

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, 12th December, 2023** commencing at 6.00 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/

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 7th November 2023 and receive an update on any actions agreed in the minutes of the previous meeting.

(Pages 5 - 6)

3) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

Requests to speak on planning applications will be subject to the 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.177/2023 from the Strategic Director for Places.
(Pages 7 - 10)

- a) 2023/0397/FUL
(Pages 11 - 64)
- b) 2023/0271/RES
(Pages 65 - 86)
- c) 2023/0892/FUL
(Pages 87 - 96)
- d) 2023/0944/FUL
(Pages 97 - 106)
- e) 2023/1057/FUL
(Pages 107 - 112)
- f) 2023/0847/LBA
(Pages 113 - 118)

6) APPEALS REPORT

To receive Report No.178/2023 from the Strategic Director for Places.
(Pages 119 - 122)

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, 16 January 2024.

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor N Begy (Chair)

Councillor A Brown (Vice-Chair)

Councillor G Clifton

Councillor K Corby

Councillor S McRobb

Councillor K Payne

Councillor R Payne

Councillor T Smith

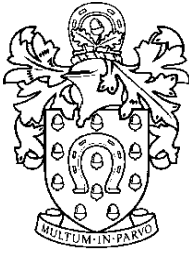
Councillor A West

Councillor D Wilby

Councillor C Wise

Councillor H Zollinger-Ball

Quorum: 6



Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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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, 7th November, 2023 at 7.00 pm

PRESENT:	Councillor N Begy (Chair)	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 A Brown	Councillor G Clifton
	Councillor C Wise	
OFFICERS PRESENT:	Justin Johnson	Development Manager
	Andrew Waskett-Burt	Principal Planning Officer
	Joe Mitson	Planning Officer
	Kylie Wesson	Planning Solicitor
	David Ebbage	Democratic Services Officer
	Julie Smith	Highways Engineer

1 APOLOGIES

Apologies were received from Councillor A Brown, C Wise and G Clifton.

2 DECLARATIONS OF INTERESTS

Councillor K Corby declared a personal interest in item 4c, Planning Applications, application 2023/0762/FUL as he sits on the Planning Team for Ryhall Parish Council, therefore, he would leave the meeting at that point.

3 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 4, Planning Applications:

In relation to 2023/0355/FUL, Andy Howarth spoke as a member of the public opposing the application, Councillor K Heckels spoke as the Ward Member and Matt Taylor spoke as the agent.

4 PLANNING APPLICATIONS

Report No.164/2023 was received from the Strategic Director of Places.

Item 4a – 2022/0254/FUL – White Horse Inn, 1 Stamford Road, Morcott

Conversion of the former White Horse Inn public house to residential use including demolition of existing single storey elements and the erection of a two-storey rear extension, demolition of the existing outbuildings and the erection of 4 no. new dwellings with associated infrastructure.

(Parish: Parish; Ward: Braunston & Martinsthorpe)

Item 4b – 2023/0355/FUL - Land Adjacent to 1 Water Lane, Ashwell

Erection of no. 1 self-build dwellinghouse.

(Parish: Ashwell; Ward: Exton)

Item 4c – 2023/0762/FUL - Mr Philip & Mrs Dawn Wilkinson
Belmesthorpe Lane, Ryhall

Retrospective change of use of a single dwelling to two separate dwellings known as The Bungalow and Meadow View.

(Parish: Ryhall; Ward: Ryhall & Casterton)

Item 4d – 2023/0862/MPO - Langton Homes Limited Land North of Cold Overton Road, Langham.

Modify Planning Obligations to change on-site affordable housing planning obligation to deliver through 'first homes' scheme in relation to application 2020/0380/OUT and 2021/1334/RES.

(Parish: Langham; Ward: Langham)

4a **2022/0254/FUL**

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

The application was deferred at the Planning Committee of 18th July pending further information relating to marketing of the property. A report had been submitted setting out the marketing of the property and a viability appraisal. This concluded the public house was not viable and that no marketing would secure a viable trading pub.

Members agreed that the building was in a sorry state and that a decision was needed to be made before the building deteriorated further.

