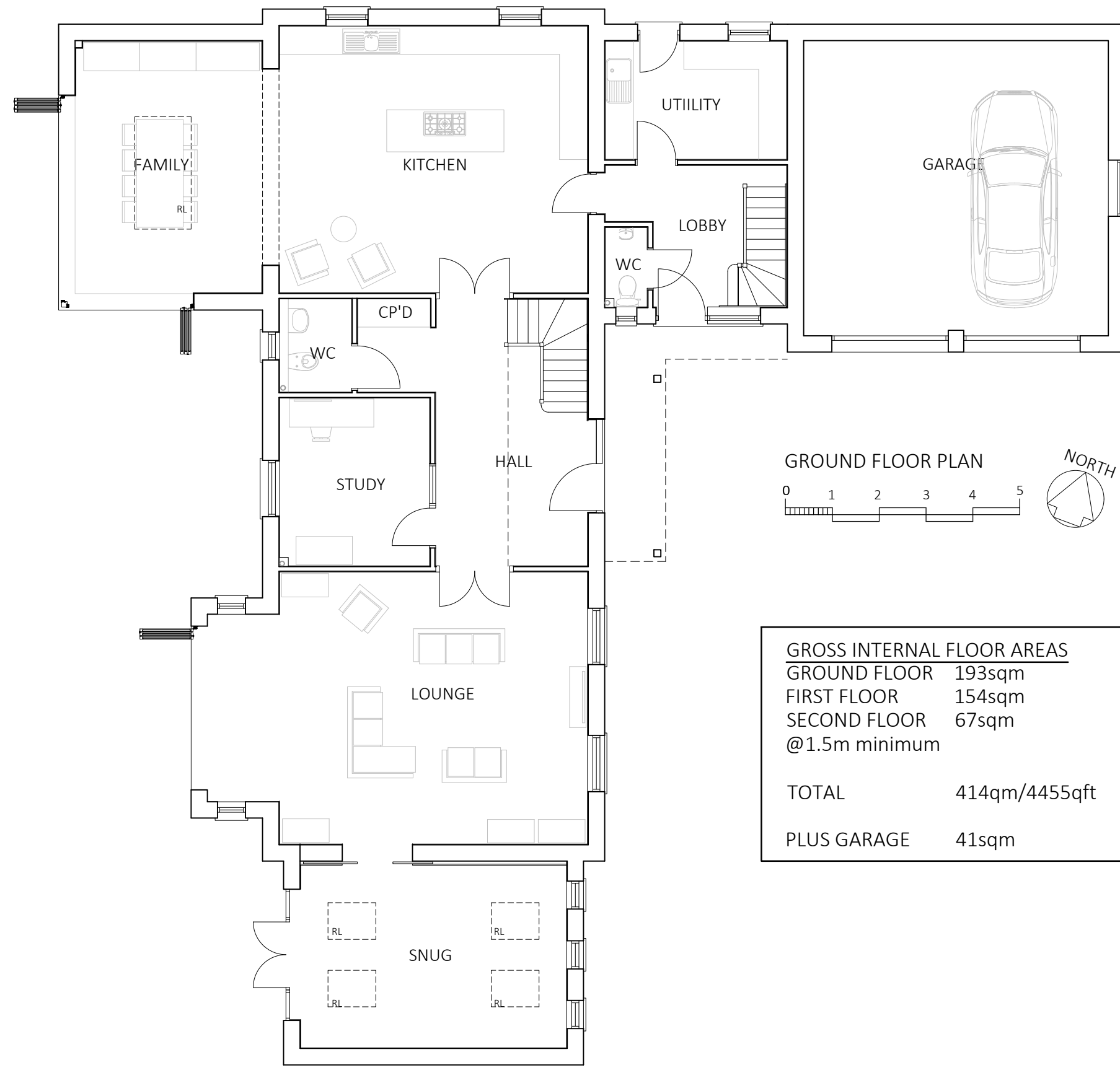


172

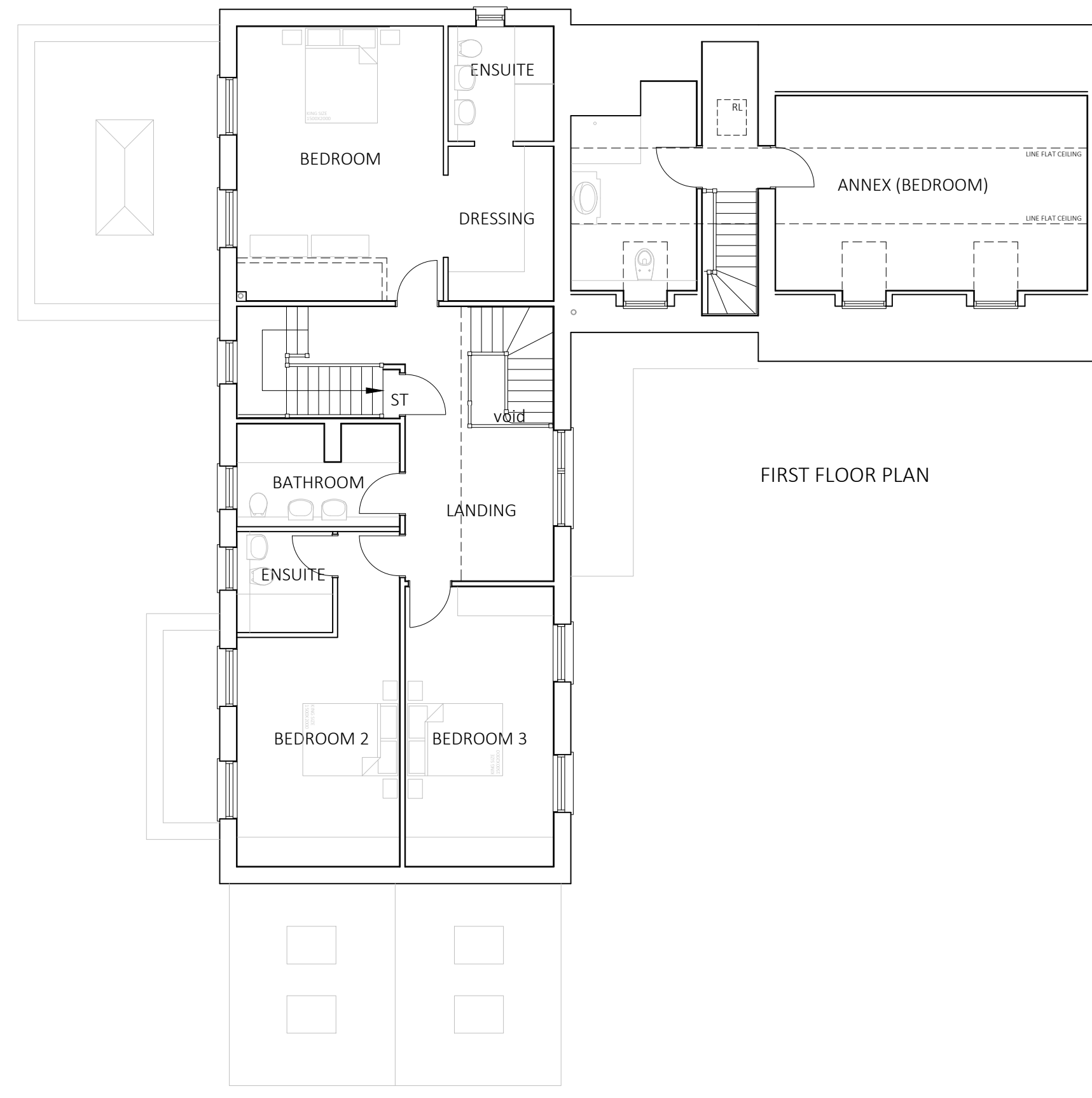


REVISION A
 PLANNING: Site section location plan removed
RESIDENTIAL DEVELOPMENT
 1 TIPPINGS LANE, BARROWDEN
 EXISTING SITE SECTIONS
 Scale: 1:100 @A1 Date: 11/2020
 Drawn: CRB Dwg No: 20037/PL203A

CRB 25/10/22
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GROSS INTERNAL FLOOR AREAS	
GROUND FLOOR	193sqm
FIRST FLOOR	154sqm
SECOND FLOOR	67sqm
@1.5m minimum	
TOTAL	414qm/445sqft
PLUS GARAGE	41sqm



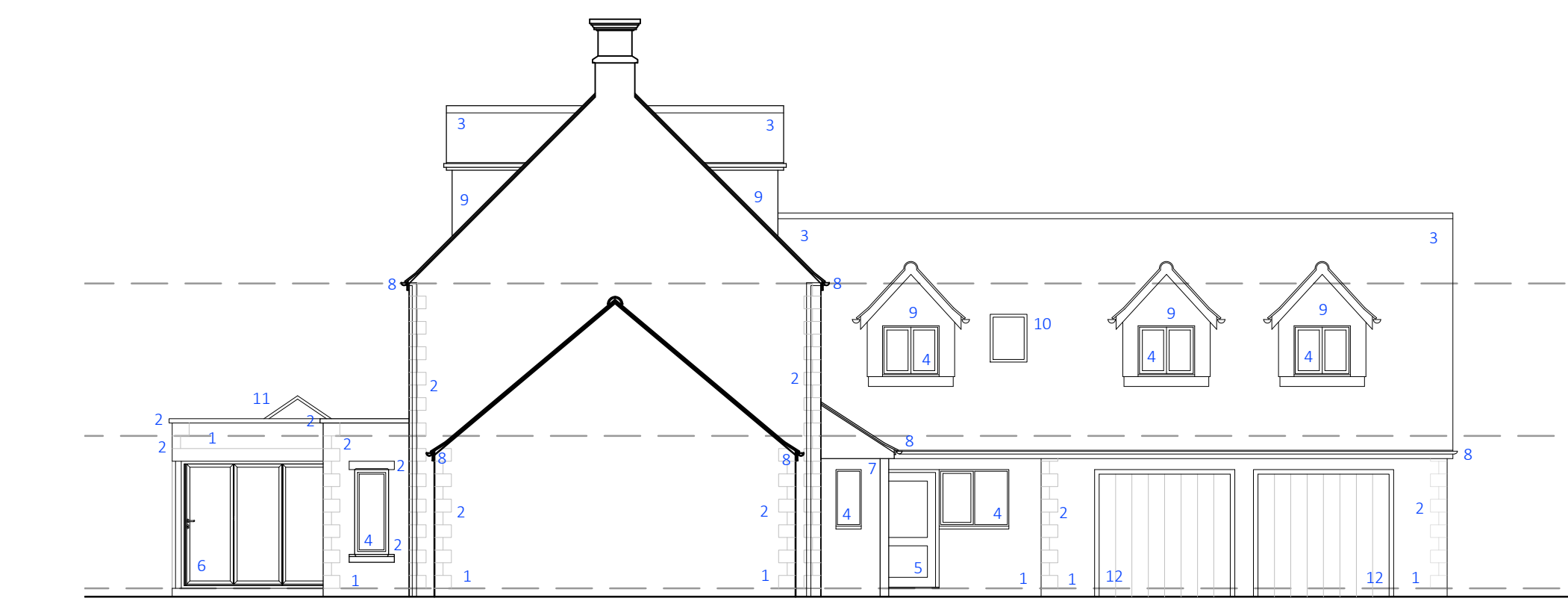
FIRST FLOOR PLAN



FRONT EAST ELEVATION



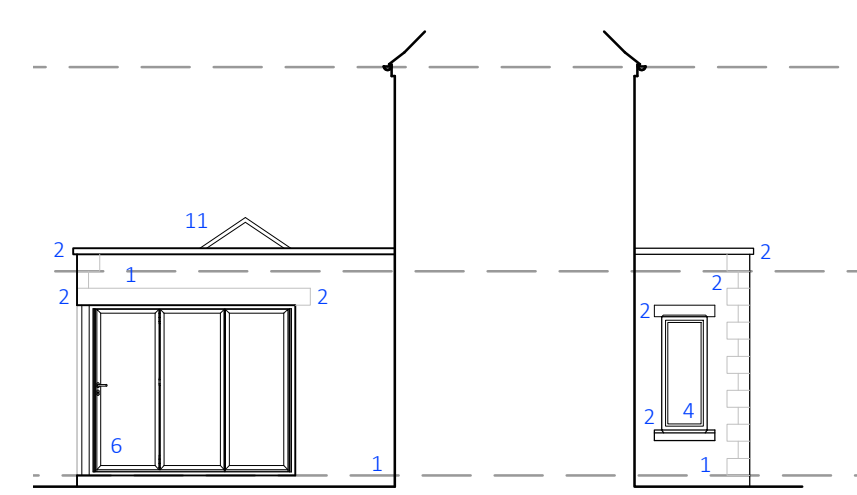
REAR WEST ELEVATION



SIDE SOUTH ELEVATION

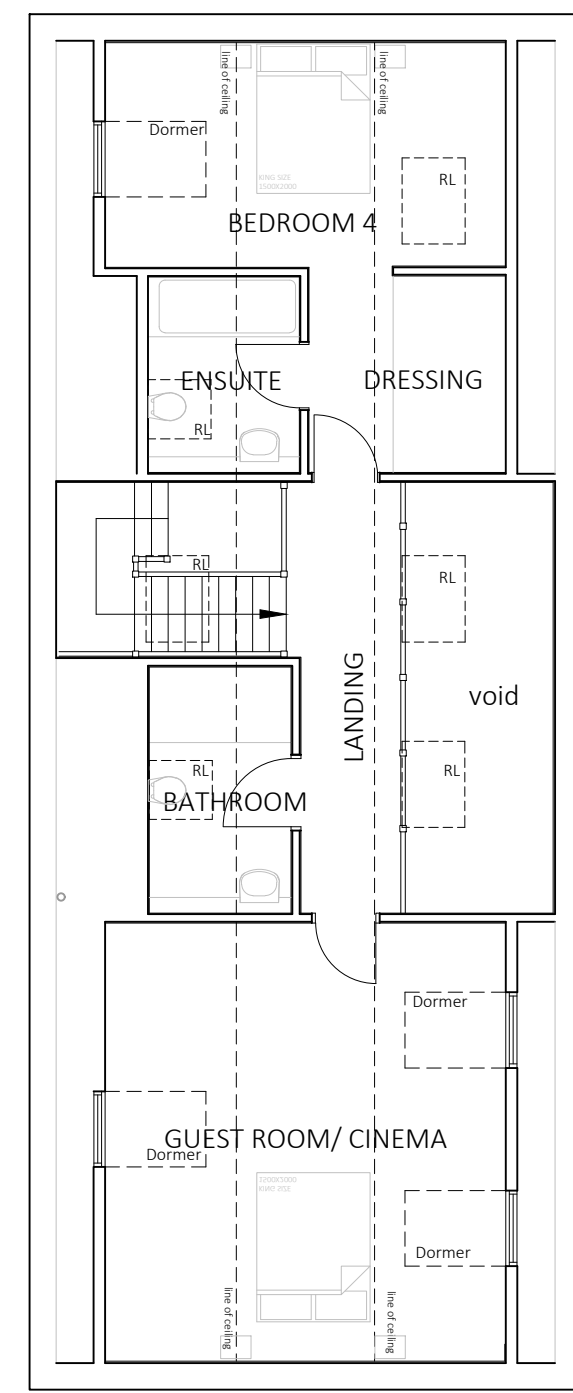


SIDE NORTH ELEVATION

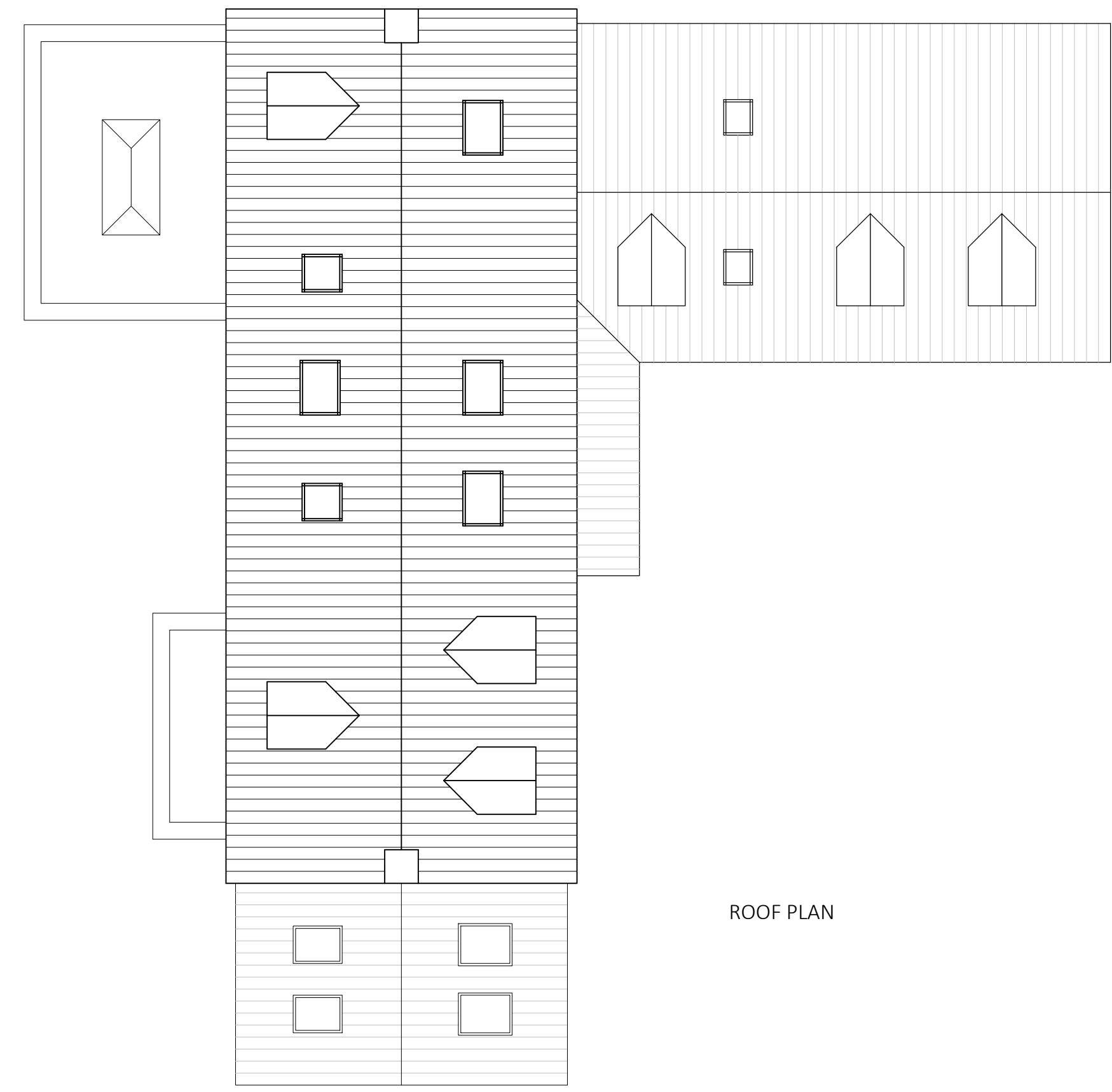


FAMILY SOUTH ELEVATION

LOUNGE NORTH ELEVATION



SECOND FLOOR PLAN



ROOF PLAN

- MATERIALS KEY:**
1. Clipsham Lincolnshire Weather Vain Limestone, sawn on bed
 2. Stone detailing - cills, heads, quions, chimney
 3. Mocha Spanish Natural Slate, Open eaves detail
 4. Painted timber windows, colour RAL 7035
 5. Composite entrance doors, colour TBC
 6. PPC folding sliding screens, colour RAL 7035
 7. Oak frame porch
 8. PPC Rainwater goods: Alutec Evolve half round, 123x51 gutter, 76mm downpipes, Black
Timber fascia board, painted RAL 7035
 9. Dormers - slate as main roof. Face and cheeks lead
 10. Rooflights - Keylite Conservation roof windows
 11. Proprietary roof lantern, Colour Black
 12. Proprietary garage door by Garador, Windsor - colour Black

REVISION B
REVISION A

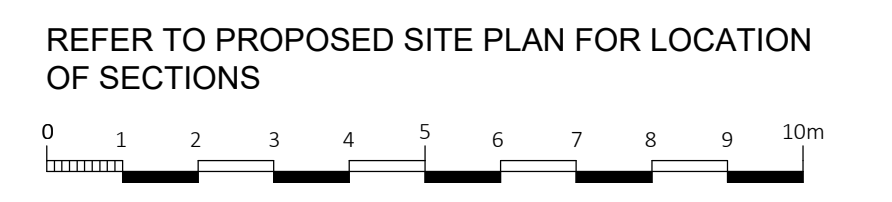
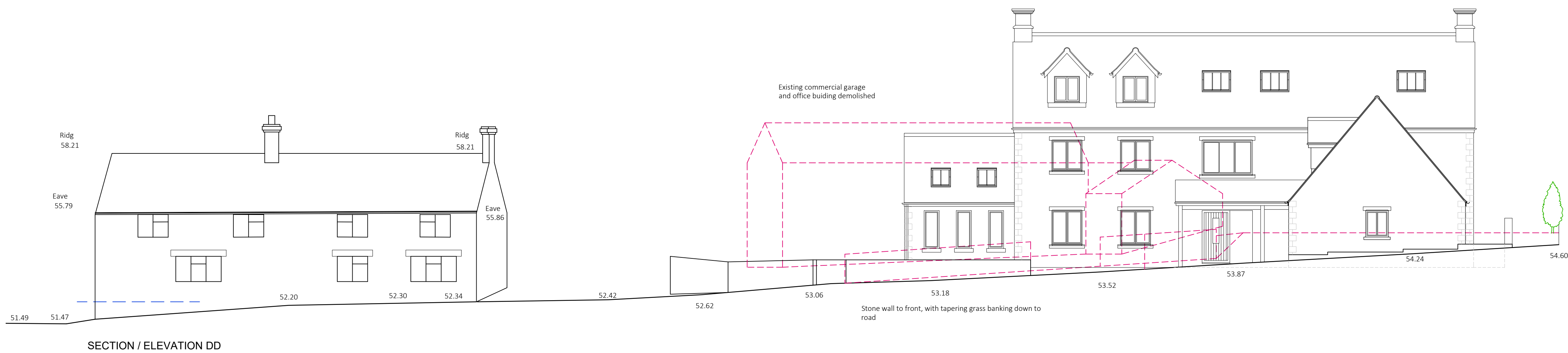
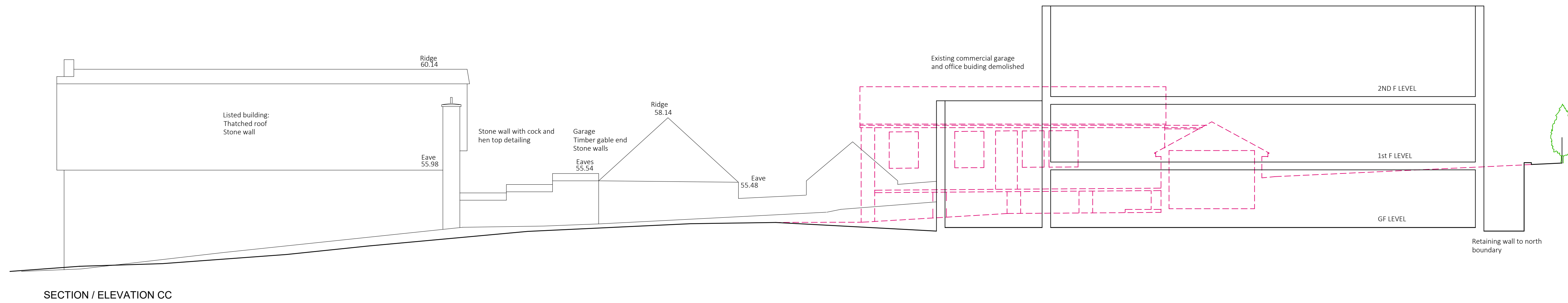
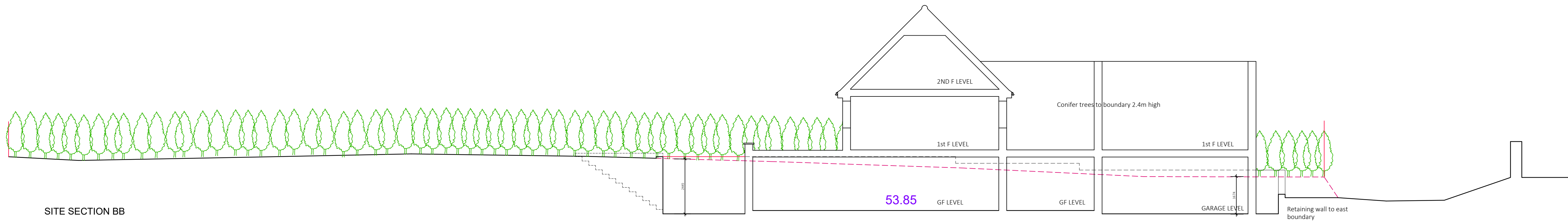
PLANNING: Rooflights added to Roof Plan. Family South and Lounge North elevations added
Additional Annotation

25/10/22
17/10/22

RESIDENTIAL DEVELOPMENT
LAND NORTH of 1 TIPPINGS LANE, BARROWDEN
DWELLING PLANS & ELEVATIONS

Scale: 1:100@A1
Date: 09/2022
Drawn: CRB
Dwg No: 20037/PL207B

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174

Appeal Decision

Site visit made on 10 May 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th June 2022

Appeal Ref: APP/A2470/W/21/3289079

Pridmores Haulage 1 Tippings Lane Barrowden Rutland LE15 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Justin Bell Kaybee Developments Ltd. against the decision of Rutland Council.
 - The application Ref 2020/1359/FUL, dated 20 November 2020, was refused by notice dated 12 November 2021.
 - The development proposed is demolition of commercial buildings and construction of 2 dwellings and associated access and external works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the assessment by the Council a series of amended plans were submitted by the applicant. The Council report lists the plans it considered; this list differed from that provided by the applicant. In light of the discrepancy between the main parties, their views were sought, and agreement received that the appeal should proceed on the basis of the plans set out below.
3. I have therefore assessed the appeal proposal against the following plans:
 - Site Location Plan PL01, Existing and Proposed Block Plans PL02, Topographical Survey PL03, Elevations of existing structure PL05A, Proposed Site Layout Plan PL06A, Plans and Elevations of Plot 1 PL08B, Plans and Elevations of Plot 2 PL09B, Proposed Garage to Plot 1 PL10, and Site Sections and Street Elevation PL20A.
4. I consider the CGIs submitted to the Council (Appellant's Doc Ref 22a) as an aide to understanding, as opposed to a definitive plan against which to assess the appeal.

