

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, 27th February, 2024** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

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

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Democratic Services Team at democraticservices@rutland.gov.uk meeting will also be available for viewing via Zoom at <https://us06web.zoom.us/j/85358371635>

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 12th December 2023 and 16th January 2024 and receive an update on any actions agreed in the minutes of the previous meeting.

(Pages 3 - 14)

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) PLANNING APPLICATIONS

To receive Report No.32/2024 from the Strategic Director for Places.
(Pages 15 - 18)

a) [2022/1111/MAF](#)
(Pages 19 - 64)

b) [2023/0991/FUL](#)
(Pages 65 - 86)

c) [2023/1295/FUL](#)
(Pages 87 - 96)

6) APPEALS REPORT

To receive Report No.33/2024 from the Strategic Director for Places.
(Pages 97 - 104)

7) ANY OTHER URGENT BUSINESS

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

8) DATE OF NEXT MEETING

Tuesday, 19th March 2024.

---oOo---

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 T Smith

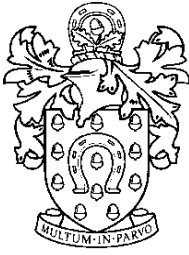
Councillor A West

Councillor D Wilby

Councillor C Wise

Councillor H Zollinger-Ball

Quorum: 6



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, 12th December, 2023 at 6.00 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 H Zollinger-Ball	

ABSENT: Councillor C Wise

OFFICERS PRESENT:	Justin Johnson	Development Manager
	Darren Burbeary	Planning Officer
	Nick Thrower	Principal Planning Officer
	Magda Waclawik	Planning Officer
	Julie Smith	Highways Engineer
	Kylie Wesson	Planning Solicitor
	David Ebbage	Democratic Services Officer

IN ATTENDANCE:	Councillor R Powell	Ward Member
	Councillor K Heckels	Ward Member

1 WELCOME & APOLOGIES

Apologies were received from Councillor C Wise.

2 MINUTES

Consideration was given to the minutes of the meetings held on 7th November 2023.

RESOLVED

- a) That the minutes of the meeting on the 7th November 2023 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor A Brown declared a personal interest in item 5d, Planning Applications, application 2023/0944/FUL as the applicant was one of his contractors. He confirmed he would leave the meeting at that point.

Councillor Zollinger-Ball declared a personal interest in item 5e, Planning Applications, application 2023/1057/FUL as he was the agent. He confirmed 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 2023/0892/FUL, Colin Smith spoke as a member of the public opposing the application, Councillor S Harvey spoke as the Ward Member and Duncan Clarke spoke as the agent.

In relation to 2023/0397/FUL, Tommy Cooper spoke as a member of Exton and Horn Parish Council, Councillor K Heckels spoke as the Ward Member and Jonathan Hendry spoke as the agent.

In relation to 2023/0271/RES, Richard Drabble spoke as a member of the public opposing the application, Cynthia Moss spoke as a member of Whissendine Parish Council, Councillor R Powell spoke as the Ward Member and Matthew Mortonson spoke as the agent.

In relation to 2023/0944/FUL, Sophie Harford spoke as the agent.

5 PLANNING APPLICATIONS

Report No.177/2023 was received from the Strategic Director of Places.

Item 5a – 2023/0397/FUL – Mr Stephen Smith, Land at Hawkswell House, Tickencote road, Exton

Proposal of a single dwelling with attached annex, pool pavilion, natural swimming pool, adjacent landscaping works and form new access.

(Parish: Exton & Horn; Ward: Exton)

Item 5b – 2023/0271/RES - Mulberry Homes, Land to the south of Stapleford road, Whissendine.

Application for reserved matters consent for the erection of 66 no. dwellings for layout, scale, landscaping, appearance 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 5c – 2023/0892/FUL - Mrs J Burgess, 21 Main Street, Cottesmore, Rutland, LE15 7DH

Section 73 application to Remove or Vary Conditions 2, 3 & 6 of application 2023/0074/FUL in order to allow for the provision of 4 parking spaces on site (Retrospective approval for the erection of a two storey and single storey extension to dwelling, raising of the roof of the original house with a new thatch roof, addition of a

window on the North East elevation, re-positioning of two windows on the South West elevation, the addition of an extra chimney and the raising of the height of the existing chimney with new rear door access, 2 no. garden sheds, parking and landscaping works).

(Parish: Cottesmore; Ward: Cottesmore)

Item 5d – 2023/0944/FUL - Ms Sophie Harford, Land off Main Street, Lyddington

Demolition of existing agricultural building and construction of 1 no. new dwelling.

(Parish: Lyddington; Ward: Lyddington)

Item 5e – 2023/1057/FUL - Michael Elliott, 30 Alexander Crescent, Oakham, Rutland, LE15 6LB

Single storey front and rear extensions and new porch.

(Parish: Oakham Town Council; Ward: Oakham North West)

Item 5f – 2023/0847/LBA - Mr Andrew Johnson, The Old Rectory, 15 High Street, Morcott, Rutland, LE15 9DN

Repointing works of the main building using lime mortar.

(Parish: Morcott; Ward: Braunston & Martinsthorpe)

It was agreed by the Chair to move application 5c 2023/0892/FUL to the beginning of the agenda.

5c 2023/0892/FUL

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

Prior to the debate the Committee received deputations from Colin Smith who spoke as a member of the public opposing the application, Councillor S Harvey spoke as the Ward Member and Duncan Clarke spoke as the agent. The Committee also had the opportunity to ask questions of the speakers.

It was confirmed by officers through the debate that with the size of the property in question, the allowable number of parking spaces was two.

Members felt the application was discussed at length when it came to committee in August 2023 and thought it was a sensible decision to add on condition 6 previously and sensed there was no need to reverse it on this occasion.

Members raised concerns on four cars being parked in that area and the anticipated increase in the number of movements in and out of the driveway. Members felt two spaces would be safer and that condition 6 should remain.

It was moved by Councillor K Payne and seconded that the application be refused. The reasons for refusal were:-

- Concerns around reversing in/out of the site.
- Impact of tandem parking and additional movements in/out of the site.
- Other car parking available in close proximity.

Upon being put to the vote with nine votes in favour, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0892/FUL be **REFUSED** for reasons outlined by the Planning Officer and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website.

<https://www.rutland.gov.uk/planning-building-control/planning/search-planning-applications-decisions>

-

-oOo-

At 6.43pm Councillor Zollinger Ball joined the meeting

-oOo-

5a 2023/0397/FUL

Darren Burbeary, Senior 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 Tommy Cooper who spoke as a member of Exton and Horn Parish Council, Councillor K Heckels who spoke as the Ward Member and Jonathan Hendry who spoke as the agent. The Committee also had the opportunity to ask questions of the speakers.

Officers confirmed through questioning that the scheme for the exemplar house was in line with the requirements Para 80 (e) of the NPPF. The design had evolved through two reviews with Midland Design and the Local Planning Authority.

-oOo-

At 6.56pm Councillor D Wilby joined the meeting

-oOo-

Most Members agreed that the design was an exceptional work of architecture and felt there was not enough of these designs within Rutland.

It was moved by Councillor A West and seconded that the application be approved subject to the conditions in the report and the additional condition within the addendum. Upon being put to the vote with nine votes in favour and one abstention, the motion was carried.

RESOLVED

- a) That the application 2023/0397/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/planning-building-control/planning/search-planning-applications-decisions>

5b 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 Richard Drabble who spoke as a member of the public opposing the application, Cynthia Moss who spoke as a member of Whissendine Parish Council, Councillor R Powell spoke as the Ward Member and Matthew Mortonson spoke as the agent. The Committee also had the opportunity to ask questions of the speakers.

There were several concerns around the biodiversity net gain from Members. The amendments to the site resulted in changes to the biodiversity impact of the scheme, although there remained a deficit required to be offset elsewhere (which was permissible under the forthcoming Environment Act). Condition 3 within the report also detailed about the development resulted in a 10% biodiversity net gain.

Members asked the agent whether the applicant would consider reducing the number of properties to 60 but he responded saying it would not be viable if it was less than what was proposed. Reducing the scheme would affect the Council's 5-year housing land supply.

Members were happier with the now proposed layout at the south boundary and the density was lower on this site than others within Whissendine at 19 dwellings per hectare rather than 21-22 dwellings per hectare.

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 ten votes in favour and one against, the motion was carried.

RESOLVED

- a) That the application 2023/0271/RES 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/planning-building-control/planning/search-planning-applications-decisions>

-

-oOo-

At 8.48pm Councillor A Brown left the meeting

-oOo-

5d **2023/0944/FUL**

Magda Waclawik, 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 Sophie Harford who spoke as the agent. The Committee also had the opportunity to ask questions of the speaker.

It was moved by Councillor D Wilby 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, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0944/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/planning-building-control/planning/search-planning-applications-decisions>

-oOo-

At 8.59pm Councillor A Brown re-joined the meeting and Councillor Zollinger-Ball left the meeting

-oOo-

5e **2023/1057/FUL**

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

It was moved by Councillor S McRobb 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, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/1057/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/planning-building-control/planning/search-planning-applications-decisions>

-oOo-

At 9.01pm Councillor Zollinger Ball re-joined the meeting

-oOo-

5f **2023/0847/LBA**

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

It was moved by Councillor G Clifton 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, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0847/LBA 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/planning-building-control/planning/search-planning-applications-decisions>

6 **APPEALS REPORT**

Report No.178/2023 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

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

7 **ANY OTHER URGENT BUSINESS**

There were no items of urgent business.

8 **DATE OF NEXT MEETING**

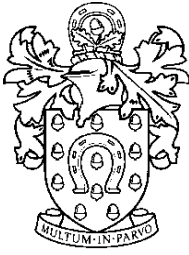
Tuesday, 16th January 2024.

---oOo---

The Chairman declared the meeting closed at 9.10pm.

---oOo---

This page is intentionally left blank



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, 16th January, 2024 at 7.00 pm

PRESENT:

Councillor N Begy (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	

ABSENT: Councillor A Brown

OFFICERS PRESENT:	Justin Johnson	Development Manager
	Andrew Waskett-Burt	Principal Planning Officer
	Darren Burbeary	Planning Officer
	Julie Russell	Planning Solicitor
	David Ebbage	Democratic Services Officer

1 WELCOME & APOLOGIES

Apologies were received from Councillor A Brown.

2 MINUTES

Consideration was given to the minutes of the meetings held on 12th December 2023.

RESOLVED

- a) That the minutes of the meeting on the 12th December 2023 be **APPROVED**.

3 DECLARATIONS OF INTERESTS

There were no declarations of interest.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

There were no petitions, deputations or questions made.

5 PLANNING APPLICATIONS

Report No.12/2024 was received from the Strategic Director of Places.

Item 5a – 2023/1096/FUL – Mr Duncan Wren, Land at Ranksborough Farm, Melton Road, Langham.

Section 73 application to vary condition 3 (duration of permission) of Planning Permission 2019/1249/MAF (Construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 28MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works, together with retention and extension of existing hedgerow.)

(Parish: Langham; Ward: Langham)

Item 5b – 2023/0947/FUL - Duffin, Black Hovel, Oakham Road, Whissendine, LE15 7HA.

Proposed demolition of existing agricultural barn and erection of 1 no. new dwelling to same site location.

(Parish: Whissendine; Ward: Whissendine)

5a 2023/1096/FUL

Andrew Waskett-Burt, Principal Planning Officer introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

It was highlighted to Members an amendment to Condition 4 around the archaeological work that Leicester archaeology was happy with the written scheme of investigation. It would be amended to read that it was now in compliance with the written scheme of investigation.

It was moved by Councillor A West 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, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/1096/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/planning-building-control/planning/search-planning-applications-decisions>

5b 2023/0947/FUL

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

It was discussed during debate that the slight increase of height on the proposed dwelling wouldn't have a detrimental impact on the neighbouring area.

Officers confirmed the driveway would be hard surfaced from a minimum distance from the highway and then the rest would be gravel based.

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 eleven votes in favour, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0947/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/planning-building-control/planning/search-planning-applications-decisions>

6 APPEALS REPORT

Report No.13/2024 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

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

7 ANY OTHER URGENT BUSINESS

There were no items of urgent business.

8 DATE OF NEXT MEETING

Tuesday, 20th February 2024 at 7pm.

---oOo---

The Chairman declared the meeting closed at 7.29pm.

---oOo---

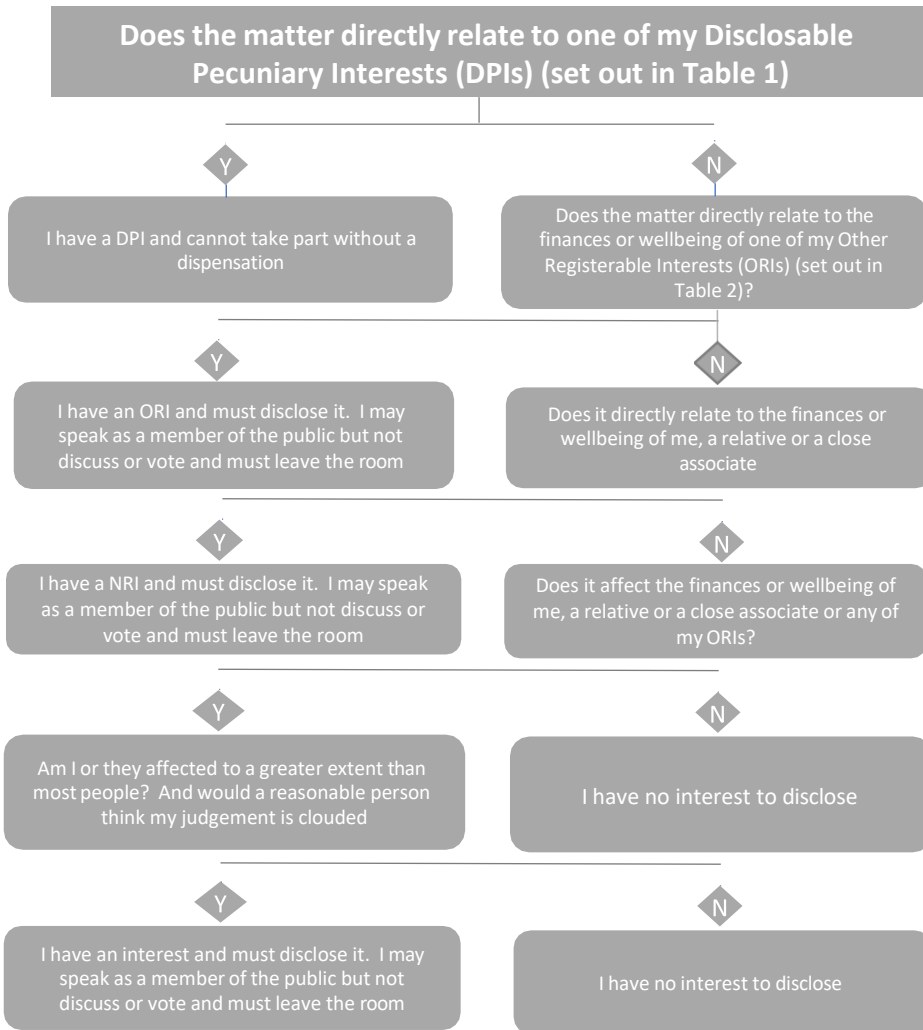
This page is intentionally left blank

Maintaining and promoting high standards of conduct

Declaring interests at meetings

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

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



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

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

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

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

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

Selflessness

Councillors should act solely in terms of the public interest

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty & Integrity

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

Leadership

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

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

Rutland County Council

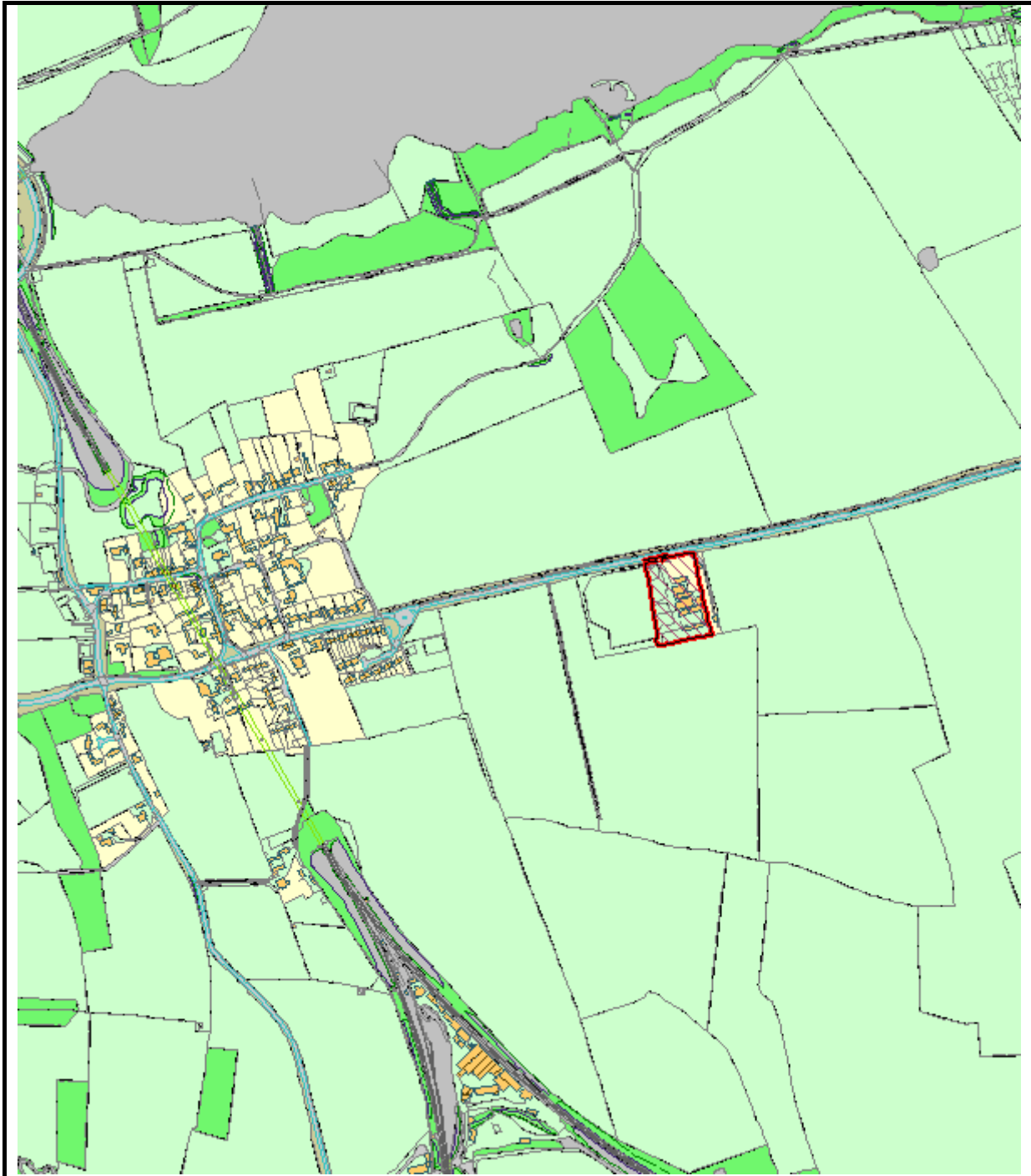
Planning & Licensing Committee – 27th February 2024

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2022/1111/MAF	Willowbrook Education Ltd Pheasants Roost, Lyndon Road, Manton, LE15 8RN Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.	Approval	19-64
2	2023/0991/FUL	Simon Boom Homes Ltd River Gwash Trout Farm, Belmesthorpe Lane, Ryhall, PE9 4JZ Section 73 application to vary Condition No. 2 (Approved Plans) on Planning Permission ref: 2021/1268/FUL - Residential Development of 11 no. Dwellings. Amendments include the change of dwelling type on Plots 9 & 11 and adjustment on site of Plot 10. Plot 11 to change to a bungalow, requiring alteration to Plot 10 garden and variation to house type on Plot 9.	Approval	65-86
3	2023/1295/FUL	Mr Kevin Perrett 8 Catmose Park Road, Oakham, LE15 6HN Fabric improvements to dwelling consisting of rendering exterior walls, insertion of roof light to southern elevation and repairs to existing ridge tiles.	Approval	87-96

This page is intentionally left blank

2022/1111/MAF



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



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/1111/MAF	ITEM 1	
Proposal:	Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.		
Address:	Pheasants Roost , Lyndon Road, Manton, Rutland, LE15 8RN		
Applicant	Mr Adam Wells	Parish	Manton
Agent:	Mr Richard Cooper	Ward	Braunston & Martinthorpe Ward
Reason for presenting to Committee:	Member Request from Cllr Clifton		
Date of Committee:	27 February 2024		
Determination Date:	23 February 2024		
Agreed Extension of Time Date:	23 February 2024		

EXECUTIVE SUMMARY

Based on the submitted information and consultation responses it is considered that subject to conditions the proposed development complies with all relevant national and local planning policies and would not have an adverse impact on the character and appearance of this countryside location or on the residential amenity of nearby neighbours. Natural England has raised no objections to the proposal and subject to conditions it is considered that the development will not have an adverse impact on the local wildlife or Rutland Water SPA, SSSI, Ramsar site. The development is therefore 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:
8569 03 00 Location & Block Plan
8569_03_01 Rev P6 Site Plan
8569 03 10 Rev P5 Proposed Ground Floor Plan
8569 03 20 Rev 06 Proposed Elevations
Figure 4 Tree Protection Plan Revision: 01 dated 25 January 2023.
Design & Access Statement 8569 Rev P3
Drawing Ref Stamford -Assy- Stamford gate & Post Assembly
Specification Data Sheet – Burghley Estate Fencing B204256 Rev Aug 2020
Flood Risk Assessment & Drainage Strategy Ref PRLM-BSp-ZZ-XX-RP-C-001_Flood_Rick_Assessment
Extended Phase 1 Habitat Survey (C.B.E. Consulting) Reference P2641/0123/01 V2 dated 25 January 2023

Biodiversity Impact Assessment (C.B.E. Consulting) Reference P2641/0123-03 V2 dated 25 January 2023.