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

RESOLVED

- a) That the application 2022/0254/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>

4b **2023/0355/FUL**

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

Prior to the debate the Committee received deputations from Andy Howarth who spoke as a member of the public opposing the application, Councillor Kiloran Heckels who spoke as Ward Member and Matt Taylor who spoke as the agent. The Committee also had the opportunity to ask questions of the speakers.

Detailed discussions were had over the relocation of the badger set within the site. Ecologists for the application had advised that what was proposed within the application was acceptable. It was confirmed that the applicant would still require a licence from Natural England before they could undertake the development to move the badger set.

It was moved by Councillor H Zollinger-Ball and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eight votes in favour, one vote against, the motion was carried.

RESOLVED

- a) That the application 2023/0355/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>

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-oOo-
At 8.07pm Councillor Corby left the meeting.
-oOo-

4c **2023/0762/FUL**

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

It was confirmed through questions to officers that both properties had separate addresses.

Members had no objections with the proposed application.

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 eight votes in favour, the motion was unanimously carried.

RESOLVED

- a) That the application 2023/0762/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>

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At 8.14pm Councillor Corby rejoined the meeting.

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4d 2023/0862/MPO

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 confirmed to Members that modifying the S106 agreement to 'First Homes' would result in these units having a 30% discount and would be legally binding going forward for any subsequent sales.

It was considered to be a reasonable change to the S106 agreement, and it would also being the S106 up to date with the Council's adopted First Homes Informal Planning Guidance.

Members welcomed the modification, and it would help local people to get onto the property ladder.

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

RESOLVED

- a) That the application 2023/0862/MPO 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>

5 DATE OF NEXT MEETING

Tuesday, 21st November 2023.

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The Chairman declared the meeting closed at 8.20pm.

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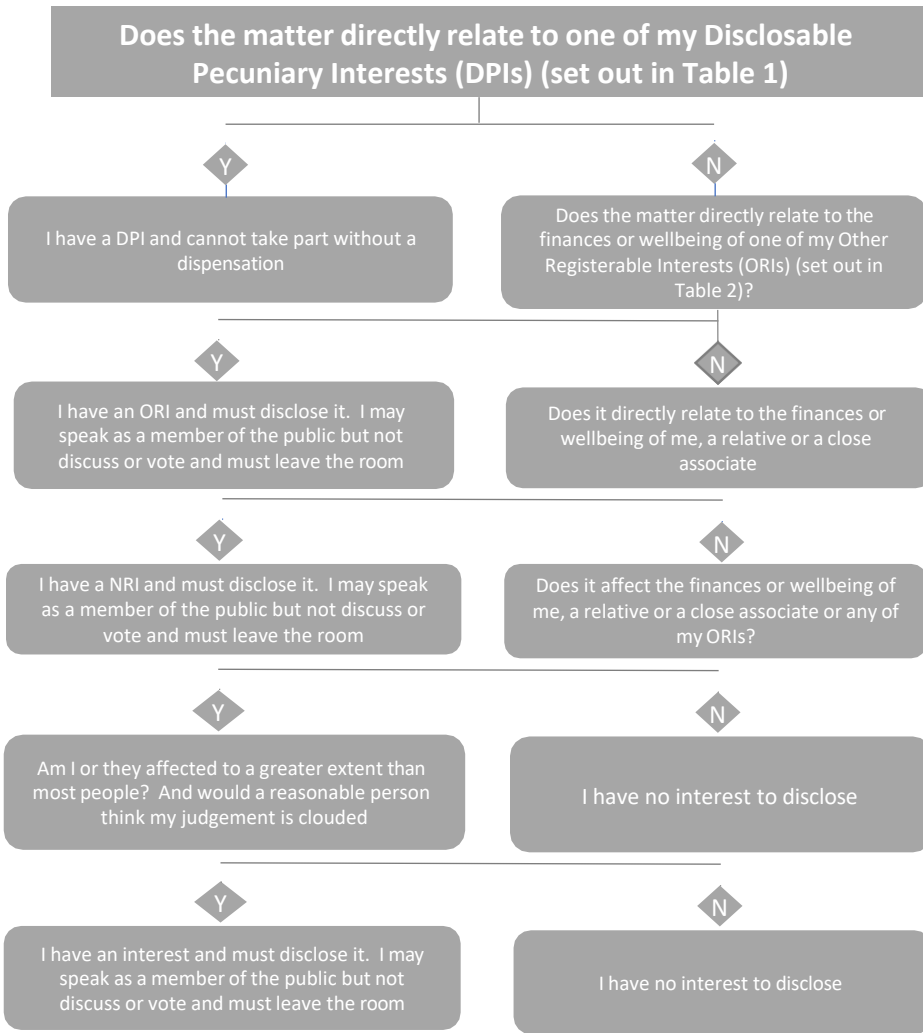
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Maintaining and promoting high standards of conduct