Main Issues

5. From the evidence before me I consider the main issues to be:
 - i) Whether the proposed development would preserve or enhance the character or appearance of Barrowden Conservation Area (BCA).
 - ii) Whether the proposed development would have an adverse effect on the setting of the Grade II listed building (LB) known as Rosemary Cottage

and if an adverse effect were shown whether this would be outweighed by any public benefit arising from the proposal.

Reasons

Preserve or enhance the Barrowden Conservation Area

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA.
7. No Conservation Area appraisal has been provided; however, I was readily able to see at my site visit the quality of the local environment, with the historic village core of attractive stone and slate roofed buildings focused around the village green. A broad open area with mature trees at the heart of this picturesque village.
8. The BCA covers most of the village of Barrowden, and its significance lies in part, in the balance of quality stone buildings with open spaces or gaps between them built around the village green.
9. The appeal site itself, is a former haulage yard with large areas of concrete hardstanding and a utilitarian storage building at its centre. This building and much of the appeal site is readily visible from the northern edge of the village green, across an intervening garden and through the current access off Tippings Lane. As a commercial site with a building of limited architectural merit the site contrasts with the surrounding area. In my view the appeal site has a modest but nevertheless negative effect within the immediate environment and on the character and appearance of the conservation area as a whole.
10. The new dwellings and the proposed garage would be visible from the village seen through the gap between the rear of 1 Tippings Lane and 24 Main Street (Rosemary Cottage). The effect would be noticeably more obvious the closer within the village green you were standing as the land levels rise and any intervening features which may screen, or filter views would no longer have this effect.
11. From this vantage point the depth and bulk of the two dwellings would be apparent. Although much of plot 2 would be screened by plot 1, it would nevertheless be clear that the scale of the buildings proposed is far greater than that of either 1 Tippings Lane or Rosemary Cottage. Additionally, the rear elements significantly exceed in scale the more sympathetic and modest proportions of the buildings proposed to front onto Tippings Lane. The depth, height and overall scale of these rear projections and the buildings as a whole adversely impacts upon the sense of space around and within the site which is so important to the character and appearance of the conservation area.
12. Nor is the size of the proposed houses consistent with the other properties in the immediate area. They are of a far greater bulk, with significant rear projections. This design consequently limits the space about them creating a discordant appearance in contrast to the openness of the overall character of the area more generally.
13. While the removal of the storage building and the change to a residential use would in my view facilitate the opportunity to enhance the character and

appearance of the area. The scheme before me proposes an overly bulky design where the rear projections dominate rather than being subservient to the street frontage wings of each dwelling and the scale and bulk of the buildings adversely affects the space about the buildings and appreciation of the site from within the BCA. This leads to less than substantial harm to the character and appearance of the area.

14. I do not however agree with the assertion that the site forms part of an important view. This is based on a false premise set out by the Council and does not represent the view identified in the landscape character assessment. Nor does it reflect the evidence on the ground. The landscape character assessment identifies the important view across the village green from the junction of Main Street and Tippings Lane away from the appeal site, as opposed to looking across or towards the site. I therefore do not consider there is conflict with policy B1 of the Neighbourhood Plan as suggested.
15. The proposal, nevertheless, would fail to preserve the character and appearance of Barrowden Conservation Area and would be contrary to Policy CS19 and CS22 of the Rutland Core Strategy (RCS) (2011) and SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW1 of the Barrowden and Wakeley Neighbourhood Plan (NP) which amongst other things seek to ensure the scale form and design of new development would preserve or enhance the character of the area.

Setting of Listed Buildings

16. The National Planning Policy Framework advises at paragraph 194 that applicants should be required to describe the significance of any heritage assets affected by development and the potential impact of the proposal on the significance. As a minimum the relevant historic environment record should have been consulted and appropriate expertise used.
17. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
18. The appeal site is separated from the northern edge of the village green by the rear garden of No.1 Tippings Lane which adjoins the side of Rosemary Cottage a Grade II LB. It is the eastern side of this property that forms much of the western boundary to the appeal site.
19. Rosemary Cottage a Grade II LB is described in the list description as "*Late C17/C18. Coursed rubble stone and thatch roof with moulded stone front gable stack and stone rear stack. Stone coped gable facing, front to left. 2 storeys of 2 2-light renewed casements over similar 3-light (in C20 extension to left), 3-light, 1-light and glazed door. A similar 2-light both floors on gable to street and a fixed 2-light mullion and transom window to rear.*"
20. The Council argue that the proposed dwellings would be harmful to the setting of the LB, but do not explain how they regard it to be harmful. I am also

mindful that the Council's Conservation Officer did not raise this issue as an area of concern.

21. The current setting of the LB benefits visually from the open space adjacent to the eastern elevation allowing views and an appreciation of this façade from both the village green, but also through the current access off Tippings Lane.
22. The appeal site is set to the north of the majority of the eastern facade of the LB. The changes to the views of, and towards the LB by the proposed development from the south would not reduce the availability of the view of this facade. I do not consider that the changes that do arise would be harmful to the setting, or to any element of the setting which could be regarded as affecting its significance.
23. When viewed through the current access, the side elevation of the LB can be viewed, but the concrete yard and utilitarian building within the appeal site frame this view. The appeal proposal would replace the utilitarian building and large areas of hard standing, although views through the access would remain. The appreciation of the façade of the LB would remain from this aspect as well.
24. This would in my view preserve, the setting of the LB with the space immediately adjacent the LB façade remaining open which would consequently not impact on any area of significance of the LB resulting in no harm to this designated heritage asset.
25. There is no dispute between the main parties about the effect on the setting of either 2 Tippings Lane or the Exeter Arms both, Grade II LBs. Although I note interested parties object on this basis. In light of the separation distances, and juxtaposition of the site to these LBs, I agree with the assessment of the main parties, that no harm has been demonstrated to either building or the respective settings.
26. As I do not regard there to be harm and the setting of the LB would be preserved, I do not find there to be a conflict with the principles within the NPPF, or conflict with policies CS22 of the RCS, or policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

Other Matters

27. Barrowden is identified as a 'smaller service centre' within the settlement hierarchy set out under Policy CS3 of the RCS where a minor level of development is capable of being accommodated. This is supplemented by Policy CS4, which also endorses minor scale development on previously developed land or on infill sites such as the appeal site.
28. In seeking to resist the proposal both the Council and Parish Council indicate that the need within the village is for smaller properties, and the site would be better suited to accommodate a development of this type. Alternative proposals are not before me, and I must consider the appeal proposal on its own terms.
29. The NP policy BW9 has a preference for properties of 3 bedrooms or less, but it does not preclude larger properties. As the applicant notes paragraph 5.42 of the NP states "*Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings*

would meet defined local need for housing in general, and any shortfall of such accommodation in particular."

30. The Council accept it is not able to demonstrate a five-year supply of deliverable housing sites, however neither the Council nor the applicant has provided information setting out what they might regard as an up to date figure on the current position. I cannot assess therefore, the degree of the housing shortfall or fully assess the weight that might be attributable to this shortfall.
31. Nevertheless, in accepting there is a shortfall paragraph 11 of the Framework is engaged, which states that where the policies that are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
32. While the site meets the broader policy objectives of developing a site within the village on previously developed land. The proposal would make a modest contribution of two dwellings to the supply of housing, and I give this moderate weight in the overall planning balance below.
33. The prospect of developing the site for a viable use, one which follows the broad principles within the development plan I consider important. While preference for a development of the site for a larger number of smaller units has been presented, no evidence has been provided as to whether this is a viable alternative to the current proposal. While the applicant has supported their case with evidence from three estate agents, this I give moderate weight in the planning balance.
34. The applicant also identifies that the removal of the haulage business and the associated noise and traffic generated within the village, would be beneficial to the village and the character and appearance of the conservation area, which I acknowledge as a potential benefit and give this limited weight as there is no detail on the quantities of vehicles that could be removed.
35. In addition, the provision of two new dwellings in the village, would facilitate space for two new families who in turn would support local facilities and businesses, this I consider has limited weight in favour.
36. Interested parties raise objection based on concerns regarding surface water issues and highway safety in Tippings Lane. Neither of these issues formed reasons for refusal or were supported with evidence by the Lead Local Flood or Highways Authority and the site is not identified as an area at flood risk by the Environment Agency. I have no evidence to the contrary before me and am content that had other issues not arisen these concerns could have adequately been dealt with by the imposition of appropriate conditions.
37. The potential for an adverse impact on the living conditions of 4 Tippings Lane was also brought to my attention. The living conditions of neighbours has not formed part of the Council case. From what I have seen and read, I consider that the Council assessment in this regard was appropriate and living conditions of neighbours would remain at an appropriate standard and I regard this as neutral in the overall balance.

Planning Balance

38. Paragraph 11 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
39. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the two houses. The two new houses would also make a modest contribution to the supply of housing and towards helping to address the Council's shortfall in housing supply.
40. A lack of harm from the proposal to Listed Buildings, highway safety, living conditions of occupiers of nearby dwellings and flood risk I regard as neutral in the planning balance rather than carrying positive weight in favour of the appeal.
41. I have identified harm to the character and appearance of the BCA. While there would be some benefit to the removal of the storage building the harm from the development itself would override any benefit that could arise. This attracts substantial weight against the granting of permission.
42. The benefits of the scheme are therefore limited and significantly outweighed by the harm. As such in accordance with paragraph 11(d), the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework as a whole.

The presumption in favour of sustainable development does not therefore apply and material considerations do not justify a decision otherwise than in accordance with the development plan considered as a whole. For the reasons identified, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Conclusions

43. Overall, the proposal would fail to preserve the character and appearance of the Barrowden Conservation Area. It would also be contrary to Policy CS22 of the Core Strategy Policy SP20 of the DPD on heritage as well as the more general provisions of Policy CS19 of the Core Strategy and Policy SP15 of the DPD which refer to high quality design. The proposed development would not conserve the heritage asset in a manner appropriate to its significance in line with one of the core planning principles of the Framework. Therefore, for the reasons given, the proposal is unacceptable, and the appeal should not succeed.

Edwin Maund

INSPECTOR



DELEGATED REPORT

Application Ref: 2020/1359/FUL **Date of Report:** 12-Nov-21
Case Officer: Paul Milne
Determination Date: 12 November 2021

Proposal: Demolition of Commercial buildings and construction of 2 dwellings and associated access and external works

Address: Pridmores Haulage, 1 Tippings Lane, Barrowden, Rutland, LE15 8EW,

Neighbour Responses

Mr Ken Ellis A proportionate and sympathetic development of the site.

Mrs Jean Mitchell This development is in the centre of the Conservation Area of our Village and so is extremely important in the retention of the Character of the village and has implications on any future developments in the village,

As a member of The Barrowden and Wakerley Neighbourhood Plan Group for 5yrs.I have concern that it is very important that this Development adheres to the Design Principles in Policy BW6 of the Plan especially

paragraphs c); e); g; and h) which sets out the types of DESIGN AND MATERIALS necessary for the CONSERVATION AND ENHANCEMENT OF THE DISTINCTIVE HERITAGE CHARACTERISTICS OF BARROWDEN.

This is the THIRD Planning application submitted over the last few recent months that is ignoring many of our N. HOOD PLAN DESIGN PRINCIPLES. These were endorsed and ratified by RUTLAND CC and so became legally

binding in OCTOBER 2019.

I find it worrying that these applications are being perused at this particularly time of year when many residents have the distraction of Christmas and New Year Family Celebrations and we all ,as well as RCC Planning Dept., are under pressure from COVID restrictions, illness and worries.

1) There is an overwhelming use of wooden boarding on the buildings, as well as aluminium / metal window frames instead of wooden ones, presumably to cut down on costs for the developer. These materials are not in keeping with the majority of stone built houses in the village.

I wish to voice objection to these. Also, these are 2 large houses and in our survey for the N.HOOD PLAN residents voiced their support for smaller 3 bedroomed houses to be built to help young families and older residents to remain in the village.

This application mentions our Village Design Statement, however the status of that was only advisory has been superseded by our N.HOOD PLAN and which holds mandatory status.

2) I am also concerned that it is stated that local Limestone is to be used but there is no qualification of what type this will be.

All the houses in close proximity surrounding this site are built of course rubble stone, again a material stated as important, in our N.HOOD PLAN ,for retaining the characteristics, so any deviation from this will look incongruous, especially if it is cut stone and of uniform size and colour.

This is of extreme importance with this site because there are Grade II listed properties on all sides. I know of other new build in the village eg on MAIN STREET where the owner/ builder gave careful consideration to ensure a variety of stone size and colour was used so that the house fitted in with the surrounding properties.

Also with The Burghley Estates Development going to be built further down Main Street, care has been taken to work with Barrowden Parish Council and residents to ensure the objectives of our N.HOOD PLAN are adhered

to. With attention to detail this can be done.

In fact the builder of my own house, built on a brownfield site in the centre of the village, on the site of what was the Village Garage did use coarse rubble stone and wooden window frames.

3) This development will have a great impact on the Conservation of the Heritage Assets of not only this village but of other villages in Rutland and the protection of these assets are set out I believe , in RUTLAND COUNTY COUNCILS LOCAL PLAN and Core Strategy Documents.

These are my objections and concerns for this Planning Application.

Yours sincerely,

Mrs. Jean Mitchell

Mrs
Mitchell

Jean With reference to the above Planning Application.

After listening to Barrowden Parish Council Meeting on Wed.13th January 2020 and hearing comments made by councillors and residents I wish to add an Addendum to my letter, (attached below) ,. previously sent to you and the Planning Dept. on 4th January 2020

I wish to voice my concern, as other residents have already done ,about the danger the present configuration proposed for the site poses for residents, mainly due to the lack of footpaths on Tippings Lane , onto which the vehicles from these houses will exit.

Not only is this lane a main road into and out of the village, it is also a bus route.

Added to this, the pick - up and drop - off point for School Buses transporting village school children is outside the Exeter Arms over looking the Main Village Green just further down, round the corner from this site. Many young children and parents with small children, some in pushchairs / prams walk up and down this road.

Although this site has been historically a Haulage Business site ,the usage over the years has changed. There are more and much larger lorries for this business than when I came to the village almost 38 yrs ago. so I wonder if

permission would be granted in this day and age for a compatible business to set up and operate on this site now.

However more importantly whereas the lorries left the site between 5.30am and 6.30am returning approx.4.30pm to 5.30pm before and after School Buses, the vehicles, 6 cars at least proposed excluding service vehicles, some of which presumably will have to park on the street , will be accessing these houses at numerous and varied times of day, evening and night. For pedestrians the changed pattern of evening usage, especially in the Winter time ,will pose an increased danger especially for young children coming home from school. Children like to run !

Over the years there has been an Increase in the number of houses and I have seen an increase in traffic using this road. Over 60 houses have been built in the last 15 to 20yrs.

I believe safety of residents is a Planning issue as mentioned in RCC Local Plan and Strategy Documents currently being used for Rutland.

Yours sincerely

Jean Mitchel

Mr & Mrs Chris and Alison Dunn It is difficult to imagine how this development would fit easily into its surroundings: the houses are far too large for the plot and would overwhelm this corner of the village.

There is dangerous access onto Tippings Lane from the front doors of both houses. Regardless of what houses are eventually built here, surely they should be set back further from the road, and main entrances be sited more safely elsewhere?

Parking is largely limited to household cars: where would visitors park? Also turning space seems limited which would inevitably lead to dangerous reversing onto a main route through the village.

Mr & Mrs Leslie and Grace While we have no objection to this site being developed, we object to this planning application for the same reasons as Mr Richard and Mrs Anna Clarke of 4 Tippings Lane, Barrowden. In particular the direct pedestrian access onto Tippings Lane seems very dangerous, and the vehicular

Wilkinson access for No.2 (the most northerly) is such that the front of vehicles exiting will protrude onto the road before the driver has any sideways visibility - extremely dangerous.

An additional objection is that No.2 house will completely block our one view towards the west, especially in winter when it will obliterate the late afternoon sun. We find it particularly objectionable that the site plan includes houses in Dovecote Close, which are higher up and largely unaffected, yet does not show houses in Redland Close which are directly affected as described above.

Mr & Mrs We have looked at the revised plans for this application and still object to
Leslie and the new plans as in our last comments to you.
Grace
Wilkinson

- 1, Houses too large for the plot, Barrowden now needs smaller houses.
2. Tippings Lane is a very busy road with the bus route and one of the main ways out of Barrowden to the A47.
3. Number one house is opposite No 4 Tippings Lane, and the outlook will be directly into their house and number two will over shadow their private garden.
4. We live in Redland Close and it will completely block our view towards the west especially in winter when it will obliterate the late afternoon sun.

Mrs Alison Proposed dwellings are too large for the site and the layout will have an
Last overbearing effect on nearby homes, which include listed buildings. The scale, height, spacing, layout, orientation, design, boundary treatment and use of materials of the proposed dwellings are inappropriate and do not comply with NDP Policies BW6 and BW9. No 4 Tippings Lane will be significantly overlooked and have loss of privacy as well as shading and loss of daylight.

Tippings Lane is a main thoroughfare and bus route with no footpaths, building close to the road could cause significant safety issues for vehicles and pedestrians due to possible on street parking. Planned parking spaces for the properties and turning areas are not sufficient.

Barrowden does not need more large homes. The proportion of households living in detached dwellings is higher in Barrowden (69%) than in either Rutland (47%) or England as a whole (22%). Barrowden has a high proportion of dwellings with 4 or more bedrooms (54%), Rutland (33%) and England (19%). Conversely the percentage of housing stock in Barrowden with 1,2 and 3 bedrooms is significantly lower than in either Rutland or England. This evidence was used to support Barrowden residents desire for

small, sustainable and timely developments that meet the needs of residents and reinforce the unique and distinctive character of the village. (Barrowden & Wakerley Neighbourhood Development Plan 2019).

Alan Mitchell

Having studied the written proposals, statements and drawings relating to the above planning application at 1, Tippings Lane , Barrowden I wish to make the following observations :-

[a] The Architect/Developer suggests his design[s] comply with 'the Village Design Statement' - - surely that document has now been superseded by 'the Neighbourhood Plan' and it is this more recent document which should be strictly adhered to by both Architects and Developers, as well as by Parish and County Council Planning Authorities, when new developments are being designed, proposed AND considered for approval.

[b] The two dwellings proposed for this site do seem rather large and to be crowded into this plot which will, in actual fact, also be required to ultimately provide access, off-road parking, as well as some garden/amenity space for three dwellings in total.

[c] The Architect/Developer has acknowledged the proximity of several 'listed' buildings. However, there are also other dwellings nearby which, though not 'listed', are of some vintage. The layout and crowded nature of the proposed development, with multi-roofed structures of different heights, and in different directions, surely does not comply with the spirit or guidelines required by the Neighbourhood Plan.

[d] As Barrowden is also a Conservation Village, the Architect/Developer needs to be particularly considerate of the adjacent properties when selecting his building materials. His stated intention is to use local or natural limestone which covers a whole plethora of different colours and shapes.

Most of the nearby dwellings to this proposed development, listed or otherwise, are constructed using 'cropped' or 'rubbled' limestone, less regular in shape and which tends to be beige in colour. Some of the cut or sawn natural limestone commonly used today, which can be and often remains permanently very light/bright in colour, can look almost artificial in comparison [almost like Bradstone] and will not blend in with surrounding buildings. Sourcing cropped limestone from two or more quarries can serve the purpose of toning down the unwanted uniformity in shape and colour of stone used in new builds.

The Architect/Developer states that he will be using 'blue slate' for the roof covering - - - this must be Welsh quarried slate and not a synthetic alternative such as those slates made of abestos [or similar] fibre with a

blue plastic skin covering.

[e] The upper section of the gable end of the garage to an adjacent property being clad in oak, or similar, planking is not a good enough reason for the Architect/Developer to propose the use of concrete blockwork with timber cladding to the rear of either of the proposed dwellings at this site. Whatever took place in the recent past is not necessarily acceptable today, and it is important that the spirit as well as the guidelines of the relevant applicable Document, in this case

the Neighbourhood Plan, are embraced by all parties.

[f] There is an old hand operated water pump/well situated near to the existing entrance to this site. I did not notice any information about how this was to be preserved in the Planning Application proposals made by the Architect - - - or is this an oversight on my behalf ?

Mr Mark Symes I write to confirm our support for the application. Whilst it is a shame that the commercial activities have come to a close at this site they remain local in the new operations hub maintaining employment and commercial viability. The development of brown field sites to bring them back into use is encouraged and the application for residential development is welcomed by us at the Exeter Arms.

Mark Symes

Mr Matt Clarke -Too big for plot
-Garden on large house too small
-Design doesn't fit in with surroundings.
-Adjacent to 18th Century listed buildings
-Will dominate village green/village centre
-Not compatible with Barrowden village plan
-Road unsuitable for additional access

Sally Barlow Reference 2020/1359/FUL

Dear Mr Milne,

As a resident of Barrowden I'd like to comment on the above Planning Application :-

1. Firstly, I feel that it is a great shame that this site will be now redeveloped for residential use and not remain as commercial. It would have been an opportunity to provide a site for starter units for local businesses, or crafts. There are no other "business" sites in the Village, but this opportunity has now been lost.....

2. I wish to object to the current Application on several grounds, but primarily as in my view the Village does not need more large family houses, but does need smaller 2 /3 bedroom homes - as set out in the Local and Neighbourhood Plans. e.g Policy BW10 "Development proposals for new residential development will be supported where they meet defined local need for housing, in particular s/s dwellings with 3 or fewer bedrooms ." (Quoted from the Application>)

If this site does not provide them, there are very few potential sites remaining. (The Burghley site will be providing yet more 4 / 5 bedroom homes.)

The Application attempts to justify non-compliance by referencing the number of large properties in the vicinity. Surely, this is not the point of the Policy, but the fact that there is a distinct need in the Village for smaller, more affordable 2/3 bedroom homes and a serious lack of supply.

I fully appreciate that the site may be more valuable with PP for large family homes, but hope the role of the Planning Office and purpose of Local Plans is to protect neighbourhoods from developments which do not positively enhance the area and provide what is needed for future sustainability.

3. The parking provision for the two houses appears inadequate in my view and impractical as there seems to be insufficient space for cars to turn around in order to drive out forwards onto the road. Reversing out would be dangerous here

Plot 1 has 4 bedrooms and 3 spaces . Plot 2 has 5 bedrooms (+ "Playroom/ Office") and 2 spaces shown inside the Garage presumably if they want to leave any space to try to turn around.....

The lack of provision for any visitor spaces will result in on-road parking, which would not be easy in this location without blocking driveways, or

causing potential hazard.

I'd have thought that this site would be better suited to a shared driveway and ample turning circle - with shared visitor spacesor some off-road parking at the front ?

4. I couldn't see any specific mention of the Victorian pump currently sited at the roadside (see photo).The only reference I found is on the Proposed drawings where it's noted "Existing gulley and redundant pump re-modelled to be smaller. " What does this mean ? Will the existing Victorian cast iron pump be retained ?

Does the pump belong to the Applicant, or is it municipally owned ?

As this is a Conservation Area - and this is a rare surviving pump in the Village - surely it should be protected and preserved ? Again, to quote from the Application, Policy CS22 The Historic & Cultural Environment seeks to "protect and enhance the historic assets and their settings".

I am forwarding a copy of this letter to the Parish Council -as they have requested - because they are due to discuss the Application at their meeting on 13th January (after your deadline for comments ?)

yours sincerely,

Sally Barlow

3 Main Street

Mr & Mrs Chris and Alison Dunn The buildings on the development are still far too large for the size of the plot and will dominate and overwhelm the neighbouring properties, taking away light and privacy.

Mr Tim Blake Attention Paul Milne, Planning Department
Rutland County Council

Reference:

2020/1359/FUL | Demolition of Commercial buildings and construction of 2 dwellings and associated access and external works | Pridmores Haulage 1 Tippings Lane Barrowden Rutland LE15 8EW

I would like to make a number of observations and objections to the application referenced above:

1.

The intended development plot along with the adjacent dwelling No.1 Tippings Lane, have been, by all intents and purposes, combined for many years as you can see from the aerial photograph accompanying the planning application. The newly proposed plans do not take into consideration any vehicular access to No.1 whatsoever. Currently No.1 can access the rear of the property and parking by use of the main 'yard' driveway. It is feared that No.1 will become property stock in Barrowden without any vehicular access or off-road parking at all, something the village, the village plan and all planning groups try to avoid wherever possible.

2.

I cannot agree with the intent to build two very large, detached family properties on such unsuitably small individual plots, offering each one very limited and restricted garden space. I believe it is important for family homes to have gardens that are suitable for the capacity of the dwelling wherever possible. We now live in an age where we are trying to encourage less inside technical time and more outside enjoyment, to encourage mental wellbeing and healthy development. The current pandemic has shown the importance of our own outside spaces.

3.

The position and orientation of each of these intended properties poses dangers with regard to the busy road outside their intended doors. Despite 'Tippings Lane' sounding idyllic and tranquil, it also happens to be one of the main arterial roads giving access in and out of Barrowden. It is used by much of the private traffic, main bus route, school bus route, and taxi services. Plus of course the ever-increasing online delivery companies. It would make sense to alter the orientation so that their main access doors were on their south elevations, off their driveways, preventing an almost inevitable accident. In addition to this safety measure and observation, it

would make further sense to locate each property further back from the road. Moving the properties further back would also lessen the issue of privacy invasion to the property that would be directly opposite. You may think that there is a precedent for houses to be built adjacent to the road, but most of these properties were built hundreds of years ago when traffic was farmstock and very much slower. Many older properties in the village have taken this very precaution if they are close to the road and have provided access to the side. This is endorsed by every adjacent property to this intended development site.

4.

I note from the planning portal that the neighbours consulted does not include all the immediate and affected properties. This may be an oversight, or it may indicate a lack of consideration for residents that will be very much affected by this development should it go ahead. This development in its current form would be an enormous change in the appearance of this beautiful well loved historical village. Not only would it be detrimental to the appearance, but it would also overshadow and change the essence of the current village properties.