Transport Statement reference No PRLM-BSP-XX-XX-T-H-0001-P04_Transport_Statement dated 31 August 2023

Tree Survey (C.B.E. Consulting) Ref P2642/1222/02 V2 25 January 2023

Installation: LED Report (J Edstabrook) reference 70018 dated 18.08.2023

Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023

Reason: For the avoidance of doubt.

3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. Notwithstanding details shown on approved the drawings no development above ground level shall be commenced until precise details of the number, design and materials to be used in construction of the covered cycle store have been submitted to and agreed, in writing, by the Local Planning Authority. Such design and materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
5. Car parking including unloading and loading and turning areas shall be provided in accordance with the approved layout plans prior to the first occupation of the units and shall be provided and retained at all times for that sole purpose in perpetuity thereafter.
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 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
6. The access including off-site highway works shall be completed in full accordance with the details with the Transport Statement reference No PRLM-BSP-XX-XX-T-H-0001-P04_Transport_Statement dated 31 August 2023, shown on Plan PRLM-BSP_XX-XX-D- H-001 REVISION P05 ACCESS ARRANGEMENTS prior to first use of the development hereby approved.
Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:-
 - a) A scheme for the monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
 - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.

- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery.
- e) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- f) Details of site compounds, storage area and contractor and visitor parking.
- g) Details of the site enclosure or part thereof and gated site security.
- j) 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 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

- 8. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.
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).
- 9. Prior to the first use of the development hereby approved the existing entrance gates shall be removed and any new gates provided at the vehicular access shall be inward opening only and shall comply with details shown on drawing No 8569_03_01 Rev P6 Site Plan
Reason: To enable vehicles using the access to stand clear of the public highway whilst gates are being opened and closed in the interest 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)
- 10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 11. The design of the upgraded access should incorporate measures to ensure that no loose surfacing material or private surface water shall cross from the access onto the public highway.
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).

12. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, details (including location and timeframe for the installation) of the proposed new package treatment plant and location of the new drain leading to the drainage field. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/ SSI
13. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority the location of a drainage field ancillary to the package treatment plant. The design and installation of a drainage field must comply with: a) BS 6297:2007+A1:2008; b) Building regulations; c) Environmental Regulation.
Reason: All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/SSSI.
14. The package treatment plant, drain and drainage field shall be operational prior to first occupation and use of the proposed buildings.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/SSSI.
15. No development shall take place until an ecological and biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: In the interests of the protection of wildlife and their habitat and to comply with NPPF guidance and Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.
16. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on PLAN REF: Figure 4 Tree Protection Plan REVISION 01 dated 25 January 2023 , have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason: The trees 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.
17. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and

hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837: 2012 Trees in Relation to Construction. Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

18. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
19. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority and thereafter fully implemented.
Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
20. The proposed new development shall be constructed from the existing concrete foundation and no new concrete foundations shall be excavated/dug and concrete pored without details first being submitted to and approved, in writing, by the Local Planning Authority. All works are to proceed strictly in accordance with the approved scheme.
Reason: The trees are important features on the site and the adjacent garden area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
21. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the development is first occupied.
Reason: The trees are important features on the site and the adjacent garden area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
22. No external lighting shall be installed until full details of the number and location of all different types of lighting units (including elevation details of any lighting units fitted to a building) and a report that demonstrates that all the lighting units in combination complies with E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note 01/21. has been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.
Reason: In the interests of amenity to reduce the impact of night time illumination on the character of the area.

23. Prior to the first use of any external lighting/floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.
Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
24. 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.
25. The external lighting shall be switched off when the premises are closed.
Reason: In the interests of amenity and to conform with policy SP16 - Advertisements of the Site Allocations and Policies Development Plan Document Adopted October 2014.
26. 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.

27. In accordance with details shown Drawing No 8569 03 01 P06 no extraction vents and/or mechanical ventilation equipment shall be installed and/or erected on eastern elevations of the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building, adjacent the boundary with the residential property known as Wellfield.

Reason: To protect the residential amenities of the neighbouring property.

28. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of the acoustic barrier to be erected between the woodworking, assembly and dispatch building and storage building. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To protect the residential amenity and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023.

29. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority operating and elevation details of the dust extraction system and other mechanical equipment to be erected on the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building . All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity. Reason: To protect the residential amenity and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023 and Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014
30. Prior to installation and operation, the full details of the make, model, location, sound power level and frequency spectrum data of any mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The information will demonstrate that the mechanical plant is in compliance with the noise levels specified in this condition. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity. Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
31. The proposed operations within the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building shall comply with the recommendations and conclusions of the Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023. Reason: To protect the residential amenity and the amenities of the surrounding area and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023, Policy CS19 Core Strategy DPD Adopted 2011, Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
32. A maximum rating level of 41dBLA, 1hour shall not be exceeded at the nearest building used for residential purposes from noise emitted from industrial and manufacturing process; fixed plant and equipment (mechanical and electrical); loading and unloading of goods (industrial and/or commercial) located on this site. This rating level has been set so as not exceed the existing background level 41dBLA90 measured at the site when assessed in accordance with BS 4142:2014+A1(2019). Reason: To protect the residential amenity and the amenities of the surrounding area and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023 , Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
33. Notwithstanding the Provisions of the Town and Country Planning (General permitted Development) Order 2015 (Amended)(or any order revoking and/or re-

enacting that order with or without modification the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Use Class E on the Schedule to the Town and Country Planning (Use Classes) order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: These uses are only permitted and other users, either within the same Use Class or permitted by the Town and Country Planning (GPD) Order 2015 (Amended) are not acceptable to the Local Planning Authority as the alternative users are likely to result in adverse impact upon residential amenity, increased traffic generation and increased demand for parking which cannot be accommodated within the site.

34. No goods, merchandise, materials waste and / or scrap shall at any time be stacked or stored in the open, on landscaped areas and or obstruct parking areas, loading and unloading and vehicle turning areas.
Reason: The external storage of goods and waste outside would cause harm because it would result in a harmful impact on the amenities of the surrounding area.
35. No retail sales shall take place on the site at any time.
Reason: To safeguard the amenities of the area
36. The external flues shall be painted matt black.
Reason: To ensure that the external finish to the materials are compatible with the surroundings in the interests of visual amenity
37. No equipment for the amplification of sound and/or the playing of music shall be operated from the site. Any music being played should be inaudible on the boundary of the premises.
Reason: To protect the residential amenity.
38. The manufacturing, storage activities, deliveries to and from the site shall not take place other than between the hours of:
7.30 – 19.00 Mondays – Friday
08.00- 14.00 Saturdays
And not at any time on Sundays or Public Holidays.
Reason: To protect the residential amenity
39. The office use shall not take place other than between the hours of:
07.30- 21.00, Mondays – Friday
08.00-14.00 Saturdays
And not at any time on Sundays or Public Holidays
Reason: To protect the residential amenity.
40. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of how all waste materials will be stored disposed of and managed. All works are to proceed strictly in accordance with the approved scheme and thereafter in perpetuity.
Reason: To safeguard the amenities of the area
41. This permission shall be personal to Willow Brook Education Ltd and shall not enure for the benefit of the land or future occupiers of the site.
Reason: In order to safeguard the residential amenities of the existing dwellings adjacent to the site and as permission is granted solely in recognition that the owner of Willow Brook Education Ltd resides in the existing property to the front of

the site. The use of the site for alternative forms of industrial / employment uses could have a detrimental impact on residential amenity and would need to be assessed independently in order to ensure that the development does not adversely impact on residential amenity.

42. The land forward of the estate railings along the northern boundary of the landscaped area adjacent to the carparking area shown on drawing No 8569_03_01 Rev P6 Site Plan shall remain open and shall not at any time form part of the curtilage of the employment site.

Reason: For the avoidance of doubt and in the interest the character and appearance of the surrounding area.

43. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of the proposed Ventilation and Dust Control to be used on the site. This should include the following:
Local Exhaust Ventilation (LEV): Install LEV systems at woodworking machines to capture dust at the source. Properly designed and maintained LEV helps prevent dust from becoming airborne. Ensure that hoses and connections are secure and leak-free.

Vacuum Cleaning Equipment: Use vacuum cleaners that meet at least the dust class M (medium hazard) classification. Regularly maintain and check the efficiency of these cleaning systems.

Process Optimization: Adopt work methods that minimize dust generation. For example, consider using tools with built-in dust collection features or modifying cutting techniques to reduce dust.

The development shall only be operated in full accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014.

Informatives

Off-site Highway Works – Section 278 Highways Act 1980

The development involves minor works within the public highway. Such works must be the subject of a legal agreement or licence under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement/licence. Works must not commence until the legal agreement/licence is in place and road space booked.

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

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

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

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

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

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

The ecology mitigation and enhancement strategy should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023) Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations.

The responsibility for providing information on whether the site is contaminated rests primarily with the developer; where Planning Permission is granted for a site on which the presence of contamination is known or suspected, the responsibility for safe development and secure occupancy of the site rests with the developer; and that the response has been determined on the basis of the information available, but this does not mean that the land is free from contamination

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

Natural England recommend that the Package Treatment plant (PTP) used should use biological treatment only, as this requires less frequent maintenance, than chemical dosing plants, and so the treatment efficiency is less uncertain over the lifetime of the

development. We also recommend that the PTP should discharge to a drainage field, i.e. as shown on page 32 of the Building Regulations Document H, as opposed to a regular soakaway or discharge to watercourse. This is as phosphorous readily binds to soils, so where the PTP discharges to a drainage field (which by nature slowly introduces the P rich water over a large surface area of soil), it is likely that phosphorous within this discharge will be attenuated in the soil and will not reach Rutland Water, avoiding any potential worsening of Eutrophication at the SPA.

Essential work that cannot be taken during the above stated hours should be notified to the LPA for prior approval in writing.

Waste Control and Management

The waste management scheme to be submitted should include

Sufficient Bins, Skips, or Cages: Ensure that adequate bins, skips, or cages are available for waste, refuse, and rubbish. Regularly empty these containers to prevent overflow and maintain cleanliness.

Designated Containment Area: Any refuse or waste that cannot go into bins, skips, or cages should be contained in a designated area. This area can be fenced off to prevent unauthorized access and ensure proper waste management.

Secure Containment for Specific Materials:

Flammable Materials: Store flammable materials away from other items and protect them from accidental ignition.

Storage at Height: If materials are stored at height (e.g., on top of a container), ensure necessary guardrails are in place to prevent falls during stacking or collection.

Tidiness: Keep all storage areas tidy, both within the main compound and on the site itself.

Deliveries: Plan deliveries to minimize the amount of materials on site at any given time.

Secondary Containment (Bunds): Prevent run-off from waste storage areas entering surface waters or drains by: Storing waste under cover on an impermeable surface with a bund. A bund acts as a secondary containment area that holds liquids if the main containers leak or break.

Ensuring that the site is secure with functioning locks, gates, and perimeter fences.

Control of Obtrusive Light Pollution from External Lighting

The lighting scheme should meet the E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note 01/21. This requires a lighting professional to assess the whole lighting scheme for the entire development and confirm it meets the E2 standard on obtrusive light once installed.

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Site & Surroundings

1. The application site is located approximately 400m to the east of Manton Village. The site is currently used as a farm known as Pheasant Roost Farm, Lyndon Road, Manton.

2. The site currently comprises rare breeds farm, farm shop, bed and breakfast accommodation and a campsite with 8 pitches. The site has a number of existing agricultural buildings located to the rear of the existing farm house.
3. The site has good access link via Lyndon Road to the A6003 and then on north to Oakham or south towards Uppingham and the A47.
4. The site is surrounded by open countryside on three sides with a residential property known as Wellfield located to the east of the site.

Proposal

5. The application seeks approval for the change of use of the site from agricultural to use class E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. The works include conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.
6. Willowbrook are involved in the design, manufacture assembly and delivery of educational furniture throughout the UK. They are a Rutland based manufacturing company currently based at Quarry Farm Industrial Estate, Ketton Road, North Luffenham.
7. They currently lease their business premises from the farm owner. Recent growth & projected orders has resulted in the need for expansion & investment – their current location will not facilitate growth and the existing farm owners are not interested in sale of the premises to them.
8. Willowbrook Educational have engaged extensively with local estate agents in their search for a new site, however allocated business growth sites in Rutland 's main sustainable settlements are not available.
9. The company employs 45 staff from the local area which will now be split across their 2 operating sites. 60% of the companies existing staff will relocate to the Pheasants Roost site under these proposals.
10. The proposed buildings on the site include:
 - Proposed Upholstery (Ex Building): 203.3sqm
 - Proposed Upholstery Store (Ex Building): 272.3sqm
 - Proposed Assembly & Dispatch (New Building) 446.5sqm
 - Proposed Storage (Ex Building): 208.4sqm
 - Total: 1130.5sqm
11. The two existing single storey buildings to the north of the site will be used for the Upholstery and Upholstery Store. Part of an existing building located at the southern end of the site will be demolished to accommodate the assembly and dispatch building and the remaining southern section of the building will be retained and redeveloped to provide a storage building.

12. The eastern wall of the existing building at the southern end of the site will be retained to form the boundary treatment with the neighbouring residential property (Wellfield).
13. Overall the ridge height of the new build element on the site will be approximately 0.8m higher than the existing building it replaces.
14. The total floor area of buildings on the site will reduce from 1144.6sqm to 1130.5sqm.

Relevant Planning History

15. 1980/0354/HIST - Erection of agricultural buildings, Gene Lyndon Road Manton – Approved 08.09.1980.
16. 1987/0181/HIST - Erection of agricultural buildings – Approved 16.09.1987.
17. 1987/0175/HIST - Tipping of inert waste materials – Approved 14.07.1987.
18. 1980/0186/HIST - Erection of an agricultural building – Application Not Required 21.04.1980.
19. F/1997/0288 - Erection of dwelling house. – Approved 24.03.1999.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 6 - Building a strong, competitive economy

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places and beautiful places

Chapter 14 – Meeting the challenges of Climate Change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development

SP7 - Non-residential development in the countryside

SP17 - Outdoor Lighting

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP23 - Landscape Character in the Countryside

SP20 - The Historic Environment

SP23 – Landscape character in the countryside

Core Strategy DPD (2011)

CS01 – Sustainable Development Principles

CS02 – The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 – The Location of Development

CS13 - Employment & Economic Development

CS14 – New provision for industrial and office development and related areas

CS16 - The Rural Economy

CS18 – Sustainable transport and accessibility

CS19 - Promoting Good Design

CS21 - The Natural Environment

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

Officer Evaluation

Principle of the use

20. This proposal is for change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.
21. Core Strategy policy CS4 - Location of Development seeks to direct development to the most sustainable locations and states that, in the countryside, development will be strictly limited to that which has an essential need to be located there and restricted to particular types of development which support the rural economy.
22. Policy CS16 - The Rural Economy sets out the Councils approach to considering applications relating to employment development in rural locations. The proposal accords with proviso f) which supports the conversion and re-use of appropriately located rural buildings in the countryside for employment-generating uses.
23. Policy SP7 - Non-residential Development in the Countryside of the Site Allocations and Policies DPD develops on, the broad guidance of Core Strategy Policy CS16. To accord with Policy SP7 the Council will need to be satisfied that new employment growth that comprises small scale new employment growth that supports the local economy or communities. The policy is clear that any proposed use should be appropriate to its location and in particular should not generate significant traffic movements in unsustainable locations.
24. Policy CS16 strategy aim is to support the economy of rural areas, economic development in the countryside should be of a scale and type that reflects its

surroundings. This is reinforced by Policy SP7, non-residential development in the countryside. This Council will need to be satisfied that the conversion and re-use of the buildings are appropriately located.

25. This proposal is for the change of use from agricultural to E(g)(iii) with the conversion of existing buildings and new build outside the planned limits of development for Manton. This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable local housing needs.
26. Policy SP7 also states that the conversion and re-use of vacant rural buildings for employment uses will be permitted if the building is a permanent structure capable of being converted without major reconstruction and the proposal respects the form and character of the existing building. The replacement of a rural building with a new building for employment use will only be permitted where the building to be replaced is of permanent design and construction and there would be significant environmental gain from the replacement of the building in terms of improvements to visual amenity, landscape impact, sustainability or pollution prevention, or the replacement building would significantly improve the setting of a listed building or an area of high landscape or conservation value.
27. Proposals for the replacement of a rural building in the countryside will only be permitted provided the existing building is completely removed. A replacement building must be similar in size and scale to the building that is being replaced and of a design that would be appropriate to the character or appearance of the surrounding area. The replacement building must occupy the site of the original building unless an acceptable significantly less visually intrusive alternative site is available. In both cases the type and scale of the proposed use must be appropriate to its location; in particular the use should not generate significant traffic movements in unsustainable locations and should not conflict with neighbouring uses. Any associated external storage, parking and other associated paraphernalia must not appear visually intrusive in the landscape
28. Overall the proposed development will result in a modest reduction of 14.1sqm in the total built floor space on the site. The new build element of the scheme is no higher than the existing buildings on site. Overall it is therefore considered that the new build and refurbishment of the existing buildings will enhance the visual amenity of the site and bring new life into the existing farm buildings on the site.
29. The Local Highway authority has raised no objections to the scheme and it is considered that the proposals will not result in a significant increase in traffic in the area.
30. It is considered that the proposed development would develop on the original farm layout and that the scale of the proposal and the amount of new build is acceptable in principle and complies with the relevant policies of the adopted Development Plan.

Impact of the use on the character of the area

31. The proposed scheme seeks to retain and convert a number of the existing buildings and construct a new workshop to replace part of an existing building. Overall there will be a modest reduction on the total amount of floor space on the site. The ridge height of the proposed new building is proposed to be approximately 0.8m higher than that of the existing building to be replaced. It is therefore considered that there will not be any significant adverse visual effects from the proposed development when considered against the existing buildings on site.
32. Conditions have been proposed to require details of additional landscaping and to secure details of any lighting scheme for the site to ensure that the development does not have a detrimental impact on this rural countryside location.
33. It is considered that the refurbishment of the existing buildings and the new workshop will enhance the appearance of the site and will not result in the site being any more prominent in that landscape than it already is.

Impact on the neighbouring properties

34. The application site shares its eastern boundary with a neighbouring residential property. Concern has been raised about the impact of the development on this property and those further afield.
35. It is considered that the proposed conditions will ensure that the proposed development does not result in any adverse impact on the occupiers of the neighbouring property. The proposed conditions will provide more control over the site than if it were to remain in its existing agricultural use.

Highway issues

36. The local highway authority has been consulted on the proposed development and subject to the attached conditions has raised no objections to the proposed development. The proposed access and parking provisions comply with the Council's adopted policies and are therefore acceptable in planning terms.

Levels

37. It is proposed to reduce part of the southern section of the site around the location of the new build element and the area shown for car parking. Conditions requiring full details of the levels change are proposed to be attached to any permission. A slight reduction in the levels in this location will have no adverse impact on the visual amenity of the area, drainage or residential amenity.

Noise / Dust / Pollution

38. Conditions have been proposed in order to control and mitigate any potential impacts from noise or dust from the proposed operations at the site. The Council's Environmental Health Officer has raised no objections but included conditions relating to hours of operation, sound limits, control over light pollution, dust and ventilation controls and waste management controls. There are also controls attached in relation to contaminated land and the detailed design of the drainage field.

39. All of the above controls will ensure that the development does not adversely impact the character of this countryside location or adversely impact residential amenity of nearby neighbours.
40. In addition to the above controls it is also proposed to make any permission personal to Willowbrook Education Ltd in order to ensure that there are no future changes of use without the planning authority having the opportunity to consider the impacts of such changes.
41. Concerns have also been raised with regard to the accuracy and validity of the supporting noise assessment. The Council's Environmental Health Officer has considered the objections and advised that the criticisms are flawed as they are based on the extract system been located on the façade of the building facing the adjacent garden rather than its proposed location on the side protected by the roof line that would act as a barrier and the reflection of the sound that would cause. The EHO has advised that having visited the current site, the sound is inaudible on the façade away from the extract system and would not be audible near the neighbouring house.

Ecology

42. Concern has been raised about the impact of the development on the local wildlife and ecology and Rutland Water. The Council's Consultant Ecologist has reviewed the Extended Phase 1 Habitat Survey produced by CBE Consulting. They have advised that the habitats within the site have minimal ecological value with the majority of the area consisting of hardstanding, and the rest of the areas amenity grassland and introduced shrubs. There is evidence of nesting birds on site (sparrows and swallows), and there is potential for reptiles in the site boundaries. There is a record of a great crested newt within 500m of the site boundary; however, given the habitats on site, it is unlikely that they will be present. They have therefore raised no objections to the proposed development subject to a mitigation and enhancement strategy being agreed before the development takes place.
43. Natural England has raised no objections to the proposed development where the foul discharge is drained to a biological treatment plant and drainage field. Securing this by condition as suggested by the applicant would be suitable. Natural England have further advised that where a drainage field is implemented and maintained for the life of the development there will not be an adverse effect on the integrity of Rutland Water SSSI and Ramsar site.

Community Infrastructure Levy

42. Notwithstanding any specific requests from consultees for contributions to be paid towards infrastructure provision, should permission be granted for this development payments made towards provision of infrastructure from the Community Infrastructure Levy must be approved separately by the Council as CIL collecting authority.