Declaring interests at meetings

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

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



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

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

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

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

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

Selflessness

Councillors should act solely in terms of the public interest

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty & Integrity

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

Leadership

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

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

Rutland County Council

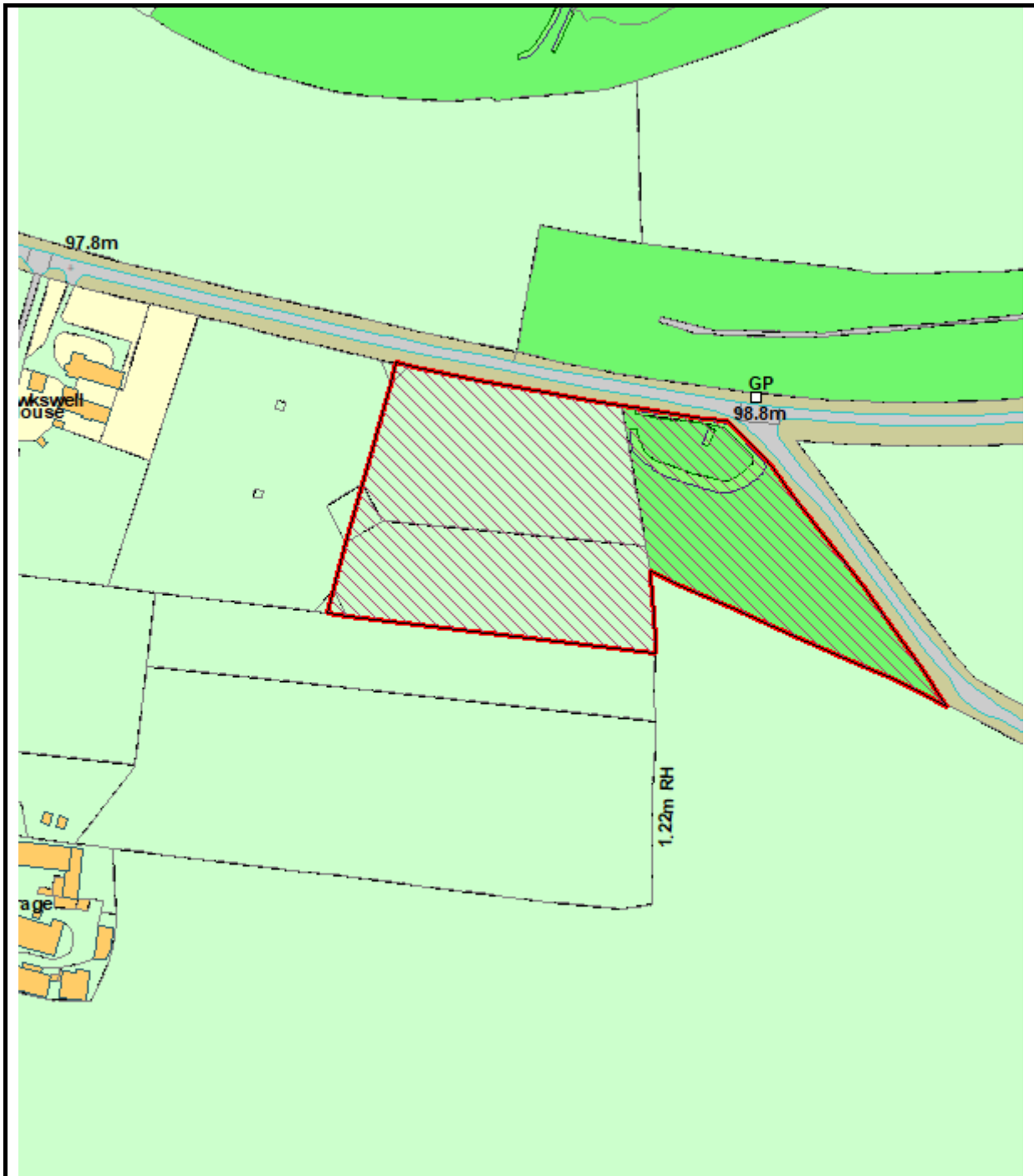
Planning & Licensing Committee – Tuesday 12th December 2023