Finally, I know that myself and other Barrowden residents would encourage the transition of this plot from commercial to private dwellings. Times have changed, to currently to entertain the idea of a haulage company operating from the very centre of this picturesque village would be unthinkable. So, an opportunity to change this fact is a very positive thing, however, we as guardians of Barrowden and our responsibility to future generations need to ensure we make that transition safely and with due consideration to the aspects I have included above.

I would imagine that this initial application is 'testing the waters' with regard to what could potentially be a very profitable development for the landowners and developers but a poor outcome for the village. However, I trust that our very able planning control can put in place some control and guidance that will benefit the village and its future.

Yours sincerely

Tim J H Blake

Mr & Mrs
Richard and
Anna Clarke

In addition to our previous comments, we refer to the Barrowden Neighbourhood Plan, Para 5.38

'...it will be vital to ensure that

proposals do not.... cause significant

loss of amenity to neighbouring properties. Adverse impacts can include the erosion of privacy, loss of

daylight, overlooking, visual intrusion, . 'Tandem' development, where one dwelling is erected directly behind an

existing dwelling, is likely to be particularly problematic when sited on a small sized plot or sharing the

same access as the existing dwelling due to problems of overlooking and noise disturbance.

We believe that the two proposed houses on the plots opposite our house will have a significant impact on our privacy and loss of daylight. The height of the conifer hedge currently is 2.4 and 4.8 m but the proposed heights of the houses are 6.468m for plot 1 and 7.5 m for plot 2. The windows of Plot 1 house will look directly into our windows, adversely affecting our privacy. The height of both houses will significantly affect the daylight to our house and garden, particularly in the afternoon and evening, the only time this part of our house and garden gets direct sunlight. We will feel overlooked and dominated by the proximity and height of these dwellings.

In their submission, the developer proposed that large houses were in keeping with neighbouring properties, including our own which they said has 'at least' 5 bedrooms. Our house has 5 bedrooms, while the proposed house has 5 bedrooms and a large upstairs playroom/home office, giving more rooms upstairs than our house. This seems to be a misleading supposition about our neighbouring property. Furthermore, our 5 bedroom house is on a large plot in keeping with the size of the house.

Mr & Mrs Although we are supportive for the site to be used for residential housing,
Richard and we would like to object to the current planning proposal on a number of
Anna Clarke issues:

1) The two houses are much too big for the size of their plots, and would look too dominant in the historical centre of this village.

2) The main front doors and very short entrance paths of the two properties come directly out onto the main roadway. There is no public footpath on this side of Tippings Lane leading to three problematic issues:

a) Having the main front doors on the road would encourage parking on the narrow Tippings Lane, which would not only cause traffic problems but also obscure the access to and from the driveways, and visibility for other vehicles and pedestrians. There is no verge for pedestrians to shelter on

when cars pass. The existing small grass verge has been lost.

b) Tippings Lane is one of the main roads in and out of the village, being a direct link to the A47. This makes the road busy, with a regular flow of cars, delivery vans and lorries that make their way in and out of the village to and from the A47. The road is very narrow and vehicles have to pull in and stop to pass each other. Furthermore, there is a steady flow of pedestrians.

c) Tippings Lane is on the main Service Bus route with service buses running at hourly intervals. There are two school buses that use this as their route into and out of the village.

The main issue here is the absence of a public footpath outside both plots. The plans show a low wall bordering Plot 2 and shrubs on both plots.

The phrase "accident waiting to happen" comes to mind. One small excited child running out of the front door and straight onto a road

with no footpath is all it takes!

Tippings Lane is a busy pedestrian route including children walking to and from their school buses. The lack of footpath in the narrow part of Tippings Lane will be made worse by the proposed houses being sited so close to the road and the apparent loss of the small exiting verge. Pedestrians can regularly be seen taking refuge on this verge. Tippings Lane narrows down outside Plot 2 from 5 meters down to only 4.2 meters width, with a high inaccessible verge on the side opposite the plots.

Consideration: Set the houses further back from the road. Position the front doors of the properties on their south side elevation so that they open up onto their own driveways. This would discourage parking on the narrow and busy Tippings Lane, make it safer for loading and unloading. This would be in keeping with most other houses on Tippings Lane which have access to their houses from the driveways.

3) Impact on our property, 4 Tippings Lane Barrowden:

The position, next to the road and large size of the two properties impacts massively on our privacy:

a) House on Plot 1: Having windows directly opposite our own windows infringes on our privacy which will be especially noticeable on the upstairs bedroom windows.

Consideration: House to be situated further back from the road. Top windows to be kept as small as possible and landing window to have obscured glass.

b) House on Plot 2: The excessive size and position of this property invades the privacy and integrity of our 300 year old private garden, in two ways:

Firstly the upstairs windows will look directly down onto our walled garden.

Secondly the plot 2 house will completely block out the late afternoon and evening sun thus putting a large part of the garden into the shade.

Consideration:

The house design on plot 2 to be smaller. The top roof line and the ground level of the site to be lowered as much as possible. The house to be situated further back from the road.

4) Bin collection point.

It states on the plan 'Bin collection point at front of plot'.

As already pointed out, the road is busy and narrow with no path or space for bins other than blocking the house's own driveway or blocking the road, so this idea is not viable, especially for plot 2.

5) Historical Village Pump.

It states in the plan on Plot 1: "Existing gulley and redundant pump to be remodelled to be smaller."

We would like the pump and its surrounding Victorian stone and brick work not to be 'remodelled to be smaller' but to be conserved and restored, as is (not to working order). It is an important Historical Barrowden Village artefact and an integral part of the very DNA of the Village.

It is also owned by the Parish.

Mr & Mrs We have considered the revised plans for this development. We believe our
Richard and previous two submissions (objections) are still relevant.
Anna Clarke

We feel very strongly that our main objections in relation to the size and height of the two large houses opposite our house will cause significant overshadowing, loss of privacy and loss of light. The revised plans have not been amended at all in this respect.

Plot 1 has windows looking directly into our windows, causing loss of privacy and dominance over our house. The roofline is higher than the existing conifer hedge.

Plot 2 is even higher which is then compounded by being situated higher up the hill of Tippings Lane. The resulting height would be excessive. This house would dominate our private garden, causing loss of privacy and loss of light, especially when the sun is low in the West. The only part of our garden which receives reasonable light for growing vegetables will be badly affected. From the plans the house appears to be roughly 3 times the height of the existing hedge. It is hard to see the heights of these houses from the plans and measure the 45 degree angle advised for light, but it is easy to see the adverse impact they will have on our property.

Our other previous points remain of serious concern. The houses are much too large for the plots and for this historic central part of the village. The Neighbourhood Plan is clear that this size of property should only be permitted after a need has been demonstrated.

We remain very concerned about the increase in traffic on this very narrow and busy road and bus route. It is likely that visitors to these properties and tradespeople will park on the road causing potentially serious problems. There has recently been a tradesvan parked outside a house further up the lane with a huge amount of damage caused to the opposite verge as buses and larger vehicles tried to negotiate round it. As we stated before, this is also a busy route for pedestrians with mostly no footpath and poor visibility.

We would feel very adversely impacted and overshadowed by this planning application of two very large houses.

We would invite members of the planning committee to visit the site and see for themselves the negative impact on our property, on Tippings Lane and on the historic centre of the village.

Mr Andrew Gray In addition to the points raised about the physical design and location of the buildings, the chief reason for my objection is I disagree with the change of use from commercial to residential. If villages like Barrowden are to attract a variety of age groups, particularly younger ones to the village that then are able to stay in the village and be a part of a inclusive sustainable

community, these sites should be developed as part of a wider vision to provide local employment. As government has quite clearly stated in our netzero transition, supply chains, livelihoods, services etc are all set to become more local again, which personally I think is great news, however converting 1 of the 2 remaining commercial plots to residential in the village I fear will be seen as short sighted in the future.

Mrs Julia
Nichols Whilst supporting the change of use of this plot, I am disappointed with the proposals for these two buildings and the impact they would have on the village. These very large houses would dominate this corner of the village. Currently the buildings are set back and low lying maintain space and openness .

The first house being situated directly opposite the existing house across a narrow road is an unacceptable invasion of privacy and reduction of light. Surely the upstairs windows will look directly into this house and garden ? The disregard for neighbours is of concern in this design.

The houses being straight onto the road is dangerous for safety of the occupants and for pedestrians. There is no pavement here and children already take refuge on the verge when cars pass. This is a relatively busy road although narrow, and the school bus passes this way...children regularly walk it as do elderly, dog walkers etc..

The village pump is an important historic asset and I would like to see preserved. I am not sure who this belongs to.

The village needs smaller houses to balance the demographic. I believe the villagers and village plan supports this.

Mrs Jean
Mitchell Just a comment about the revised plans for Pridmore's Haulage Yard.
The developers show photos of examples of houses with doors opening onto the street. What is not obvious is that 2 examples do not show that these properties have a footpath and then about 2 metres of grass separating them from the roads they open onto.

There are examples of 2 houses , 1 in Chapel Lane and 1 on Main Street which have doors opening onto the roadway. However having lived here for 32 yrs. I know these entrances have not, historically , been used frequently as Main Entrances over that period I have lived here.

I live opposite one of them which has over that time been a 2nd home , used only at weekends for most of that time, by the present occupant.

Also they were built in the 1800s or earlier and were Agricultural dwellings and barns built at a time when our village lanes were mostly used by pedestrians and a few horse drawn carts.

New build surely must reflect the fact that modern usage of these roads is vastly different. With not only increased amounts of traffic including large Service Vehicles , but also larger cars , larger buses and sometimes enormous agricultural machinery.

I believe in the current Rutland Local Plan and Strategy Documents it states that there is a requirement of RCC for the protection of residents ,presumably this includes from traffic on publicly owned roads as well as protection of Rutland Heritage Assets. Our Conservation Village is one of Rutland's Heritage Assets and what is allowed to happen here has potential ramifications for Rutland County's other Heritage Assets.

In the 1970s and 80s there was lax and inattention to preserving these assets in Planning Applications ,but thankfully times have changed and nationally there is more awareness of the importance to conserve places and buildings of character for future generations. I think of Councils and other Public Bodies as the frontline Guardians for this.

These proposed new houses front a narrow road with no footpath on the side nearest to the site. Tippings Lane is used by numerous large service vehicles , large 4x4 cars and Public Transport vehicles , including School Buses, and many school children, as well as adults , having to walk up and down the road from the drop off point / bus stop on the Village Green area.

Surely the Planning Officers and RCC Highways Dept. have a responsibility to take into account the increased new danger, that will be posed to residents , from the increase in personally owned cars of any new owners of the houses going to and fro at more frequent and varied times of the day, as opposed to the infrequent twice a day usage /access which I have observed over the years (early am / late afternoon only) when the Pridmore's lorries used the one wide access.

This is the difference which will occur with the changed usage this site.

So the safest possible access configuration for vehicles and people usage surely must be a requisite for any acceptable plan.

Yours sincerely

Jean Mitchell

Mr & Mrs We have looked at the revised plans for this application and still object to
Leslie the new plans as in our last comments to you.
WILKINSON

- 1, Houses too large for the plot, Barrowden now needs smaller houses.
2. Tippings Lane is a very busy road with the bus route and one of the main ways out of Barrowden to the A47.
3. Number one house is opposite No 4 Tippings Lane, and the outlook will be directly into their house and number two will over shadow their private garden.
4. We live in Redland Close and it will completely block our view towards the west especially in winter when it will obliterate the late afternoon sun.

Mrs Alison I have looked at the revised plans for the above planning application and,
Last unfortunately, although the developer has made some changes, they don't significantly address my two main objections which are the size and the position of the properties that in my opinion, will cause: loss of light, overshadowing and loss of privacy for No 4 Tippings Lane and the visual impact of two large houses dominating many of the surrounding properties (including the cottage on the development site).

John & Pat We would like to comment on your proposed plans for the above sight.
Comber We were quite happy with the 3 smaller houses proposed originally in accordance with the village plan. There is a need in Barrowden for 3 bedroom homes but not for the enormous houses you are proposing.

We live in the 17th century stone thatched cottage Grade 11 listed and in a conservation village. The 2 very large houses you propose would completely dominate not only our home but also the centre of the picturesque village of Barrowden. Looking totally out of place along the narrow Tippings Lane

The very large and tall houses you propose would destroy the privacy of all our Garden and are totally out of keeping with the village plan.

Mr Hubbard Matt I have been instructed by my clients to provide planning support for an on-going planning application for residential development in Barrowden village - 2020/1359/FUL

Contemporary planning policies and the Barrowden and Wakerley Neighbourhood Plan (NP) are, in my opinion, generally supportive of the development, although the consideration of the application has stalled presently. The proposal is to redevelop a commercial brownfield site in the centre of the village with 2 large dwellings and is effectively a 'windfall site' in planning terms. There is a call for the provision of smaller dwellings on the site, in order to comply with the 'housing needs' as referred to in the NP.

However, there does not appear to be any evidence with the NP as to what the 'housing needs' are for the village, nor is this defined with the 'development plan'. Policy BW10 states that '...Development proposals for new residential development will be supported where they meet defined local need for homes, in particular single storey dwellings, with 3 or fewer bedrooms'. The supporting text for the policy, at paragraph 5.42, does go on to state:

'Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular'

What I cannot establish is what the actual housing needs for the village are, as there is no evidence of this with the documents that I have viewed, and nothing is apparent on the Council's website.

Are you able to provide me with this information, or provide me with a link to the relevant part of the Council's website where this information can be viewed, please?

I look forward to hearing from you with this information at your earliest

opportunity.

Yours faithfully.

Matt Hubbard

Kaybee
Developments
Ltd

Please see online for letter of support.

Mrs
Comber

Pat Proposed development of pridmores yard

We own the thatched cottage next to the Pridmores boundary.

I am writing to say we strongly object to the bungalow being so close to our boundary wall which will affect our privacy.

We have seen your plans and (Plot 4) is built right up against our garden wall. This will certainly invade our privacy. It will surely have windows on the south side looking straight in to our garden. Not very satisfactory for any future owners either.

Driveways and car parking are right next to our property with the inevitable noise that will bring and fumes. It seems we would be on the edge of a car park.

I hope you will make some satisfactory adjustments.

Hopefully removing the bungalow altogether.

Sincerely

John and Pat Comber

Rosemary Cottage

26 Main St

Barrowden LE15 8EQ

Mr Alan & Mrs Jean Mitchell Dear Richard,

These are some comments that we wish to make about the above Planning Application which is to be discussed at the Parish Council Meeting on 28th July.

1) The new configuration of 3 or 4 houses is still making a crowded site with a possible high no. of vehicles of the new residents and any necessary services vehicles accessing and exiting the site at various times , onto a well used road, used not only by villagers, school buses, agricultural vehicles but the many customers visiting the nearby Exeter Arms Public House.

So, we respectively suggest the preference should be for a maximum of 3 dwellings with the 2 larger houses having the Gable Ends facing onto the street and a smaller 1 storey property at the rear of the site. This would lessen the loss of privacy for 4, Tippings Lane , especially the garden area , and of Rosemary Cottage, which are the 2 most affected / impinged on neighbours of this development.

2) Over the many years we have lived in the village (38) and while working on the N.Hood Plan (5yrs)I have become aware that the historical orientation of many of the older stone houses is Linear ,with the Gable Ends presenting onto the streets and with the frontages South facing, eg. many of the Grade II Properties on Chapel Lane , which runs parallel to Tippings Lane, and also some of the older houses on Wheel and Kings Lane .

The original design of our house on Chapel Lane was indeed this configuration we were told by former residents. Also it was situated much further forward on the site , mirroring the Grade II listed property No 8 Chapel Lane immediately to the North and the other Grade II listed properties of no.10, 11 and 13 Chapel Lane.

However , after objections that this position would obscure the lovely , historic south view of no. 8 ,the plan was changed with our house positioned further back on the plot and also the design changed by the builder to reflect the one property immediately below ours , no 2, Chapel Lane (Cornerstones). So obviously with thoughtfulness plans can be changed for practical and aesthetic reasons.

As this is a Conservation Village we will be making these points to the Conservation Officer for Rutland and we would ask for all the comments

made in our previous letters to BPC and RCC Planning Dept. about this development to be taken into consideration please.

3) In fact the view north, towards Tippings Lane from the central Village Green below the site , is foremost that of the Gable Ends of Rosemary Cottage and the present house immediately south of Pridmore's Haulage site.

So In our opinion , to fit in historically , the 2 houses proposed for the front of the Pridmore site should have the Gable Ends facing onto the street. This would also give privacy to the 2 properties most affected, 4 Tippings Lane (especially its garden which will be overlooked , causing a loss of privacy) and Rosemary Cottage.

We understand the proximity of the rear bungalow will be extremely close to Rosemary Cottage garden / boundary so there will be a loss privacy for their garden and also intrusive noise from the parking area with the proposed configurations.

Our house is well back from the highway of Chapel Lane but on occasions we are still aware of low level traffic and pedestrian noise at times.

The street noises will be much greater for these properties with the proposed configurations as shown.

With the different configuration we are suggesting the new owners of these properties would also benefit ,as they would not have the intrusive noise and lack of privacy from traffic and pedestrians passing very close to the living areas, at the front of their properties.

Loss of privacy and intrusive noise ,which affects well being , are both relevant planning issues in our understanding.

Maybe these concerns should be considered by the developers if they are hopeful of interesting potential buyers.

3) We would like to point out that there is a very mature, healthy Ash Tree on the boundary of the site and Rosemary Cottage.

How will the this large tree and its roots be impinged on by this development ? We believe Ash Trees are now a protected species so surely attention must be given to this.

These are the reasons why we voice our objections to these revised plans.

Yours sincerely,

Mrs. Jean Mitchell

Mrs Alison Last The positioning of the proposed new properties on Tippings Lane, in my opinion, is of no benefit to anyone. The two facing the road will significantly overlook Mr & Mrs Clarke's house, at 4 Tippings Lane, which is intrusive for all parties. Noise from the road will be channelled and reverberate and affect the houses on both sides. Tippings Lane is narrow and THE main thoroughfare to and from the village - especially traffic to the centre of the village and also to the pub and the village greens. It is a bus route (both public and school) and will be dangerous for anyone stepping out of the new properties as there is no footpath - unlike on the other side of the road. Why can't the houses go end on? Better for everyone and safer for all concerned; also better for the street scene. In Barrowden where the roads are narrow and without verges, if there is a choice of position, they should be end on.

My other concern is the very large, beautiful Ash tree at the back of Rosemary Cottage on the edge of the site. It is in excellent condition and should not be disturbed. The roots of this tree will be long reaching and I cannot see how a bungalow can be built right next to it. The position of the bungalow is also very intrusive to Mr & Mrs Comber directly overlooking their garden, the land at the back of them needs to be a garden area - in view of the ash tree especially.

Realistically the site, in my opinion, is only big enough for two new houses. I hope consideration is given to these points and common sense prevails.

Consultation Responses

Lead Local Flood Authority Officer As this isn't a MAJ development, surface water drainage isnt one of the things that is usually brought up. However I note the points raised by the Parish Council.

The EA surface water maps say that Tippings Lane, Barrowden has a low risk of surface water flooding. The EA flood maps also show this area in flood zone 1, where there is no risk of flooding.

However as the Parish Council have local knowledge of the area and what previously has happened through the village, therefore, I would recommend the following condition:

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

c) Flood water exceedance routes, both on and off site;

d) A timetable for implementation;

e) Site investigation and test results to confirm infiltrations rates; and

f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

This will ensure that the proposed development can be adequately drained and there is also no flood risk off site from the proposed development. Any land drainage works (eg alterations to existing culverts or culvert repairs) will require land drainage consent. Land Drainage consent would be required on top of the planning application

INTRODUCTION

At a special meeting of Barrowden Parish Council on 16 February 2021 consideration was given to the new proposals for the above application based on drawings PL06A, PLO7A, PL08B & PL09B. The proposed development will be governed principally by the Barrowden & Wakerley Neighbourhood plan. It is the latest development planning document to have been adopted (December 2019) and therefore takes precedence over the relevant core strategy 2011 and site allocation and DPD 2014.

The parish council has previously considered this development, and councillors are of the view that they would support development on this site if it were in line with the provisions of the baritone and Wakerley neighbourhood plan and local and national planning policies.

NATIONAL PLANNING POLICY FRAMEWORK

Para 123 of the NPPF states that 'decisions should avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In view of the current Rutland position in relation to its five year land supply this means, as set out in the NPPF para 123 C), that .. Local planning authorities should refuse applications which fail to make efficient use of land.

In response to the planning pre-application 2019/0292/PRE planning officer stated in his email of 12 November 2019 that at least three dwellings might be acceptable on this site subject to conditions.

The proposal of two oversized dwellings fails to meet the requirement of the NPPF para 123 given that up to double the proposed number number of dwellings could be accommodated on the site.

NEIGHBOURHOOD PLAN POLICIES

Considering each of the neighbourhood plan policies in turn, the parish council notes below where the proposed development fails to meet the requirements of those policies.

The BW1 LANDSCAPE CHARACTER & IMPORTANT VIEWS

Policy BW1 states that:

'The development shall conserve and enhance the positive characteristics of the local landscape outlined in Barrington and Wakerley landscape and character assessment'.

Within that character assessment, it states that:

'infill sites are sensitively integrated into the settlements and surrounding area in such a way as to not detract from the character of surrounding properties'.

As an infill site, the present application fails to meet the requirement of being sensitively integrated into the settlements and surrounding areas, as it will detract from the three listed buildings and the mature property opposite at 4 Tippings Lane.

The application does not meet the requirements of the policy.

Set at the entrance to the renowned vistas associated with an immaculately maintained village green, the view looking to the north and north-east from the green will be negatively impacted by the development. There is concern that the proposed buildings would be out of proportion, both in terms of scale and height. A cross section from the village through the gap between 1 Tippings Lane and 24 Main Streethad been requested of the developer, but this has not been forthcoming and therefore the council can only presume that the mass of the buildings will be clearly seen from the village green, which would have an adverse impact contrary to BW1 para 2.

The application does not meet the requirements of the policy.

BW6 DESIGN PRINCIPLES FOR BARROWDEN & WAKERLEY

Para 1 of the policy reaffirms the need for any development to meet neighbourhood plan landscape and character assessment. The scale and mass of the proposed two dwellings are not in keeping with the surrounding buildings. The largest of the two buildings, plot two, is in excess of 3660 ft² internal floor space (plus the opportunity to convert a further room for habitation), which is some 25% larger than the average 'large' house in the village. Plot one will be about 3000 ft².

Para 2 (E) it is noted that the development will have artificial Collyweston slate roofing.

Para 2 (G) it is noted that the windows and doors are in wood. However, there is still timber cladding showing on the northern elevation of plot 2. Timber is not appropriate for the main buildings and would only be acceptable on external appendages such as a porch.

The application does not meet the requirements of the policy.

Para 2 (H) the use of post and rail fencing along with hedging in place of wooden fences at the entrance to the site and all the way to the rear

boundary is noted. There are no drawings provided to confirm the location and detail of such hedging. Further details should be requested from the developer, ideally in the form of a detailed drawing.

The application does not meet the requirements of the policy

THE LOCAL IMPACT OF CONSTRUCTION

Given the narrowness of Tipping's Lane and the fact that this is a bus route, if planners are minded to approve the application, then the developer should be requested as a condition of the planning approval to provide a construction logistics plan which would include the requirement that no vehicles belonging to the contractor or subcontractor's should be parked outside the boundary of the site, especially on Tipping's Lane.

BW7 SURFACE WATER FLOODING

The developer has not commented on the parish council's previous concerns about the incorrect flood drawing provided, and the (inspector approved) map figure 8 in the neighbourhood plan should be relied upon. This clearly shows issues with surface water flooding on tipping is laying itself. Evidence has been presented by a resident that there was once a spring on the site, which is supported by the fact there is a hand pump on its South Eastern corner. Given recent experience of springs appearing at similar heights above the floodplain of the Welland, the developer should be requested to carry out a geophysical examination of the site to minimise the risk of altering the flow of underground water which is known to exist in this area of the village, e.g. spring water permanently runs through the basement of the adjacent Exeter arms.

The design statement is silent on detailed proposals for surface water management and the developer should be required, before determination of the application, to provide proposals as to how surface water can be successfully handled without harming the water table or entering the foul sewer system, which is already at capacity, as indicated in para 5.32 of the neighbourhood plan. While suds might be a solution, infiltration tests should be carried out to demonstrate that a suds solution would be successful and would not impact the surrounding properties by creating new springs due to additional water pressure.

The parish council would ask Rutland County Council approaches Anglian Water in respect of surface water drainage from this site, as this has been and a major issue on Tippings Lane.

Specifically, the proposal has failed to address BW7 para 1

Proposals will be required to demonstrate that the development will not result in a net increase ~~207~~ surface water run-off and should indicate how any

necessary mitigation measures will satisfactorily be integrated into the design and layout of the scheme.

The application does not meet the requirements of the policy.

BW8 INFILL & BACKLAND DEVELOPMENT

BW8 para 3 states that:

'Proposals will not result in significant overshadowing or overlooking or have a visually overbearing impact on adjacent dwellings and gardens'

This proposal will have an impact on 4 Tippings Lane, as it will result in significant overshadowing of that property as well as overlooking having a visually overbearing impact on that dwelling and more importantly on its rear garden, significantly reducing privacy from the dormer windows. The height of plot 2 is excessive and dominant. Despite the request in the planning pre-application response of 19 November 2019, no cross section in relation to 4 Tippings Lane has been provided.

The application does not meet the requirements of the policy

BW9 DWELLING SIZE & TYPE

Both policy BW9 and the latest version of the Rutland strategic housing market assessment clearly articulate the requirement for new developments to be designed for 3 or fewer bedrooms. This requirement is well evidenced both in terms of the SHMA but also by the village questionnaire from which the neighbourhood plan was developed.

The application fundamentally fails to meet the requirements of the policy

Village residents and the parish council indicated in response to the pre-planning application their desire to maximise the use of the site for more dwellings with fewer bedrooms, a maximum of 3, to meet the needs of younger families and older residents seeking to downsize.

No evidence has been presented, as required in paragraph 5.43, to demonstrate that there is an identifiable shortfall in the provision of dwellings of four or more bedrooms.

The application does not meet the requirements of the policy.

BW16 FIRBRE BROADBAND

It is noted that the dwellings will be provided with a full fibre broadband (FTTP). This should be a condition if planners are minded to grant permission.