Section 106 Heads of Terms

43. Not applicable

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. Archaeology Thank you for your consultation on the above planning application.
- Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).
48. CPRE Submitted on behalf of
CPRE RUTLAND BRANCH
- It is noted that the application site is located immediately adjacent to the boundary of the designated Rutland Water Area and beyond the planned limits of the village of Manton in open countryside. Rutland Water is an internationally important area for nature conservation. Rutland Local Plan, in the section relating to Rutland Water, states that the existing policy approach has been largely successful in protecting the nature conservation interests of the reservoir and retaining the unspoilt and tranquil nature of the area. It is accepted that Policy CS16 of the Rutland Core Strategy DPD supports conversions and re-use of appropriately located and suitably constructed rural buildings in the countryside for employment generation uses where they would assist in the retention of existing rural businesses, but the proviso is that they should have little adverse environmental impact. Similarly, support is given in the Site Allocations and Policies DPD for a rural enterprise which comprises small scale alterations or extensions. Although it is proposed to incorporate materials sympathetic to a rural location, it would appear from the submitted plans that this proposal, requiring over 1000 square metres of new floor area, cannot be considered small in scale and, consequently, would impact on local amenity by reason of noise, dust, light and traffic movements.
- Whilst the current proposal is just beyond the designated boundary of the Rutland Water Area, the activity within the site has the potential to disrupt the tranquillity of a wider area adversely impacting on wildlife and the appearance of the countryside. The need for lighting until late at night and the warning noise of reversing commercial vehicles can be particularly intrusive.
- For these reasons CPRE considers that the proposed scheme is not in accordance with planning policy relating to development in the

countryside and would have an adverse impact in this sensitive rural location so close to Rutland Water SSSI, SPA and Ramsar site.

49. Design Officer
Policy

Existing buildings on site already and on adjacent site. Impact of new buildings limited when compared to what is there now. Existing hedges should be enhanced where possible and new hedges and trees should be added to the plans to help soften the scheme within this rural setting. A clearer landscape plan would be helpful in communicating this - and illustrating existing and new landscape.

The Design and Access Statement is successful in illustrating that the design process has been followed. Further study and illustration of the key views towards the site and the changes within these views would help further in demonstrating before and after changes / impacts.

50. Ecology Unit

Comments 10.11.2022

Apologies for the delay in the response. I have reviewed the Extended Phase 1 Habitat Survey produced by CBE Consulting. The habitats within the site have minimal ecological value with the majority of the area consisting of hardstanding, and the rest of the areas amenity grassland and introduced shrubs. There is evidence of nesting birds on site (sparrows and swallows), and there is potential for reptiles in the site boundaries. There is a record of a great crested newt within 500m of the site boundary; however, given the habitats on site, it is unlikely that they will be present.

I therefore recommend that the following Condition is attached to any permission:

- o No development shall take place until a mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. This should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023). Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Comments 7.2.2023

I have reviewed the revised plans and ecology reports and there are not many changes from an ecology perspective.

I recommend that the condition is changed to the following:

- o No development shall take place until a mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. This should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023). Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Comments 19.10.2023

As only measurable biodiversity net gain is required at this time (as per the NPPF requirements) in theory only 1% biodiversity net gain is necessary which gives some flexibility on the 9% already proposed.

I'm not massively concerned about the buildings as they were assessed as having negligible bat roosting potential around 15 months ago (and I believe a site visit was carried out about 10 months ago). The applicants legal obligations for bat remains regardless of planning decisions. To alleviate concerns the ecologist could update the report to state when they feel that the bat data is valid until and when an updated survey is required.

51. Forestry Officer
(Arbortrack)

No objections

52. Highways

Comments 21.09.2023

The LHA note the considerable reduction in GIA and associated parking, of which is in accordance with local plan policy. There are no changes to the previously accepted access arrangements and adequate turning is still provided. As such, the LHA raise no objection subject to the previously recommended conditions and informatives provided on the 6th April 2023.

No Objections if built in accordance with Drawing 8569_03_01 - REV 2 and subject to conditions.

The proposed development subject to the end user being limited to Willowbrook Education Ltd. Willow Education Ltd, is an established business and has provide existing/predicted trip rates and HGV movements from the site. These are acceptable to the LHA and will not have an impact on the adopted highway.

Conditions;

Parking and Turning

Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the units

S278 Highways Works

Prior to occupation the offsite highway works need to be completed in full. This includes widening off the access, a small section of footpath and informal pedestrian crossing facilities.

Construction Management 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

jettied drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.

d) Haul routes to the site and hours of delivery.

e) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.

f) Details of site compounds, storage area and contractor and visitor parking.

g) Details of the site enclosure or part thereof and gated site security.

j) A scheme for dealing with complaints.

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

Informative:

Off-site Highway Works ' Section 278 Highways Act 1980

The development involves minor works within the public highway. Such works must be the subject of a legal agreement or licence under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement/licence. Works must not commence until the legal agreement/licence is in place and road space booked.

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

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

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

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

53. Manton Parish Council

Comments 19.10.2022

Manton Parish Council is very concerned about several aspects of this application to change the use of this property in open country from agricultural to industrial use and wish to object to this Planning Application. A summary of the Parish Council's concerns is set out below:

1. Real danger of accidents on this stretch of road (60mph) by both HGVs, and associated new business traffic, including entrance to proposed new business, roundabout at Lyndon Road/ Chater Close, continuing on Lyndon road through village, and exit onto junction on A6003. A number of accidents have occurred in these locations including a collision with a vehicle driven by the former owner of the Pheasants' Roost while turning into his entrance.
2. MPC seek clarification of numbers of vehicles, both day and evening, using proposed business to give an accurate assessment of new traffic volumes which appear to be understated in the documentation on the portal.
3. No on-site lighting has been identified, both security and commercial, to facilitate requirement to operate the business in compliance with legislation; its impact on residents and wildlife locally and in neighbouring areas including Rutland Water has not been assessed.
4. Concern about noise levels including HGVs, industrial equipment and extraction facilities from workshops and the impact on residents, tourism and wildlife.
5. Recommendation that other agencies be consulted (if not already done) including Natural England, Leicestershire and Rutland Wildlife and Anglia Water.

In addition to the above the Parish Council also indicated that there were local concerns raised by residents relating to - problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

In summary the following concerns, which were strongly felt, were raised by residents if this Application were granted:- problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

The Parish Council also provided a copy of the Ward Members request for the application to come to the planning committee. The reasons for the request are set out below:

Material planning considerations:

The site is a designated agricultural site adjacent to the designated Rutland Water Area in open countryside. The site is adjacent to one of the most popular tourist attractions: the Rutland Water multi-use track. The site is located between the Lyndon and Egleton visitor centres in the internationally famous SSSI, SPA and RAMSAR nature reserve. There are many material planning considerations with this application. These are:

A) The application contravenes many of RCC's core strategies and planning policies:

1. RCC Policies CS4, CS19 and SP15: a. The conclusion of RCC's Planning Policy Officer as shown in the documents on the Planning Portal (Dated 5 April 2023) is that "Overall, this proposal is contrary to Countryside policies of the Local Plan". She cites that the application contravenes policies CS4, CS19 and SP15.

2. RCC Policy CS4: a. The proposal contravenes policy CS4 ("Development in the Countryside will be strictly limited to that which has essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.")
b. This business has operated very successfully on an industrial estate for many years so it is difficult to see how it now has an essential need to be in the countryside which is the first and over-riding test in CS4.
c. The site is not located adjacent or close to a town or local service centre and would rely solely on car use generating additional traffic in the villages of Manton and Edith Weston. The resultant increased commercial vehicle movements including HGV deliveries and large delivery vans to transport finished items are contrary to CS4.

3. RCC Policies CS19, SP15, CS16 (f), CS16 (d), CS16 (e): a. The scale of the site is large. The majority of the existing farm buildings will be demolished and replaced with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16 (f).
a. The scale of the site is large. The majority of the existing farm buildings will be demolished with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16(f)
b. The application doesn't meet CS16 (d) as it is introducing a new use in the countryside rather than expanding and safeguarding an existing use.

C It is contrary to CS16 (e) as it is outside the planned limits of development for Manton and is not considered appropriate development in the open countryside.

4. RCC Policy CS24:

a. CS24 states that "Outside the five defined recreation areas, new development will be restricted to small scale development for

recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape." The proposal does not appear to fit into any of the defined categories nor meet the requirement in terms of scale and impact on the landscape.

b. In para 3.16 of the 2019 Landscape Review of the Rutland Water Area commissioned by RCC and undertaken by Bayou Blue Environment it is noted that the RCC has developed policies (CS24) for the Rutland Water area and adjoining land.

c. In para 3.19 of the 2019 Landscape Review of the Rutland Water Area it notes that any development "will need to respect the character of this sensitive countryside location".

5. RCC Policy SP15:

a. The operating hours proposed, 0700 to 2300, are contrary to SP15 (c) in that they do not protect the amenity of the wider environment in respect of emissions and the disturbance of increased commercial traffic which according to the application will be early in the morning for the HGV deliveries and in the evening to late at night for the fleet of large delivery vans.

b. RCC Environmental Health have recommended Monday to Friday operating hours for manufacturing and deliveries of 7:30 - 19:00, Saturday 8:00 - 14:00 with no Sunday or Bank Holiday working. It is not clear whether these conditions will be imposed if the application is accepted and that the term deliveries should include delivery vans leaving the premises as well as HGV's delivering to the premises.

c. Emissions are defined in (SP15 (c)). No extractor manufacturer will claim 100% efficiency for the removal of particulates from the air. It is likely that the processes involved in furniture manufacture will generate volumes of visible dust but also "inhalable particulates" and "fine inhalable particulates" which can get deep into the lungs and bloodstream leading to heart attacks and lung problems. With the prevailing South Westerly wind, the spread of particulates will affect the Round Rutland Water track adjacent to the site, the newly opened Garden Centre including the restaurant with outdoor seating and the designated Rutland Water Area and SSSI. With an East wind it will blow across Manton with the first point of contact being the newly refurbished children's playgrounds and the allotments. There appears to be nothing in the public documents examining emissions from the current factory or the specification of the extractors proposed.

d. The immediate next-door neighbour whose house and land ("Wellfield") closely adjoins the proposed site will suffer a loss of amenity in respect of noise, light pollution and emissions contrary to SP15. They will suffer significant loss of light as a result of tall buildings erected close to their boundary contrary to SP15.

6. RCC Policy SP17: a. SP17 deals with outdoor lighting. The proposed development includes staff parking, HGV parking and turning and a loading area for the fleet of large vans. Whilst not fully specified it is clear that health and safety considerations will dictate the inclusion of outdoor lighting.

b. It is likely that this will be contrary to SP17(a): detracting from the character of the countryside at night and polluting the night sky.

c. SP17 (f) and (h) are also likely to be infringed.

B) The application contravenes the National Policy Planning Framework where it states:

1. NPPF Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

2. NPPF Para 190: Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a. the desirability of new development making a positive contribution to local character and distinctiveness,
b. The site on land adjoining the designated Rutland Water Area falls into the category of "valued landscape" in the 2019 Landscape Review of the Rutland Water Area (see next paragraph). The proposal does not protect and enhance the landscape nor recognise the character and beauty of the countryside. This is contrary to SP23.

3. NPPF Para 174: a. Natural England (noting NPPF para 174) states that where the impacts of development are likely to be significant a Landscape and Visual Impact Assessment should be provided. Contrary to this requirement there does not appear to be any such assessment included in the public documents.

C) Other considerations:

1. 1. Highways Assessment - Speed of Traffic: a. The road on which Pheasants' Roost is situated is prone to frequent excessive speeding and has been the scene of a number of accidents and near misses.
2. b. In discussion with RCC Highways we discovered that at least one of these (at the entrance to Pheasants' Roost involving the previous owner of the property) has not been recorded in the Police Database used by highways. This accident was attended by the police and ambulance/air ambulance and involved serious injury. We have recently contacted the Police and Crime Commissioner who has escalated the matter to the Neighbourhood Policing Area Commander of Leicestershire Police.
3. c. The highways assessment will therefore have been undertaken with incomplete data.

Why does the application need to be debated by the Planning Committee?

1. As has been demonstrated the application is contrary to many of the planning policies adopted and utilised by RCC. The contravention of these policies should be sufficient reason for the application to be decided by the Committee.

2. The application has received a very large number of objections, particularly from Manton, Wing and Hambleton but also from regular

tourists who are familiar with the area and are concerned at the prospect of a factory development. The application is massively unpopular with Manton residents. For such a high profile issue the planning process would not be sufficiently transparent and democratic if it was decided by officers "behind closed doors".

3. RCC should be applauded for initiating the "Future Rutland Vision". One conclusion of this strategic vision was that: "Rutland is a special place because of the people who live here and a rural charm that goes right to the heart of the county's identity. The relationship that people in Rutland have with each other and the countryside around them has created tight-knit communities that value peace, security and togetherness. This is a source of real pride for those who call the county home, as well as something to be celebrated and preserved for current and future generations." The Future Rutland Vision also states: "The overriding aim is to make the Future Rutland Vision central to every plan and big decision that's made in the county, to bring about positive change. Everything that is done to achieve the goals set out in the Vision will also help to create a strong and distinctive brand for the county. An identity that puts Rutland on the map, gains national recognition and helps to generate investment that benefits businesses and communities." These statements need to be fulfilled by RCC and lived by the residents of Rutland.

4. The applicant has reportedly not made any efforts to engage with the residents of Wellfield (next-door neighbour), nor the residents of Manton, nor Manton Parish Council. Accordingly, no attempt has been made to mitigate the issues raised concerning the application. This is a lost opportunity which should be corrected.

For this application not to be decided by the Planning & Licensing Committee would be a demonstration that the published policies and strategies of RCC can be disregarded without public debate whenever it is convenient to do so.

Comments 20.1.2023

MPC once again strongly object to this Planning Application notwithstanding the "revised" plans which we believe do not change the basis of our objections to the previous two Applications. This application is of County-wide significance as the granting of planning permission in this case could create a precedent which would open the door to further industrial development on agricultural land in Rutland's open countryside. Therefore our previous comments objecting to both previous Applications still stand. We note that CPRE have concluded that "the proposed scheme is not in accordance with planning policy relating to development in the countryside and would have an adverse impact in this sensitive rural location so close to Rutland Water SSSI, SPA and Ramsar site." We also note that despite Natural England's requirement (NPPF para 174) for a Landscape and Visual Impact Assessment no such assessment appears to have been undertaken.

At an Extraordinary Parish Council Meeting on 16th October many

residents addressed Council and an extract from our "Public Participation" Agenda Item is minuted as follows:-

In summary the following concerns, which were strongly felt, were raised by residents if this Application were granted:- problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

In addition, the minutes of the meeting record supporting comments from Parish Councillors on the objection to this Application:-

A Councillor questioned the assertion that no other suitable premises are available for commercial development in Rutland at the time of this latest application. Also felt that a manufacturer of furniture for the national market could not be considered a benefit to the rural economy. The fact that the furniture is used in schools does not seem relevant in the context of core strategy CS4.

A Councillor highlighted adverse effect on tourism (NPPF para 174), higher traffic volumes (SP15), site lighting issues (SP17), dealing with waste products (SP15) and lack of engagement with residents.

A Councillor endorsed all the above comments and questioned the validity of the data presented in the application as accurate evidence as highlighted by the objection lodged by the immediate neighbour to the site.

In August document requesting this Application should be determined by the Planning and Licensing Committee was sent by our Ward Councillors to RCC's Development Control Manager and the Chair, Planning & Licensing Committee. Please find below a copy of this document which highlights the many RCC Strategies and Policies contravened by this Application and concludes that, if not heard in public, RCC would not be allowing proper public scrutiny of the decision making process on such a contentious issue. The request was granted.

To:

- Development Control Manager, RCC
- Chair, Planning & Licensing Committee, RCC

28th August 2023

MEMBER REFERRAL SCHEME:

PLANNING APPLICATION REF: 2022/1111/MAF

Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.

Manton Parish Council, Wing Parish Council and many residents of Manton object to this application and have made strong representations to the Ward Councillors.

Accordingly, the Ward Councillors for Braunston & Martinsthorpe Ward wish to reflect this local opinion and request that this application is determined by the Planning & Licensing Committee for the following reasons:

Material planning considerations:

The site is a designated agricultural site adjacent to the designated Rutland Water Area in open countryside. The site is adjacent to one of the most popular tourist attractions: the Rutland Water multi-use track. The site is located between the Lyndon and Egleton visitor centres in the internationally famous SSSI, SPA and RAMSAR nature reserve. There are many material planning considerations with this application. These are:

A) The application contravenes many of RCC's core strategies and planning policies:

1. RCC Policies CS4, CS19 and SP15: a. The conclusion of RCC's Planning Policy Officer as shown in the documents on the Planning Portal (Dated 5 April 2023) is that "Overall, this proposal is contrary to Countryside policies of the Local Plan". She cites that the application contravenes policies CS4, CS19 and SP15.

2. RCC Policy CS4: a. The proposal contravenes policy CS4 ("Development in the Countryside will be strictly limited to that which has essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.")

b. This business has operated very successfully on an industrial estate for many years so it is difficult to see how it now has an essential need to be in the countryside which is the first and over-riding test in CS4.

c. The site is not located adjacent or close to a town or local service centre and would rely solely on car use generating additional traffic in the villages of Manton and Edith Weston. The resultant increased commercial vehicle movements including HGV deliveries and large delivery vans to transport finished items are contrary to CS4.

3. RCC Policies CS19, SP15, CS16 (f), CS16 (d), CS16 (e): a. The scale of the site is large. The majority of the existing farm buildings will be demolished and replaced with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16 (f).

a. The scale of the site is large. The majority of the existing farm buildings will be demolished with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16(f)

b. The application doesn't meet CS16 (d) as it is introducing a new use in the countryside rather than expanding and safeguarding and existing use.

C It is contrary to CS16 (e) as it is outside the planned limits of development for Manton and is not considered appropriate development in the open countryside.

4. RCC Policy CS24:

a. CS24 states that "Outside the five defined recreation areas, new development will be restricted to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact

on the landscape." The proposal does not appear to fit into any of the defined categories nor meet the requirement in terms of scale and impact on the landscape.

b. In para 3.16 of the 2019 Landscape Review of the Rutland Water Area commissioned by RCC and undertaken by Bayou Blue Environment it is noted that the RCC has developed policies (CS24) for the Rutland Water area and adjoining land.

c. In para 3.19 of the 2019 Landscape Review of the Rutland Water Area it notes that any development "will need to respect the character of this sensitive countryside location".

5. RCC Policy SP15:

a. The operating hours proposed, 0700 to 2300, are contrary to SP15 (c) in that they do not protect the amenity of the wider environment in respect of emissions and the disturbance of increased commercial traffic which according to the application will be early in the morning for the HGV deliveries and in the evening to late at night for the fleet of large delivery vans.

b. RCC Environmental Health have recommended Monday to Friday operating hours for manufacturing and deliveries of 7:30 - 19:00, Saturday 8:00 - 14:00 with no Sunday or Bank Holiday working. It is not clear whether these conditions will be imposed if the application is accepted and that the term deliveries should include delivery vans leaving the premises as well as HGV's delivering to the premises.

c. Emissions are defined in (SP15 (c)). No extractor manufacturer will claim 100% efficiency for the removal of particulates from the air. It is likely that the processes involved in furniture manufacture will generate volumes of visible dust but also "inhalable particulates" and "fine inhalable particulates" which can get deep into the lungs and bloodstream leading to heart attacks and lung problems. With the prevailing South Westerly wind, the spread of particulates will affect the Round Rutland Water track adjacent to the site, the newly opened Garden Centre including the restaurant with outdoor seating and the designated Rutland Water Area and SSSI. With an East wind it will blow across Manton with the first point of contact being the newly refurbished children's playgrounds and the allotments. There appears to be nothing in the public documents examining emissions from the current factory or the specification of the extractors proposed.

d. The immediate next-door neighbour whose house and land ("Wellfield") closely adjoins the proposed site will suffer a loss of amenity in respect of noise, light pollution and emissions contrary to SP15. They will suffer significant loss of light as a result of tall buildings erected close to their boundary contrary to SP15.

6. RCC Policy SP17: a. SP17 deals with outdoor lighting. The proposed development includes staff parking, HGV parking and turning and a loading area for the fleet of large vans. Whilst not fully specified it is clear that health and safety considerations will dictate the inclusion of outdoor lighting.

b. It is likely that this will be contrary to SP17(a): detracting from the character of the countryside at night and polluting the night sky.

c. SP17 (f) and (h) are also likely to be infringed.

B) The application contravenes the National Policy Planning Framework

where it states:

1. NPPF Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

2. NPPF Para 190: Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a. the desirability of new development making a positive contribution to local character and distinctiveness,
b. The site on land adjoining the designated Rutland Water Area falls into the category of "valued landscape" in the 2019 Landscape Review of the Rutland Water Area (see next paragraph). The proposal does not protect and enhance the landscape nor recognise the character and beauty of the countryside. This is contrary to SP23.

3. NPPF Para 174: a. Natural England (noting NPPF para 174) states that where the impacts of development are likely to be significant a Landscape and Visual Impact Assessment should be provided. Contrary to this requirement there does not appear to be any such assessment included in the public documents.

C) Other considerations:

1. 1. Highways Assessment - Speed of Traffic: a. The road on which Pheasants' Roost is situated is prone to frequent excessive speeding and has been the scene of a number of accidents and near misses.
2. b. In discussion with RCC Highways we discovered that at least one of these (at the entrance to Pheasants' Roost involving the previous owner of the property) has not been recorded in the Police Database used by highways. This accident was attended by the police and ambulance/air ambulance and involved serious injury. We have recently contacted the Police and Crime Commissioner who has escalated the matter to the Neighbourhood Policing Area Commander of Leicestershire Police.
3. c. The highways assessment will therefore have been undertaken with incomplete data.

Why does the application need to be debated by the Planning Committee?

1. As has been demonstrated the application is contrary to many of the planning policies adopted and utilised by RCC. The contravention of these policies should be sufficient reason for the application to be decided by the Committee.

2. The application has received a very large number of objections, particularly from Manton, Wing and Hambleton but also from regular tourists who are familiar with the area and are concerned at the prospect of a factory development. The application is massively unpopular with Manton

residents. For such a high profile issue the planning process would not be sufficiently transparent and democratic if it was decided by officers "behind closed doors".