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	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.	Approval	11-64
2	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.	Approval	65-86
3	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	Approval	87-96

		existing chimney with new rear door access, 2 no. garden sheds, parking and landscaping works).		
4	2023/0944/FUL	Ms Sophie Harford, Land off Main Street, Lyddington Demolition of existing agricultural building and construction of 1 no. new dwelling.	Approval	97-106
5	2023/1057/FUL	Michael Elliott, 30 Alexander Crescent, Oakham, Rutland LE15 6LB Single storey front and rear extensions and new porch.	Approval	107 - 112
6	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	Approval	113 - 118

2023/0397/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0397/FUL	ITEM 1	
Proposal:	Proposal of a single dwelling with attached annex, pool pavilion, natural swimming pool, adjacent landscaping works and form new access.		
Address:	Land at Hawkswell House		
Applicant	Mr Stephen Smith	Parish	Exton and Horn
Agent:	Mr Jonathan Hendry	Ward	Exton
Reason for presenting to Committee:	Departure from the Adopted Development Plan		
Date of Committee:	7 December 2023		
Determination Date:	12 June 2023		
Agreed Extension of Time Date:	15 December 2023		

EXECUTIVE SUMMARY

The scheme is for an exemplar house in line with the requirements Para 80(e) of the NPPF. The design has evolved through 2 reviews with Midland Design and the Local Planning Authority.

The scheme is well designed would include a number of sustainable design elements in the scheme.

The dwelling and annex would not have an adverse impact on the character and appearance of Exton Conservation Area and/or setting of distant listed buildings, the character of the surrounding landscape and/or amenities of the adjacent residents.

There would be significant biodiversity gains and Planting undertaken to assimilate the dwelling within its landscape.

Overall there are no sustainable reasons for refusing planning permission.

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, EX000 REV 01, GA_000 REV 01, GA005 Rev 02, GA_100 REV 04, GA_101 REV 04, GA_102 REV 4, GA_110 REV 02, GA_200 REV 04, GA200.1 REV 01, GA_201 REV 04, GA_202 REV 04, GA_203 REV 04, GA_300 REV 04, HKH_DD_1.00.01 REV 00 'LANDSCAPE GENERAL ARRANGMENT PLAN', HKH_DD_1.00.02 REV 00 'MASTERPLAN', HKH_DD_4.00.01 REV 00 'SECTIONS A & B', HKH_DD_4.00.02 REV 00 'SECTIONS C &

D', DESIGN & ACCESS STATEMENT 'Jonathan Hendry Architects' received 17 April 2023 , LANDSCAPING DESIGN & ACCESS STATEMENT 'Marcus Barnett Studio' received 27 November 2023, ARCHAEOLOGICAL DESK-BASED ASSESSMENT 'Locus Consulting Ltd' Project Reference 22-015 June 2022, LANDSCAPE & VISUAL IMPACT ASSESSMENT 'influence APRIL 2023 NF_N0979_R01, GEOPHYSICAL (GRADIOMETER) SURVEY 'Locus Consulting Ltd' JUNE 2022, PRELIMINARY ECOLOGICAL APPRAISAL (KJ Ecology Ltd) September 2021
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above ground level shall be commenced until
 - a) precise details of the manufacturer and types and colours of the external facing materials,
 - b) roofing materials
 - c) rooflight and roof lanterns details
 - d) description of the joints proposed
 - e) Details of the mortar mix, profile and finish
 - f) timber claddingto be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity, to protect the character and appearance of the surrounding area and because no details have been submitted with the application.