OTHER COMMENTS

In relation to noise, it is noted that each dwelling there will be 2 air source heat pumps.

Given the rural location the low levels of noise especially during the night, a baseline noise assessment should be carried out by the developer, overseen by Rutland County Council environment department. The developer should guarantee a maximum noise level not to be exceeded by the air source heat pumps so that they have no or minimal impact on neighbouring properties.

HERITAGE ASSESSMENT

While the heritage assessment provides information, it does not offer any context for the new buildings in respect of their surroundings and seems to concentrate on the replacement of the existing commercial buildings. This is not an acceptable comparison and the additional comments provided by the developer are still nowhere near adequate. While a desktop assessment is acceptable, it should be carried out by an independent expert. We are pleased to note that the hand pump will be retained.

CONCLUSION

Barrowden parish council takes the view, in line with the majority of respondents to the application, that these revised proposals failed to meet many of the requirements of the neighbourhood plan policies, all of which are material considerations.

We therefore recommend that the application be refused.

In the event that the planning authority is minded to grant planning permission, the parish council will request, through ward councillors, that the matter be decided by the planning committee and not through delegated powers, on the basis that the proposals are fundamentally breach both national and neighbourhood plan policies.

Ecology Unit

The Preliminary Ecological Appraisal (PEA) (Philip Irving, January 2021), is satisfactory. No evidence of bats was found in any of the buildings on the site; all have negligible or no potential to support roosting bats. No evidence of badger or reptiles was identified. The nearby pond is stocked with fish making it unsuitable for Great crested newt (GCN). Therefore no further surveys or mitigation is required.

Recommendations in the PEA (see section 6) should be followed and made a condition of any planning permission, should it be granted. This includes the installation of bat bricks/boxes, holes in close-board fencing for hedgehogs and small mammals and landscape planting of native species beneficial to wildlife - these details should be illustrated on the plans.

Please let me know if you require any further information.

Kind regards

Donna

Donna Oxbrough
Senior Planning Ecologist
Leicestershire County Council
County Hall
Leicester
LE3 8RA

Public
Protection

I have reviewed the application including the intrusive site investigation by Ground Engineering (ref C14650) dated January 2019.

I have no objection to the application, but do note that one of the site

investigation's recommendation is for 'Further investigation would be necessary following the demolition of the garage building to establish the extent of fuel/oil pollution, which should inform the extent and subsequent removal of any obviously fuel/oil impacted soil. The latter measures should reduce the future risk to human health and water environment from low to moderate, to very low.' If Planning Permission is granted it will therefore be necessary to attach the phased contaminated land condition, this should ensure the applicant can demonstrate that there isn't an unacceptable risk to occupiers of the site, building materials or the surrounding environment.

Notes for applicant

Hydrocarbon impacted soils and ground water have been identified on this site. While a remediation scheme is anticipated please ensure this protects (including but not limited to):

' The village pond (approx. 70m south of the site) which hasn't been identified in the report but is thought to be fed by local ground waters. Protection will be necessary during phases of demolition/construction and investigation work.

' Potable water supply pipes to the proposed properties as standard plastic water supply pipes can be penetrated by hydrocarbons thereby potentially impacting future resident's supplies

Highway Department

In principal highways would have no objections to the proposed development as, after construction, the number of commercial vehicles/large vehicles travelling through Barrowden will be reduced.

The only issue highways have is the boundary treatment. The applicant has shown the visibility splays for dwelling No.2 and then for dwelling no.2 proposed a 1m high close boarded fence. This would significantly reduce the visibility splays of vehicles exiting dwelling No.2

If the boundary treatment for dwelling no.1 could be changed then highways would have no objections

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Chapter 12 - Achieving well-designed places

Chapter 9 - Promoting sustainable transport

Chapter 16 - Conserving and enhancing the historic environment

Chapter 5 - Delivering a sufficient supply of homes

Neighbourhood Plan

BW1 - Landscape character and important views

BW6 - Design Principles

BW7 - Surface water flooding

BW8 - Infill and backland development within Barrowden

BW09 - Dwelling size and type

BW15 - Fibre broadband

Site Allocations and Policies DPD

SP20 - The Historic Environment

SP15 - Design and Amenity

SP21 - Important Open Space and Frontages

SP5 - Built Development in the Towns and Villages

Core Strategy DPD

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

CS13 - Employment & Economic Development

CS16 - The Rural Economy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

Planning Officer's Report

Evaluation

The proposed development will see the removal of all the existing buildings relating to the haulage business removed and two, 4 bed dwellings erected. The dwellings are indicated to be built from limestone with cut quoins, heads and cills and replica Collyweston slate roofs.

The dwelling, on the northern, higher part of the site would be a full two-storied house and the other a one and a half storey. Plot 1 has lowered eaves to provide rooms in a roof and allow a transition from the cottage to plot 2 which becomes a full two storey building. This transition follows the gradient of the road up towards the north.

Both dwellings have large rear protrusions featuring two storey rear facing gable ends. Plot 2 has an elongated side elevation which runs alongside the neighbouring garden to the north and steps down to the attached double garage.

The proposed buildings have been set back from the roadside, into the site, by 2.7m / 3.8m for Plot 2 and 2.3m / 3.3m for Plot 2. This setting back allows for the continuation of a grass verge at the frontages of the buildings, or areas of planting to soften the proposed stone walls. Additionally, the old Victorian water pump located at the front of plot 1 is to be retained.

Plot 1 has 3no dedicated spaces, 2no covered and 1no exposed. Plot 2 has a double garage, an exposed space and its own private driveway.

Neighbourhood Plan

The proposed development is governed by the Barrowden and Wakerley Neighbourhood Plan, adopted (December 2019).

BW7 The Local Impact of Construction
BW8 Surface Water Flooding
BW9 Infill and Backland development
BW10 Dwelling Size and Type
BW15 Fibre Broadband

Policy Considerations

The NPPF

The NPPF makes it clear in Section 2 that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8 it identifies sustainable development as being 'economic', 'social' and 'environmental' whereby all planning proposals should contribute to building a strong, responsive and competitive economy, support strong vibrant and healthy communities and contribute to protecting and enhancing our natural, built and historic environment.

Paragraph 11 of the NPPF puts forward the presumption in favour of sustainable development and, in terms of decision making, states that development proposals that accord with an up to date 'development plan' should be approved without delay.

Paragraph 13 states that neighbourhood plans should support the delivery of strategic policies contained within local plans or spatial development strategies. Paragraph 29 indicates that neighbourhood plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan.

Section 5 of the NPPF relates to 'Delivering a Sufficient Supply of Homes' and states that, in order to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. At paragraph 60 it states that strategic policies should be informed by a local housing need assessment unless exceptional circumstances justify an alternative approach. Paragraph 61 reinforces this in stating that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 11 of the NPPF relates to 'Making Effective Use of Land' and promotes an effective use of land in meeting the need for homes (and other uses) while safeguarding and improving the environment and ensuring healthy living conditions.

Section 12 of the NPPF focusses on 'Achieving Well-Designed Places' and acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive, appropriately landscaped, sympathetic to local character, have a strong sense of place and are safe, inclusive and accessible.

Section 16 of the NPPF relates to 'Proposals Affecting Heritage Assets' and, at paragraph 189, requires an applicant to describe the significance of any heritage assets, or their setting, affected by a development proposed.

The Core Strategy

Policy CS3 of the Core Strategy provides the 'Settlement Hierarchy' for the County and identifies Barrowden as one of the 'smaller service centres' which, as stated in paragraph 2.19, is capable of accommodating a minor level of development where this would be appropriate to the scale and character of the village.

Policy CS4 focusses on the 'Location of Development' and states that smaller service centres can accommodate a minor scale of development, mainly on previously developed land, on a limited scale appropriate to the character and needs of the village concerned, comprising of affordable housing sites, infill developments and the conversion and reuse of redundant buildings.

The site is currently being used by a Haulage business. The relevant policies in this case are Policies CS13-e & CS16-d of the Rutland Core Strategy (2011). These policies safeguard land for employment uses in areas such as this.

The site has been marketed by a local agent who did not receive any interest or offers for the site for use as commercial. The current owners of the site have relocated their business into a site in South Luffenham.

Policy CS19 focusses on 'Promoting Good Design' and expects all new developments to meet high standards of design in order to address the criteria as listed.

Policy CS22 relates to 'The Historic and Cultural Environment' and expects all development to protect and, where possible, enhance historic assets and their settings and maintain local distinctiveness.

The Site Allocations & Policies DPD

Policy SP5 relates to 'Built Development in the Towns & Villages' and supports development in principle where (inter alia) it is of an appropriate scale and design, would not adversely affect the environment or local amenity, would not impact on the form, character or appearance of the settlement and would not be detrimental to features and spaces that contribute to character.

Policy SP15 focusses on 'Design & Amenity' and, as with Policy CS19 of the Core Strategy, seeks to ensure that all new developments are acceptable in terms of siting, layout, their relationship with other development, amenity, density, scale, form, massing, materials, crime prevention, landscaping and parking.

Policy SP20 relates to 'The Historic Environment' and, in part a) states that development within a Conservation Area will not be acceptable if it will have an adverse effect upon (inter alia) its immediate setting, the street scene, views into and out of the site, amenity and highway interests and important landscape features.

The site is within the Barrowden Conservation Area and the north west of the site lies directly adjacent to Important Open Space in accordance with Policy SP21 of the Site Allocations and Policies Development Plan Document (2014). This impact of the proposal on the Conservation Area and the important open space has been considered below.

Impact on the character and appearance of the area and local Heritage Assets

The application site is located on the western side of the southern end of Tippings Lane and is in the Barrowden Conservation Area. To the south-west is the Grade II Listed Rosemary Cottage and to the south-east Rose Cottage. The site is also in close proximity to Listed Buildings. No. 2, Tippings Lane, No. 24, Main Street and The Exeter Arms and its outbuildings. Other nearby buildings, Nos.1, 4 and 5 Tippings Lane are not Listed but can be proposed and their massing be considered non-designated heritage assets.

The proposal is to remove the existing building and hard surfacing and erect two detached dwellings. Both dwellings are located within the brownfield site of the existing Haulage Yard. The dwelling, on the northern, higher part of the site would be a full two-storied house and the other a one and a half storey. Both houses will be built close to the frontage to Tippings Lane, behind the stone wall through which will have new openings for vehicle and pedestrian access.

Policy BW1 Landscape Character and Important View of the Barrowden and Wakerley Neighbourhood Plan states that:

'The development shall conserve and enhance the positive characteristics of the local landscape outlined in the Barrowden and Wakerley Landscape and Character Assessment.'

Within that Character Assessment, it states that:

'Infill sites are sensitively integrated into the settlements and surrounding area in such a way as to not detract from the character of surrounding properties.'

Paragraph 1 of Policy BW6 Design Principles of the Barrowden and Wakerley Neighbourhood Plan re-affirms the need for any development to meet Neighbourhood Plan Landscape and Character Assessment. The scale and mass of the proposed two dwellings are not in keeping with the surrounding buildings.

Both houses would have extensive, double and single storey elements to the rear, one with an attached garage with accommodation in the roof space, adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. Most of the traditional houses in the locality have a single-room depth floor plan and whilst many have had additions, even two storey in some instances, these appear subservient to the original house whereas the proposed houses will from the outset appear as over-extended dwellings. Both dwellings have a large sprawling footprint and excessive form that do not reflect dwellings in this location and are at odds with the prevailing form and character of the area.

However, because of the concerns regarding the excessive massing and footprint of the proposed dwellings it is considered that the proposed development would neither preserve nor enhance the character or appearance of this part of the Conservation Area.

The site slopes significantly from the north down to the south. Likewise, there is a reasonable difference in level in the opposite east west direction, whereby the site levels are higher than the road. The proposal will involve a large amount of excavation to enable the dwellings to sit at a lower level within the Tippings Lane streetscene. These works will see a requirement for retaining wall structures in the rear garden and to the north boundary.

The impact of the dwellings on the landscape is further increased by the amount of earthwork which is to be removed to facilitate the houses. This is particularly evident with regards to Plot 2 whose excessive rear wing sits a considerable lower level than the neighbouring garden to the north.

Policy SP5 of the Site Allocations & Policies DPD relates to 'Built Development in the Towns & Villages' and supports development in principle where (inter alia) it is of an appropriate scale and design, would not adversely affect the environment or local amenity, would not impact on the form,

character or appearance of the settlement and would not be detrimental to features and spaces that contribute to character

Set at the entrance to the renowned vistas associated with the important open space of the village green, the view looking to the north and northeast from the green will be negatively impacted by the development. There is concern that the proposed buildings would be out of proportion, both in terms of scale and height. A clear view of the excessive built form to the rear will be gained from the village green through the gap between No. 1, Tippings Lane and 24 Main Street which would have an adverse impact contrary to BW1 Para 2.

The land subject to this application has open undeveloped areas important to both the setting of the nearby historic building Rosemary Cottage, No. 24, Main Street and to the character and appearance of the Barrowden Conservation Area. The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock.

The majority of proposed development is not seen within the setting of No. 2, Tippings Lane or the Exeter Arms so the development is not considered to harm these heritage assets.

In reaching our conclusion and recommendation the local authority have considered the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock. Given this, the proposal would be contrary to Sections 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW6 of the Barrowden and Wakerley Neighbourhood Plan.

Both houses would have extensive, double and single storey elements to the rear adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. The dwellings having large sprawling footprints and excessive form do not reflect dwellings in this location and are at odds with the prevailing form and character of the area. Furthermore, this excessive built form will adversely interrupt a key vista from the established important open space of the village green to the south. This would fail to preserve or enhance character and appearance of the Barrowden Conservation Area. As such the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021, Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1 and BW6 of the Barrowden and Wakerley Neighbourhood Plan.

Impact on the neighbours' residential amenities

The plots have been set back in the site slightly to maintain a distance of approximately 11.4m to No.4, Tippings Lane to the east.

Plot 1 is located directly opposite No.4. Tippings Lane and is reduced in scale to both respect the existing cottage to the south and reduce the impact on No. 4. Plot 2 is located opposite the garden of No. 4. The application submission includes sectional details showing the relationship of the development with No. 4 Tippings Lane.

The eave and ridge heights of the frontages of Plots 1 and 2 are comparable to No. 4, Tippings Lane and due to the distances maintained it is considered that the proposal will not be overdominant or create an oppressive environment for the occupiers of this neighbouring dwelling.

There are conifers that currently run along the boundary that fronts the site and are to a height and density that can be felt by the occupiers of No. 4 Tippings Lane from their window aspect. It is considered that the frontages of the proposed dwellings will have a similar impact on the aspect gained from the neighbouring windows opposite and their outlook will not be severely impacted upon.

Plot 1 will have windows to the ground and first floor which are directly opposite the windows of the front elevation of No. 4, Tippings Lane. The new windows serving the front elevation of Plot 1 will be approximately 11.3m away from the front windows of No. 4, Tippings Lane. The windows sited to the frontage of No. 4 are narrow openings with small glazing elements which do not allow extended views into the rooms they serve. Within village locations it is not uncommon to have properties sited directly opposite each other directly abutting the highway edge. This conforms with the more historic village lane character and one which the development emulates though the potential impact on No. 4 has been reduced by setting the frontage of Plot 1 slightly further back from the highway to increase separation.

Whilst No. 4 does not currently have windows opposite looking directly at the property the level of privacy that will be lost is not considered significant and does not weigh against the proposed development.

No. 4, Tippings Lane has a large curtilage and whilst Plot 2 will have windows that will allow views towards the garden it is considered that sufficient private amenity space will be maintained.

Details have also been submitted which indicate that No. 4, Tippings Lane will not be overshadowed or lose a level of light which they currently enjoy to an extent that weighs significantly against the proposal.

Plot 1 will have a side elevation closest to No. 1, Tippings Lane but there will be no first floor openings directly adjacent to the side elevation of this neighbouring property. There will be a driveway separating the two properties and a satisfactory distance of separation will be maintained.

No. 5, Tipping's Lane lies to the north of the site and has a substantial garden area. Plot 2 has built form which stretches along the majority of the boundary but due to the removal of earth the majority of the built form will be at a reduced level when viewed from the garden of No. 5. The first floor windows to the side elevation only has an en-suite and a bathroom window and with conditions ensuring they are fitted with obscure glazing and are fixed the private residential amenities of No. 5 can be protected.

No. 24, Main Street has an elongated rear garden that runs to the west of the development site. Only the corner of the curtilage of Plot 2 touches the far corner of the garden of No. 24 and due to the distance the property is from the main part of the garden and the dwellinghouse there will be no adverse impact on the private amenities of the occupiers.

The whole of the curtilage of Plot 1 bounds the garden of No.24. The depth of the proposed garden allows a buffer of built form and will be further broken up by the siting of an existing outbuilding within the garden of No. 24 directly on the boundary. Window positions of Plot 1 and

distances of separation in relation to No. 24 and its garden will result in the privacy of the occupiers of this property not be severely affected.

Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

Concerns have been raised regarding the impact of the development on pedestrian and highway safety.

The submission from the applicant states that the existing access to the site allowed the previous business use to have circa 5no trucks entering and exiting the site in early morning and evening, along with the respective staff cars which enabled them to get to and from work.

There is no footpath on the side of the road to the application site, nor any footpath on either side of Tippings Lane to the north. It is noted that there is a public footpath on the opposite side of the road, running parallel to no.4 Tippings Lane which allows safe pedestrian movement in this location.

The Highway Department has no objections to the proposed development as, after construction, the number of commercial vehicles/large vehicles travelling through Barrowden will be reduced.

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).

Flood Risk

Concerns have been raised regarding the potential for flood risk on the site.

The Environment Agency surface water maps say that Tippings Lane, Barrowden has a low risk of surface water flooding. The EA flood maps also show this area in flood zone 1, where there is no risk of flooding.

The Lead Flood Authority have been consulted and have no objections subject to a condition stating that development shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority.

Pollution Risk

The site usage has included Pridmore's Haulage, that and the nature of the buildings currently on the site suggests there is potential for ground contamination to be identified.

An intrusive site investigation by Ground Engineering (ref C14650) dated January 2019 has been submitted.

Environmental Protection has no objection to the application, subject to a phased contaminated land condition.

Crime and Disorder

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

Human Rights Implications

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.

Planning Balance – Housing Delivery

The Framework seeks to contribute towards the achievement of sustainable development through meeting the needs of the present without compromising the needs of future generations. A key thread of this objective is to ensure that housing development is well located and supported by the necessary infrastructure and facilities.

Paragraph 11d of the Framework states that where there are no planning policies, or the policies most important for determining the application are out of date (including where a Council cannot demonstrate a five-year supply of deliverable housing sites), a decision maker should grant planning permission. This is unless the policies of the Framework provide a clear reason to refuse development, or any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The Council does not have a 5-year Housing Land Supply (HLS).

The proposal will see the development of a brownfield site, within the planned limits of development of a smaller service centre (Policy CS3 of the Core Strategy) which has been marketed for a commercial use without success. The principle of residential development on the site and the loss of the commercial use may be accepted subject to the consideration of other material considerations.

As a consequence, this is of significant weight in favour of the proposal. Accordingly, the proposal would benefit from paragraph 11d of the Framework and the presumption in favour of sustainable development.

However, the two large 4 bed properties proposed do not relate well to the Strategic Housing Market Assessment 2019 Update mix which is much more varied (please see table immediately below).

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	0-5%	25-30%	45-50%	20-25%
Affordable Home Ownership	15-20%	35-40%	35-40%	5-10%
Social/affordable rented	40-45%	25-30%	20-25%	5-10%

Nor has anything happened in actual delivery (in the green table below) to alter that. The green table below shows all new development in Rutland in the 5 years between 2016 and 2021 of all tenures, less a few obscure types rounded to zero based on Valuation Office Agency statistics.

Growth for the 5 years 2016-21 by bedroom

1 bedroom	7.14%	60
2 bedroom	25.00%	210
3 bedroom	32.14%	270
4 bedroom	28.57%	240
5 bedroom	5.95%	50
6+ bedroom	1.19%	10
TOTAL	100.00%	840

Referring to Census 2011 figures for Barrowden (table below), this shows that the average house had 3.6 bedrooms. This would indicate that more than half of the properties in Barrowden had more than 4 or more bedrooms.

KS403EW - Rooms, bedrooms and central heating			
Source	ONS Crown Copyright Reserved [from Nomis on 11 November 2021]		
Population	All households		
Units	Households		
date	2011		
geography	Barrowden		
measures	value	percent	
Central Heating			
Occupancy rating (bedrooms) of -1 or less	0	0.0	
Average household size	2.4	-	
Average number of rooms per household	7.4	-	
Average number of bedrooms per household	3.6	-	

Policy BW9 – Dwelling size and Type, of the Barrowden & Wakerley Neighbourhood Plan states the following:

‘Development proposals for new residential development will be supported where they meet defined local need for homes, in particular single storey dwellings, with 3 or fewer bedrooms.’

At paragraph 3.9 of the Neighbourhood Plan the existing house types within the village are assessed, which shows that there are 5 No. 1-bedroom houses (2%), 30 No. 2-bedroom houses (14%), 64 No. 3-bedroom houses (30%), 80 No. 4-bedroom houses (37%) and 36 No. 5+ bedroom houses (17%).

Barrowden has a high proportion of dwellings with 4 or more bedrooms (54%). Dwellings with 4 bedrooms or more take up a large percentage of dwellings within Rutland. Conversely the percentage of housing stock in Barrowden with 1, 2 and 3 bedrooms is significantly lower than in Rutland.

Both Policy BW9 and the latest version of the Rutland Strategic Housing Market Assessment clearly articulate the requirement for new developments to be designed for 3 or fewer bedrooms. This requirement is well evidenced both in terms of the SHMA but also by the village questionnaire from which the Neighbourhood Plan was developed.

As already discussed the proposal excessive massing is inappropriate for the context and would be at variance with the established local vernacular, impacting adversely on the Barrowden Conservation Area and an important open space.

The siting of two large 4 bed dwellings on the site which does not meet an identified local housing need is not considered to be an effective use of land where a greater number of dwellings with 3 bedrooms or less could be delivered.

The adverse effects of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the Framework as a whole.

Consequently, even with the significant weight applied in favour of sustainable development, the benefits of the proposal do not outweigh the harm identified to the desired housing mix or to the character and appearance of the area. Therefore, the identified conflict with the development plan is not outweighed by other material considerations.

Conclusion

Due to excessive rear massing, design and siting the proposed development will impact adversely on an important open space, the character of the Barrowden Conservation Areas and the setting of the Grade II listed Rosemary Cottage.

The provision of two, 4 bed dwellings does not meet the required housing need for Barrowden or make best use of the land and the benefit of the delivery of these properties will not outweigh the identified harm.

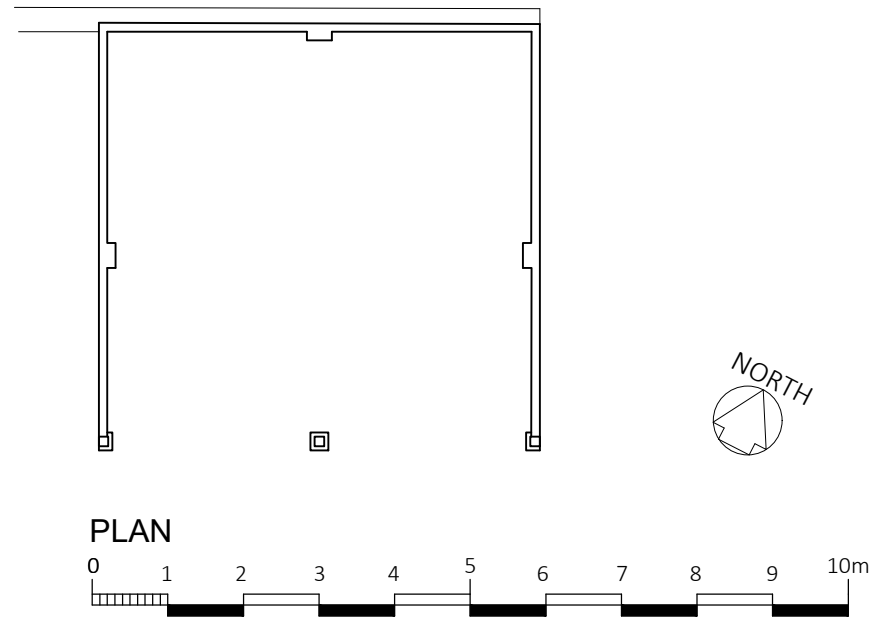
Taking the above into account, it is considered that the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021), Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1, BW6 and BW9 of the Barrowden and Wakerley Neighbourhood Plan.

Recommendation: Refuse

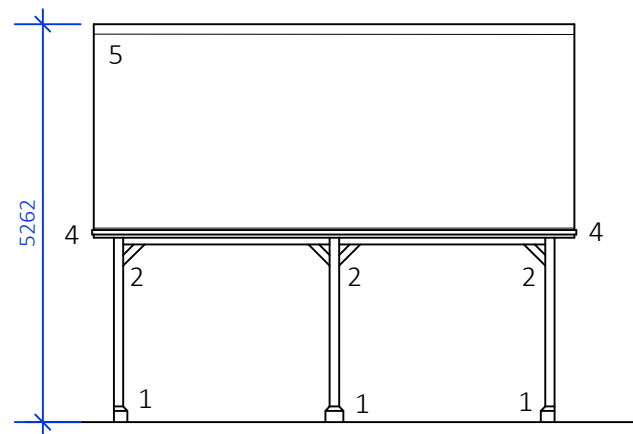
1. The land subject to this application has open undeveloped areas important to both the setting of the nearby historic building Rosemary Cottage, No. 24, Main Street and to the character and appearance of the Barrowden Conservation Area. The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock. Given this, the proposal would be contrary to Sections 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW6 of the Barrowden and Wakerley Neighbourhood Plan.
2. Both houses would have extensive, double and single storey elements to the rear adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. The dwellings having large sprawling footprints and excessive form do not reflect dwellings in this location and are at odds with the prevailing form and character of the area. Furthermore, this excessive built form will adversely interrupt a key vista from the established important open space of the village green to the south. This would fail to preserve or enhance character and appearance of the Barrowden Conservation Area. As such the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021), Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1 and BW6 of the Barrowden and Wakerley Neighbourhood Plan.
3. The proposal for two, 4 bed dwellings does not meet the identified local need for homes for Barrowden and is not making an effective use of land contrary to Sections 5 and 11 of the NPPF (2021) and Policy BW9 of the Barrowden and Wakerley Neighbourhood Plan.