3. RCC should be applauded for initiating the "Future Rutland Vision". One conclusion of this strategic vision was that: "Rutland is a special place because of the people who live here and a rural charm that goes right to the heart of the county's identity. The relationship that people in Rutland have with each other and the countryside around them has created tight-knit communities that value peace, security and togetherness. This is a source of real pride for those who call the county home, as well as something to be celebrated and preserved for current and future generations." The Future Rutland Vision also states: "The overriding aim is to make the Future Rutland Vision central to every plan and big decision that's made in the county, to bring about positive change. Everything that is done to achieve the goals set out in the Vision will also help to create a strong and distinctive brand for the county. An identity that puts Rutland on the map, gains national recognition and helps to generate investment that benefits businesses and communities." These statements need to be fulfilled by RCC and lived by the residents of Rutland.

4. The applicant has reportedly not made any efforts to engage with the residents of Wellfield (next-door neighbour), nor the residents of Manton, nor Manton Parish Council. Accordingly, no attempt has been made to mitigate the issues raised concerning the application. This is a lost opportunity which should be corrected.

For this application not to be decided by the Planning & Licensing Committee would be a demonstration that the published policies and strategies of RCC can be disregarded without public debate whenever it is convenient to do so.

Thank you,
Ward Councillors, Braunston & Martinsthorpe Ward

54.	Natural England	Has no objection where the Foul discharge is drained to a biological treatment plant and drainage field. Securing this by condition as suggested by the applicant would be suitable. We also welcome the inclusion of a Biodiversity Net Gain assessment, but have no specific comments on this.
55.	NHS Leicester, Leicestershire & Rutland CCG	No Objections
56.	Public Protection	Removed holding objection: 2022/1111/MAF Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements. Pheasants Roost Lyndon Road Manton Rutland LE15 8RN

The 3 main controls of adverse impact of noise on the amenity will be the design and layout of the site; the hours of operation and the setting of sound limits. There should be also be an additional condition to control amplified music on site.

Design and Layout of the Site

I am satisfied if the development is undertaken in accordance with latest acoustic report November 2023 PRLM -BSP-ZZ-XX-RP-C-001-P03 Environmental Noise Assessment, which includes drawings of the acoustic screen, position of extractors and location of the various manufacturing processes then the development will not significantly impact on the adjacent premises. The applicant will need to demonstrate that the extract equipment and associated sound proofing meets the sound limits within the noise report, unless agreed with Local Planning Authority.

Hours of Operation

I would recommend that the planning officer condition operating hours to control the impact of noise which should include: the times of delivery, manufacturing and site operation to safeguard the amenity of the area.

I would set different times for potentially noisier activities like manufacture and deliveries from the operation of the offices, which are unlikely to cause a disturbance. For manufacturing in the premises, storage and deliveries to and from it, I would recommend 07:30-19:00 Mondays to Friday inclusive; with offices from 07:30 to 21:00 Monday to Friday. On Saturday I would set operating times of 08:00-14:00 for manufacturing; storage; deliveries and offices. I would recommend the premises are closed during Sundays and Bank Holidays.

Sound Limits Condition

A maximum rating level of $41\text{dB}_{\text{LA}, 1\text{hour}}$ shall not be exceeded at the nearest building used for residential purposes from noise emitted from industrial and manufacturing process; fixed plant and equipment (mechanical and electrical); loading and unloading of goods (industrial and/or commercial) located on this site. This rating level has been set so as not exceed the existing background level $41\text{dB}_{\text{LA}90}$ measured at the site when assessed in accordance with BS 4142:2014+A1(2019). Prior to installation and operation, the full details of the make, model, location, sound power level and frequency spectrum data of any mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The information will demonstrate that the mechanical plant is in compliance with the noise levels specified in this condition. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy Rutland Local Plan and paragraph 191 (a) of the National Planning Policy Framework (2023).

Amplified Music. Any amplified music being played should be inaudible on the boundary of the premises.

Control of Obtrusive Light Pollution from External Lighting

The lighting scheme should meet the E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note

01/21. This requires a lighting professional to assess the whole lighting scheme for the entire development and confirm it meets the E2 standard on obtrusive light once installed.

Ventilation and Dust Control

Local Exhaust Ventilation (LEV): Install LEV systems at woodworking machines to capture dust at the source. Properly designed and maintained LEV helps prevent dust from becoming airborne. Ensure that hoses and connections are secure and leak-free.

Vacuum Cleaning Equipment: Use vacuum cleaners that meet at least the dust class M (medium hazard) classification. Regularly maintain and check the efficiency of these cleaning systems.

Process Optimization: Adopt work methods that minimize dust generation. For example, consider using tools with built-in dust collection features or modifying cutting techniques to reduce dust.

Waste Control and Management

Sufficient Bins, Skips, or Cages: Ensure that adequate bins, skips, or cages are available for waste, refuse, and rubbish. Regularly empty these containers to prevent overflow and maintain cleanliness.

Designated Containment Area: Any refuse or waste that cannot go into bins, skips, or cages should be contained in a designated area. This area can be fenced off to prevent unauthorized access and ensure proper waste management.

Secure Containment for Specific Materials:

Flammable Materials: Store flammable materials away from other items and protect them from accidental ignition.

Storage at Height: If materials are stored at height (e.g., on top of a container), ensure necessary guardrails are in place to prevent falls during stacking or collection.

Tidiness: Keep all storage areas tidy, both within the main compound and on the site itself.

Deliveries: Plan deliveries to minimize the amount of materials on site at any given time.

Secondary Containment (Bunds): Prevent run-off from waste storage areas entering surface waters or drains by: Storing waste under cover on an impermeable surface with a bund. A bund acts as a secondary containment area that holds liquids if the main containers leak or break. Ensuring that the site is secure with functioning locks, gates, and perimeter fences.

Phased Contaminated Site Investigation.

1. Site Characterisation

No development shall take place until an 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 as defined by annex 2 of the National Planning Framework. The assessment 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) develop the conceptual site model to assess and evaluate 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.

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

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.

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

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 must be submitted to the Local Planning Authority. The validation report must clearly demonstrate through the provision of clear and unambiguous evidence that the approved remediation scheme has been completed as stated.

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' Guidance.

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 the 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.

This response is made on the understanding that the responsibility for providing information on whether the site is contaminated rests primarily with the developer; where Planning Permission is granted for a site on which the presence of contamination is known or suspected, the responsibility for safe development and secure occupancy of the site rests with the developer; and that the response has been determined on the basis of the information available, but this does not mean that the land is free from contamination.

The Design of Drainage Field for Foul Water

The design and installation of a drainage field must comply with:

- a) BS 6297:2007+A1:2008;
- b) Building regulations;
- c) Environmental regulation

57. Wing Parish Meeting

Comments 29.08.2023

Wing Parish Council has reviewed the amended application and OBJECTS. The previous reasons given for objection have not changed.

Comments 9.10.2023

Wing Parish Council have reviewed the revised application and reiterate the points we made in our original objection. In addition Wing Parish Council makes the further following objections:

The application states that there are currently 45 employees and only 37 parking spaces so car parking is already over subscribed, and that is before an future potential expansion at the site (noting 50% reduction in build from pre-app)

This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside, and it is not essential for this relocating business.

This proposal is outside the permitted development area of Manton

With all this in mind Wing Parish Council still strongly OBJECT to the proposed development

Comments 20.10.2023

Wing Parish Council OBJECTS to the planning application 2022/1111/MAF on the following grounds:-

- Visual impact to the north of Wing and intrusion into the Chater valley which is counter to the ambition of Wing Neighbourhood plan, together with the impact on the number of historically significant houses in Wing which face north. These views are considered to be worthy of protection following consultation with Wing Residents in the preparation of the Wing Neighbourhood Plan. These views will be significantly compromised by the size and scale of the proposed development in a very prominent position on the ridge of the North side of the Chater Valley. This is contrary to Planning Policy SP23. Additionally, whilst there may not be a Neighbourhood Plan applicable to the area of the proposed site, it DOES impact an adjoining Neighbourhood Plan (which is about to be submitted to the examiner) - that of Wing Parish. This proposal also contravenes Planning Policy SP7 as it is clearly detrimental to the appearance and character of the area, visual amenity and setting of nearby villages.

- Noise to the neighbours and across the valley to Wing - especially with dust extraction and wood cutting machinery.

- There are a number of industrial estates across Rutland that are more suitable, rather than building on this significant scale and impact in a rural setting. They would be far more suitable in terms of accommodation, brown field site use, less impact on the surroundings and better transport links. The argument that extensive searches for suitable land for this development have occurred and been fruitless is flawed as there is currently extensive industrial development occurring in Oakham off Land's End road and elsewhere.

- The transport assessment is noted. However, it is commissioned by the applicant and therefore considered to be biased in favour of the application. It is an extremely fast stretch of road with the high potential for serious collisions with LGV, cars and vans turning in and out of the site. A serious collision occurred approximately four years ago at the entrance to this site leaving a person with life changing injuries. The transport assessment also overstates the public transport infrastructure and cycling and walking to the site - inevitably most workers will use private vehicles. There will be many large vehicles accessing the site to supply raw materials and distribute finished goods. Given the intention of the company to expand - it is likely that the site will be even more extensive in the future with greater traffic volumes. The pre-app consultation resulted in a 50% reduction in new build.

- Light pollution across the Valley will be a significant issue as the drawings appear to have roof lights as well as other external lighting required for safe site operations. This is an area of outstanding natural beauty with currently low levels of light pollution - this will be significantly compromised by any development on this site, let alone significant industrial development.

- How are the proposed buildings being constructed in terms of sustainability or carbon zero? There is little information provided to reassure the public that no harm will be done to the environment by the construction and utilisation of the proposed buildings.

- This application does not meet policy CS16 section f - the reuse or conversion of suitably located and constructed rural buildings as the location is not adjacent to a town, large or small service centre -

Manton (as Wing) is not described in this way by RCC, and the buildings are clearly not suitably constructed or the application would not be for their demolition and construction of new buildings.

With all this in mind Wing Parish Council strongly OBJECT to the proposed development.

Wing Parish Council have reviewed the revised application and reiterate the points we made in our original objection. In addition Wing Paish Council makes the further following objections:
The application states that there are currently 45 employees and only 37 parking spaces so car parking is already over subscribed, and that is before an future potential expansion at the site (noting 50% reduction in build from pre-app)
This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside, and it is not essential for this relocating business.
This proposal is outside the permitted development area of Manton

With all this in mind Wing Parish Council still strongly OBJECT to the proposed development

58. Mr Andrew Lunn

Edith Weston Parish Council strongly object to this application on the following grounds:

Increase in traffic along the Edith Weston to Manton Road, particularly with light and heavy good vehicles. These vehicles will be passing through our village if coming from the direction of the A1. The road is not suitable for HGV traffic, it forms part of the Rutland water cycle route, some of which is on this road and not a cycle path. Also we have seen an increase in traffic movement around the new garden centre on the same section of road as this proposal.

Its not a suitable site for an industrial unit of this size and will spoil the rural aspect of Manton and the surrounding countryside. Its not shown but we assume there will be night time lighting which will cause substantial light pollution to the area. This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside, and it is not essential for this relocating business.

This proposal is outside the permitted development area of Manton.

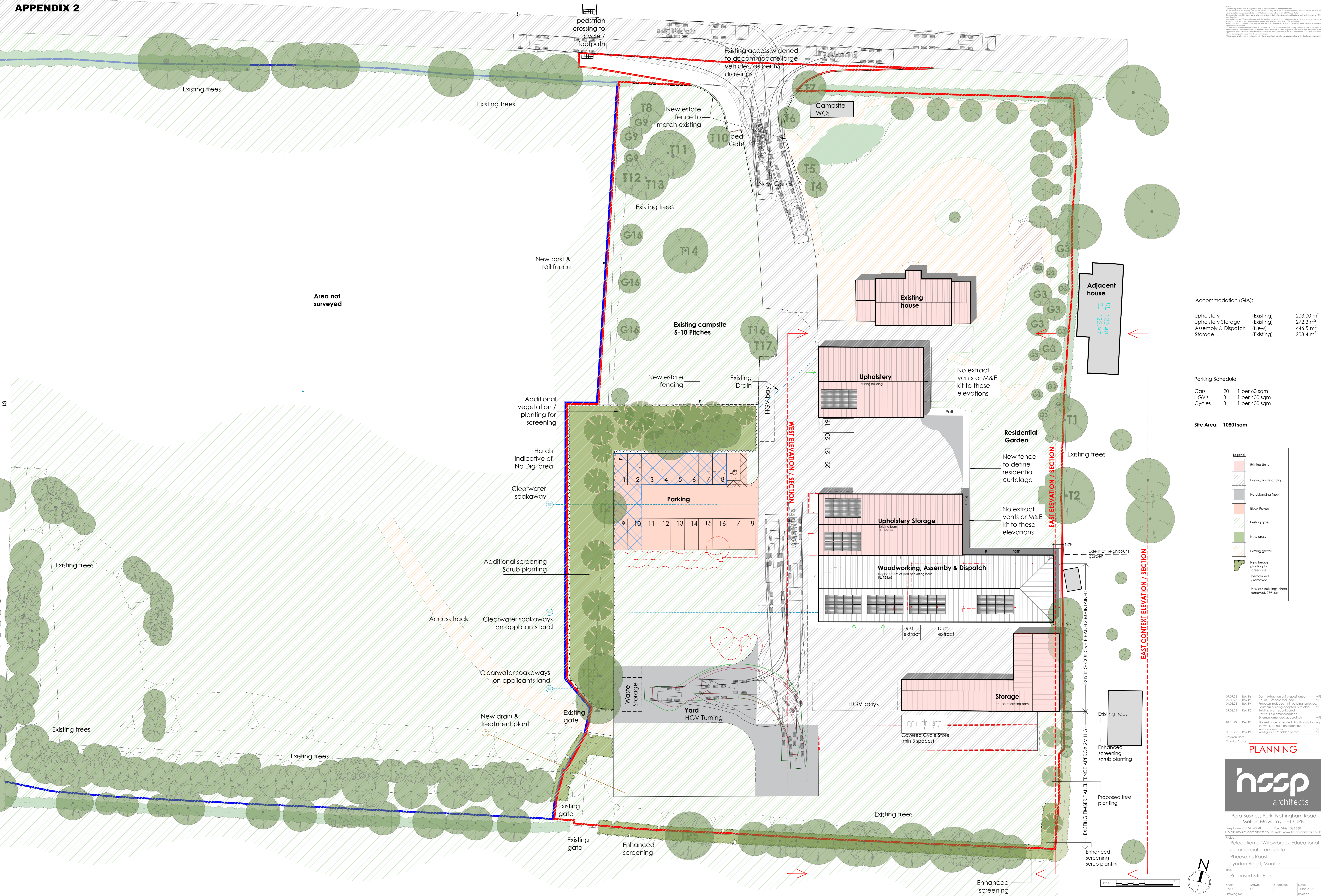
Neighbour Representations

59. 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)

60. 42 Letters of objection were received from local residents and can be summarised as follows: (several people have sent in more than one letter)
- Brownfield land is land that has been previously developed; a definition of Brownfield Land can be found in Annex 2 of the National Planning Policy Framework. It is important to note that this definition excludes land and buildings in agricultural/forestry use and residential gardens.
 - Impact on wildlife and local environment,
 - Noise and light pollution,
 - Concerns about accuracy of noise assessment,
 - Visual impact in this countryside location,
 - Out of keeping with agricultural use of the area,
 - Highway safety including increase in traffic and adverse impact on cyclists,
 - Excessive scale of the development,
 - The application states it wishes to retain the caravan facility of 8 pitches. (There is currently only planning permission for 5 caravan/motor homes?) It further claims no loss to Manton tourism despite the loss of the b&b facility. If the proposed development went ahead would this really be a suitable place for campers to stay in such close proximity of a noisy factory with extensive operating hours and HGV's moving around the site?
 - Impact on tourism,
 - Concerns about impact on dark sky,
 - Lack of public transport,
 - To allow an industrial and manufacturing development on this scale on this site would be an appalling decision. Manton (and Wing) already have three nearby industrial sites (Manton Station, Lyndon, Anglian Water Treatment plants) serviced by many vans and large vehicles,
 - Potential surface water pollution,
 - Adverse impact on views across the Chater Valley,
 - Adverse visual impact on users of the public footpaths and bridleways,
 - Adverse impact on the setting of Rutland Water,
 - Oakham has a perfect area for businesses to locate and grow near business amenities - the area around Screwfix and M&S has been developed for this,
 - Concerns about scale and ridge height of proposed buildings,
 - Concerns about air pollution,
 - Detrimental impact on residential amenity,
 - Industrial development in this area will appear incongruous,
 - Contrary to policy and the Rutland Landscape Character Assessment,
 - Impact on water supply,
 - safety during construction,
 - Electricity supply,
 - Concerns about new landscaping and planting,
 - Refuse storage and sanitation and location of bin storage,
 - Adverse impact on tranquil countryside location,
 - This proposal is immediately next to the internationally famous Rutland Water SSSI, SPA and RAMSAR site, a sensitive location on which this proposal will have an adverse impact.
 - Adverse impact on trees in the garden of the neighbouring property

Conclusion

61. Based on the above information and subject to the proposed conditions it is considered that the proposed development complies with all relevant national and local planning policies and would not have an adverse impact on the character and appearance of this countryside location or on the residential amenity of nearby neighbours. Natural England has raised no objections to the proposal and subject to conditions it is considered that the development will not have an adverse impact on the local wildlife or Rutland Water SPA, SSSI, Ramsar site. The development is therefore recommended for approval.



Accommodation (GIA):

Upholstery	(Existing)	203.00 m ²
Upholstery Storage	(Existing)	272.3 m ²
Assembly & Dispatch	(New)	446.5 m ²
Storage	(Existing)	208.4 m ²

Parking Schedule

Cars	20	1 per 60 sqm
HGV's	3	1 per 400 sqm
Cycles	3	1 per 400 sqm

Site Area: 10801sqm

Legend:

- Existing Units
- Existing handstanding
- Handstanding (New)
- Block Pavers
- Existing grass
- New grass
- Existing gravel
- New hedge planting to screen site
- Demolished / removed
- Previous Buildings, since removed. 739 sqm

Revision Notes:

07.08.23	Rev F6	Dust extraction units repositioned	MFB
22.08.23	Rev F5	Use of HGV bays reduced	MFB
04.08.23	Rev F4	Process reduced - with building removed	MFB
29.06.23	Rev F3	Southern building proposed & re-clad	MFB
		New building proposed	MFB
		New back element reduced	MFB
		Enhanced screening accordingly	MFB
18.01.23	Rev F2	Site entrance overhauled. Additional planting shown. Building site reorganised.	MFB
05.10.22	Rev P1	Road line amended	MFB
		Footpath & P1 added to roads	MFB

PLANNING

hssp architects

Pera Business Park, Nottingham Road
Melliton Mowbray, LE13 0PB
Telephone: 01454 543 288 Fax: 01454 543 300
E-Mail: info@hssparchitects.co.uk Web: www.hssparchitects.co.uk

Project:
Relocation of Willowbrook Educational commercial premises to:
Pheasants Road
Lyndon Road, Manton

Proposed Site Plan

Scale:	1:200	Drawn:	K3	Checked:	-	Date:	June 2022
Drawing No:	8589_03_01	Revision:	P6	Author:	-	Date:	-

HSP AG

This page is intentionally left blank

Application:	2023/0991/FUL	ITEM 2	
Proposal:	Section 73 application to vary Condition No. 2 (Approved Plans) on Planning Permission ref: 2021/1268/FUL - Residential Development of 11 no. Dwellings. Amendments include the change of dwelling type on Plots 9 & 11 and adjustment on site of Plot 10. Plot 11 to change to a bungalow, requiring alteration to Plot 10 garden and variation to house type on Plot 9.		
Address:	River Gwash Trout Farm, Belmesthorpe Lane, Ryhall		
Applicant:	Simon Boon Homes Ltd	Parish	Ryhall
Agent:	Mr John Trotter Wythe Holland Ltd	Ward	Ryhall and Casterton
Reason for presenting to Committee:	Previous Committee Item/Departure from Development Plan		
Date of Committee:	27 February 2024		
Determination Date:	25 December 2023		
Agreed Extension of Time Date:	29 March 2024		

EXECUTIVE SUMMARY

Planning permission was granted last year for 11 dwellings. The site is adjacent to the Planned Limits of Development for Ryhall and accommodates trout lakes. Following a re-evaluation of the business, the lakes are no longer needed, and the site requires an alternative use. The principle of development has been established by the previous permission, and the changes to the proposal are acceptable on the grounds of visual amenity, residential amenity, highway safety, ecology, and drainage. An Affordable Housing Provider has not been found to take on the 3 units previously approved. Changing two of the three units to a First Homes scheme and seeking a commuted sum for the third is considered to be reasonable for this site. Approval is recommended subject to conditions and a new Section 106 legal agreement.

RECOMMENDATION

APPROVAL, subject to a Section 106 legal agreement, and the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

01B Location Plan
02D Block Plan
03E Block Plan
04D Block Plan
05D Block Plan
06B Plot 1 Elevations and Floor Plans
07A Plots 2 and 3 Floor Plans
08B Plots 2 and 3 Elevations
09A Plot 4 Floor Plans
10B Plot 4 Elevations
11B Plot 5 Floor Plans

12A Plot 5 Elevations
13B Plot 6 Floor Plans
14B Plot 6 Elevations
15B Plot 7 Floor Plans
16A Plot 7 Floor Plans
17A Plot 7 Elevations
18B Plot 8 Floor Plans
19B Plot 8 Elevations
20C Plot 9 Floor Plans
21C Plot 9 Elevations
22C Plot 10 Floor Plans
23C Plot 10 Floor Plans
24A Plot 10 Elevations
25C Plot 11 Floor Plans
26C Plot 11 Elevations
27C Affordable Housing Location Site Plan
28B Plots 8, 9 and 11 Garage Plans
DWE/2794/01 Surface Water Drainage Strategy

Reason: For the avoidance of doubt.