4. No development above ground level shall be commenced until drawings including sections to a scale of not less than 1: 50 fully detailing the gate pillars and entrance gate at vehicular access fronting Hawkswell Road have been submitted to and agreed, in writing, by the Local Planning Authority. The 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. No development above ground level shall be commenced until drawings including sections to a scale of not less than 1: 50 fully detailing the new windows, doors, and surrounds to be used and indicating precise details of the materials, manufacturer and types and colours shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in accordance with the approved details.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application

6. The timber cladding and shall be allowed to weather naturally and not stained or painted.
Reason: In the interests of the character and appearance of the local area.

7. No development above ground level shall be commenced until precise details of the

- A) The photovoltaic panels
- B) Tesla Powerwall
- C) U value of the proposed glazing to windows and doors
- D) the rainwater harvesting
- E) ground source heat pump(s)

have be submitted to and approved in writing by the Local Planning. The approved scheme shall be implemented thereafter in accordance with the approved details.

Reason: To encourage higher levels of sustainability and energy efficiency, having regard to policies CS1, CS4, CS19, CS20 and SP1, of the Development Plan together with the advice in the NPPF.

8. The Design and Access statement states in relation to thermal insulation it is proposed to use sheets wool insulation in the walls of the building which will achieve a 'U' value of 0.12W/m²k. and 300mm of rigid insulation in the roof achieving a 'U' value of 0.08W/m²k. improvement over the minimum values quoted in the building regulations. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development to demonstrate that all U-values exceed current building regulations for a new house.

Reason: To encourage higher levels of sustainability and energy efficiency, having regard to policies CS1, CS4, CS19, CS20 and SP1, of the Development Plan together with the advice in the NPPF.

9. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

10. Car parking and turning shall be provided for the new dwelling in accordance with the details shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan prior to the first occupation. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

11. The access hereby approved shall be provided in accordance with the details shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan prior to commencement of development and shall thereafter be retained in perpetuity.

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 unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction must be porous.

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway 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).

13. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction must be porous.

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway 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).

14. Prior to commencement of development the vehicle to pedestrian visibility splays as shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan shall be provided and kept free of any obstructions over 600mm in height above ground level in perpetuity.

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).

15. 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) the parking and turning of site operatives vehicles to ensure all vehicles park on site and enter and leave the site in forward gear
- b) space for loading and unloading of plant and materials which must only be done within the site edged red
- c) areas for storage of plant and materials
- d) a scheme of chassis and wheel cleaning for all vehicles to include the location and specification of the wheel wash system of which must be in place for the entirety of the construction period
- e) haul routes to the site and hours of delivery
- f) measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway
- g) confirmation of any tree protection measures
- h) details of the site notice with contact details and a scheme for dealing with complaints
- i) details of any temporary lighting which must not directly light the public highway
- j) a scheme for recycling/disposing of waste resulting from the demolition and construction works
- k) measures to control the emission of dust and dirt during construction
- l) residents liaison

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

Reason: In the interests of residential amenity and highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

16. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.

17. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back of the public highway.

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)

18. The access and parking areas shall be constructed of porous materials, or provision shall be made to direct run-off water to a permeable or porous area or surface within the curtilage of the property.

Reason: In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

19. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling hereby permitted.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for more than a single dwelling which is permitted in this case as a specifically identified exception

20. 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 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.

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.

21. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- A) description and evaluation of the features to be created/managed
- B) aims and objectives of management
- C) appropriate management options for achieving aims and objectives
- D) prescriptions for management actions
- E) work schedule
- F) species/seed mixes to be planted/sown
- G) ongoing monitoring and remedial measures

The development shall be implemented in accordance with the approved LEMP.

Reason: Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in paragraph 179 and 180 of the National Planning Policy Framework (2021).

22. Before any development above damp proof course level a Maintenance Plan for the approved green roof of the pool house and the new dwelling shall be submitted and approved in writing by the Local Planning Authority. The Maintenance Plan shall include a timescale for its various actions and shall be implemented thereafter in accordance with the approved details.