Notes to Applicant

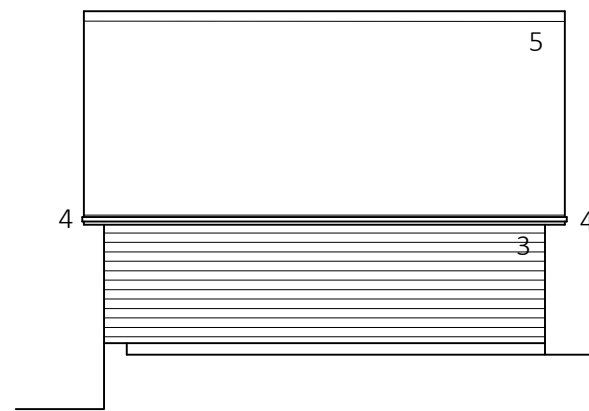
1. For the avoidance of doubt this application has been determined based on Drawing Numbers: PL06A, PL08B, PL09B and PL20A.



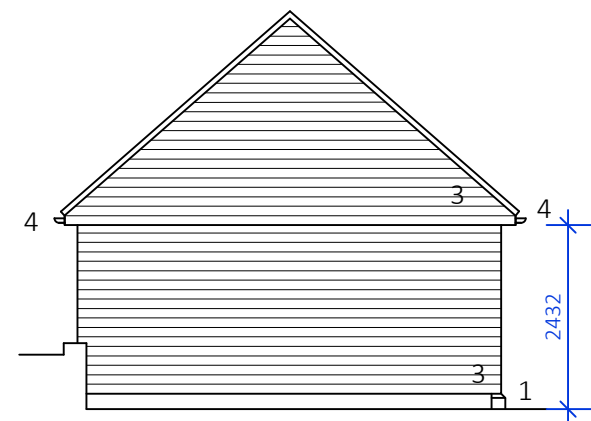
224



SOUTH ELEVATION



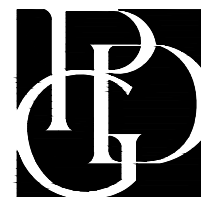
NORTH ELEVATION



SIDE ELEVATION

KEY:

- 1. STONE SADDLES
- 2. NATURAL OAK FRAMING
- 3. TIMBER BOARDING, WESTERN RED CEDAR OR SIMILAR, STAINED BLACK
- 4. PVCu RAINWATER GOODS, BLACK GUTTERING ON STANDARD PVCu BRACKETS, BLACK
- 5. NATURAL BLUE SLATES



RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
PROPOSED PLANS PLOT 1 GARAGE

Scale: 1:100 @A3

Drawn: CRB

Date: 11/2020

Dwg No: 20037/PL10

PDG ARCHITECTS LTD

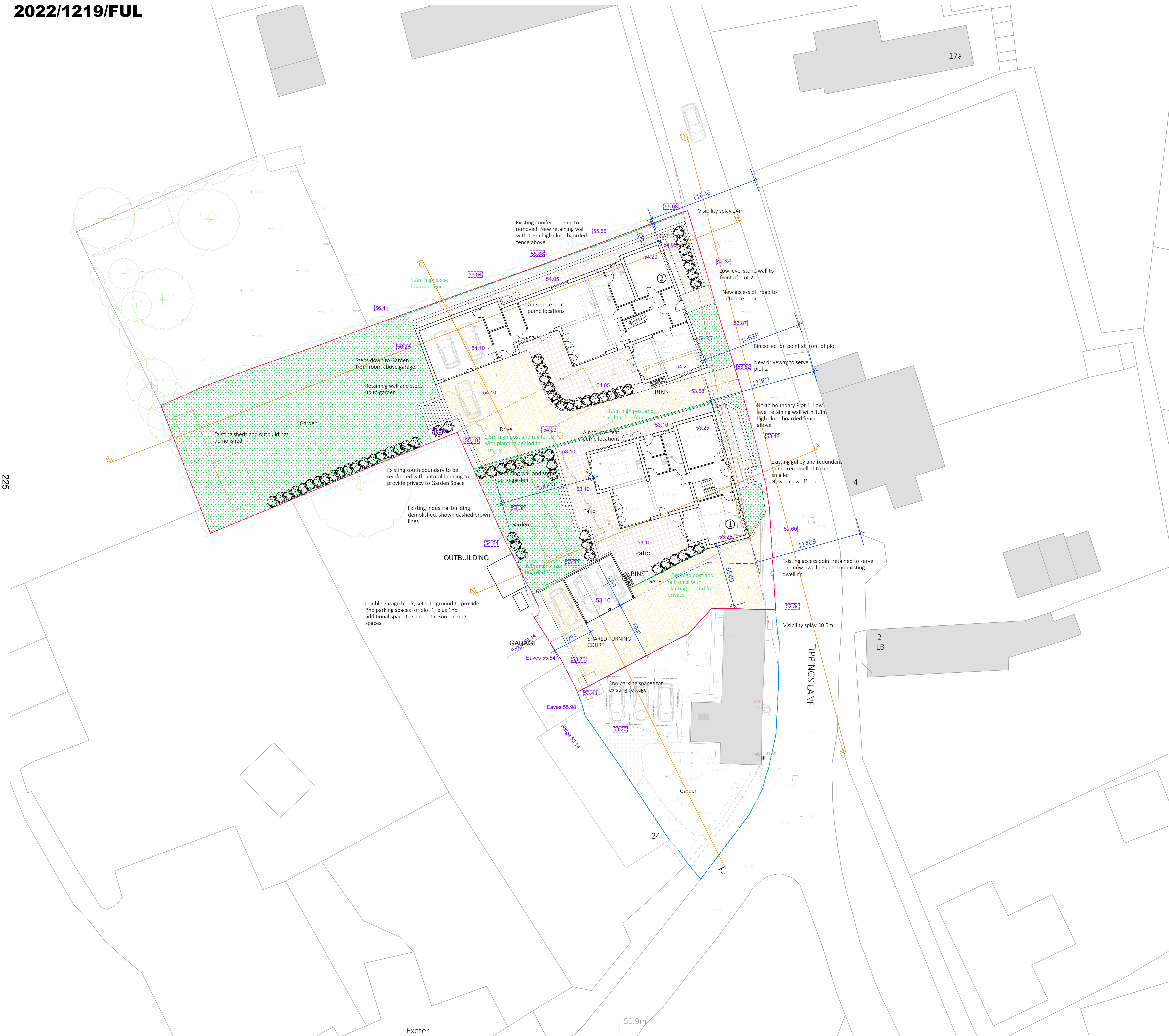
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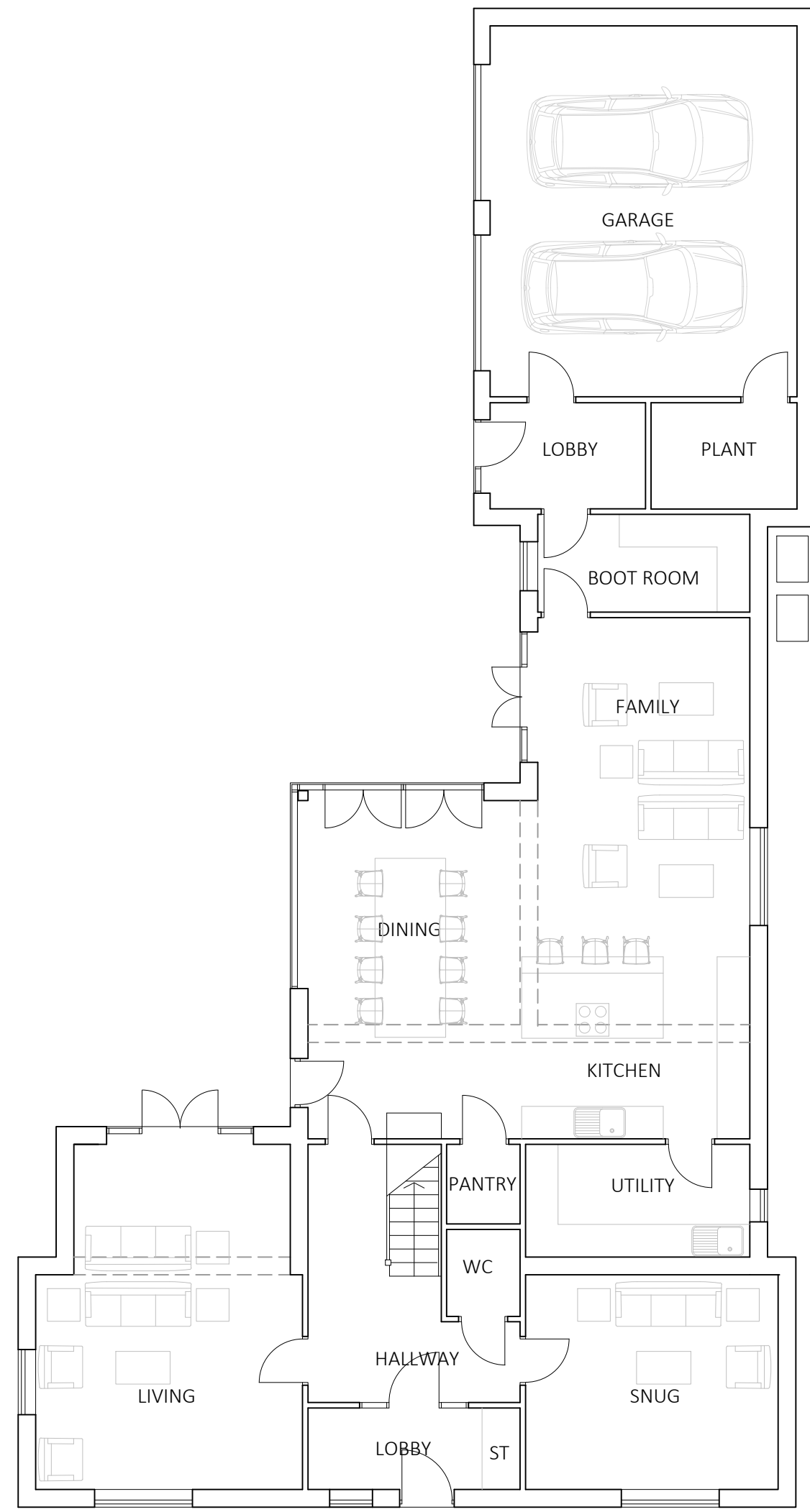
NORTH

KEY:

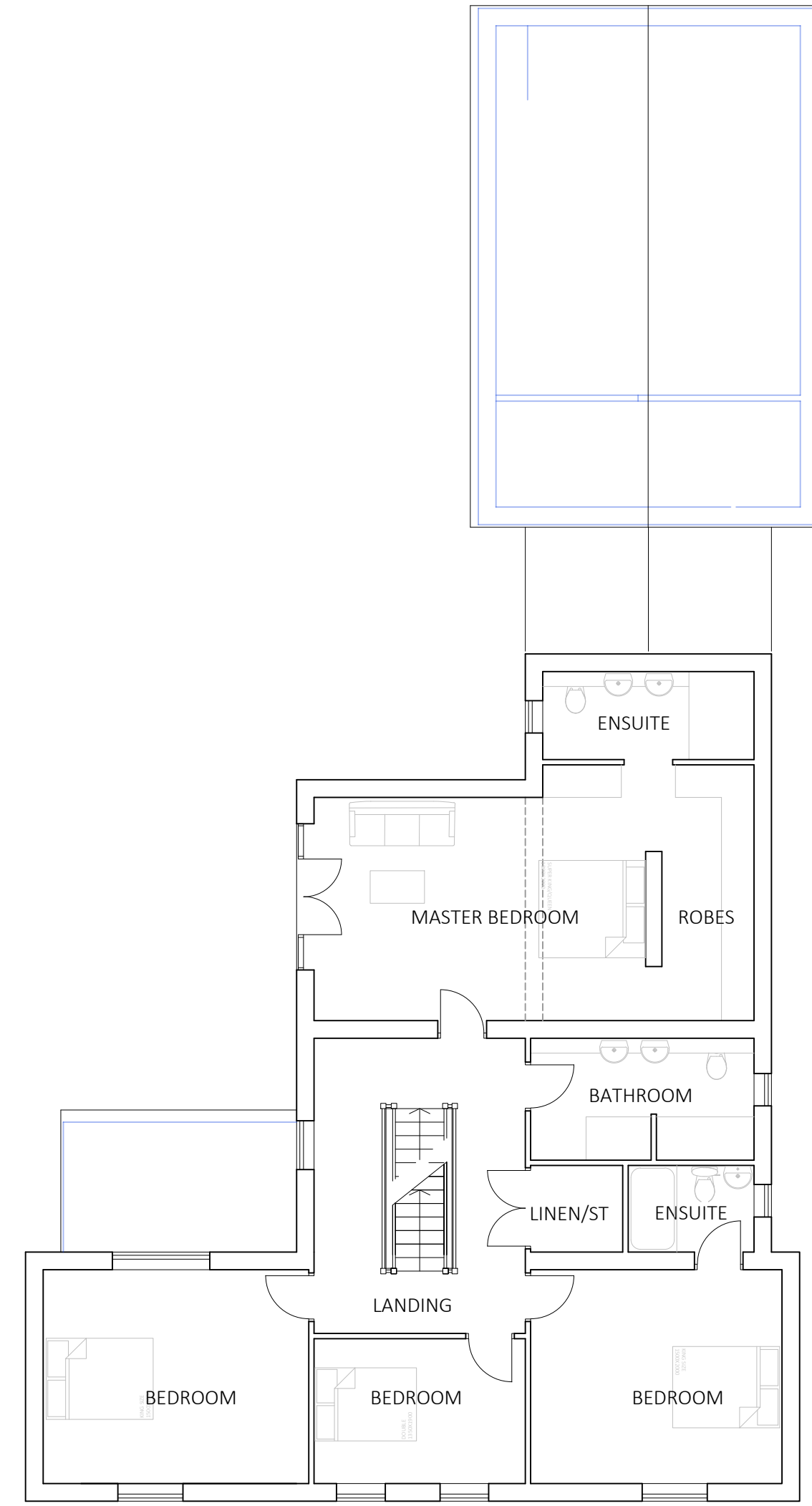
- NEW ACCESS DRIVEWAY - GRAVEL
- GRASS
- AREAS OF PAVING
- AREAS OF LANDSCAPING / PLANTING
- 1.5m HIGH TIMBER POST AND RAIL FENCING

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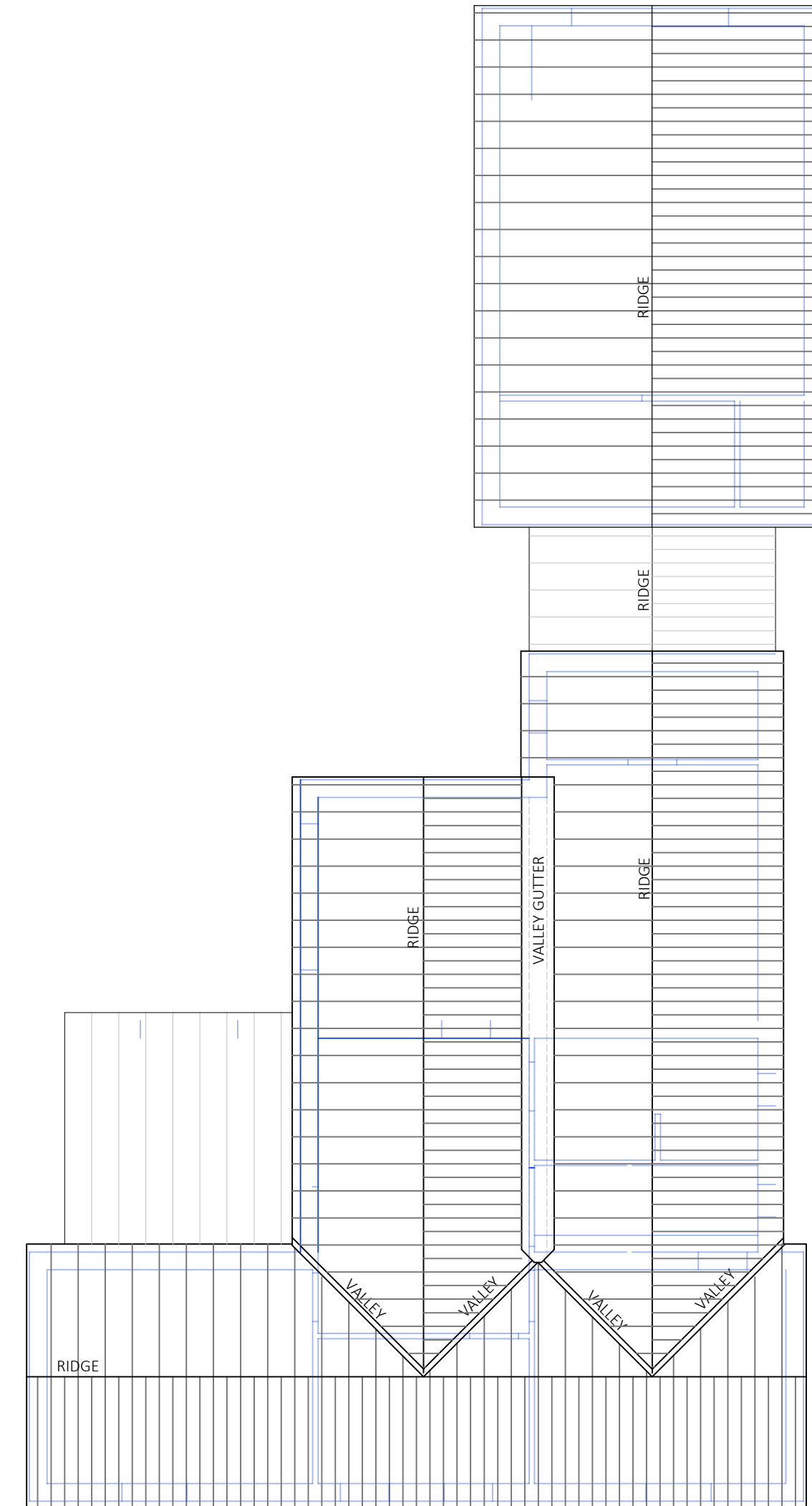
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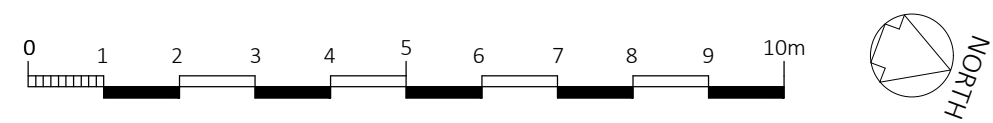
GROUND FLOOR PLAN



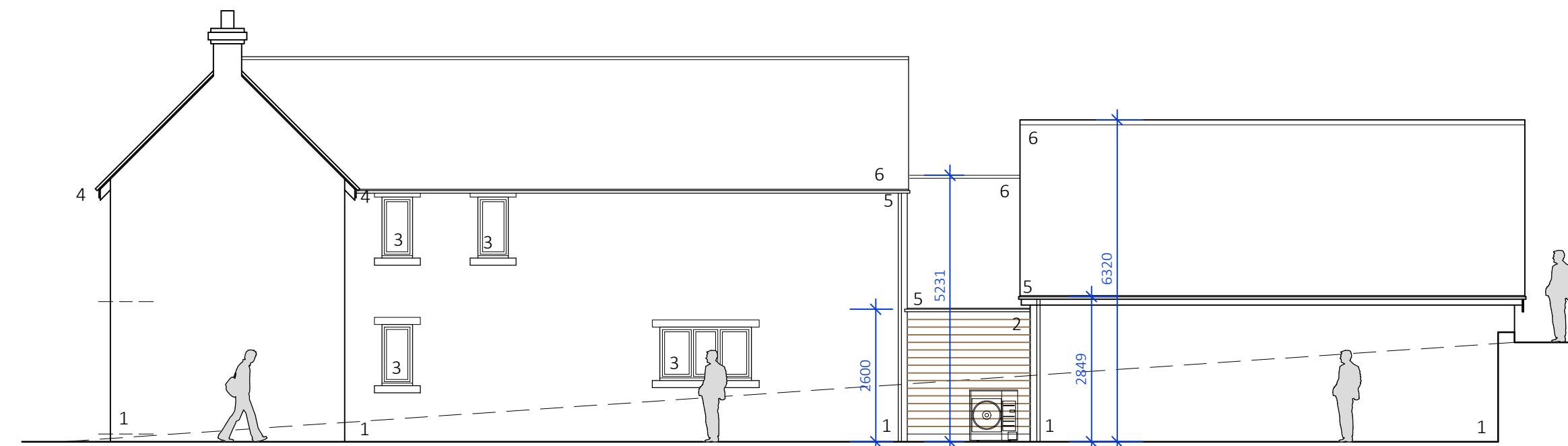
FIRST FLOOR PLAN



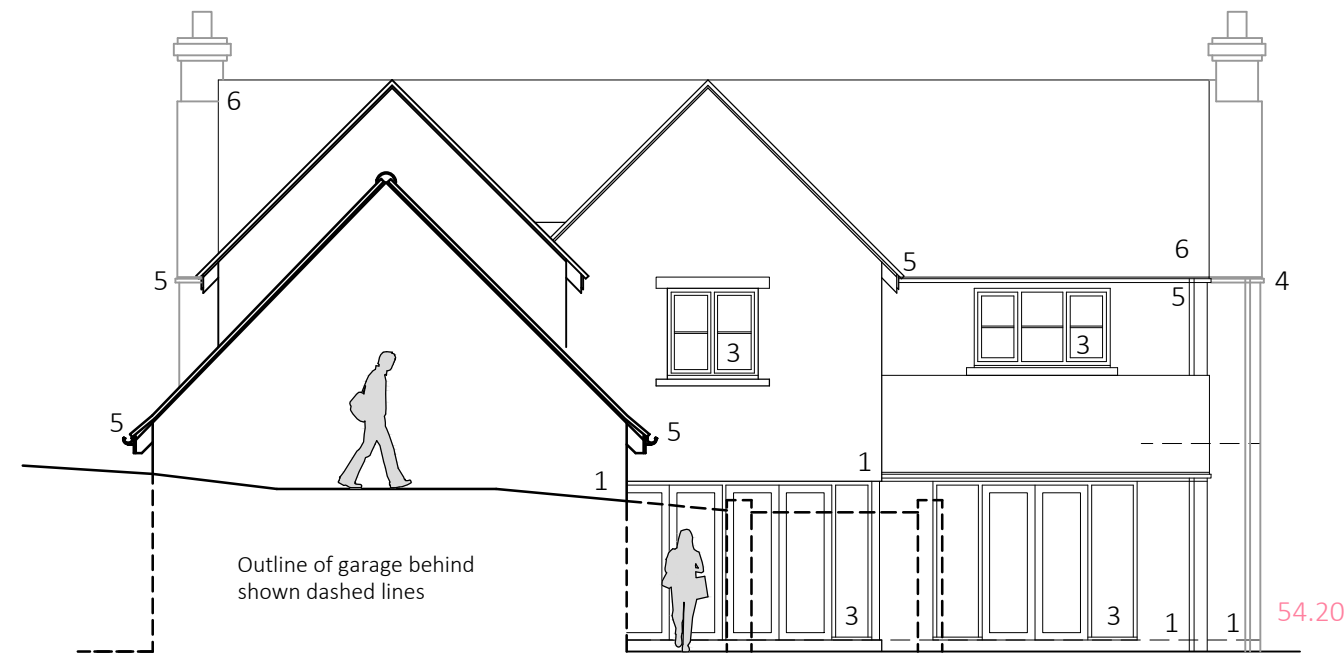
ROOF PLAN



FRONT (EAST) ELEVATION



SIDE (NORTH) ELEVATION



REAR (WEST) ELEVATION



SIDE (SOUTH) ELEVATION

KEY:

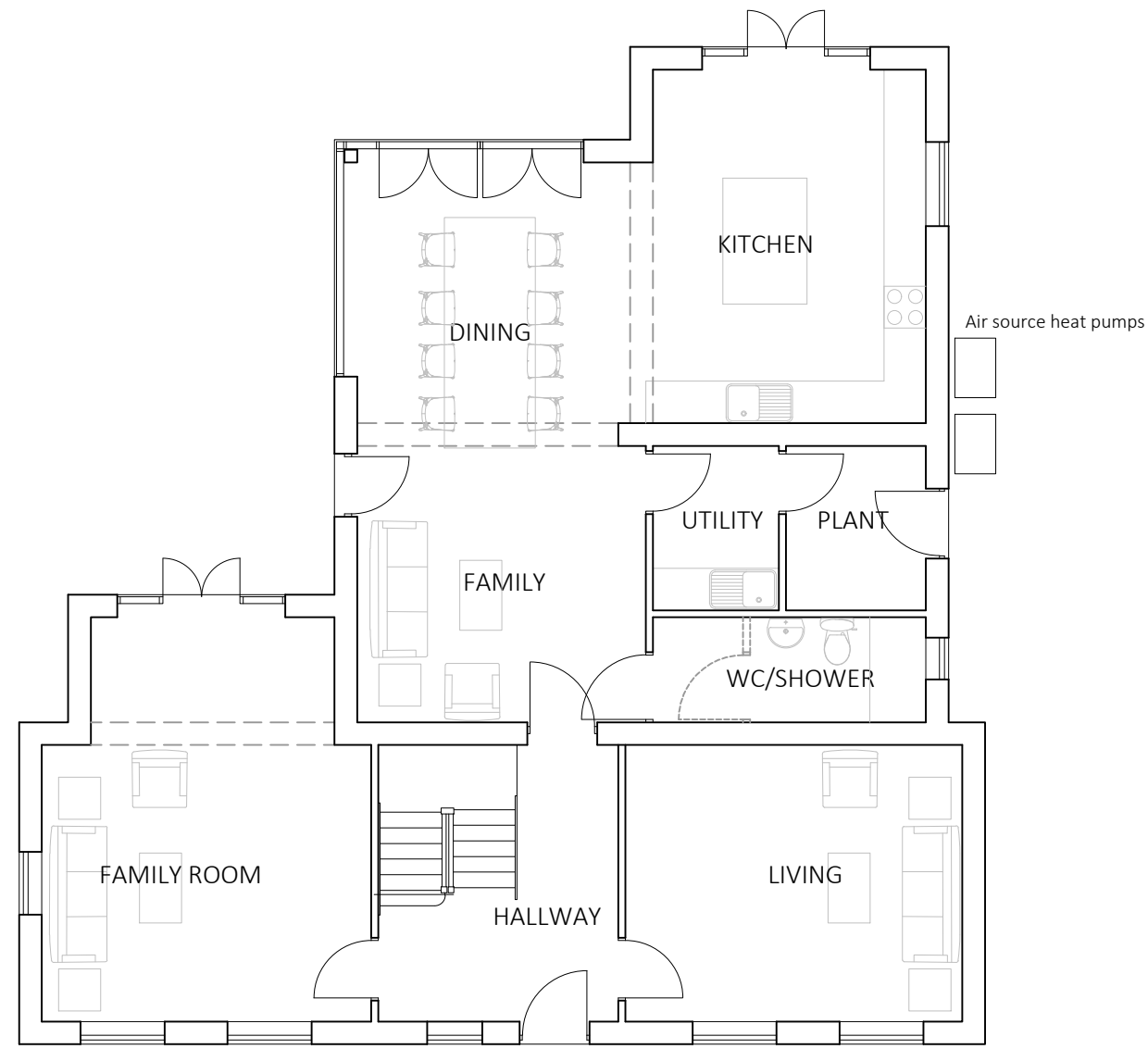
1. LIMESTONE WALLS, WITH CUT QUOINS, HEADS AND CILLS
2. NATURAL-TIMBER BOARDING, WESTERN RED CEDAR OR SIMILAR
3. TIMBER WINDOWS AND DOORS, COLOUR PEBBLE GREY
4. PPC ALUMINIUM RAINWATER GOODS, BLACK
5. PVCu RAINWATER GOODS, BLACK
6. GUTTERING ON STANDARD PVCu BRACKETS, BLACK
7. SIGA HERITAGE ROOFING, RUTLAND, REPLICA COLLYWESTON SLATES
8. ROOFLIGHTS - CONSERVATION TYPE
9. FRAMELESS GLASS JULIETTE BALCONY
10. PROPRIETARY PPC ALUMINIUM GARAGE DOORS
11. LOCATION OF AIR SOURCE HEAT PUMP(S)
12. GMR-FRAMED PBRH-CONSTRUCTION, ON PROPRIETARY STEEL-POSTS
13. PHOTOVOLTAIC PANELS BY SPECIALIST
14. RETAINING WALL: TIMBER SLEEPERS SET IN BETWEEN STEEL COLUMNS
15. RENDERED DORMER CHEEKS

REC'D 11/02/2021
2020/1359/FUL

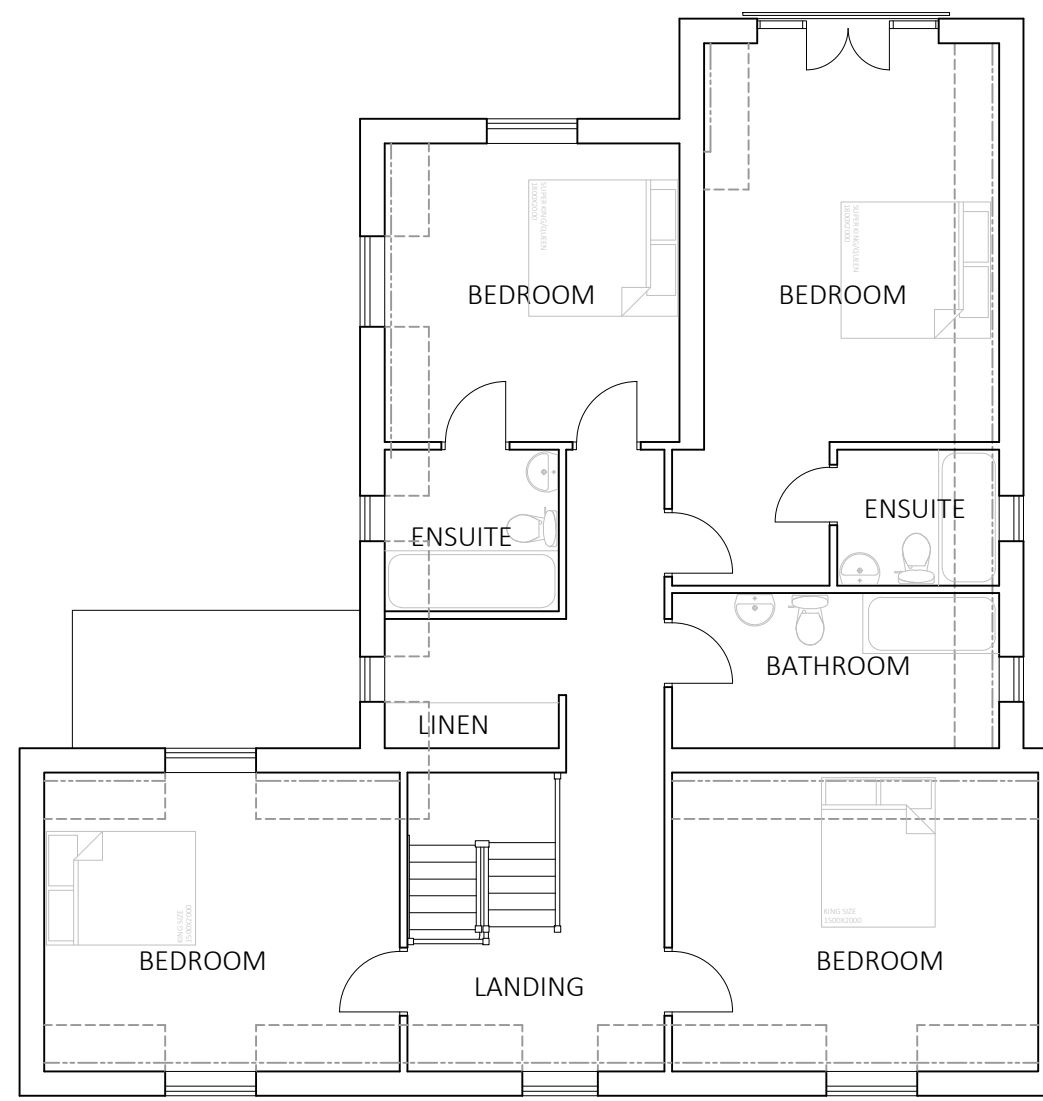


REVISION B
REVISION A
PLANNING: Front elevation, entrance door. Notation
AWAITING REVISION
RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
PROPOSED PLANS PLOT 2
Scale: 1:100 @A1 Date: 11/2020
Drawn: CRB Dwg No: 20037/PL09B

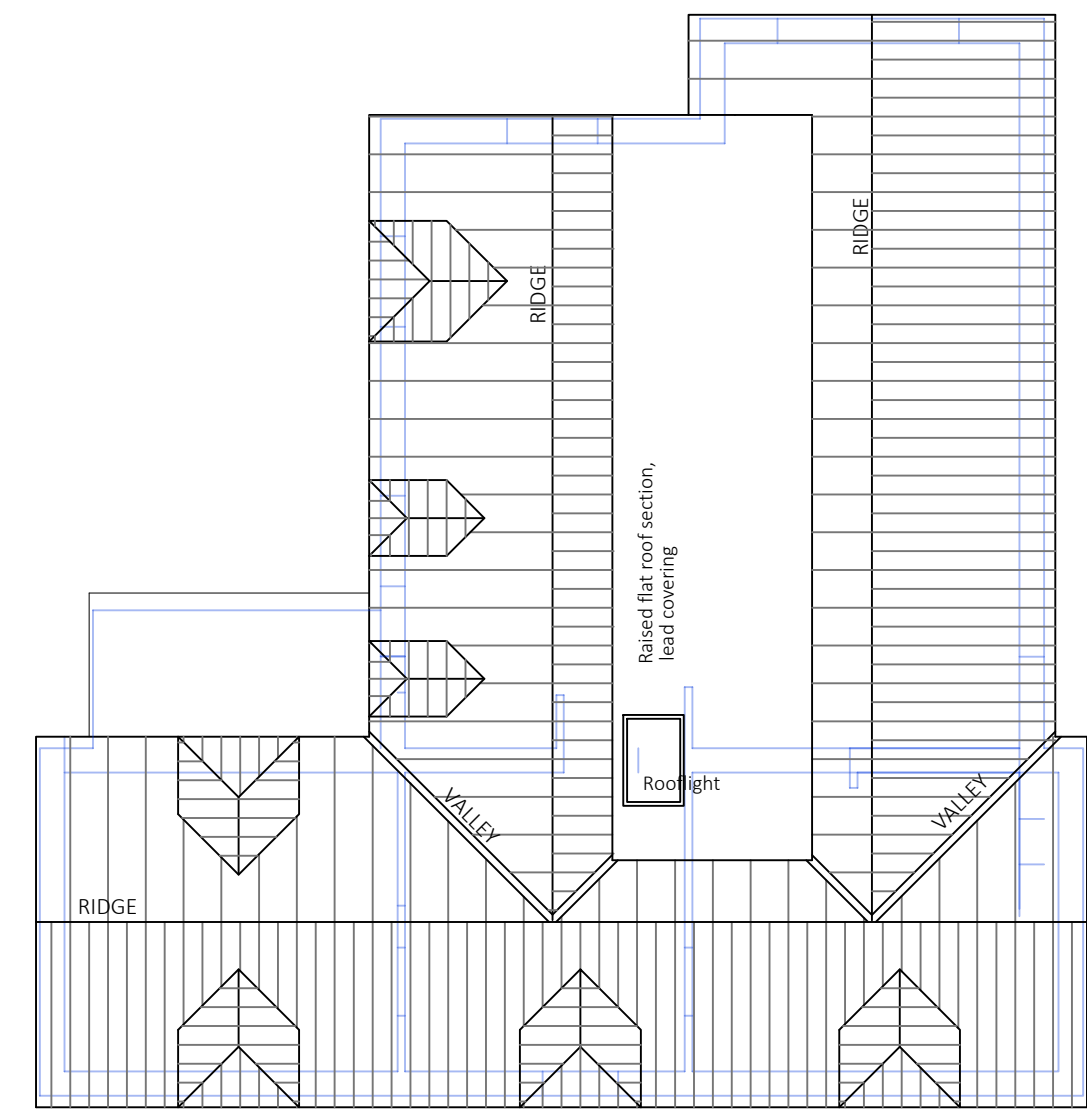
CRB 10/02/21
PDG ARCHITECTS LTD
1 Eaglethorpe Barns
Eaglethorpe, Warrington,
Peterborough, PE8 6TJ
T: 01733 371000
E: design@pdgarchitects.co.uk
W: www.pdgarchitects.co.uk



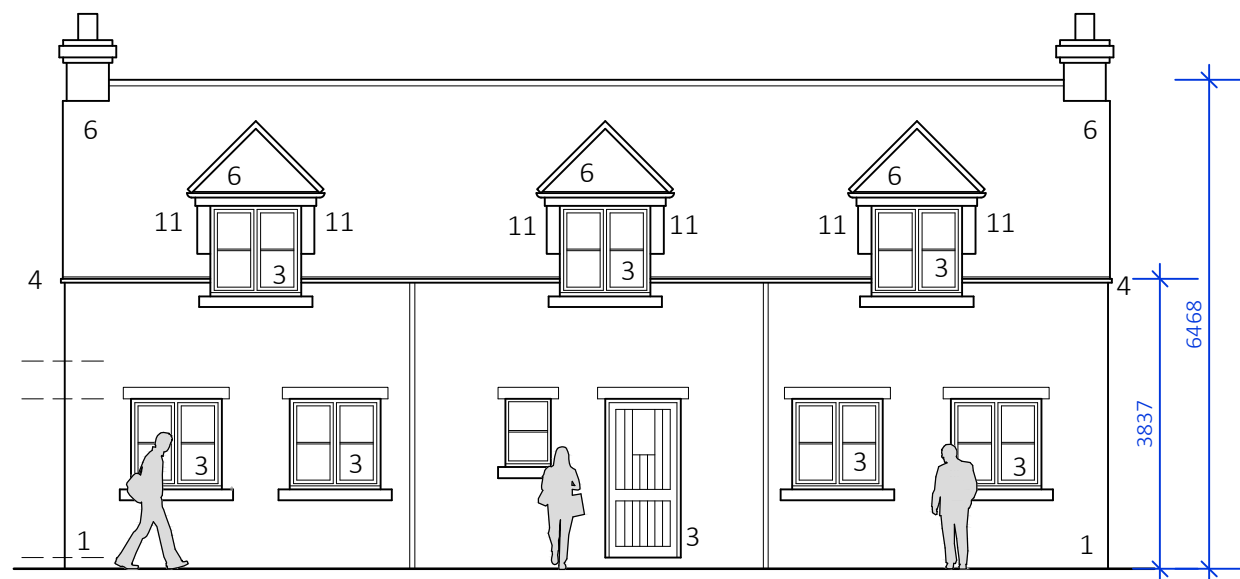
GROUND FLOOR PLAN



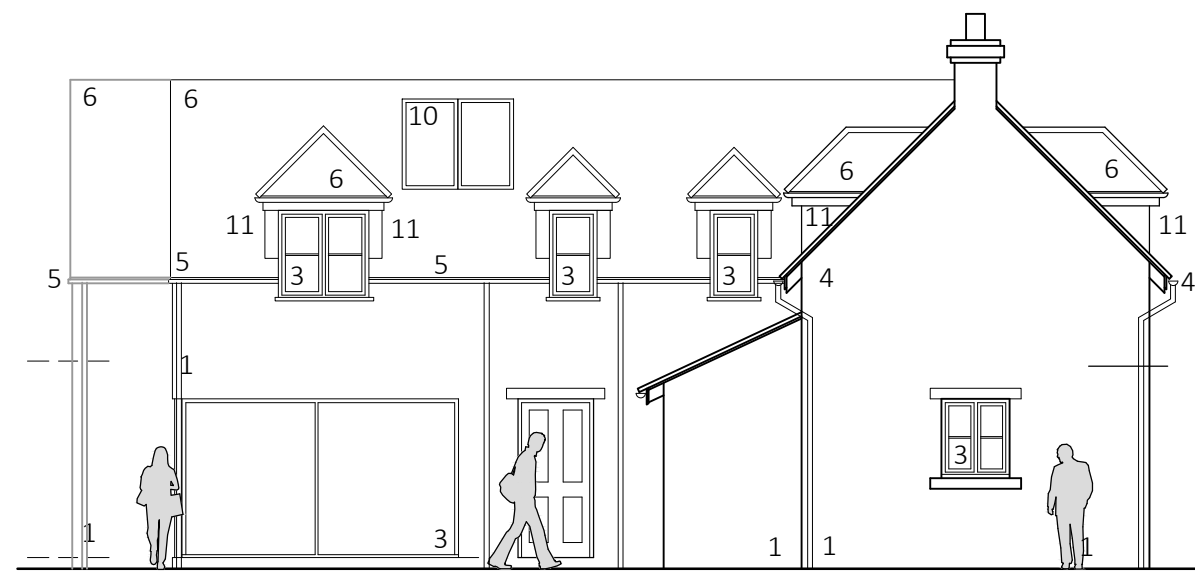
FIRST FLOOR PLAN



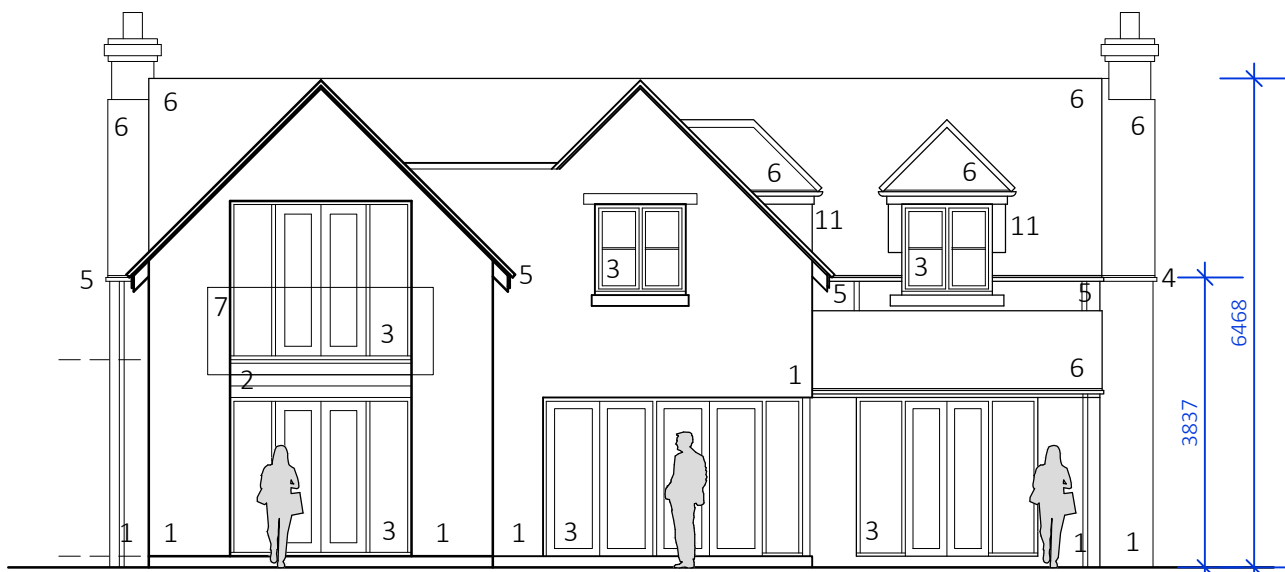
ROOF PLAN



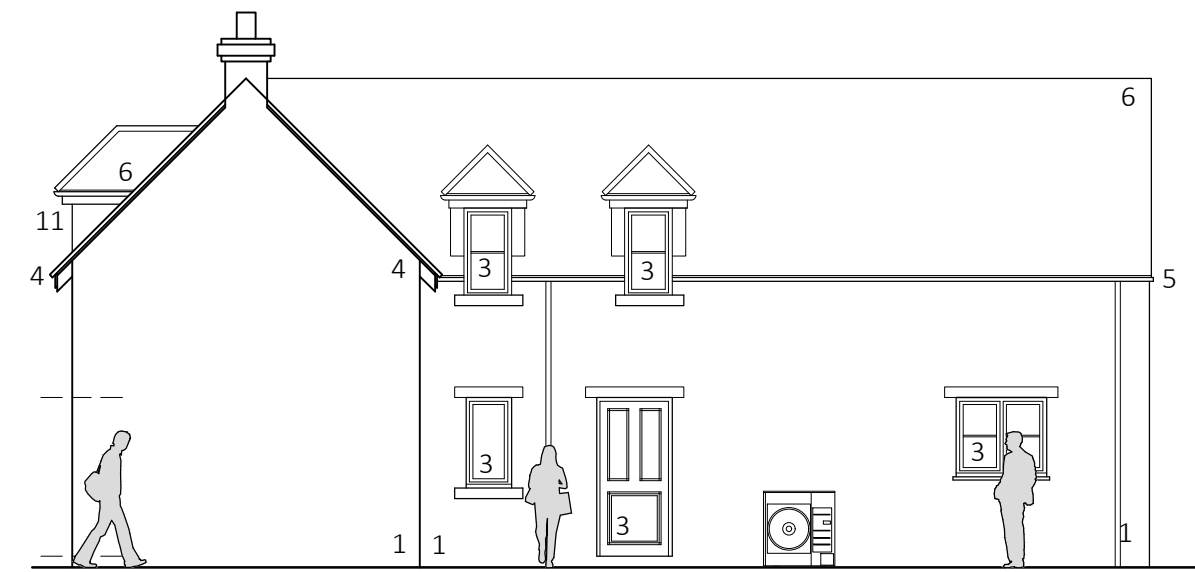
FRONT (EAST) ELEVATION



SIDE (SOUTH) ELEVATION



REAR (WEST) ELEVATION



SIDE (NORTH) ELEVATION

KEY:

1. LIMESTONE WALLS, WITH CUT QUOINS, HEADS AND CILLS
2. NATURAL TIMBER BOARDING, WESTERN RED CEDAR OR SIMILAR
3. TIMBER WINDOWS AND DOORS, COLOUR PEBBLE GREY
4. PPC ALUMINIUM RAINWATER GOODS, BLACK.
5. GUTTERING ON RISE AND FALL BRACKETS
6. PVCu RAINWATER GOODS, BLACK
7. GUTTERING ON STANDARD PVCu BRACKETS, BLACK
8. SIGA HERITAGE ROOFING, RUTLAND, REPLICA COLLYWESTON SLATES
9. FRAMELESS GLASS JULIETTE BALCONY
10. LOCATION OF AIR SOURCE HEAT PUMP(S)
11. OAK FRAMED PORCH CONSTRUCTION
12. PHOTOVOLTAIC PANELS BY SPECIALIST
13. RENDERED DORMER CHEEKS
14. LEAD CHEEKS TO INSET ROOF BULKHEAD

REC'D 11/02/2021
2020/1359/FUL

REVISION B
REVISION A

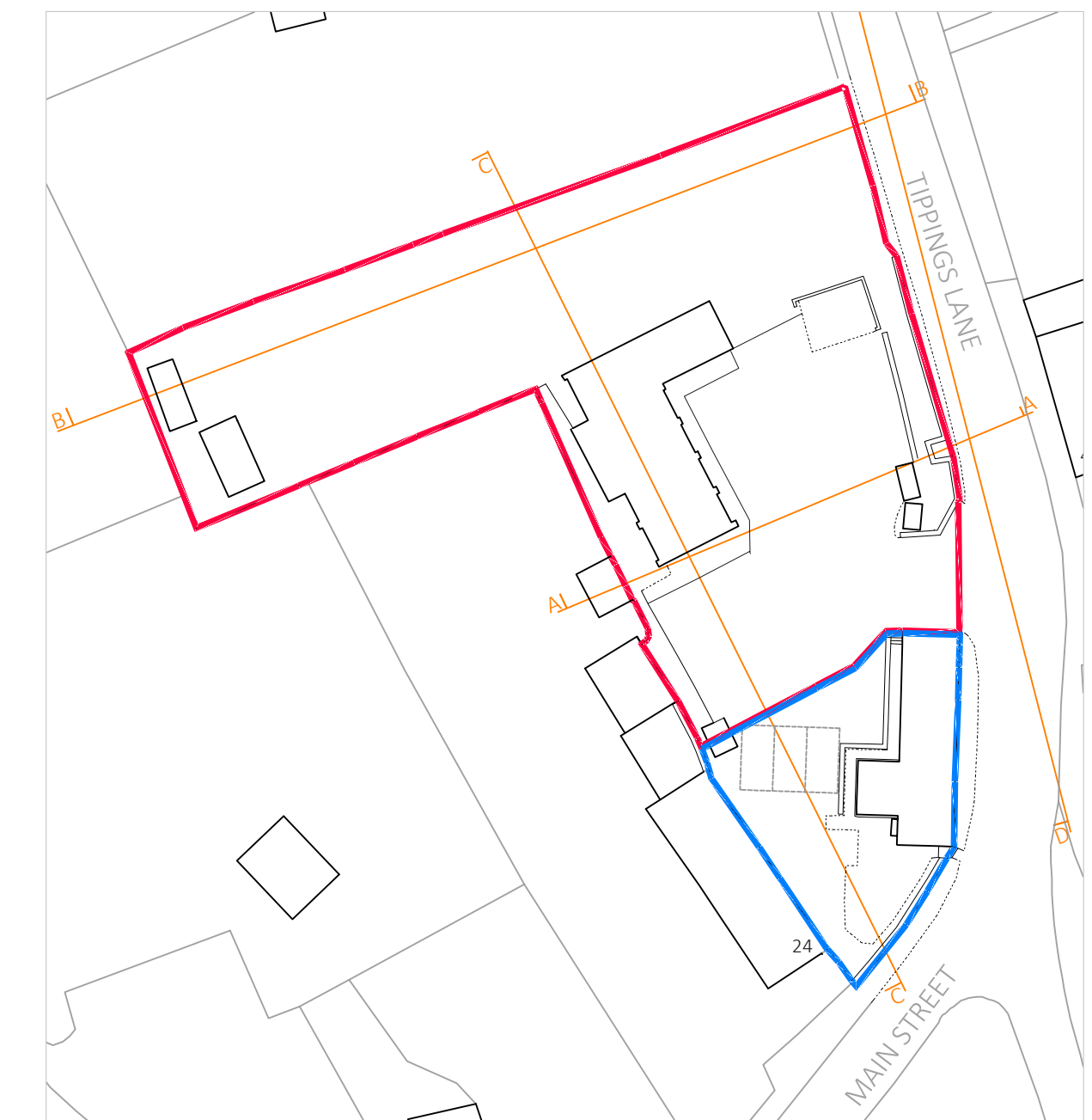


PLANNING: Front elevation door. Notation.
AWAITING REVISION
RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BAROWDEN
PROPOSED PLANS - PLOT 1
Scale: 1:100 @A2 Date: 11/2020
Drawn: CRB Dwg No: 20037/PL08B

CRB 10/02/21

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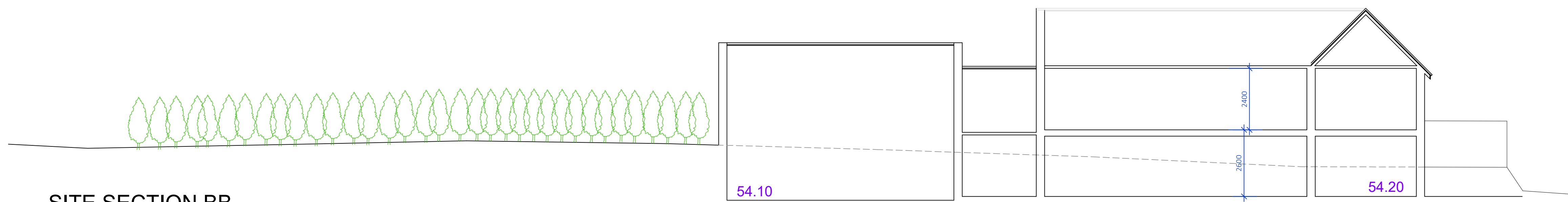
rec'd 11/02/2021
2020/1359/FUL