3. Prior to the commencement of any above ground development, the following details to be used in the construction of the dwellings hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details prior to the first occupation of the relevant dwelling.

- Sample/details of all external walling materials
- Sample/details of all external roofing materials
- Details of coursing of the walling materials
- Details of all doors and windows, dormer windows and rooflights
- Details of window reveals
- Details of garage doors
- Details of rainwater goods
- Details of cills, lintols and door hoods

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. Notwithstanding the details submitted and prior to the commencement of any above ground development, details of all boundary treatments, to include boundary treatment to separate the buffer zone from private gardens, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved details prior to the occupation of each relevant dwelling and will thereafter be so maintained. At no point will the area highlighted on the approved plans as the buffer zone be incorporated into any domestic garden and shall remain solely as an ecological buffer zone.

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

5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection

which shall comply with the recommendations set out in the British Standards Institute publication BS 5837: 2012 Trees in Relation to Construction.

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

7. 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), all bathroom, en-suite and w.c. windows shall be glazed in obscure glass to a level equivalent to Pilkington Level 3 or above 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 and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

8. Prior to the first occupation of the development hereby approved, details (including location and timeframe for installation) of bat and bird boxes, external lighting and hedgehog homes and fences to be installed on the dwellings or in the grounds in suitable positions, shall be submitted to and agreed in writing by the local planning authority. The agreed boxes, fences and homes shall be installed in accordance with the approved details prior to first occupation of the relevant dwelling hereby approved and thereafter retained.

Reason: Reason: In the interests of the protection of wildlife and their habitat and to comply with Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.

9. Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings 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 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

10. Off-site highway works shall be completed in accordance with the details shown on the approved plans prior to first occupation of any dwelling hereby approved.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

11. Prior to the first use of any external lighting/floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

12. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority and thereafter fully implemented.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

13. All private vehicular and pedestrian accesses shall be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

14. The proposed principal junction with the existing public highway shall be constructed up to and including at least road base level and be available for use prior to the commencement of any development including the delivery of materials.

Reason: To ensure that the junction is available for use at the outset in the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

15. No dwelling shall be occupied until the access road linking that dwelling to the public highway has been completed to a minimum of base course level and footways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the access road serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The access road shall thereafter be completed in accordance with the approved timetable and phasing plan.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

16. Prior to occupation of any individual dwelling the associated vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plans and kept free of any obstructions over 600mm in height above ground level.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

17. Vehicle to vehicle visibility splays as shown on the approved plans shall be provided at the new junction on to Belmesthorpe Lane prior to first use of the road and thereafter maintained and retained free from any obstructions over 600mm in height above ground height.

Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

18. The developer shall contact the Local Highway Authority to agree the extent of a pre-condition highway survey and carry out a joint inspection of the condition of the public highway before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection shall take place on completion of the development.

Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

19. No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following: -

- a) A scheme for 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 during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers 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 immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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 of the Adopted Rutland Local Plan - Site Allocations and Policies Development Plan Document 2014.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

21. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

Notes to applicant

Highways

Street 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-nameand-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.

Pre-Commencement Highway Survey

Prior to the commencement of any work on the site, a joint inspection of the existing public highway, extent to be agreed once a haul route is agreed to within the CMP, should be carried out with the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at nil cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

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 from our website and any queries can be emailed to highways@rutland.gov.uk

Off-site Highway Works - Section 278 Highways Act 1980

The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email highways@rutland.gov.uk for further details.

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

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

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

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

CIL

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

Anglian Water

- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

- Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Site & Surroundings

1. The site is located on the western side of Belmesthorpe Lane to the south and east of the main parts of the village of Ryhall. The site is narrower to the east where the vehicular access joins the highway before widening out to run adjacent to the River Gwash.
2. The site forms part of the larger River Gwash Trout Farm and accommodates a portal framed agricultural building of 140 square metres and 13 rectangular fishponds.
3. There is housing abutting the north-eastern boundary of the site, the highway runs along the eastern boundary with the cemetery and sewage works beyond, sporadic housing to the south and the River Gwash to the west.

Proposal

4. The proposal comprises the erection of 11 dwellings. Plot 1 would front towards Belmesthorpe Lane with the vehicular access to the south. Plot 2 would face towards the access road with Plots 2-11 fanned around the turning area at the end of the access road.
5. A mix of housing is proposed and comprises single and two-storey dwellings, and an ecological buffer is included between the rear garden boundaries and the River Gwash.
6. The current Section 73 application seeks to vary condition 2, changing the approved plans, as set out below.
 - 02B Block Plan changing to 02D Block Plan
 - 03B Block Plan changing to 03E Block Plan
 - 04C Block Plan changing to 04D Block Plan
 - 05C Block Plan changing to 05D Block Plan
 - 17 Plot 7 Elevations changing to 17A Plot 7 Elevations
 - 20B Plot 9 Floor Plans changing to 20C Plot 9 Floor Plans
 - 21A Plot 9 Elevations changing to 21C Plot 9 Elevations
 - 22B Plot 10 Floor Plans changing to 22C Plot 10 Floor Plans
 - 23B Plot 10 Floor Plans changing to 23C Plot 10 Floor Plans
 - 25B Plot 11 Floor Plans changing to 25C Plot 11 Floor Plans
 - 26B Plot 11 Elevations changing to 26C Plot 11 Elevations

- 27B Affordable Housing Location Site Plan changing to 27C Proposed Site Plan Affordable Housing Location Plots 1, 2 & 3
7. These amendments propose changing Plot 11 from a two storey 4 bed house to a 3 bed bungalow, which then require an alteration to the garden area of Plot 10 to accommodate this, and a variation of house type for Plot 9.
 8. Additionally, Plots 1, 2 & 3 at the front of the site are proposed to change from affordable housing units to First Homes for Plots 2 & 3, and a cummuted sum for Plot 1 to cover the change to market housing.
 9. The approved and proposed block plans are attached as Appendix 1 & 2.

Relevant Planning History

2021/1268/FUL - Residential Development of 11 no. Dwellings. - Approved 23/06/2023

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 Achieving Sustainable Development
 Chapter 5 Delivering a Sufficient Supply of Homes
 Chapter 11 Making Efficient Use of Land
 Chapter 12 Achieving Well Designed Places

Core Strategy DPD (2011)

CS01 Sustainable Development Principles
 CS02 The Spatial Strategy
 CS03 The Settlement Hierarchy
 CS04 The Location of Development
 CS08 Developer Contributions
 CS10 Housing Density & Mix
 CS11 Affordable Housing
 CS19 Promoting Good Design
 CS21 The Natural Environment

Site Allocations and Policies DPD (2014)

SP1 Presumption in Favour of Sustainable Development
 SP5 Built Development in the Towns and Villages
 SP6 Housing in the Countryside
 SP9 Affordable Housing
 SP15 Design and Amenity
 SP20 Biodiversity and Geodiversity Conservation

Supplementary Planning Documents

Design Guidelines for Rutland
 Planning Obligations
 First Homes Informal Planning Guidance

Officer Evaluation

Principle of Development

10. While the principle of development has been established through the extant planning permission last year, this is a significant material planning consideration weighing in support of the development. Notwithstanding this set out below is the analysis and rationale that lead to the previous approval for residential development of the site.
11. The application site is located outside but immediately adjoining the planned limits of development of the village. The emerging Local Plan has this site included within an updated Planned Limits of Development; however, this is not yet adopted and therefore does not carry any material weight. Policy CS4 of the Core Strategy and policy SP6 of the Site Allocations and Policies Development Plan Document restrict development outside the planned limits of the villages to those types of development suitable to a countryside location, with the proposed use not being of a class supported by those policies.
12. The principle of the development is therefore contrary to the policies set out in the development plan. Further consideration however must be given to the matter of principle in relation to both material considerations relevant to the scheme, and the position of the Local Planning Authority in respect of the five-year housing supply.
13. Until the 31st December 2022 the Local Planning Authority accepted that it was unable to demonstrate a five-year housing land supply, and that the tilted balance set out in paragraph 11(d) of the National Planning Policy Framework (2021) was activated. After the 31st December, the Local Planning Authority produced a 9-month update to the Five-Year Land Supply & Developable Housing Land Supply Report, which concluded that it could demonstrate a 6-year housing land supply, and therefore the tilted balance was no longer engaged.
14. The previous committee report referred to an appeal decision APP/A2470/W/22/3301737 (March 2023) for a different housing site. This appeal decision noted at paragraphs 21-26 that the Inspector considered some of the housing provision set out in the 9-month update could not be relied upon, concluding (at the time) as a result that the demonstration of a five-year housing land supply was brought into considerable doubt and therefore reverting back to the position that the Local Planning Authority cannot demonstrate a five-year housing land supply.
15. The Planning Inspector then further considered the matter of policies CS4, CS9 and SP6, with these policies identified in the Statement of Common Ground at that appeal as being out of date. The Inspector noted that in the absence of any further evidence on the matter from the Local Planning Authority regarding this position changing, the key policies remained out of date and did not serve to boost housing supply and therefore considered the tilted balance to be engaged in this respect.
16. Since this appeal, an updated Five Year Housing Land Supply assessment has been undertaken, and prepared using the latest housing need figures (which used updated government data). This report concludes that the council does have a deliverable 5 year supply; however, without the continuous and ongoing supply of sites provided by an adopted Local Plan it is important to continue to take a positive approach to applications which are considered to be appropriate and deliverable to maintain an ongoing five year supply.
17. With regard to the other matter in respect of the tilted balance, the Local Planning Authority considers the following. Policy CS9 is not a key policy for the determination of planning applications and therefore cannot be used to engage the tilted balance as set out in paragraph 11(d). Policy SP6 seeks to restrict development in the wider countryside

beyond the planned limits of development of the villages to that which is necessary to be so located. Paragraph 84 of the National Planning Policy Framework seeks to similarly restrict development in the countryside and therefore the Local Planning Authority considers that policy SP6 is not out of date and does not trigger the tilted balance.

18. Policy CS4 categorises the settlements within the county based on their sustainability criteria. It anticipates levels of development within the settlements up until 2026 and sets out an expected hierarchy within which development of certain types are likely to be acceptable based on an assessment of their sustainability and service provision. This approach is considered to be in accordance with that set out within paragraph 83 of the National Planning Policy Framework and despite the Inspector's findings in the aforementioned appeal decision there is no evidence to demonstrate that this approach is insufficient to ensure development of an appropriate number of houses to maintain the five-year housing land supply.
19. On the basis of the above assessment and acknowledging that the Planning Inspector's decision is a material consideration in respect of determining planning applications, the Local Planning Authority considered that the tilted balance is not engaged in respect of the age of the relevant planning policies or their compliance with the National Planning Policy Framework as a whole.
20. Notwithstanding the above conclusion in respect of the tilted balance, the Local Planning Authority has a duty to ensure it has a five-year supply of housing land for development. In ensuring the security of that five-year housing land supply, the Local Planning Authority must be conscious of the need to approve a sufficient number of schemes in sustainable locations to ensure that in the period up to the adoption of a new local plan, the housing land supply figure does not again fall below five years.
21. In respect of the current scheme there are several factors to weigh in the balance. In preparing a new Local Plan, the Local Planning Authority would consider the allocation of sites beyond the current planned limits of development of the towns and villages, likely incorporating those sites within re-drawn planned limits.
22. The application site was previously submitted for consideration within the withdrawn Local Plan, and a detailed site assessment was undertaken at that stage in respect of its suitability for allocation as a housing site within that plan (H1.15). In that assessment the site scored highly in terms of abutting the boundary of a Local Service Centre, being in close proximity to local services and facilities and being developable within a short time frame. No barriers to development were identified in this assessment. That assessment concluded that the site was suitable enough for inclusion within the that Local Plan as a proposed allocation.
23. The application is made in full, and the consideration of it in respect to provision of dwellings for the five-year housing land supply is therefore that it will commence delivering completions on site within year 3 rather than year 4 which would be the case if the scheme were in outline. This is a material factor in the consideration of the application.
24. As such, there is some conflict with policies with the site being beyond the settlement boundary as defined in the current Local Plan but is well related to the boundary (which is updated in the emerging plan to include this site). The site is not classed as previously developed under the definition in the NPPF; however, it has been operating as a trout farm for several years, accommodates an established vehicular access, large farm building and has a managed appearance with the formality of the rectangular bodies of water.
25. A convincing case has been provided in support of the application to demonstrate use of the site cannot viably continue as a trout farm. The owners are reorganising their business for financial, business and operational reasons and state that whilst the site has operated

for 25 years, nationally the sector is in decline, the site is supplied by water from the River Gwash which suffers from seasonal parasite problems that have worsened over the last decade to the extent that production during the warmer months is not now viable and that the operation would continue at their other site.

26. The principle of development is therefore a finely balanced consideration. This site previously scored positively on the assessment criteria used to assess the suitability of sites for allocation in the local plan review (now withdrawn). The site was allocated in that document before it was withdrawn in light of the St George's Garden village proposal.
27. The Council acknowledges the recent lack of 5-year housing land supply and the need to continue to ensure it has a 5-year supply until the matter is addressed in the long-term through the new local plan. Consequently, it is considered in this instance, given the previous support for the site in the local plan process, the site is classed as a preferential location for development in a sustainable location that will help to secure the 5-year housing supply in the longer term.
28. In this regard, it was also a relevant consideration at the time of the previous application that the proposal complied with the Adopted Interim Position Statement for Housing Development in that the application is submitted with full details of the proposed development and not in outline with a number of matters reserved, that the site is deliverable within a short timeframe, the site is sustainably located, of a scale and density appropriate to the settlement and the scale of the development will make a notable contribution towards housing supply over the five-year period.
29. On this basis, the proposal is supported in terms of the principle of development.

Housing Density

30. The site area comprises 0.494 hectares and 11 dwellings are proposed; this equates to a density of development of 22.67 dwellings per hectare. Whilst this is below the sought 30 dwellings per hectare each case must be considered on its merits. The site is irregularly shaped with a narrow entrance and a buffer is required adjacent to the River Gwash. Taking these factors into account, it is considered in this instance a lower density of development would be acceptable. Furthermore, as the site occupies an edge of settlement location, the transition between countryside and settlement can be more satisfactorily achieved visually through a less intensive form of development.

Design changes to approved scheme

31. The proposed design alterations to the scheme are relatively minor in nature in the context of the overall scheme. The changes are located in the southern section of the site. The main change is Plot 11 switching from a two-storey 4-bed property to a 3-bed bungalow with a hipped roof. It would have a larger footprint on site than the approved two storey house but would be sited further south and would have a reduced overall scale. This change is acceptable.
32. This amendment has a knock-on effect for the adjacent two plots, with the Plot of the bungalow increasing by taking some of the garden of plot 10, which in turn slightly alters dwelling 10's position. Finally, the house type of Plot 9 is changing - both of these changes are also minor in nature and acceptable and would comply with Policies CS19 and SP15.

Housing Mix

33. The housing mix was previously considered acceptable in providing 2, 3, 4 and 5-bedroom properties, a single storey dwelling and three affordable houses (2 x 2 bed, 1 x 3 bed). The only change in this regard is to the affordable housing mix, which is considered below.

Affordable Housing/First Homes/commuted sum

34. As previously approved Plots 1, 2 & 3 were to be affordable housing units. This is now proposed to be changed to First Homes for Plots 2 & 3, while a commuted sum payment would be required to account for the change of Plot 1 to market housing.
35. The justification put forward for this change is that the developer had an understanding with a housing association, but as it only involved 3 properties the association pulled out a few days after the s106 was signed.
36. The current difficult market conditions have resulted in providers seeking larger sites (usually around 15 affordable housing units) in order to make them viable. First Homes is a scheme developed by the Government to provide discounted market sale properties. The Council adopted First Homes Informal Planning Guidance on 24 May 2022 which sets local connection, key worker and income requirements to help to ensure that First Homes meet local need. This would be incorporated into a new Section 106 agreement.
37. There is no public subsidy in the First Homes scheme. They are sold by the developer without the involvement of a registered provider, at a 30% discount from Open Market Value. They are not shared ownership properties, as First Homes are sold freehold at a discount to eligible households without anyone holding onto any separate 30% share. After the initial sale of a property, subsequent sales would be at the 30% discount. This is controlled through the Section 106 agreement.
38. With regard to the commuted sum for Plot one, the applicant has provided build costs/infrastructure costs and land costs for Plot one. These costs would significantly exceed the £250,000 that the government sets as the maximum that a First Home can be sold for, and therefore this option is not viable for this plot. Consideration has also been given to reducing the size of the dwelling, however its size is proportional to its plot, and its scale compliments the adjacent semi-detached properties. The access to it can only be from the new development road, which due to the layout limits this frontage to one plot/house.
39. The proposed changes would require the creation of a new S106 legal agreement. This is considered to be an acceptable alternative under the circumstances, in order to bring the site forward. First Homes falls within the 'affordable housing' definition for planning purposes in the NPPF and would provide a robust alternative to traditional affordable housing. Additionally, given the above, it is also considered that a commuted sum for Plot 1 would be acceptable.

Visual Impact

40. The scheme is considered appropriate to the site and surroundings. Plot 1 would provide a frontage onto Belmesthorpe Lane to be in keeping with the more recent residential development immediately to the north of the site.
41. Within the site, Plots 2 and 3 would provide an active frontage adjacent to the internal access road with the remaining plots fanning around and fronting onto the highway. The dwelling types address the shape of the site with Plots 7 and 10 being L-shaped to reflect the corner nature of those plots. Garages occupy relatively prominent locations; however, these now have steeper pitches to respond better to the proposed dwellings.
42. The proposed dwellings would generally be set off the site boundaries which would reduce their visual impact from outside of the site. Appropriate boundary treatment, to assimilate the development into the bordering countryside, would be subject of a condition. A buffer zone is provided adjacent to the river; this area is beyond the domestic gardens.

43. The proposed house types are considered to be acceptable for the site and surroundings.
44. Overall, no objection is raised on visual grounds and the proposal complies with Policies CS19 and SP15.

Residential Amenity

45. The proposals have been carefully designed to ensure there would be no undue harm to occupiers of existing neighbouring dwellings. The north-eastern corner of the site borders the recent housing development; however, the separation distances and orientation of properties would ensure there would be a satisfactory relationship. No other existing dwelling would be unduly affected.
46. The proposals would result in a satisfactory level of amenity for future occupants. There would be no undue overlooking between properties, sufficient separation distances would be achieved, and adequate private rear gardens would be provided. The changes to the scheme would not alter this position.
47. Overall, the proposal is acceptable on the grounds of residential amenity and the proposal would comply with Policy SP15.

Highway Safety

48. Following revisions during the lifetime of the previous application the Highway Authority had no objections, subject to conditions and informatives. The proposed changes no do alter this position.
49. The proposal would use the existing access into the site and providing parking and turning for each dwelling.
50. Overall, the proposals are deemed acceptable in terms of traffic generation and impact on the local highway network, highway safety and parking provision, in accordance with Policy SP15.

Ecology

51. A preliminary ecological appraisal was submitted with the original application and concluded the trees on site had negligible potential to support roosting bats, the site and surrounds offer suitable foraging and commuting habitat for bat species, the building had negligible potential to support roosting bats and there was no evidence of bats. The report concluded no further bat surveys were required, there was no evidence of barn owls in the building and no further owl surveys were required, a wide range of birds were in the locality but that no further surveys were needed, no badgers or setts were found, the ponds were not suitable for great crested newts and no further surveys for reptiles or voles were needed. The report concluded the site is of moderate ecological potential and would benefit from the opportunity to enhancement through the development.
52. The County Ecologist raised no objection to the original application but sought a barrier to separate the rear gardens with the river buffer zone; this is achieved through a condition. A landscaping scheme would also be imposed to secure native species and an ecological gain. Ecology also have no objection to the proposed changes to the scheme.
53. Overall, the proposal is acceptable on ecological grounds and complies with Policies CS21 and SP19.

Crime and Disorder

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

Human Rights Implications

55. 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)

56. **Parish Council**

The above application has been considered by the Planning Committee, and no objection has been raised.

57. **Highway Authority**

Whilst the building type is changing, the parking requirements don't appear to be changing as a result of the application, which means that the proposal is still in accordance with Rutlands parking policy.

I can't see any significant highways differences between the approved plans detailed under application number 2021/1268/FUL and that now proposed under application number 2023/0991/FUL.

I therefore have no highways objections to the variation of condition 2. Please append all highways conditions and informatives from application number 2021/1268/FUL to any granted consent.

58. **LCC Ecology**

I have no comments to make on these changes as they do not appear to be significant from an ecology perspective.

59. **Public Protection**

No objection

60. **Environment Agency**

No comment to make.

61. **Anglian Water**

No comments

62. **LCC Archaeology**

Do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action.

63. **Forestry Officer**

Request a tree survey, tree retention/removal plans, and tree protection plans all in adherence to BS5837:2012

64. **Housing Strategy**

As this is a section 73 application, great care should be taken in checking whether a new section 106 agreement is required. In any case, the developer has informed me that he intends to use two different forms of affordable housing provision which will require a fresh section 106 agreement.

65. **NHS Leicester, Leicestershire & Rutland CCG**

Impact of new development on GP practice

We acknowledge your letter for the above development which identifies a proposed housing development of 11 dwellings. We note that based on census data 2021, a household averages 2.42 patients per dwelling. The housing development will result in a minimum population increase of 26.62 patients.

Housing developments have known to put additional pressure on healthcare infrastructure and their requirements based in Primary, Community and Secondary Care facilities.

To ensure that the health and well-being of the local community is protected, S106 funding is essential to help mitigate/support the needs arising from an increase in population and is used towards increasing access to these services

Existing local GP provision affected by growth and therefore directly related to the housing development

ICB comment on proposed provision of health care facility within the development

GP Practices are contracted to provide healthcare provision for its registered patients. A practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and Leicester, Leicestershire & Rutland have no practices with a closed list. Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity.