Reason: To ensure the long term retention of the green roof in the interests of general amenity, control of surface water run-off, and biodiversity.

23. There shall be no external lighting on the site, (including any exterior lighting on buildings or gate pillar) 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 and the character and appearance of the surrounding area.

24. No additional hard surfacing, ground disturbance or storage of building materials shall occur beneath the canopy of any retained tree and retained hedgerow to minimise ground compaction in accordance with the recommendations set out in the British Standards Institute publication "BS

5837: 2012 Trees in Relation to Construction." A protective mesh guard fence to create a construction exclusion zone around the trees and in front of the existing boundary hedgerow fronting Hawkswell Road shall be erected in accordance with BS5837:2012. 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 protected areas, 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 and hedgerows 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.

25. Any trees and/or hedgerow dying, being removed or being seriously damaged as a result of the failure to comply with condition 19 above shall be replaced in the next planting Season (October - March inclusive) with others of similar size and species.

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

26. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, including all the bio-diversity gains outlined in the application, which shall include proposed changes in ground levels, boundary treatments 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.

27. 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 scheme is carried out at the appropriate time and is properly maintained.

28. Notwithstanding details shown in the Landscape Design & Access Statement (Marcus Barnett Studio) dated 04/04/2023, A native hedgerow shall be planted along the southern side and western rear boundaries of the

site using a mixture of locally native hedgerow species including Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Dogwood (*Cornus sanguinea*), Blackthorn (*Prunus spinosa*), Dog Rose (*Rosa canina*) and Holly (*Ilex aquifolium*). The existing hedgerows shall be retained thereafter from first occupation of the new dwelling (at a height of no less than 1.6 metres).

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

29. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling or erection of any structure within its curtilage shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that any additions or alterations are considered in the light of the special reasons for granting this planning permission and to ensure that the works do not imping on the wider landscape.

30. Prior to occupation of the development approved by this planning permission a foul water drainage schemes shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface and foul water from the site.

31. Prior to occupation details in relation to the long-term maintenance of the foul and surface water drainage systems within the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the foul and surface water drainage systems (including sustainable drainage systems) within the proposed development.

Informatives:

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

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

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

3. 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.

4. 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.

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

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

6. Flood Risk. It is the responsibility of the developer to manage flood risk on the site.

7. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March - August inclusive) unless carefully checked beforehand by a suitably qualified person.
8. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
9. 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.
10. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability. IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development, then it is imperative that you contact cil@rutland.gov.uk. If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning Portal: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Site & Surroundings

1. The Site is located approximately 170m to the east of Hawkswell House (the applicant's existing house), and house with the northern and eastern boundary fronting Tickencote Road and Exton Road. The site measures approximately 1.9 hectares (4.7 acres) in size and is mainly pasture land and an area of woodland on the northeastern boundary. The lawful use of the land is agricultural. The land rises gently to the south from its boundary with Tickencote Road. The only other buildings near the site are those associated

with Highmoor Farm, located approximately 220m to the south-west of the site with its collection of outbuildings which adjoin the south-west corner of the site. There are no dwellings or other buildings on the other sides of the site. The site is enclosed with a hedgerow along the southern and northern boundaries, a hedgerow and woodland in the northeastern corner and eastern boundary fronting Tickencote Road and Exton Road. A post a rail timber fence demarcates the western boundary with Hawkswell House.

2. Exton is approximately 700m to the north-east. Exton Hall sits to the west of the village and while not readily visible from the site its extensive estate includes the gently rolling pasture land to the north and north west of the site.
3. The topography of the land slopes from south to north, towards the road, and there is a sense of openness particularly to the west and north-west. At a distance of approximately 1 km the spire of the Church of St Peter and St Paul can be glimpsed in the distance above the wooded foreground to the west, with Exton visible to the north-west. Open views of the countryside can be partially appreciated to the north, while views towards the east and north-east are mainly blocked by the woodland. Views towards the south are obstructed due to the topography of the site (uphill) and Highmoor Farm to the south-west.