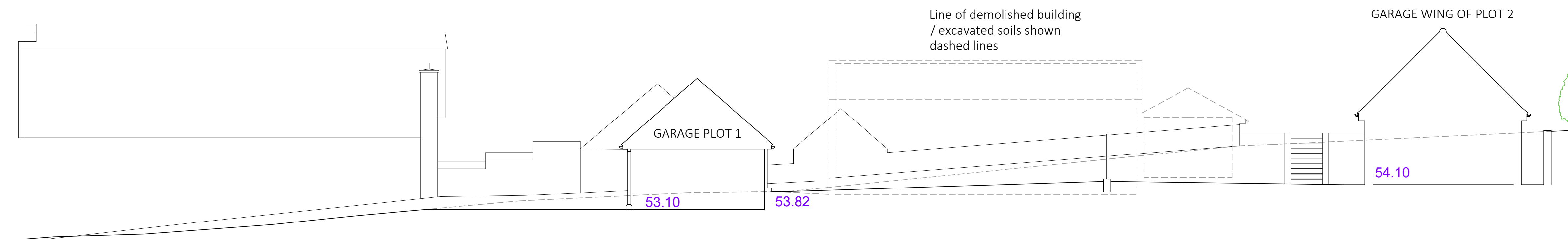
SECTION LOCATION PLAN



SITE SECTION AA



SITE SECTION BB



SECTION / ELEVATION CC



SECTION / ELEVATION DD



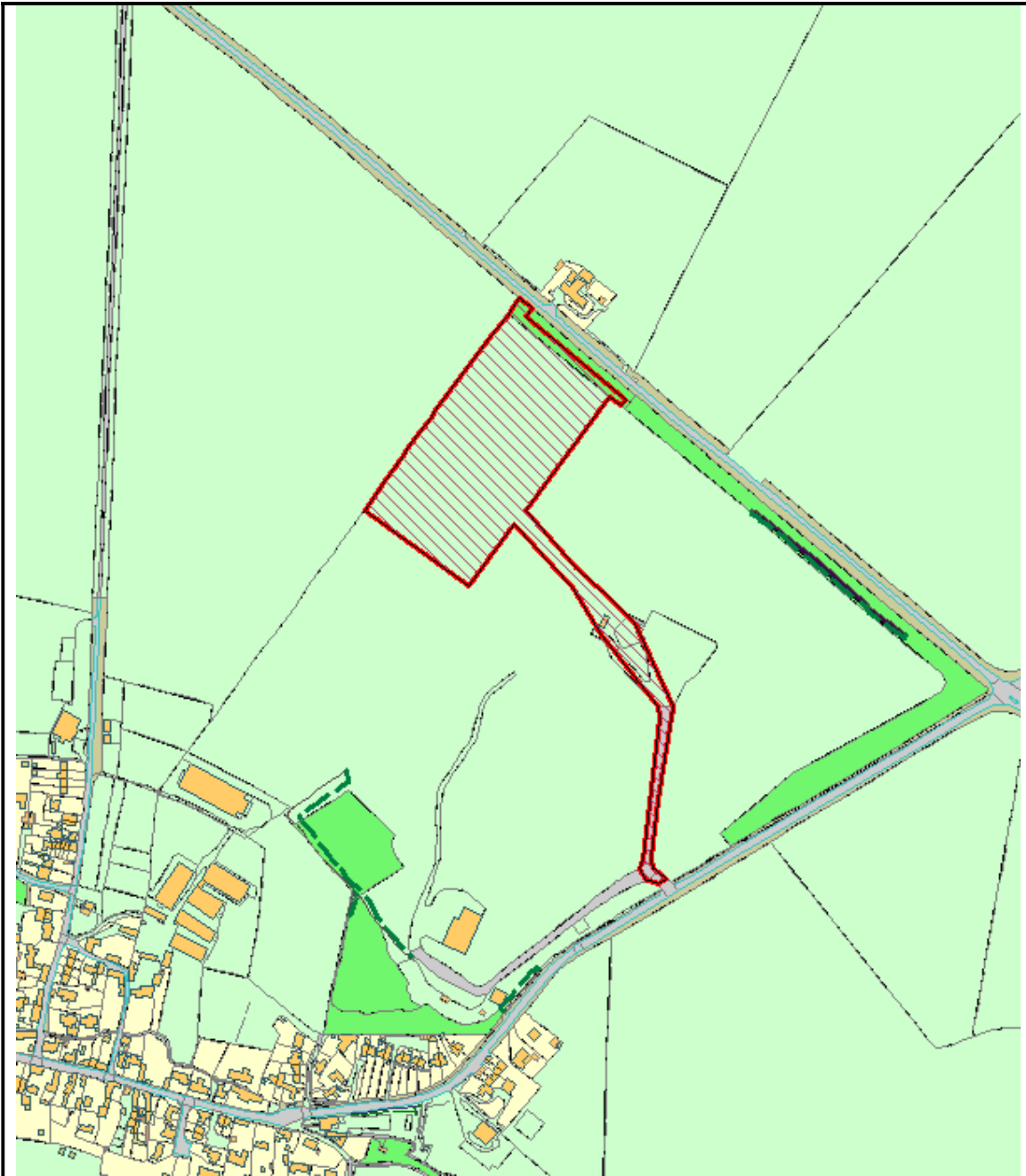
228



REVISION A
PLANNING: To suit revised layouts
RESIDENTIAL DEVELOPMENT
1 TIPPINGS LANE, BARROWDEN
PROPOSED SITE SECTIONS
Scale: 1:100 @A1 Date: 11/2020
Drawn: CRB Dwg No: 20037/PL07A

CRB 10/02/21
PDG ARCHITECTS LTD
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2023/0532/MIN



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0532/MIN	ITEM 2	
Proposal:	Temporary permission to amend the initial extraction operations already approved under planning permission ref: 2020/0297/MIN.		
Address:	Greetham Quarry, Stretton Road, Greetham, Rutland, LE15 7NP		
Applicant	Mick George Ltd	Parish	Greetham
Agent:	Mick George Ltd	Ward	Greetham
Reason for presenting to Committee:	Objections received		
Date of Committee:	24 October 2023		
Determination Date:	22 August 2023		
Agreed Extension of Time Date:	27 October 2023		

EXECUTIVE SUMMARY

The application proposes amendment to the initial operations associated with the extraction of limestone from the quarry extension granted permission in February 2023. This permission allowed for a temporary use of the existing access point off the B668 whilst limestone in the area of a new access/roadway/office complex is extracted.

The proposal involves the location of a mobile crusher on the application site at the existing ground level within the former quarry to facilitate this extraction, with an area of Phase 5 extracted initially to allow access to phase 1 from within the existing quarry.

The implications of the proposal are that the crusher would then be operating on the existing quarry floor, (a level approximately 15m below the existing ground level of the quarry extension), with an associated reduction in the predicted noise levels at the monitoring points set out in the conditions attached to the permission for the quarry extension.

No objections have been received to the proposal from any of the relevant statutory consultees.

Objections received from Greetham Parish Council (GPC) and Campaign for the Protection of Rural England (CPRE) relate to the proposal delaying the restoration of the former quarry, and GPC alone consider there will be no environmental nor amenity benefits in moving the crushing operations within the former quarry.

Ten letters of objection have been received, stating that the proposal is unacceptable on the grounds that it will delay the further restoration of the former quarry.

RECOMMENDATION

1	Commencement of Development
---	-----------------------------

	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.</p> <p>Reason: In the interest of clarity and to comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Scope of Permission</p> <p>Unless otherwise agreed in writing by the Mineral Planning Authority and except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents and plans submitted as part of planning application 2023/0532/MIN: Application forms dated 23 May 2023; Submitted Plan/Drawing Numbers: G17/6/23/02 G17/6/23/03</p> <p>Noise Impact Assessment undertaken by LFAcoustics and dated May 2023</p> <p>From the date of the commencement to the completion of mineral extraction and restoration to approved levels, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall always be available at the site for inspection during normal working hours.</p> <p>Reason: To ensure this planning permission and associated documents are available on site for reference and inspection by all operatives working on site.</p>
3	<p>Temporary period – 12 months from commencement.</p> <p>The development hereby permitted shall be ceased and the land restored in accordance with a restoration plan*, which shall be submitted to and agreed in writing by the local planning authority within six months of commencement of the development. The approved restoration scheme shall be implemented no later than 12 months from the date of commencement, which shall have been notified under condition 1.</p> <p>Reason: To retain control over the development and to ensure that the development does not prejudice the overall restoration of the wider site having regard to MDC Policy 1 - Impacts of Mineral Development and MCS Policy 12 - Restoration of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.</p> <p>*Note to applicant – The restoration scheme required by this condition shall only relate to the area of land outlined in red on the site location plan for application 2023/0532/MIN. The remainder of the land shall be restored in accordance with any approved quarry restoration scheme.</p>
4	<p>Working Hours</p> <p>Except in emergencies or with the prior agreement of the Mineral Planning Authority, no operations on the site, other than pumping, servicing, maintenance, and testing of plant shall be carried out except between the following times: 0700 hours and 1900 hours Monday to Friday, and 0700 hours and 1300 hours on Saturdays; Save that no use of a mechanical breaker (Pecker) shall commence before 0800 on any operating day.</p> <p>There shall be no operations carried out on Sundays, or Public or Bank Holidays.</p> <p>Reason: To ensure that operations are carried out within reasonable hours so as to minimise amenity disturbance in accordance with MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP15 - Design and Amenity of the Rutland Site Allocations and Policies DPD October 2014.</p>

5	<p>Removal of Permitted Development Rights</p> <p>Notwithstanding the provisions of Parts 7 and 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), except for those detailed in the application, no fixed plant or machinery, buildings, structures and erections, lights, fences, or private ways shall be erected, extended, installed, rearranged, replaced, or altered at the site without prior planning permission from the Mineral Planning Authority. Reason: In the interests of amenity protection and landscape character having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP15 - Design and Amenity of the Rutland Site Allocations and Policies DPD October 2014.</p>
6	<p>Lighting</p> <p>All lighting to be installed on site shall be downward facing, positioned below the working rim of the quarry and designed and installed so as to avoid impacting on residential receptors and wildlife as set out in Chapter 3 of the Environmental Statement referred to in Condition 2 of permission 2020/0297/MIN. Floodlighting required during the months of December, January, and February around the plant site and infill areas may be operated up to thirty minutes before and/or after permitted hours of operation. Prior to erection or installation, the details of the proposed locations and design of any lighting shall be submitted to and approved in writing by the Mineral Planning Authority. Any approved lighting shall be implemented and maintained in accordance with the approved details for the lifetime of the development. Reason: In the interests of residential and rural amenity and biodiversity of the area having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP17 - Outdoor Lighting of the Rutland Site Allocations and Policies DPD October 2014.</p>
7	<p>Water Resources –</p> <p>Prior to the commencement of development, a scheme for management of water resources, to include a detailed drainage and SUDS infrastructure scheme, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include measures for groundwater monitoring and an action plan to minimise the potential impact upon the water environment of any fuel, oil or chemical spillage within the quarry. The scheme shall form part of a comprehensive Environmental Management Plan (EMP), and address environmental training of staff. The scheme shall be implemented in full as approved for the lifetime of the development hereby permitted. Reason: To ensure that the development does not increase flood risk having regard to MDC Policy 1 - Impacts of Mineral Development, MDC Policy 7 - Water Resources and MDC Policy 8 - Flooding of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.</p>
8	<p>Pollution Prevention</p> <p>Any facilities, above ground, for storage of oils, fuels, lubricants, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.</p>
9	<p>All drums and small containers used for oil and other chemicals shall be stored in bunded areas that do not drain to any watercourse, surface water sewer or soakaway.</p>

	Reason for conditions 8 to 9: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to MDC Policy 1 - Impacts of Mineral Development and MDC Policy 7 - Water Resources of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.
10	Noise The development hereby approved shall only commence following the implementation of the planning permission approved under application reference 2020/0297/MIN and the implementation of the conditions approved under that permission. The development hereby approved shall be implemented in full accordance with the Noise Assessment prepared by LFAcoustics Dated May 2023.
11	No vehicles, plant, equipment, or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer and non-tonal "white noise" reversing alarms. All vehicles, plant, equipment, and machinery shall be maintained in accordance with the manufacturer's specification.
12	The site shall only be worked in accordance with the measures set out in Part 1 (Noise), Section 8 of British Standard 5228: 2009 "Noise and Vibration Control on Construction and Open Sites" or subsequent edition thereof.
13	Except for temporary works under the provisions of Condition 34 of planning permission 2020/0297/MIN, the equivalent sound level (LAeq), measured at the potentially noise sensitive receptors listed below over any one-hour time period attributable to the operations on site, as measured free field, shall not exceed: 48 dBA (1hr LAeq) at 48 Great Lane, Greetham, 51 dBA (1hr LAeq) at the White House, Thistleton Lane, Greetham, and 55 dBA (1hr LAeq) at Greetham Community Centre, Great Lane, Greetham.

Site & Surroundings

1. The application site forms part of the former Greetham Quarry, specifically a section to the northwest corner of the quarry adjacent to the area permitted for extended quarrying operations. The quarry floor is approximately 15 metres below the level of the surrounding land and there is an exposed rockface to the northwest boundary of the proposed site that forms phase five of the extended operation.
2. The application site is accessed from the B668 to the southeast through the existing haul road that served the existing quarry during its operational phase.
3. Greetham village lies to the southwest of the application site, and a residential dwelling is located immediately to the north of the site.

Proposal

4. The application seeks temporary planning permission to amend the initial extraction operations approved under planning permission 2020/0297/MIN. The proposal specifically seeks to allow the use of a portion of the existing quarry floor for the siting of a mobile crusher and limestone stockpile whilst quarrying operations on the extension are undertaken in a revised manner.
5. Quarrying operations would proceed into the permitted extension through a section of phase 5 and into phase 1 from the existing quarry floor rather than from ground level in the phase 1 area.

6. The proposal would not seek to amend the 12-month limitation on the haul road use to the B668 and would not affect the timeline for restoration of the existing quarry.

Relevant Planning History

Planning Guidance and Policy

Minerals Core Strategy DPD (2010)

MCS Policy 2 – The Supply of Minerals in Rutland

MCS Policy 7 – Residential and Sensitive Land – Uses

MCS Policy 12 – Restoration

MDC Policy 1 – Impacts of Mineral Development

MDC Policy 2 – Pollution, health, quality of life and amenity

MDC Policy 12 – Restoration and Aftercare

Neighbourhood Plan

Mineral rights land lies outside the scope of a Neighbourhood Plan and therefore there are no relevant policies.

Officer Evaluation

Principle of the use

7. The proposal is to allow for the temporary processing of mineral within the existing quarry and does not seek to gain permission for any additional mineral extraction from the adjacent land.
8. Minerals Core Strategy Policy 2 states that the County Council will allow proposals for minerals development only where they will not cause unacceptable harm to the environment or communities.
9. MCS Policy 7 states that the County Council will see to ensure that the adverse impact of mineral working on neighbouring communities and sensitive land-uses is minimised.
10. MCS Policy 12 states that the County Council will seek to ensure that the restoration of mineral workings enhance and complement the natural and historic environment in keeping with the local area, including its landscape character and with due regard to the setting of historic assets. It goes on to say that the County Council's primary objective will be to achieve after-uses that enhance or add to biodiversity and geological conservation interests.

11. MDC Policy 1 sets out the issues that will be considered in relation to the determination of planning applications, which includes impacts relating to noise, and the natural environment. MDC Policy 2 notes that impacts on amenity will be given full consideration, while MDC Policy 12 states that restoration schemes will be required, followed and should be carried out at the earliest opportunity.
12. There are no policies therefore that would indicate that an application such as this would be contrary to the provisions of the Minerals Core Strategy DPD, and its acceptability therefore will be a matter of judgement in considering the planning balance.

Impact on nearby amenity of residential uses (including noise)

13. There are two main issues in relation to the planning balance of this application. The first of these is the impact of the proposed operations and relocation of the crusher to the floor of the former quarry.
14. The permissions in place would see the location of a mobile crusher on the area consented as an extension of the Greetham Quarry. The existing approved phasing plan for the extraction of the mineral from this site would currently see a small portion of the land at the north eastern corner of that site extracted first, providing for a new site entrance, roadway and office compound to be constructed in this area that would then serve the site as quarrying moves into phase 2 and beyond, with mineral extraction taking place from the north of the site and proceeding in a southerly direction with the final phase being extraction along the border with the existing quarry. This phasing plan would require extraction of mineral from the site via the existing route southeast to the B668 for a period of 12 months while the new access, roadway and office compound are established.
15. The proposal under consideration would instead see quarrying commence through a section of phase 5 where it adjoins phases 1 and 2. Stockpiled limestone would be located immediately to the south of this area for removal via the access to the southeast, and the crusher would proceed to the west into the extended area as quarrying operations continue. This would see the operations comply with the time period previously allowed for use of the existing access but with the advantage of the crusher being located on the floor of the existing quarry, which would reduce noise levels at two of the three monitoring locations with no adverse impact at the third.
16. The Public Protection team of the Local Authority have examined the noise report submitted alongside the application to provide evidence of the improved noise levels and have identified no concerns with the findings or methodology of the report.
17. Consequently, the relocation of the crusher to the floor of the existing quarry for the proposed temporary period would result in a reduction in the impact of

the quarrying operations on residential amenity through a reduction in the likely noise impacts of the proposal, and this would weigh positively in the planning balance in respect of the scheme.

Impact of the use on the character of the area

18. The proposal would allow for the continued use of a portion of the former quarry floor during the initial phase of excavation of the extended quarry area. The existing permission granting consent for quarrying operations in the extended area already allows the existing infrastructure and haul road to be used for the first twelve months of quarrying operations. The proposal seeks temporary permission for the use of the existing quarry floor whilst extraction proceeds into the extended area. The main impacts of the proposal in respect of the character of the area are that quarrying operations and the mobile crusher would be located at the level of the existing quarry floor, approximately 15 metres below the level of the ground within the extended site. On that basis, the scheme is likely to result in reduced visual impacts to the surrounding area of the extension whilst resulting in only minor detrimental changes to the wider surroundings of the development site – the location of the crusher and stockpile on the floor of the existing quarry is likely to have only very limited impacts in this respect, with no public views available into the quarry except through the main existing entrance on the B668, a point in excess of 450 metres from the proposed crusher location on the opposite side of the quarry itself.
19. In this regard therefore the proposal is considered to have a neutral impact in the planning balance.

Heritage

20. There are no heritage impacts arising from the proposal. This is confirmed in the responses from the relevant statutory consultees.

Highway issues

21. The proposal will have no impact on the highway as it will not amend any of the existing permissions in respect of vehicular access or haul routes. The Highways Authority has confirmed that they have no objections to the proposals.

Restoration

22. The restoration scheme required for the existing quarry will not be affected by the proposal.

Section 106 Heads of Terms

23. Not applicable

Crime and Disorder

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

Human Rights Implications

25. 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.
26. It is considered that no relevant Article of that act will be breached.

Consultations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

27. **Greetham Parish Council**
Objections received from Greetham Parish Council (GPC) and Campaign for the Protection of Rural England (CPRE) relate to the proposal delaying the restoration of the former quarry, with the comments asserting that the proposal represents a mechanism by which the applicant is seeking to delay undertaking of the restoration.
28. GPC also considers there will be no environmental nor amenity benefits in moving the crushing operations within the former quarry.
29. 'No objections' were received from the following consultees:
- British Pipeline Agency
 - Environment Agency
 - Natural England
 - National Highways
 - RCC Highways
 - Historic England
 - LCC Archaeology
 - RCC Public Protection
 - RCC Public Rights of Way

Neighbour Representations

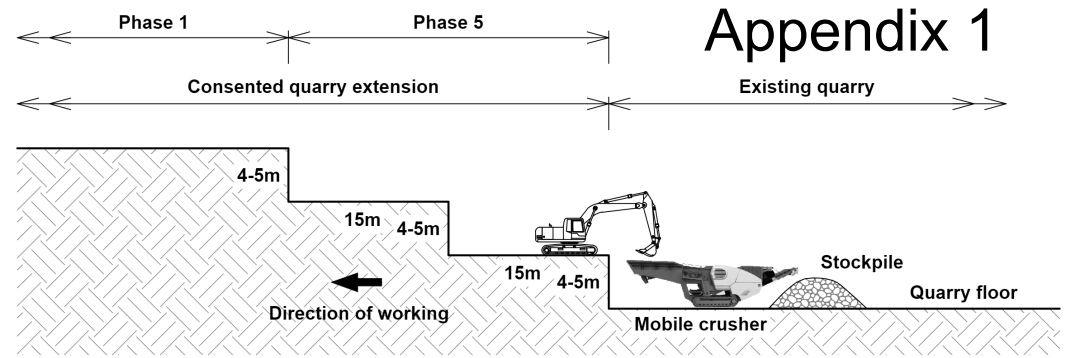
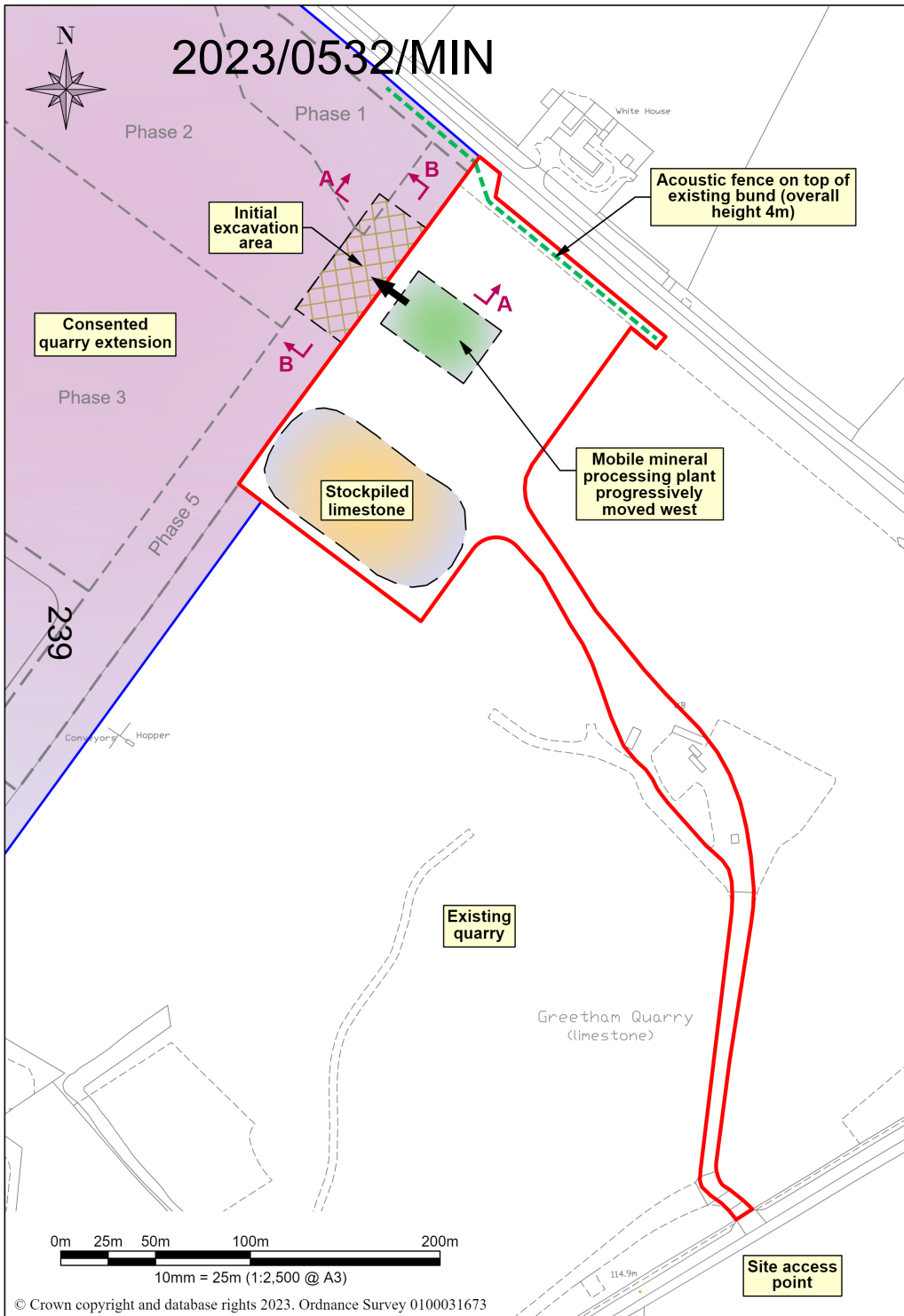
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30. Ten letters of objection have been received, raising the following matters:
- No public benefit.
 - Prevents restoration of the quarry.
 - 3 years have not passed since the clearance of Japanese knotweed from the site therefore the soils should not be disturbed.

- The old quarry is not properly fenced off.

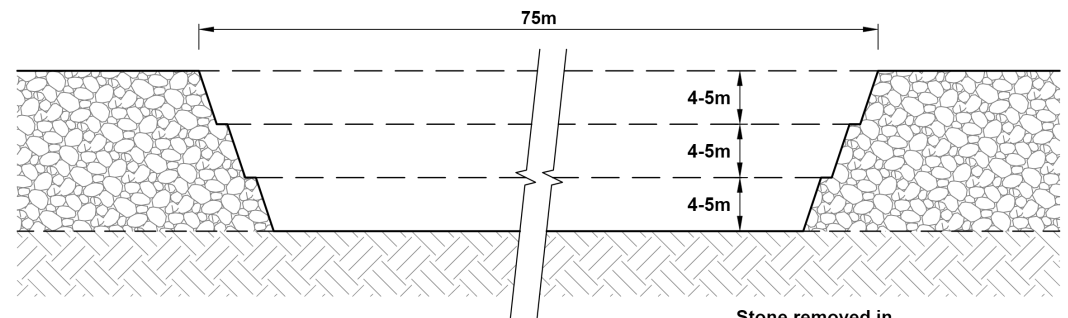
Conclusion

31. The proposal will result in an improvement in the relationship between the quarrying operations and residential amenity in the surrounding area. The impact of the quarrying operations within the extended quarry on residential amenity was considered at the time of the application to be within acceptable levels, however this application will result in further reduction of those noise levels to the majority of receptors, with no worsening of the noise at the remaining monitoring locations. Consequently, the scheme represents a benefit in terms of its impact on residential amenity.
32. The scheme will not result in an impact on the restoration of the quarry as it is a temporary proposal that does not seek to extend operations in the existing quarry beyond the 12-month period already granted to the use of the existing haul road and access, which would prevent restoration of this part of the quarry in any case.
33. The proposal is therefore considered to be in accordance with the relevant policies of the development plan and there are no material considerations that would indicate permission should not be granted in accordance with those policies.