We are requesting healthcare contributions to support the increased population and therefore improve primary care services for the area.

Community Infrastructure Levy requested

The ICB would like Rutland County Council to consider:

The development will generate 26.62 number of patients in the Rutland.

There is limited capacity at the GP practices above and any CIL contribution would be crucial for health infrastructure to support the increase in population.

The practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore both the ICB and the practice would wish for any secured contributions to be released.

66. **Police Architectural Officer**

I have now visited, and have reviewed the proposed development. The Belmesthorpe Lane vehicle access runs along the side of the site. Access leads centrally to toward the west side before internal roads allow access to all areas of the site and their associated dwellings.

Permeability is not an issue in my opinion due to the single vehicle entry point and no circulatory route creating an increased risk of crime.

Vehicle parking is in curtilage to dwellings, which does offer good natural observation. I would recommend consideration of gable end windows were possible to increase the possible natural observation available.

Consideration of the use of CCTV coverage is recommended but, in this case, due to the size and scale of the development may not be required.

Lighting throughout the site including the key vehicle entry point and other key areas such as vehicle parking, walkways and open space as well as water attenuation should be to BS5489. Wheelie bin storage and cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for bins or mode of escape in respect to cycles.

Foliage is recommended to be to a height of 1 m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development. Retention of existing hedgerows is recommended to deter unauthorised access.

GENERAL RECOMMENDATIONS

All door and window sets will be to PAS24 (2022) which is now included in building regulations. There are other considerations such as BS6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

- a) Street lighting columns to BS5489 are recommended.
- b) Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. this can be via planting or manufactured fencing.
- c) Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with Data Protection Act.
- d) Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow clear field of vision.
- e) Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
- f) Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
- g) Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties is appropriate.

- h) Dwellings are recommended to have an alarm system to BS7958 with coverage of garages included where applicable.
- i) Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
- j) An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.
- k) Consideration of Park mark accreditation should be considered in the event of appropriate communal parking within the application.
- l) Consideration of Safe Routes through open space and walkways should account for the use of women and girls.

Neighbour Representations

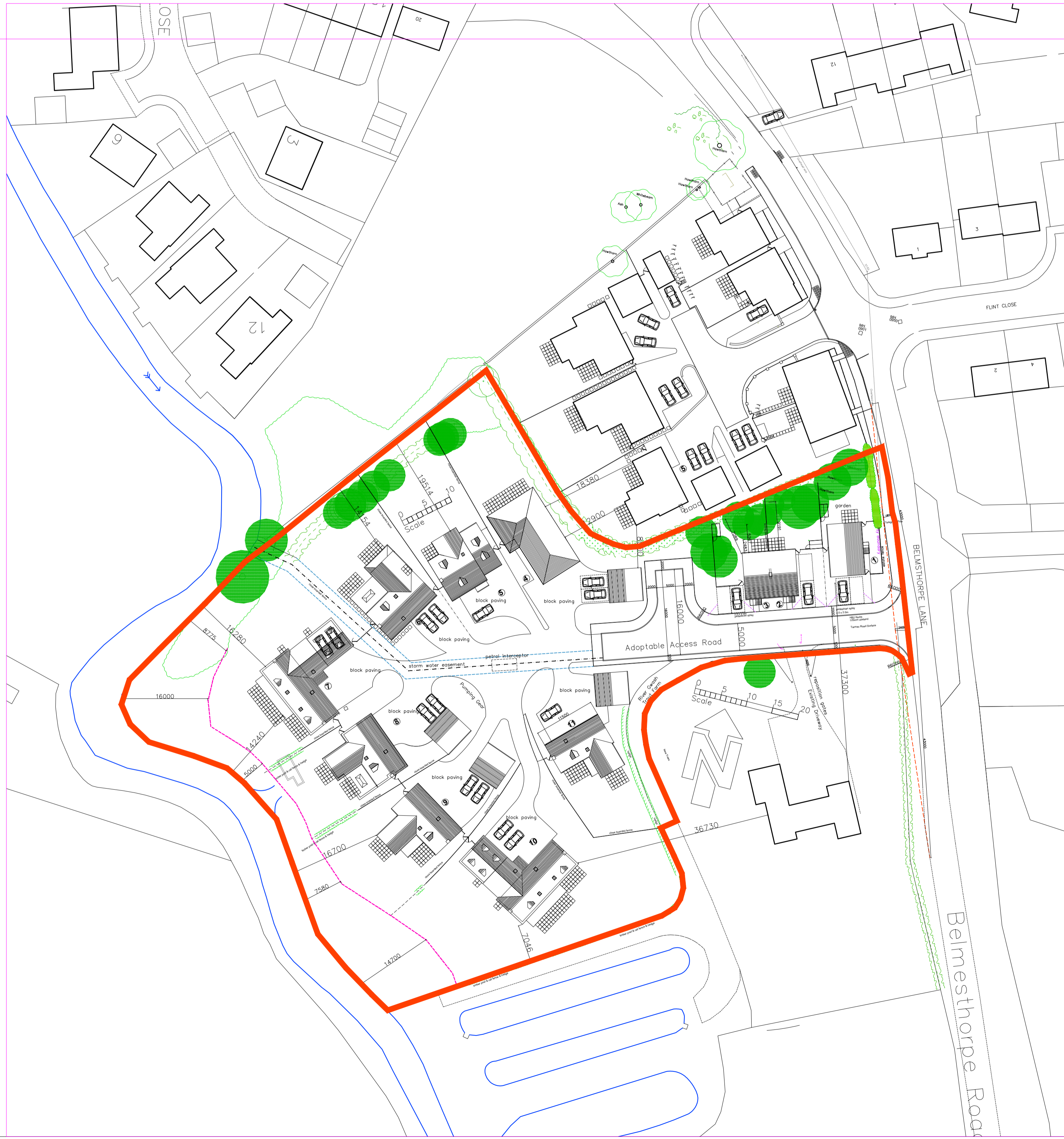
67. No comments received.

Legal Agreement

68. The previous application was subject to a Section 106 legal agreement to secure the provision and occupation of the affordable units. The changes to the scheme in the form of First Homes for Plots 2 & 3 and a commuted sum Plot 1 will require a new Section 106 agreement.

Conclusion

69. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the visual amenities of the site and surroundings, would be acceptable in terms of residential amenity, ecology and highway safety. The changes to the scheme as a result of the Section 73 application does not alter this position or materially diminish the quality of the scheme. The proposal is in accordance with Sections 2, 5, 11 and 12 of the NPPF, Policies CS01, CS04, CS08, CS10, CS11, CS19 and CS21 of the Core Strategy, Policies SP1, SP5, SP9, SP15 and SP20 of the Site Allocations and Policies DPD.



84

Revision	Date		
Copyright Reserved	Do Not Scale Except For Planning	All Dimensions To Be Checked On Site	
Project Residential Development River Gwash Trout Farm Belmesthorpe Lane, Ryhall			
Drawing Block Plan and Strip Elevation			
Wythe Holland Limited			
Chartered Architects Phone +44 (0)1780 757876 www.wytheholland.co.uk		10 Emlyn's Street Stamford, Lincolnshire PE9 1QP mail@wytheholland.co.uk	
Date	Scale	Job No	Drawing No
03.02.23	1:500	2057	02 B



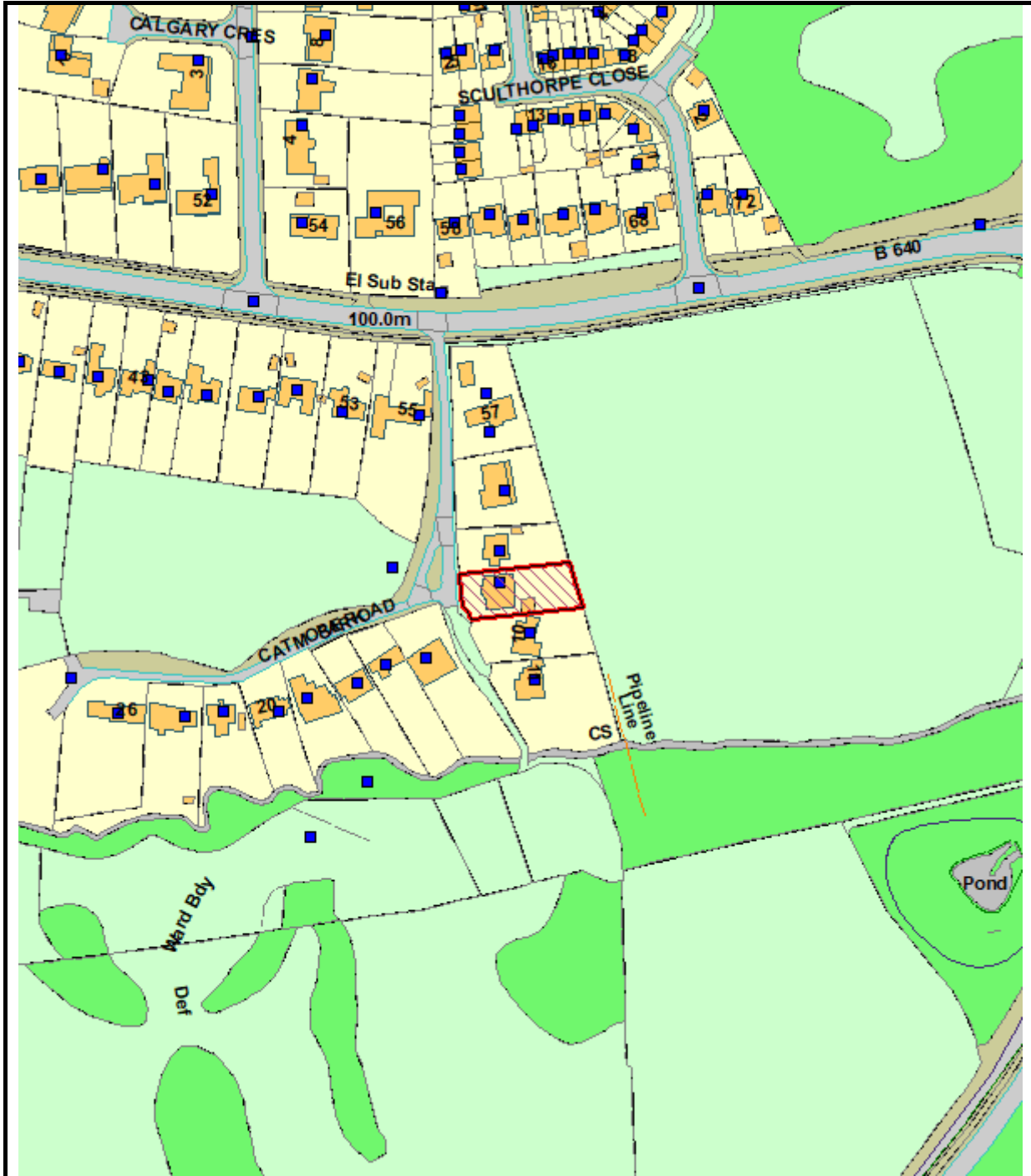
Section Along Access Road



85

Revision	Date		
Copyright Reserved	Do Not Scale Except For Planning	All Dimensions To Be Checked On Site	
Project Residential Development River Gwash Trout Farm Belmesthorpe Lane, Ryhall			
Drawing Block Plan and Strip Elevation			
Wythe Holland Limited			
Chartered Architects Phone +44 (0)1780 757876 www.wytheholland.co.uk		10 Emlyn's Street Stamford, Lincolnshire PE9 1QP mail@wytheholland.co.uk	
Date	Scale	Job No	Drawing No
19.09.23	1:500	2057	02 D

This page is intentionally left blank



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



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/1295/FUL	ITEM 3	
Proposal:	Fabric improvements to dwelling consisting of rendering exterior walls, insertion of roof light to southern elevation and repairs to existing ridge tiles.		
Address:	8 Catmose Park Road, Oakham		
Applicant	Mr Kevin Perrett	Parish	Oakham Town Council
Agent:	Mr Glenn Collingwood Belvoir Architecture	Ward	Oakham South Ward
Reason for presenting to Committee:	Applicant is an Elected Member of the Council		
Date of Committee:	27 February 2024		
Determination Date:	30 January 2024		
Agreed Extension of Time Date:	01 March 2024		

EXECUTIVE SUMMARY

The proposed rendering, rooflights and roof repairs/replacements would not have a detrimental impact upon the character or appearance of Oakham Conservation Area, neighbouring properties, or highway safety.

RECOMMENDATION

APPROVAL, subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
 - Proposed Block Plan – received 05.12.2023.#
 - CP-05 – Proposed Floor Plan – received 05.12.2023.
 - CP-06 – Proposed Elevations – received 05.12.2023.
and the details submitted within the Application Form.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the existing tree at the front of the property, which is subject to a Tree Preservation Order, has been protected by the erection of temporary protective fences (in accordance with BS5837:2012) fully around the grassed area at the front of the property, to create a Construction Exclusion Zone. The protective fences shall be retained throughout the duration of the works, and within this Construction Exclusion Zone the existing ground level shall be neither raised nor lowered and no materials, vehicles, temporary building or surplus soil shall be placed or stored there.

Reason: The tree is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

Informatives

1. The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

Site & Surroundings

1. The application relates to an unlisted, detached dwelling in the Conservation Area of Oakham. The existing materials are facing brickwork. There are no listed buildings close to the site.
2. The dwelling cannot be seen from the entrance to Catmose Park Road due to the screening provided by the mature trees (which are also subject to an Area Tree Preservation Order), and due to the dwelling being set back over 7 metres from the Road.

Proposal

3. Permission is sought to render the existing, insert an additional roof light on the southern elevation, and replace the existing mortar.
4. The plans are attached as an appendix.

Relevant Planning History

FUL/2002/0827 – Construction of two-storey extension and conservatory to rear (east) elevation. Erection of replacement double garage and store.

Planning Guidance and Policy

National Planning Policy Framework

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

Rutland Core Strategy (2011)

SP15 – Design and Amenity

SP20 – The Historic Environment

Site Allocations and Policies DPD (2014)

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

Supplementary Planning Document

Supplementary Planning Document – Design Guidelines for Rutland SPS (2021)

Oakham and Barleythorpe's Neighbourhood Plan

Policy 2 - Delivering Good Design

Consultations

Neighbour and Parish 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)

5. **Oakham Town Council**
No comments or objections
6. 6 Catmose Park Road - Mr and Mrs Dave and Kay Cowgill - Looks like an excellent design and proposal. We fully support.

Planning Assessment

Design & Visual Impact

7. The application proposes to render the existing dwelling in an off-white colour. The dwelling is currently constructed of brick and the rendering of the dwelling would be considered to improve the external appearance of the dwelling.
8. There is already a proposed roof light on the dwelling as existing and as such the proposed additional roof light would not be out of keeping with the existing dwelling. As the roof light is on the side elevation it would not be seen from the front elevation.
9. The dwelling can be partially seen from the eastern side of Stamford Road but given the other dwellings within Catmose Park Road that can be seen from this section of Stamford Road are much larger and more prominent, the proposed development would not have an impact on the setting of Stamford Road. Additionally, Catmose Park Road presents an eclectic street scene, with examples of brick, different types of cladding, and render. Therefore, the proposed external change to the dwelling is not considered to have an impact on the existing street scene or the character or appearance of the Conservation Area.
10. Although there are alterations to the roof, the existing tiles are being retained and re-used. All existing doors and windows will be retained.

Residential amenity

11. The rooflight is proposed on the south elevation which forms the side elevation of the dwelling. There is a roof light already on this elevation as existing. The neighbouring property (number 6) does not have any windows on its upper northern elevation and therefore the additional roof light is not considered to result in any unacceptable overlooking impacts.
12. The proposed development does not increase the existing footprint and as such is not considered to be any overshadowing concerns.

Highway Safety & Parking

13. The proposed development does not impact the existing parking and turning for the property, and due to the small scale of the development it is considered that the

construction vehicles required for the development would be able to park in the drive and not obstruct Catmose Park Road.

Ecology

14. The section of the roof where the rooflight is proposed has already been converted and therefore the presence of bats is unlikely. However, an informative has been added to the decision.

Trees

15. There is a protected tree at the front of the property which is an important feature within the street scene. There is a section of grass at the front of the property which separates the tree from the drive, Whilst the development will not have an impact on this tree, a condition has been added for a construction exclusion zone around the grassed area to ensure that there is no parking or storage of materials on the grassed area close to the tree.

Crime and Disorder

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

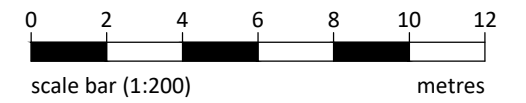
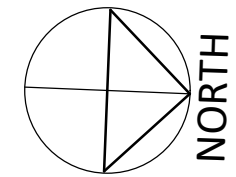
Human Rights Implications

17. 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.

Conclusion

18. Due to the appearance of the proposed development, it would not have a negative impact on the character of the area, neighbouring properties or highway safety. As such, the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9, 12 and 16), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), Supplementary Planning Document: Design Guidelines for Rutland (2021), and Policy 2 of Oakham and Barleythorpe's Neighbourhood Plan. There are no material considerations that indicate otherwise although conditions have been attached.

NOTES:
Dimensions and levels to be verified on site by the contractor.
Any discrepancies are to be notified immediately.
Copyright is reserved by Belvoir Architecture and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent. If in doubt, ask.



BELVOIR
ARCHITECTURE

Telephone: 07787 962823
Email: info@belvoirarchitecture.co.uk
Website: belvoirarchitecture.co.uk

Client:
**8 Catmose Park Road
Oakham
Rutland.
LE15 6HN.**

Drawing Title:
**Block Plan as Existing
and as Proposed**

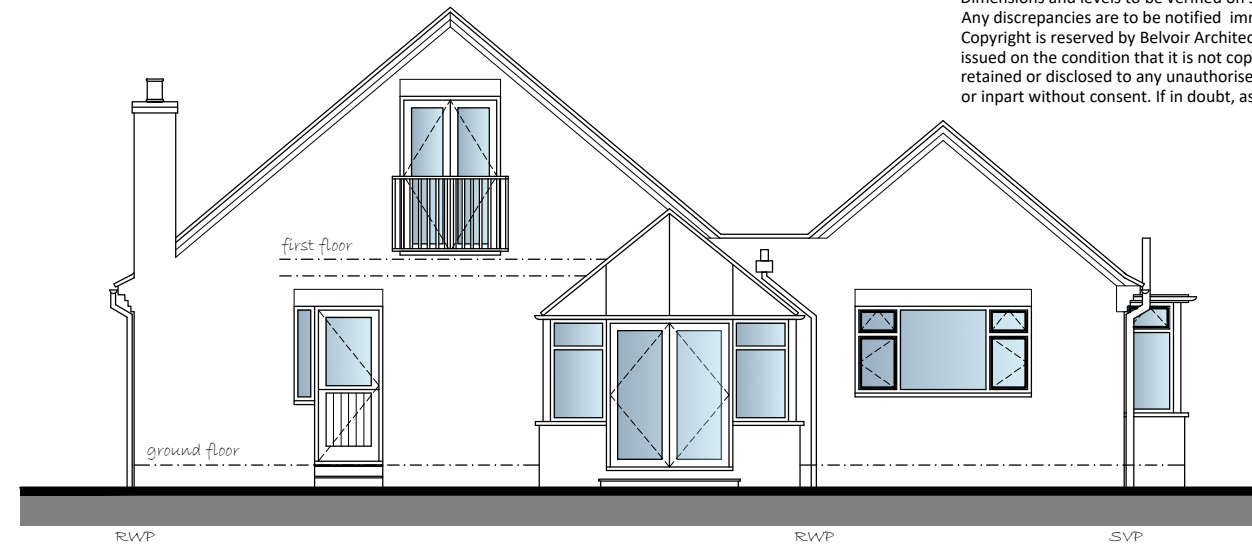
Scale @ A3: **1:100** Date: **07/23**

Drawing No: **CP-02** Revision: **.**

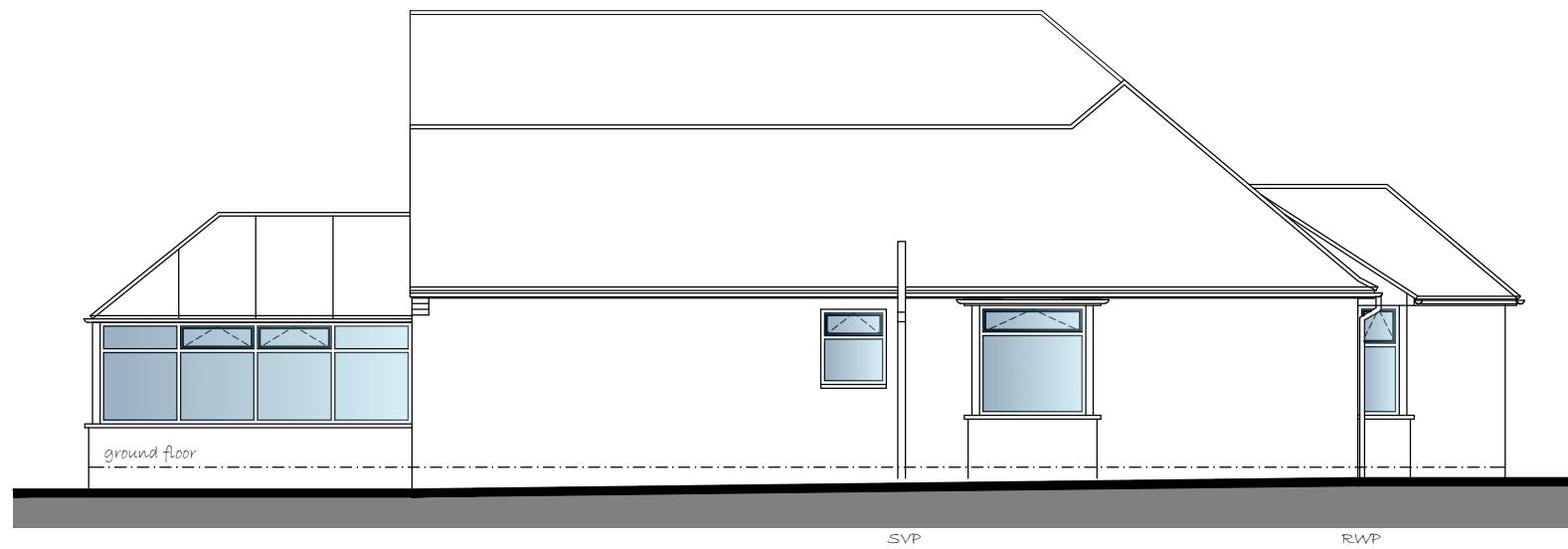
NOTES:
 Dimensions and levels to be verified on site by the contractor.
 Any discrepancies are to be notified immediately.
 Copyright is reserved by Belvoir Architecture and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent. If in doubt, ask.