Section A-A

Scale 1:500 @ A3



Section B-B

Scale 1:500 @ A3

Stone removed in 4 to 5m high benches

— Application boundary

Appendix 1

MICK GEORGE

6 LANCASTER WAY
 ERMINE BUSINESS PARK
 HUNTINGDON
 CAMBS
 PE29 6XU
 TEL: 01480 498099 FAX: 01480 498077
 WWW.MICKGEORGE.CO.UK

Project
**GREETHAM QUARRY
 EXTENSION - PROPOSED
 TEMPORARY MINERAL
 PROCESSING AREA**

Title
**BLOCK PLAN &
 CROSS SECTIONS**

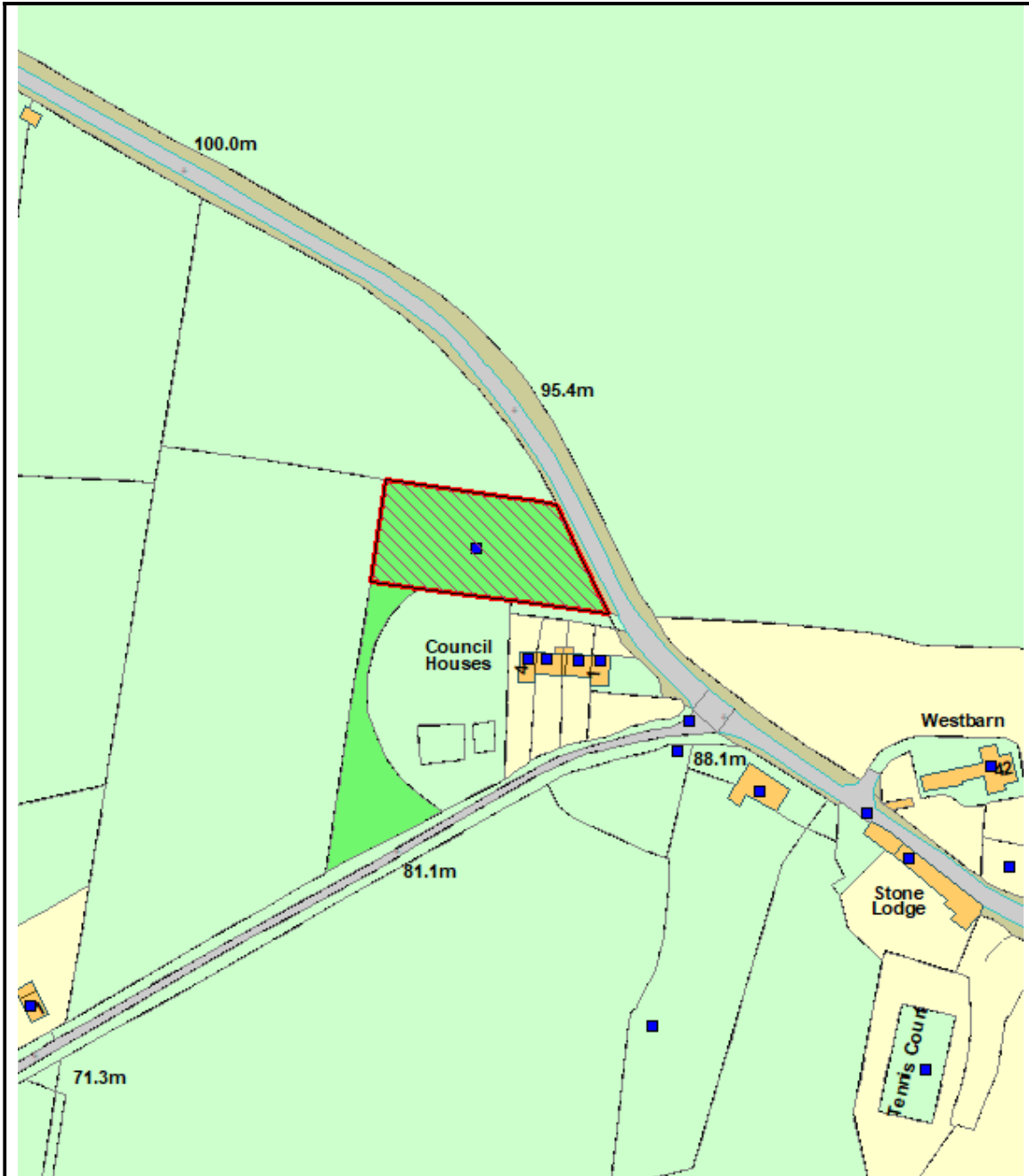
Drawn: AP Approved: JG

Date: 16/05/2023 Scale: As shown

Drawing number	Paper size	Rev.
G17/6/23/03	A3	-

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2023/0613/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0613/FUL	ITEM 3	
Proposal:	Change of use of land from agricultural to equestrian use and the erection of a stable building.		
Address:	Land to the west of Uppingham Road, Seaton		
Applicant	Mr Giles Gilbey	Parish	Seaton
Agent:	Mr Angus McLeish	Ward	Lyddington
Reason for presenting to Committee:	Previous application determined at committee		
Date of Committee:	24 October 2023		
Determination Date:	23 August 2023		
Agreed Extension of Time Date:	27 October 2023 (tbc)		

EXECUTIVE SUMMARY

The proposal is a resubmission and comprises the change of use of land from agricultural to equestrian use and the erection of a stable. The proposal is acceptable in terms of land use, occupying a countryside location. The proposed stable building is appropriate for the site and would not be unduly prominent or dominant. The proposal would not be harmful to residential amenity. The proposal to create a new access and to close off the existing access would provide a safe access to serve the site. It is considered the previous ground for refusal, highway safety, has been addressed and the application is recommended for approval.

RECOMMENDATION

APPROVAL, subject to the following conditions:

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

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

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

- Location Plan
- B-22-0018/HY01 Rev G – Site Access Arrangements
- 22831/01 Rev H - Proposed Block Plan and Stable Building

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. Development shall be carried out in accordance with the materials contained in the application.

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

4. Prior to any above ground development a landscaping scheme comprising native planting shall be submitted to and be approved in writing by the Local Planning Authority. This shall include proposals to replace the laurel hedging. The proposals, planting, seeding, or turfing shown on the approved details shall be carried out during the first planting and seeding season (October - March inclusive) following the approval of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

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

5. Prior to the first use of the site for equestrian purposes a manure and foul bedding management plan shall be submitted to and be approved in writing by the Local Planning Authority. The use of the site shall thereafter take place in accordance with this agreed plan. The details submitted within the plan shall include means for the collection, storage and disposal of manure and foul bedding, or if a fixed store is to be constructed, details of this structure and its use.

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

6. No external lighting of the site shall come into operation until details of such lighting and an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the Local Planning Authority. The use of lighting the development, and used at individual premises, shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document "Guidance Note 01:21, The Reduction of Obtrusive Light". All lighting provided shall be in accordance with these approved details.

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

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

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

8. Prior to the first use of the development hereby approved, the vehicle to vehicle visibility splays shall be provided in accordance with the details shown on the approved layout plans, kept free of any obstructions for the lifetime of the development and thereafter be so maintained.
Reason: In the interests of highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.
9. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary.
Reason: In the interests of highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.
10. The existing access shall cease to be used by vehicular traffic before the new access hereby approved by this permission has been brought into use. The permanent closure (including new boundary hedgerow planting as indicated on the submitted plans) shall be carried out prior to first use of the site, or within 3 months of the new access being brought into use, whichever is sooner.
Reason: In the interests of highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.
11. The existing close boarded fencing shall be removed within two months of the date of this permission.
Reason: In the interests of visual amenity and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

Infomatives

1. Section 184 Highways Act 1980
The proposed development involves the creation of a new access within the public highway. A S184 permit is required before any works can be carried out within the adopted highway. Further details can be found at:
<https://www.rutland.gov.uk/roads-transport-parking/highways/dropped-kerbs>
2. Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
3. Removal of Deposits on the Highway – Section 149 Highways Act 1980
If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and

Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Site & Surroundings

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

Proposal

3. The application comprises the change of use of land from agricultural to equestrian use and the erection of a stable building. Work has taken place to clear the site of trees and shrubs and the site is now grassland. The proposal is to allow the applicant to stable a horse, mostly during winter months. The application includes the erection of a timber stable building incorporating a tack room and feed store. The stable building would be of timber construction on a concrete base, clad with timber boarding with a profiled metal pitched roof and would be located in the north-east corner of the site. The site would be served by a new vehicular access with the existing access permanently closed off.

Relevant Planning History

2021/1450/FUL – Change of use of land from agricultural to equestrian use and the erection of a stable building. – Refused 14/12/2022 on the following grounds:

The proposed equestrian use of the site would utilise the vehicular access that, by reason of substandard visibility splays, the intensification of the use of the access above the extant agricultural use of the site, the likely size and nature of vehicles accessing the site and the highway being subject to the national speed limit of 60mph, would have a detrimental impact on highway safety. The application is therefore contrary to Policy SP13 f) of the Site Allocations and Policies Development Plan Document 2014 which requires development to have an adequate, safe and convenient access.

2023/0016/APPEAL has been submitted in relation to the above refusal and is pending.

1981/0164/HIST Use of land for the erection of a dwelling – refused and appeal dismissed.

Planning Guidance and Policy

National Planning Policy Framework NPPF 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP7 – Non-Residential Development in the Countryside

SP13 – Agricultural, Horticultural, Equestrian and Forestry Development

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS4 – The Location of Development

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

None

Officer Evaluation

Principle of Development

4. The site is on land classed as countryside, adjacent to the boundary of the village to the south. The proposal seeks permission to use the site for equestrian purposes and to erect a stable building. Policy CS4 states development in the countryside will be strictly limited to that which has an essential need to be there and will be restricted to particular types of development to support the rural economy. Policy SP7 states sustainable development in the countryside will be supported for, amongst other things, agriculture, horticulture, or forestry or for the essential provision of sport or recreation. Policy SP13 states development comprising equestrian buildings and structures will be supported provided the tests in the policy are met.

5. The proposal comprises use of the land for equestrian purposes, specifically for the site to accommodate a horse and a stable. Although the field is of a limited size, in planning policy terms the proposal is an acceptable countryside use.
6. As part of the consultation process, comments have been received stating that the area of the site is not sufficient at 0.21 hectares gross to accommodate a horse, that the stable is only suitable for one small pony and the proposals would not meet the British Horse Society standards. Whilst this is noted, this is separate to planning legislation under which no objection can be raised to the size of paddock or stabling for the horses.
7. As such, the proposal complies with Policy CS4 of the Core Strategy and Policies SP7 and SP13 of the Site Allocations and Policies DPD in terms of the principle of development.

Impact of the use on the character of the area

8. Policy CS19 requires new development to contribute positively to local distinctiveness. Policy SP7 requires development to not be detrimental to the character and appearance of the landscape, visual amenity or setting of villages. Policy SP13 requires development to not be unduly prominent and not to detract from the landscape. Policy SP15 relates to design.
9. The site is within the conservation area and covered by the Article 4 Direction. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72. Policy CS22 seeks to conserve and enhance the built and historic environment. Policy SP20 seeks to protect and enhance historic assets and their settings.
10. In assessing the potential impact of the proposals, consideration has been given to the condition of the site prior to the tree/shrub clearance. Evidence from the previous planning application in 1981 and historic Google Maps/Earth images have been used.
11. From this assessment, it is clear a significant proportion of the site was covered by trees/shrubs. However, from the historic images, it is also clear that the height of the trees on site were limited and not comparable to the mature tree that abuts the south-west corner of the site. On this basis, together with the reports of the site having accommodated an orchard, the Council is content that the trees removed from the site were not worthy of a Tree Preservation Order and therefore their benefit to the character and appearance of the conservation area was limited.
12. The site occupies a countryside location on the approach into the village of Seaton. The site is landscaped along the site boundaries although it has been cleared of landscaping within the site which now comprises grassland but has

a rural appearance. The proposal to use the site for equestrian purposes would be visually acceptable and would be appropriate for this site.

13. The proposed stable would be of a limited size and height, occupying a location adjacent to the site boundary. It would have a typical appearance of an equestrian building, with external timber cladding and a grey metal profile roof. The proposed building is considered to be acceptable for the rural site and would not result in harm to the character or appearance of the conservation area.
14. Works to the access have resulted in the provision of timber screens to each side. These are visible and prominent when viewed from the public realm and detract from the site and surroundings. They are domestic in appearance and at odds with the prevailing rural character. Furthermore, they are harmful to the appearance of the conservation area, introducing a domestic visual element into the rural environment.
15. As part of this application, this access would be closed off with a hedge reinstated adjacent to the highway. A condition is recommended to secure this together with a condition to remove the above-mentioned fencing.
16. The proposed closure of the existing access and the creation of the new access would result overall in a neutral visual impact on the site and surroundings.
17. As such, the proposals are considered to be visually acceptable and to preserve the character and appearance of the conservation area and the site and locality. The proposal is therefore in accordance with Sections 12 and 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

18. The site occupies a countryside location with fields to the north and west and highway with further fields beyond to the east. To the south the site is adjacent to a terrace of properties with gardens to the rear of these.
19. The proposed use of the land is considered compatible with the surrounding land uses. The equestrian use would not result in undue noise, disturbance or odour and the limited size of the site would ensure the use remains at a low intensity. The stable building would be located to the north-east of the site, maximising the separation distance from the neighbouring dwellings.
20. Although there is a terrace adjacent to the site to the south, the proposals would not result in undue harm to the residential amenities of occupiers of those properties.
21. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and

Highway issues

22. The previous application was refused on the grounds of highway safety by reason of intensification of the use of the existing access having substandard visibility splays. The current application seeks to address this by submitting a Transport Note accompanied by a speed survey and has also provided a revised site layout plan showing the existing access closed off and a new access created in a position closer to the village and with better forward visibility in each direction.
23. The speed survey recorded 85th percentile speeds of 38.5mph for vehicles travelling in both directions. As such, it is evident that vehicles travel significantly below the speed limit of the road (60mph). In addition, the Council's Highway Officer undertook a separate speed survey of vehicles travelling along Uppingham Road within the 30mph speed limit, which confirmed the results of the submitted survey.
24. Following liaison between the applicant and the Highway Officer it was agreed that a reduced visibility splay of 2.4m x 60m would be considered suitable for the site, which has been demonstrated can be achieved from the site access within land owned by the applicant and within highway boundary land.
25. **Rutland CC Highways** have commented on the proposal as follows:

The applicant has carried out a speed survey as and we have approved the speed survey results and therefore accept the reduced visibility splay of 60 metres. The Local Highway Authority has carried out a further speed survey at this location, which also confirms the applicants speed survey results. The reduced visibility splay of 60m has been measured on site with the applicant and the Local Highway Authority. This can be achieved to the near side edge of the carriageway. The Local Highway Authority therefore raise no objections, subject to conditions.

Therefore it is considered that the applicant has now overcome the earlier highway objections relating to this proposal, and it is now considered to be accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014). Conditions relating to the new access, closure of the existing access and hardsurfacing are recommended.

26. Ecology

The site was cleared of landscaping prior to the submission of the previous application. At the time, the Ecology Officer raised concerns given that as the site was formerly an orchard, this would have been a UK BAP Priority Habitat. Furthermore, they also stated that where activities have recently been carried out which caused a reduction in the biodiversity of the site the biodiversity net gain required would relate to the former biodiversity of the site.

As works to clear the site were carried out before the earlier planning application was submitted this has potentially resulted in a loss of biodiversity. However, given the works carried out, it is not possible to quantify the ecological value of the site prior to these works. On this basis, a scheme to increase biodiversity will be sought via a planning condition which would require the submission of satisfactory landscape plans that addresses these requirements.

27. **RCC's Forestry Officer** raises no objection to the current proposal.
28. On this basis, the proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

Trees and Enforcement

29. The site has historically been an orchard and was referred to as an orchard in the appeal decision listed above. Historic images from Google Maps/Earth illustrate a significant site coverage with landscaping although the information gleaned is limited in terms of the height of specimens and the species of trees/shrubs. The site was then cleared of all planting prior to the previous application being submitted.
30. The Council were alerted to potential development taking place in August 2021 and the owner at the time confirmed he had cleared an old orchard from the land over a period of time and then cleared overgrown vegetation before selling the site to the applicant.
31. As part of the Council's enforcement investigation aerial photography was assessed which indicated that the land clearance began after 2018; however, there was insufficient evidence to pursue the alleged works to the trees in the conservation area as there was no evidence that the trees on the site would have been worthy of a Tree Preservation order. From the evidence available, it does not appear the trees were of such amenity value to justify further protection.
32. Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the Council, using a section 211 notice, 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the Council gives consent. This notice period gives the Council an opportunity to consider whether to make a Tree Protection Order on the trees.
33. The Council can deal with an application in one of three ways. It may:
 - make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
 - decide not to make an Order and inform the person who gave notice that the work can go ahead; or

- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
34. The Council's main consideration should be the amenity value of the trees. In addition, Council's must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
35. Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area (if that tree is not already protected by an Order), or causes or permits such work, without giving a section 211 notice (or otherwise contravenes section 211 of the Town and Country Planning Act 1990) is guilty of an offence, unless an exception applies.
36. People are not required to submit a section 211 notice to the Council for:
- the cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75 millimetres; or
 - the cutting down or uprooting of a tree, whose diameter does not exceed 100 millimetres, for the sole purpose of improving the growth of other trees (e.g. thinning as part of forestry operations).
37. In either case, the diameter of the tree is to be measured over the bark of the tree at 1.5 metres above ground level. These exemptions do not apply in circumstances where a tree has more than one stem at a point 1.5 metres above the natural ground level if any stem when measured over its bark at that point exceeds the relevant minimum.
38. Therefore, consent is not required to remove trees that fall within the size limitation above. Furthermore, when an application to fell is received, the Council would approve the works unless the trees were deemed of such amenity value as to warrant protection under a Tree Preservation Order.
39. The Council assessed the evidence available through the enforcement investigation and concluded it was highly unlikely the trees removed would have been worthy of a Tree Preservation Order. On this basis, it was not considered expedient to pursue the matter. Whilst it is regrettable that the trees were removed without submitting the required application, it is not considered there are grounds to justify further action being taken. It is also stressed that the visual assessment of the proposal and the assessment of impact on the conservation area takes into account the site prior to its clearance.

Other Matters

40. It is acknowledged the application has again generated a significant level of objection from residents and the Parish Council on several grounds including impact on nature, loss of trees, inappropriate replacement hedge planting, hedge poisonous to horses, highway safety, traffic generation, inadequate parking, loading and turning, access dangerous with poor visibility, land not large enough to accommodate a horse, the building size is excessive for the

associated grazing land, better roof material should be sought in the conservation area and traffic noise.

41. Seaton Parish Council has also provided a detailed objection to the proposal, elaborating on the above points – in particular re-iterating the relatively small size of the field relative to the needs for each horse to graze (British Horse Association guidelines), the loss of existing woodland which should have required conservation area consent for its removal and the unsafe nature of the site access.
42. The concerns of the local residents and the Parish Council set out above are noted and broadly repeat those received when the previous application was considered. However, the previous planning application that was reported to the Planning Committee (2021/1450/FUL) did consider these matters fully at that time and the application was refused solely on highway safety grounds. These have now been overcome by the submission of the Transport Report/Speed Survey and the relocation of the access to a point where better visibility for vehicles leaving the site can be achieved.
43. A landscaping condition is recommended to address some of the loss of mature planting and a condition requiring the removal of the close boarded fencing is also recommended.

Crime and Disorder

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

Human Rights Implications

45. 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.
46. It is considered that no relevant Article of that act will be breached.

Consultations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

47. **Seaton Parish Council** object on the grounds that the site should be restored to its original condition of July 2021, the application should not be determined until enforcement action is taken, the shape of the site differs from the previous application, loss of native hedging, planting of inappropriate laurel, services already provided, the site is below the British Horse Society recommendations, the building is below the required size, intensification in the use of the access, loss of woodland and harm to biodiversity.

A letter submitted by Howes Percival on behalf of the Parish Council raises a legal question in relation to assessing the planning application and its impact

on the conservation area given the site clearance. A response to this will be provided at committee.

48. **Highway Authority** raise no objections subject to conditions.
49. **Public Protection** raise no objection subject to conditions.
50. **Forestry Officer** raises no objection. The only tree close to the development is an ash tree of low value, which is to be retained.
51. **Health and Safety Executive** raises no objection.
52. **Ecology** notes the trees have already been removed and that the laurel hedging should be replaced.

Neighbour Representations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

32 representations have been submitted objecting on the following grounds:

- Retrospective development
- Already have a low loader and tractor on site
- Harm to conservation area
- Loss of woodland
- Increase in traffic
- Unsafe access
- Fence not in keeping
- Plot too small for keeping of a horse
- Harmful to biodiversity
- Laurel planting inappropriate

2 representation in support on the grounds the change of use would be innocuous and the site has no real agricultural value.

Conclusion

53. 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 character or appearance of the Conservation Area. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Sections 2, 9, 12, 15 and 16 of the NPPF, Policies CS4, CS19, CS21 and CS22 of the Core Strategy and Policies SP7, SP13, SP15, SP19 and SP20 of the Site Allocations and Policies DPD.

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PLANNING AND LICENSING COMMITTEE

24th October 2023

APPEALS

Report of the Strategic Director of Places

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

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/W/23/3321470 – Mr Fred and Mrs Anne Hutton – 2022/0778/FUL**
Land South of Lodge Trust, Main Street, Market Overton
Erection of 8 dwellings, comprising 5 no. bungalows and 3 no. two-storey houses.
Formation of a new access onto Main Street.
Committee Decision – Refusal for the following reasons:

Policy CS4 of the Core Strategy (2011) identifies that development beyond the planned limits of the villages requires special justification in order to gain planning policy support, identifying a number of types of development considered appropriate to the countryside. The application proposes the construction of 8 market housing units on a parcel of land that lies beyond the planned limits of development within a countryside location. The proposal does not accord with any of the exceptions to development within the countryside set out in the Core Strategy or Site Allocations and Policies Development Plan Document (2014) and therefore is contrary to policies CS4 and of the Core Strategy (2011) and SP6 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that outweigh these policies to justify approval of the application.

Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development to be designed so as to provide appropriate and adequate parking facilities for the development, as well as to ensure that it does not have an unacceptable adverse impact on the highway network. The proposed layout indicates unacceptable access proposals to the parking arrangements for plots 4 and 5, and fails to demonstrate adequately how a refuse vehicle/fire appliance would be able to enter and leave the site in a forward gear. The development is therefore contrary to the provisions of policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development proposals to meet the requirements for good design as set out in policy CS19 of the Core Strategy (2011) as well as addressing a number of specific criteria set out in policy SP15. Plots 1-4 of the development have outlooks to the west where their main amenity spaces are located. The western boundary of the current site is formed from a row of mature deciduous trees that have been assessed during the consideration of the application and deemed worthy of protection under a Tree Preservation Order. The rear gardens of these plots are located under and immediately to the east of the canopies of these trees, and as a consequence will experience heavy shade once the sun passes the midday point. This will also result in shading of the rear elevation of the dwellings, and the combination of these effects will restrict the amenity levels experienced by residents of the proposed dwellings contrary to the provisions of policy CS19 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies Development Plan Document (2014).

The documentation accompanying the application states that the scheme falls below the threshold for providing an affordable housing contribution. The location of the site however is a designated rural area and therefore the threshold for provision of an affordable housing contribution is 6 units and above. The proposal also involves the removal of a tree from the site with a calculated value of £4088. The proposal does not allow for a new tree to be planted that could reach this value within the site. The proposal is not accompanied by a completed S106 agreement detailing an appropriate contribution towards affordable housing, nor compensatory tree planting elsewhere within the county, both of which are matters that would be required to make the development acceptable in planning policy terms.

2.2 APP/A2470/W/23/3323957 - Mr Giles Gilbey – 2021/1450/FUL

Land to the West of Uppingham Road, Seaton

Change of Use of land from agricultural to equestrian use and the erection of a stable building.

Committee Decision – Refusal for the following Reasons:

The proposed equestrian use of the site would utilise the vehicular access that by reason of substandard visibility splays, the intensification of the use of the access above the extant agricultural use of the site, the likely size and nature of vehicles accessing the site and the highway being subject to the national speed limit of 60 mph, would have a detrimental impact on the highway safety. The application is therefore contrary to Policy SP13 f) of the Site Allocations and Policies Development Plan Document 2014 which requires development to have an adequate, safe and convenient access.

2.3 APP/A2470/W/23/3323746 – Mr and Mrs Brand – 2022/1286/MAO

Field to the North of Brooke Road, Braunston-In-Rutland

Outline planning application for up to 30 dwellings including access and associated infrastructure on land at Brooke Road, Braunston-in-Rutland.

Appeal against Non-Determination within the appropriate period

3. DECISIONS

3.1 APP/A2470/D/23/3322423 - Rachael Jaques - 2023/0163/FUL

18 Cresswell Drive, Cottesmore, Rutland LE15 7DY

Two storey side extension (with the first floor element to be flush with the house) and single storey rear extension. Resubmission of application 2022/0628/FUL.

Delegated Decision

Appeal Dismissed – 4th September 2023

No application for costs

3.2 APP/A2470/W/22/3305249 – Mr Brian Sampson – 2021/1417/FUL

Clonmel Farm, Cold Overton Road, Langham

Retrospective planning application for construction of an agriculture building and solar panels.

Committee Decision

Appeal Allowed – 11th September 2023

Application for costs awarded to Appellant

3.3 APP/A2470/W/23/3318651 – Mr Peter Keightley & Polly Rubinstein – 2022/1290/FUL

Land North of Uppingham Road, Caldecott

The conversion of a redundant building to form a single dwelling with new access gate.

Delegated Decision

Appeal Dismissed – 2nd October 2023

No application for costs

- 3.3 APP/A2470/D/23/3314943 – Mr Cassa Miller, David Miller Homes Limited**
Stone Cottage, Ketton Road, Hambleton
Proposed erection of garage, new vehicular access and alterations to the existing access and associated works, including alterations to the boundary treatment
Delegated Decision
Appeal Dismissed – 25th September 2023
No application for costs

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

- 12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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

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