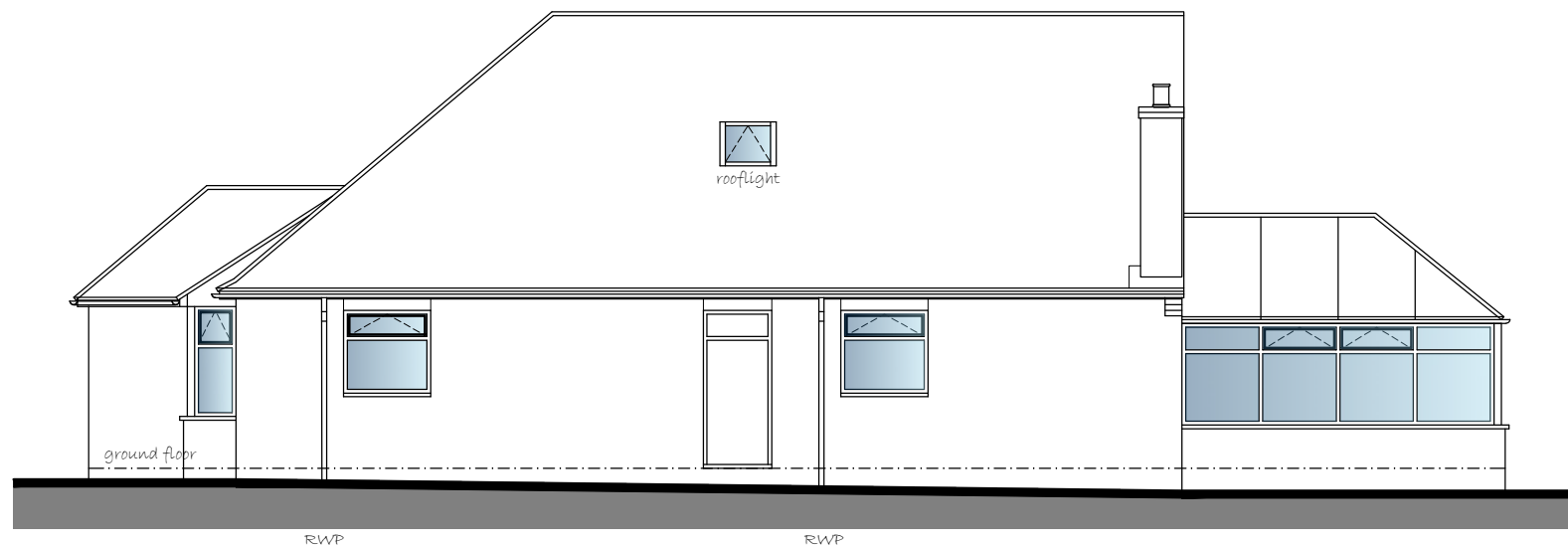
Front (west) Elevation @ 1:100



Rear (east) Elevation @ 1:100

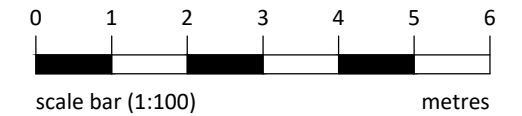


Side (north) Elevation @ 1:100



Side (south) Elevation @ 1:100

93



BELVOIR
 ARCHITECTURE

Telephone: 07787 962823
 Email: info@belvoirarchitecture.co.uk
 Website: belvoirarchitecture.co.uk

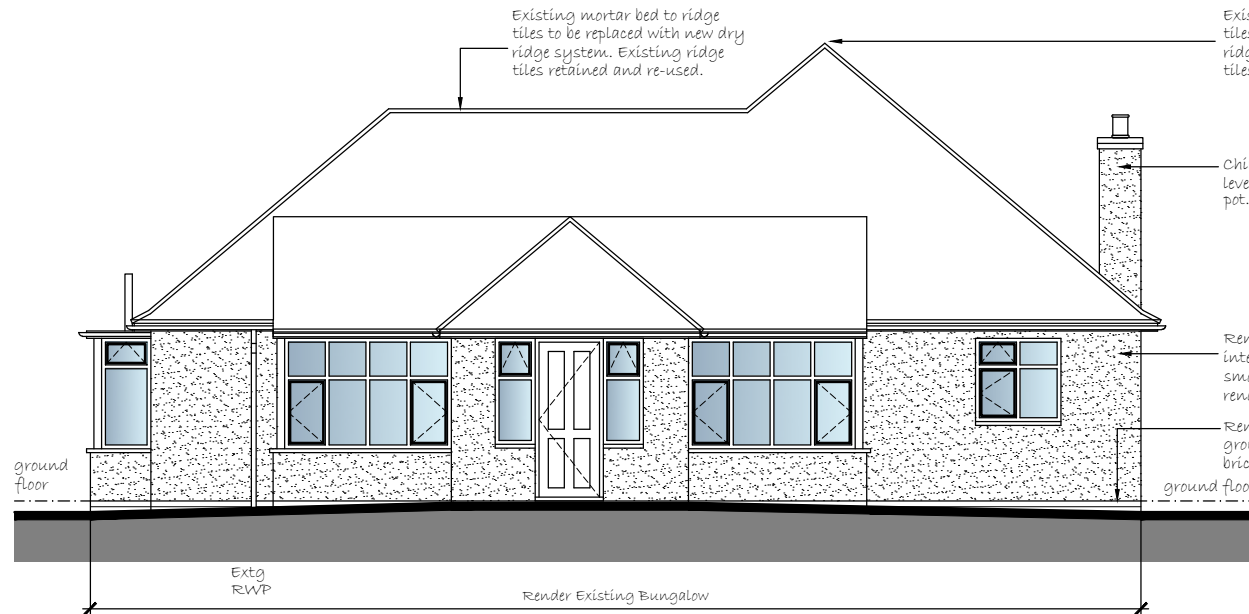
Client:
 8 Catmose Park Road
 Oakham
 Rutland.
 LE15 6HN.

Drawing Title:
 Elevations as Existing

Scale @ A3: 1:100
 Date: 07/23

Drawing No: CP-04
 Revision: .

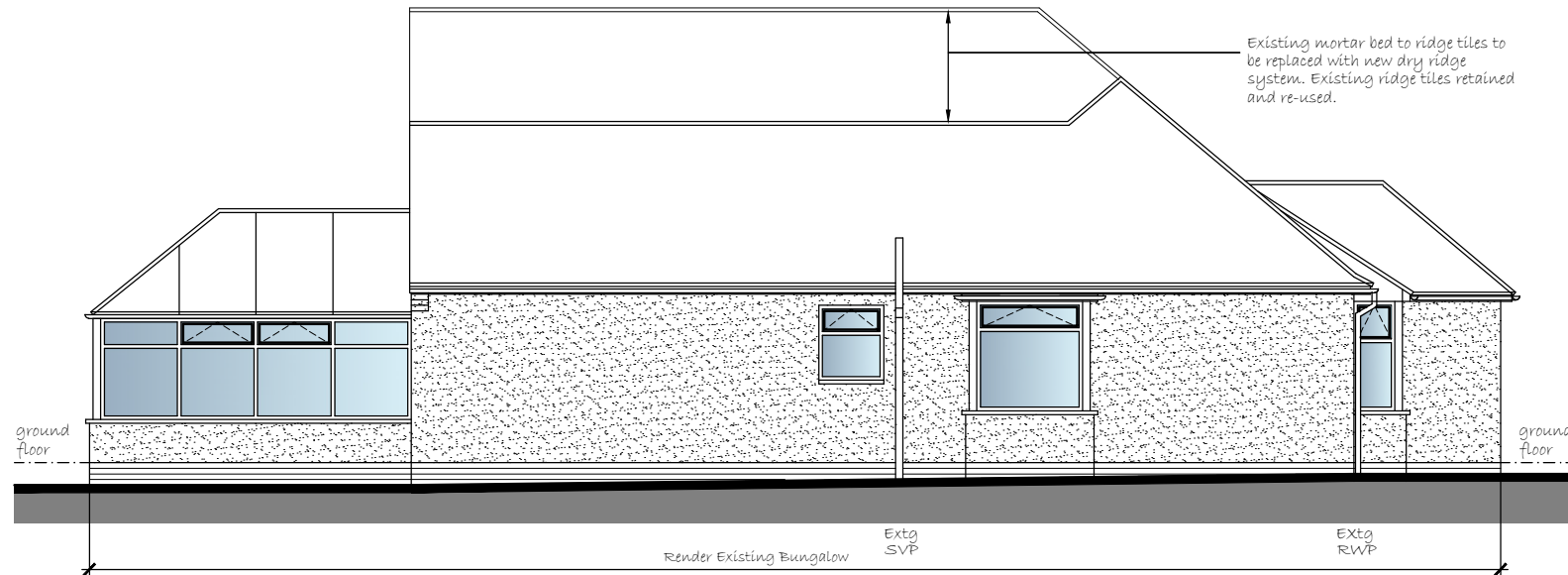
NOTES:
 Dimensions and levels to be verified on site by the contractor.
 Any discrepancies are to be notified immediately.
 Copyright is reserved by Belvoir Architecture and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent. If in doubt, ask.



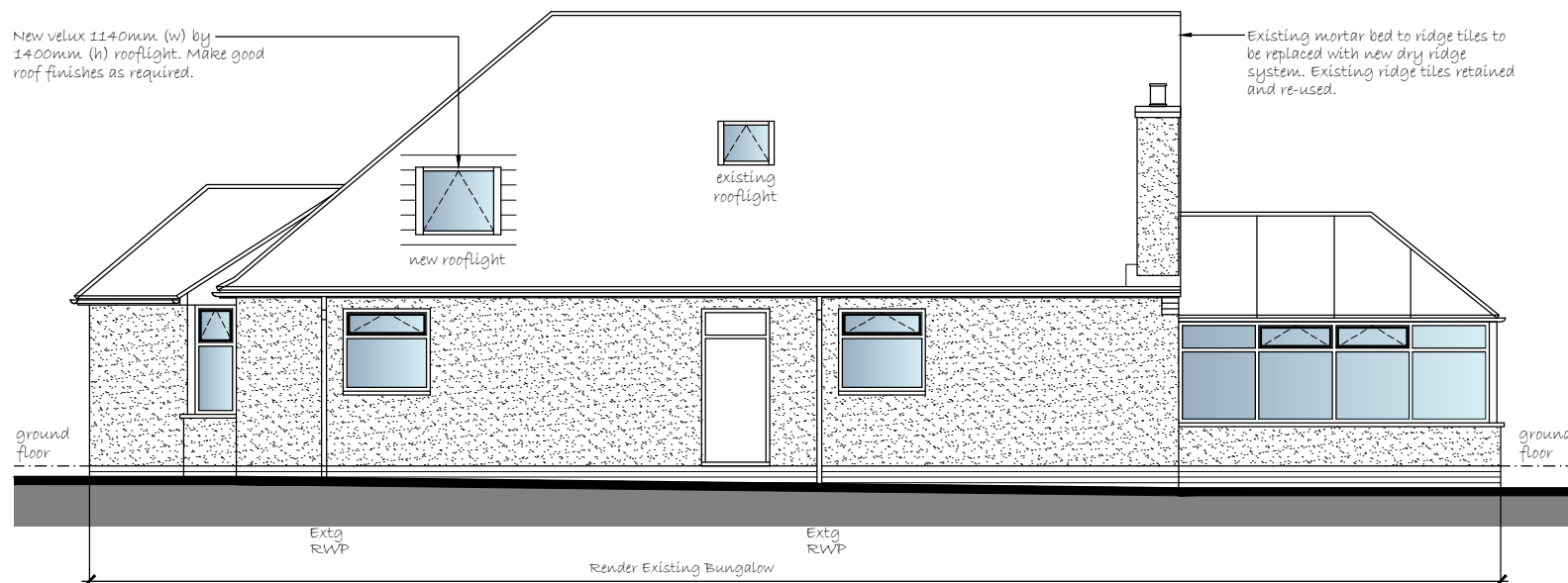
Front (west) Elevation @ 1:100



Rear (east) Elevation @ 1:100



Side (north) Elevation @ 1:100



Side (south) Elevation @ 1:100

ELEVATION NOTES

From internal ground floor level and above provide new through coloured render finish to all elevations covering up all existing soldier courses and verge details.

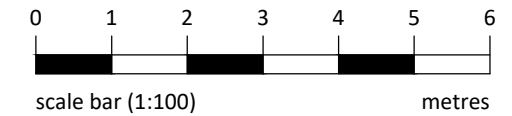
Existing chimneys to receive through coloured render finish to all sides from lead flashing level up to underside of brickwork capping beneath pots.

All render finishes to be off white. System to be by K-Render or equal approved.

All existing external windows and doors to be retained.

All existing gutters, downpipes, fascias and soffits to be retained.

All existing roof tiles to be retained, but ridge to be replaced with dry ridge system utilising existing ridge tiles.



scale bar (1:100) metres



Telephone: 07787 962823
 Email: info@belvoirarchitecture.co.uk
 Website: belvoirarchitecture.co.uk

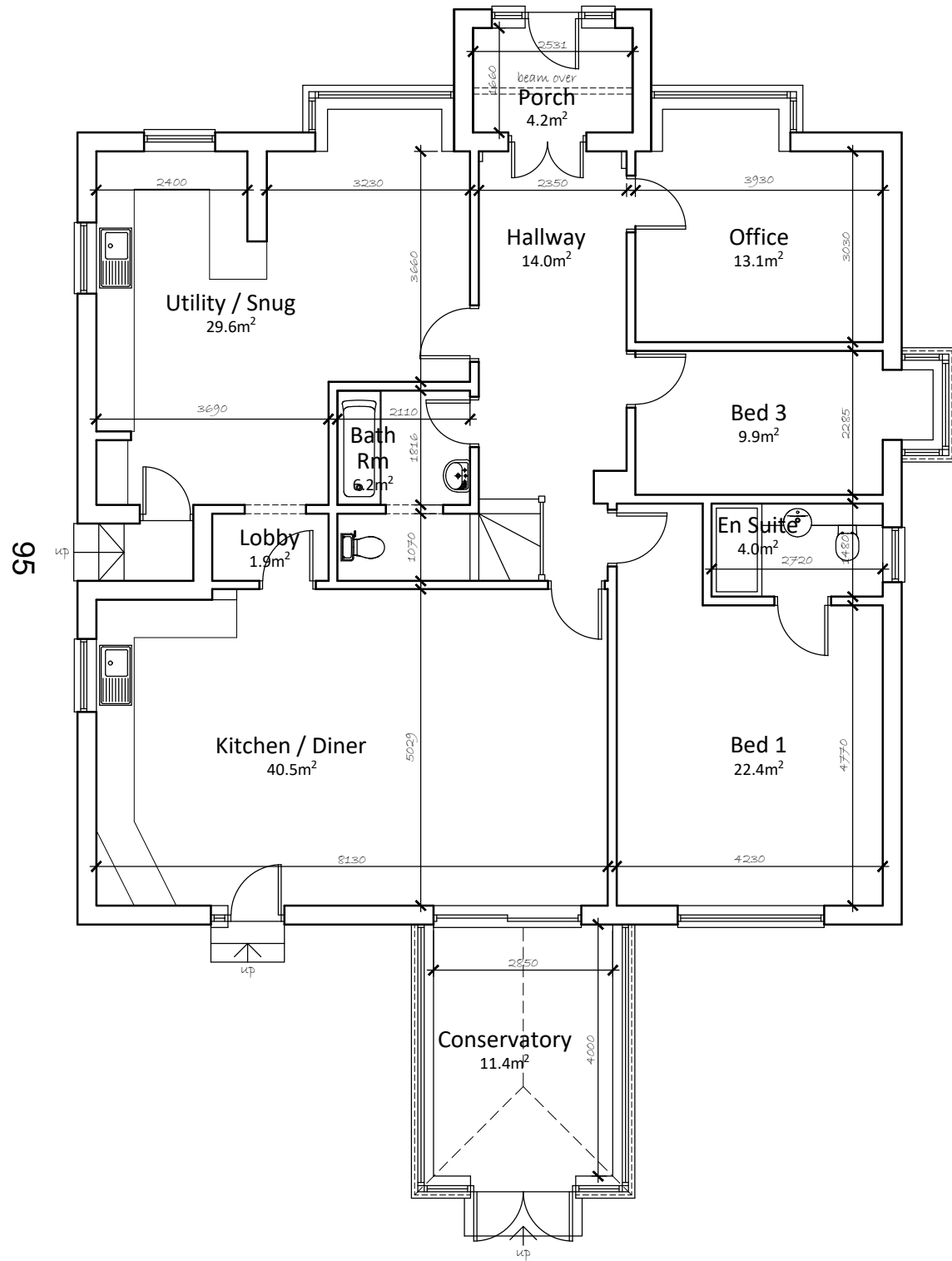
Client:
8 Catmose Park Road
Oakham
Rutland.
LE15 6HN.

Drawing Title:
Elevations as Proposed

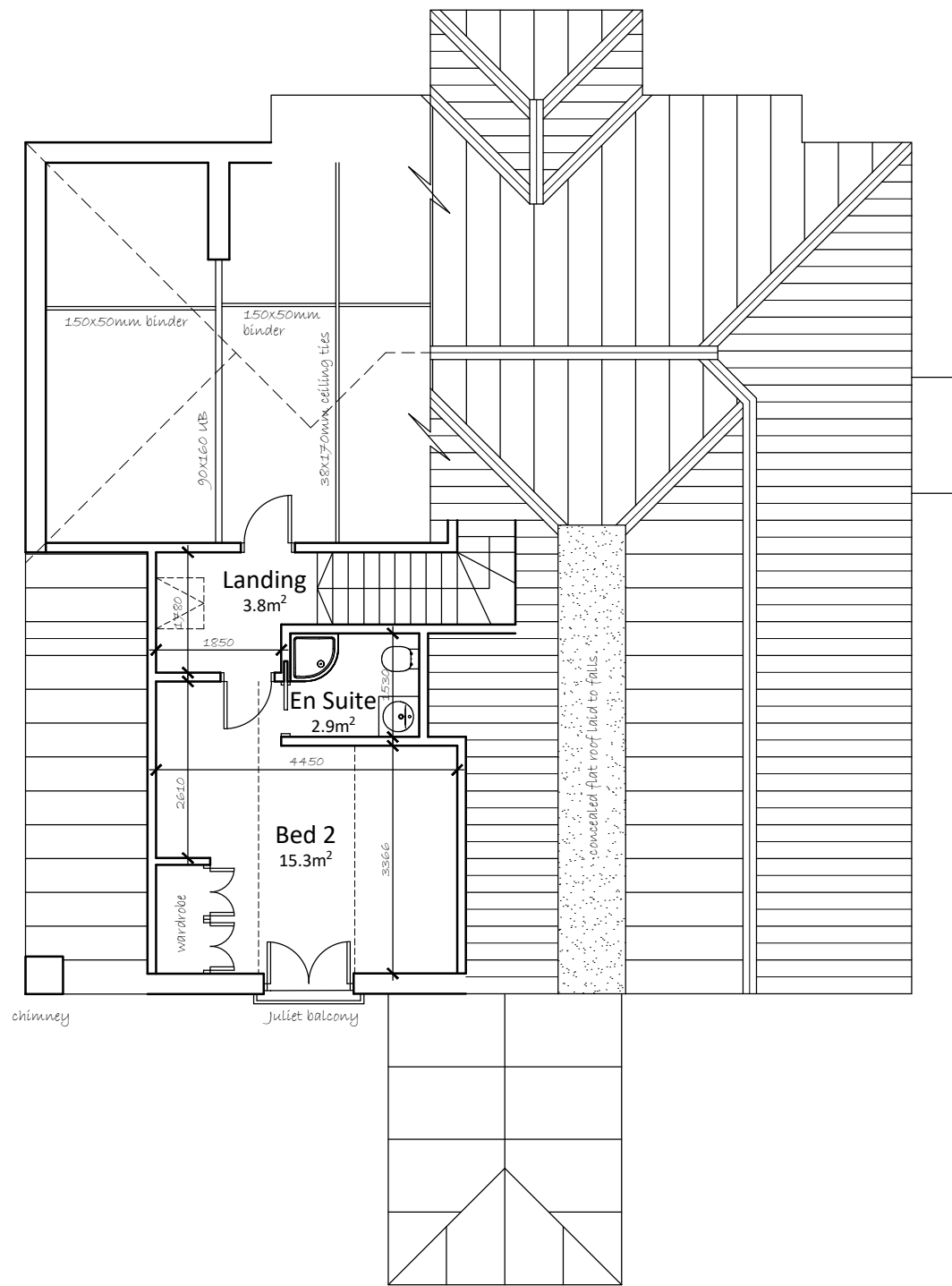
Scale @ A3: **1:100** Date: **07/23**

Drawing No: **CP-06** Revision: **.**

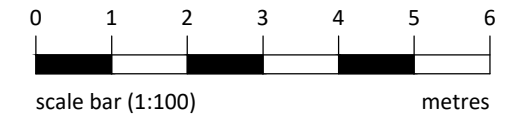
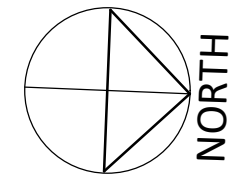
NOTES:
 Dimensions and levels to be verified on site by the contractor.
 Any discrepancies are to be notified immediately.
 Copyright is reserved by Belvoir Architecture and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent. If in doubt, ask.



Ground Floor Plan @ 1:100



First Floor Plan @ 1:100



BELVOIR
 ARCHITECTURE

Telephone: 07787 962823
 Email: info@belvoirarchitecture.co.uk
 Website: belvoirarchitecture.co.uk

Client:
8 Catmose Park Road
Oakham
Rutland.
LE15 6HN.

Drawing Title:
Plans as Existing

Scale @ A3: **1:100** Date: **07/23**

Drawing No: **CP-03** Revision: **.**

NOTES:
 Dimensions and levels to be verified on site by the contractor.
 Any discrepancies are to be notified immediately.
 Copyright is reserved by Belvoir Architecture and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent. If in doubt, ask.

NOTES FOR TENDERERS

Contractor to allow for the following:-

Utility Room

This room is to be finished as a plasterboard and skimmed room with the provision of all electrics and lighting and heating. Switches and light specifications to be agreed with client. Foul waste to be installed and capped 300mm above floor level. The client will install the fixtures and fittings, flooring and decorate the room.

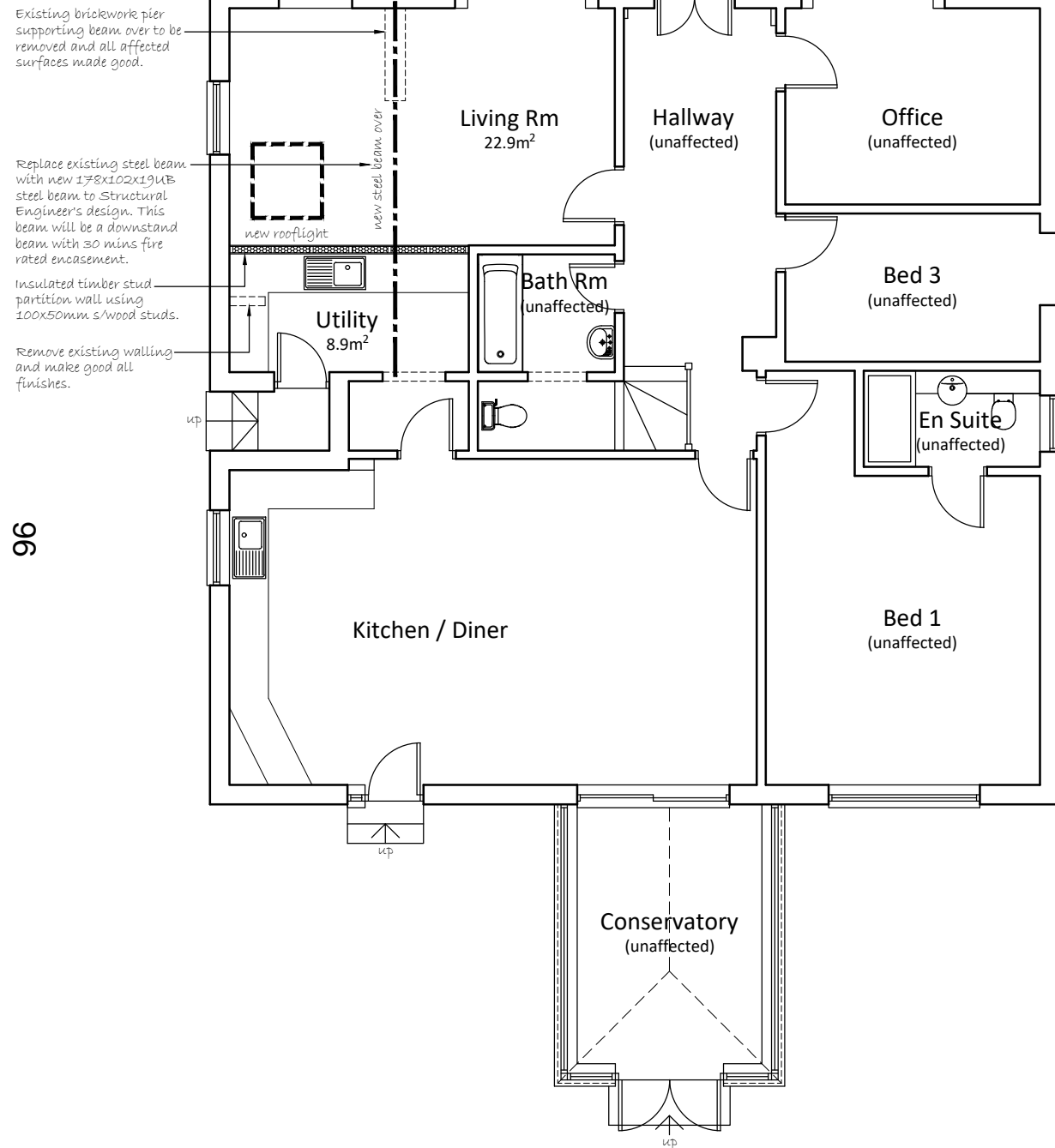
Contractor to allow for complete electrical installation and Part P Certification.

Roof Space

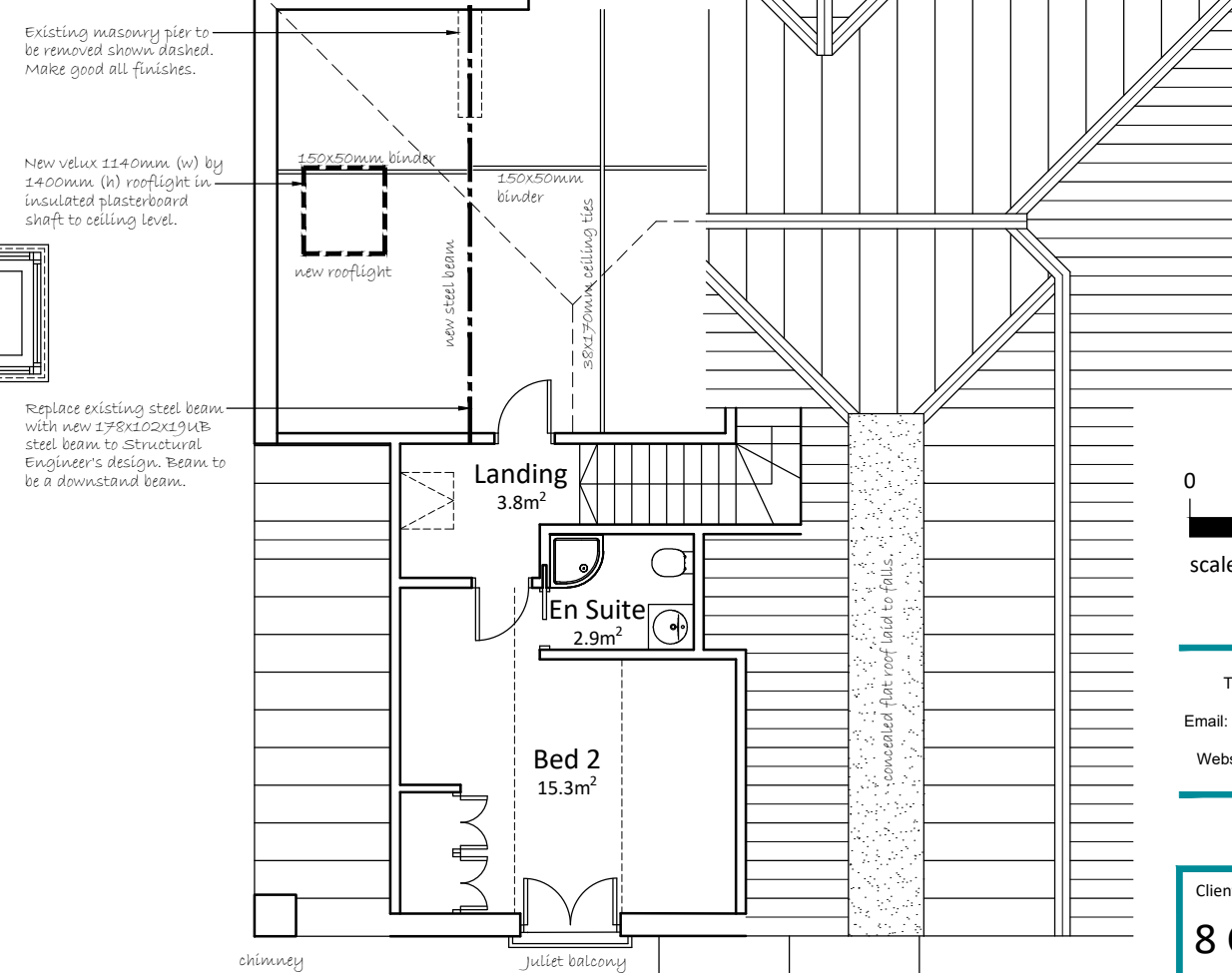
Strip out all of the existing insulation within the accessible roof void, and thoroughly clean the roof space. Throughout the space install new Rockwool Roll Insulation in two parts. 100mm between joists and 200mm over joists to achieve 0.14W/m²K. Assume 98m² for tendering.

Allow for construction of 800mm wide plywood walkway to access all walkable parts of roof void.

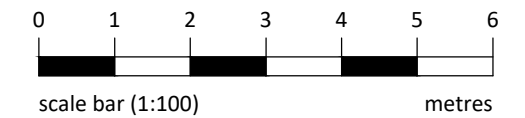
Offer a variation option which includes all painting decorating and finishing works to the living room and finishing work to the revised entrance into the utility room from the kitchen.



Ground Floor Plan @ 1:100



First Floor Plan @ 1:100



BELVOIR
 ARCHITECTURE

Telephone: 07787 962823
 Email: info@belvoirarchitecture.co.uk
 Website: belvoirarchitecture.co.uk

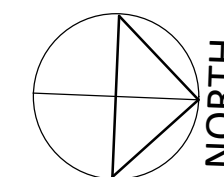
Client:
8 Catmose Park Road
Oakham
Rutland.
LE15 6HN.

Drawing Title:
Plans as Proposed

Scale @ A3: **1:100** Date: **07/23**

Drawing No: **CP-05** Revision: **.**

96



PLANNING AND LICENSING COMMITTEE

27th February 2024

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/23/3331018 - Mr Mel Evans - 2022/0861/FUL**
Land off Main Street, Cottesmore
Erection of no. 8 dwellings on land to the southeast of Main Street, Cottesmore
Committee Decision (recommendation overturned)

1 - The application site is located outside the planned limits of development of Cottesmore village. Policy CS4 of the Rutland Core Strategy 2011, policy SP6 of the Site Allocations and Policies DPD 2014 and policy H1 of the Cottesmore Neighbourhood Plan 2016 restrict development outside of the planned limits of the villages to those types of development suitable to a countryside location. Housing is not identified within those policies as being an appropriate use in a countryside location without there been an essential need. No essential need has been demonstrated that would justify the acceptance of housing in this countryside location as such acceptance of the proposal would be contrary to the policies CS4, SP6 and H1 set out in the development plan. There are no material considerations that outweigh these policies to justify approval of the application.

2 - The development proposes the erection of eight dwellings comprised of three house types. 3 x Type A 3 bedroom bungalows, 3 x Type B 4 bedroom dwellings and 2 x Type C 6 bedroom dwellings. Policy COT H2 of the Cottesmore Neighbourhood Plan 2016 requires developments to be predominantly a mix of three-bedroom and 1/2 bedroomed starter homes. Policy COT H2 also states that developments for larger dwellings over 3 bedrooms should only be considered acceptable if applicants can show exceptional circumstances, particularly in proving that they are meeting an identifiable shortfall in accommodation. It is the Local Planning Authority's opinion that no such exceptional circumstances have been demonstrated and therefore acceptance of the proposal would be contrary to Policy COT H2 of the Cottesmore Neighbourhood Plan 2016.

3 - Policy COT H3 of the Cottesmore Neighbourhood Plan 2016 requires the provision of affordable housing and states that on all rural exception sites and for sites of more than 5 dwellings the affordable housing should be provided on site. Where affordable housing is not provided on site, an equivalent commuted sum payment should be made towards the provision of affordable housing as a first priority elsewhere within the Cottesmore parish, or not as a pooled contribution to provide affordable housing located as close as possible.

The supporting text to Policy COT H3 states that affordable housing is seen as essential in helping to provide a range of housing to facilitate access to market housing. There may be exceptional circumstances where the development may not be economically viable with an affordable housing contribution, but it would fall upon the developer to provide at their expense evidence to support this position. In these circumstances, the on-site affordable housing requirement may need to be modified to improve viability or alternatively a commuted sum payment would need to be made depending on the merits of the application.

The applicant has indicated a willingness to provide an off-site contribution towards affordable housing but has not provide evidence of exceptional circumstances to justify an off-site affordable housing contribution above the normal on-site requirement. Acceptance of the proposal would therefore be contrary to the requirements of Policy COT H3 and the Councils adopted Planning Obligations Supplementary Planning Document 2016. The proposal is not therefore accompanied by a satisfactorily completed S106 agreement

detailing an appropriate contribution towards on-site affordable housing provision.

2.2 APP/A2470/W/23/3332580 – Mr J Gibbison, Hereward Homes Ltd – 2023/0736/FUL

Land adjacent to 17 Whitwell Road, Empingham
Construction of 1 No. stone dwelling
Delegated Decision

The proposed new dwelling and triple garage block would by virtue of their scale, design and form in relation to their location in the open countryside and defined Rutland Water Area show little regard for any local distinctiveness in relation to Empingham and the surrounding landscape and would appear as an incongruous element in its landscape setting, dominating views from the surrounding area and neighbouring land uses. Taking the above into account, it is considered that the development would be contrary to Policies CS3, CS4, CS19 and CS24, of the Adopted Core Strategy Development Plan Document (2011), and Policies SP6, SP15 and SP23, of the Site Allocations Development Plan Document (2014), Sections 5 and 12 of the NPPF (2021), The Design Guidelines for Rutland (SPD) and The National Design Guide, 2021

2.3 APP/A2470/W/23/3332952 – Mr Charles Haynes on behalf of The Bowmen of Rutland Archery Club Committee – 2023/0855/FUL

Land South of Barrowden Road, Ketton
Change of use from agriculture to a sports field (Archery) under Class F2 Local Community F2(c) Outdoor Sport. Erection of 2 No. Steel Shipping Containers, Prefabricated Steel Container Toilet Block and Wooden Clubhouse.
Delegated Decision

1 - The site is located beyond an existing settlement in a location not well served by public transport and without access by a footpath.

The manoeuvring of vehicles likely to be generated by the proposed development would have an unacceptable impact on local roads. The proposed development does not include any proposals to make the location more sustainable.

As a result the proposed development is considered to be an unsustainable leisure development contrary to Policy SP7 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014 and Section 6 of the National Planning Policy Framework (2021).

2 - The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety of users of the narrow country lanes leading to and from the site to the strategic road network. The routes are unsuitable in their present condition and geometry to take the type and amount of traffic likely to be generated by the proposal.

Reason: This is contrary to 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).

3 - If this proposal were permitted, the Local Highway Authority would find it difficult to resist similar proposals on other nearby sites, the cumulative effect of which would be putting pressure on narrow country lanes which are too narrow for two vehicles to pass, so impeding the free flow of other road users and increasing the risk of accidents.

Reason: This is contrary to 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).

4 - The site edged red does not abut the public highway at the proposed site access position.

Reason: This is contrary to 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).

2.4 APP/A2470/W/23/3328979 – Emma Watts – Paws for Play – 2023/0227/FUL

Land At Braunston Road, Oakham, Rutland

Retrospective erection of a temporary wood shed to provide shelter for dogs during dog walking activities.

Delegated Decision –

1 - The building is not considered essential development in the countryside. Policies CS4 and SP7 seek to strictly limit development to that which has an essential need to be in the countryside and as such, the principle of the siting of the building is not supported and is deemed contrary to Policy CS4 of the Rutland Core Strategy (2011) and Policy SP7 of the Site Allocations and Policies DPD which seek to restrict development to that which is essential in the rural area.

2 -The proposal, by reason of size, scale, materials, design and siting, is harmful to the character and appearance of the countryside, contrary to Policy CS19 of the Rutland Core Strategy (2011), Policies SP7 and SP15 of the Site Allocations and Policies Development Plan Document (2014) and Policy 2 of the Oakham and Barleythorpe Neighbourhood Plan.

2.5 APP/A2470/W/23/3327484 – Mr Andrew & Mrs Allison Hinch – 2022/1165/FUL

Glebe Farm, Empingham Road, Tinwell, PE9 3UL

Change of use of land to residential (Use Class C3) and construction of a new residential annex on the site of a former agricultural building.

Delegated Decision

Based on the size, location and access the proposed annexe is considered tantamount to the erection of a new dwelling. Furthermore, given the extent of the residential curtilage serving the existing dwelling which is considered capable of accommodating the proposed annexe, the proposal is not deemed to have an essential need to be located as proposed, on land classed as countryside beyond the residential curtilage of the dwelling. The additional residential curtilage is not required to provide adequate levels of amenity for the occupancy of the dwelling.

As such, the proposal is contrary to Policy CS4 of the Core Strategy which strictly limits development in the countryside to that which has an essential need to be located in the countryside and Policy SP6 of the Site Allocations and Policies DPD which seeks to limit new housing in the countryside and which only allows extensions to the curtilage of dwellings where necessary to provide adequate levels of amenity for the occupancy of the dwelling.

2.6 APP/A2470/W/23/3329311- Mr T Fiducia – 2023/0502/FUL

New Quarry Farm, Holywell Road, Clipsham

Removal of condition 11 (access track shall not be brought into use until the grain store has been fully constructed) attached to 2022/0440/FUL (Proposed grain store and access track)

Delegated Decision

The justification for the access works being the construction of the grain store and the main reason why application 2022/0440/FUL was approved, is proposed to be removed. As such the local authority do not consider that condition 11 of the original approval should be removed and that the use of the access should only commence once the grain store to which it was to serve is constructed.

The construction of the grain store goes to the heart of the original permission.

If the grain store is not built and taking into account of the limited amount of time before the rights of the applicant to farm the surrounding land cease, the local authority now considers that the impacts of the development, in terms of the nature and level of the works to the access track, outweigh the benefits as the original benefits of the proposal are now being removed.

The removal of condition 11 is therefore considered contrary to Policy SP1 of the Site Allocations and Policies Development Plan Document (2014) and Paragraph 11 d) of the NPPF (2021).

2.7 APP/A2470/W/23/3332528 – Mr Cristian Durant – 2022/1000/FUL

Land to the West of Applegate House, Bull Brigg Lane, Whitwell

Erection of 3 dwellings on Land West of Apple Gate House, Bull Brigg Lane, Whitwell.

Delegated Decision

1. The application site lies outside the Planned Limits of Development of the village of Whitwell and is therefore in Planning Policy terms to be considered as countryside. Policies CS4 of the Core Strategy (2011) and SP6 of the Site Allocations and policies Development Plan Document (2014) state that development in the countryside will be strictly limited to that which has justification for being so located, and open market housing such as that proposed does not have such justification. The proposal is therefore contrary to the aforementioned policies. Paragraph 11d of the National Planning Policy Framework is not considered to be engaged as the Five Year Land Supply and Developable Housing Land Supply Report (May 2023) confirms that the Local Planning Authority can demonstrate a 7.5 year housing land supply, and there are no other material considerations that justify departing from the adopted planning policies stated above.

2. The proposal is for the construction of three new two-storey dwellings on land to the west of the village of Whitwell, adjacent to the Whitwell Conservation Area. The site has an important role to play in establishing the rural character of the village when approaching it from the west, as the majority of the village is not visible from this direction due to the topography of the land hiding it from view. Development of the site would be prominent within the landscape and would have a detrimental impact on the character of the village and the approach to the Conservation Area (as concluded in appeals T/APP/V2445/A/89/126528 and more recently APP/A2470/A/10/2142191). That harm would be contrary to policies CS22 of the Core Strategy (2011), SP20 and SP23 of the Site Allocations and Policies Development Planning Document (2014) as well as the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the benefits of the application would not outweigh that harm.

3. DECISIONS

3.1 APP/A2470/W/23/3325242 – Mr A Clover, Andrew Clover Planning and Design Ltd – 2023/0470/OUT

Land Off Willoughby Drive, Empingham

Outline application for 4 no. dwellings (all matters reserved).

Delegated Decision

Appeal Dismissed – 23rd January 2024

Application for Costs Refused – 23rd January 2024

3.2 APP/A2470/W/23/3321470 – Mr & Mrs Fred and Ann Hutton – 2022/0778/FUL

Land South of Lodge Trust, Main Street, Market Overton

Erection of 8 dwellings, comprising 5 bungalows and 3 two-storey houses and the formation of a new access onto Main Street.

Committee Decision

Appeal Dismissed – 31st January 2024

3.3 APP/A2470/W/23/3328643 – Manor Oak Homes Ltd – 2022/0066/MAF

Land off Manor Green, Ketton

Residential development of up to 41 no. dwellings including open space, allotments, improved site access including off-site highway works and ecological enhancements.

Delegated Decision

Appeal Dismissed – 2nd February 2024

3.4 APP/A2470/W/23/3321168 – Mr & Mrs Garrity – 2022/0846/FUL

22 and 24 Northgate, Oakham

Installation of 4 no. conservation type velux windows to the front elevations of the properties.

Delegated Decision

Appeal Dismissed – 7 February 2024

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.