Proposal

4. The Proposed development comprises a dwelling, in cylindrical form. The internal layout comprises a garage, plant room and gym at lower ground level; living accommodation to the upper ground floor includes kitchen, dining, pantry and study; four bedrooms with ensuite bathrooms to the first floor and an annexe on the ground floor. The annexe is orthogonal in form and positioned to the northeast of the house. The annexe comprises a bedroom with ensuite bathroom, kitchen/living space and utility area. Access to the site would be from Hawkswell Road.
5. The ground floor living accommodation comprising the living/dining/kitchen space are located on the southern side of the property with extensive glazing overlooking the gently rising pasture land to the south. Bedrooms are located on the first floor with a large deep set feature window to the master bedroom. The single storey linear element would contain garaging and an annexe which is proposed to be for the applicant's parents in law. A basement below the central circular building would contain a cinema room and gymnasium. In terms of materiality, the central circular building would be clad in local stone with the single storey linear element faced in vertical oak cladding.
6. The area immediately to the rear of the dwelling would include a pool house and outdoor pool. The remainder of the site is given over to a landscaped area of which only part would be used as a domestic garden.

7. The new dwelling is intended for the applicants use.
8. The house is a contemporary design. The main fundamental changes between the two Design Reviews with Design Midlands, is the undertaking of on- site studies including arboricultural, landscape character assessment, Landscape & Visual impact Assessment (LVIA), and archaeological assessment to demonstrate a comprehensive and in-depth understanding of the site and wider context; to develop a Landscape Strategy which informs and complements the design of the dwelling and its relationship with the existing woodland; the design and change in the location of the access to the site and ensuring that greater consideration was given to environmental performance/sustainability of the proposed dwelling.
9. It is stated in the documents supporting the application that the design drivers for the proposed multi-generational dwelling were drawn from the character of buildings within the local landscape, including the isolated buildings and follies of Exton Park, as well as dovecotes. In addition, the direct line of sight to the distant St Peter and St Paul's Church spire in Exton, and the expansive views to the north towards the wider Exton Park Estate. Key elements influencing the design concept were the circular forms, turrets, belvederes, large feature windows and use of local stone found in the Hall, its Dovecote and Gatehouse and a folly called Henry's Fort each forming, to varying extents, landmarks within the Exton Estate. The design approach is to create an additional 'landmark' building on this site that would continue the theme established within the Estate. To achieve the desired 'landmark' impact, the proposed dwelling is located near the centre of the site where the land is slightly elevated to the south-west of the woodland.
10. The plan form and massing is largely based on that of the Dovecote in Exton Park with a central circular turret linked to a linear single storey element.
11. In relation to sustainability the applicant's agent has stated that the proposed development would include environmental technologies, sustainable materials and construction methodologies to create a development that has a minimal environmental impact on its immediate and wider context. The proposed sustainable strategy has been developed in collaboration with the client & various energy consultants.
12. A number of sustainable design elements of the scheme are outline in the Design and Access statement. These include
 - Solar Gain Control,
 - the external stone walls being insulated with sheets wool, providing the building with a stable temperature,
 - The wall construction will achieve a U-value which exceeds current building regulations.

- The roof construction insulated with rigid insulation to exceed current U-Value quoted in the Building Regulations.
- Two banks of photovoltaic panels, one on the roof of the building and the second will be set within the landscape, screened with landscaping to provide solar electricity for the dwelling.
- Tesla Powerwall - To store excess electricity generated during daylight hours for later use.
- Glazing to windows and doors will be double glazed to achieve excellent 'U' Values. The frames will be constructed from sustainable sources and will be effectively draught sealed to prevent heat loss via this traditionally weak element.
- Materials which are chosen for this project will ideally be locally sourced. All timber used on the project will be FSC certified and therefore sourced from sustainable sources.
- The use of recycled materials is to be maximised and materials will also be chosen on the knowledge that they can be recycled at the end of their lifespan.
- The use of systems such as 'BRE Environmental Certification' are to be used to substantiate the sustainability of certain materials.
- Materials will be chosen in consideration of their likely longevity in use.
- The project is to utilise local trades people and businesses where possible.
- Rainwater harvesting from all of the roof areas will be collected in the existing pond acting as a large rainwater tank, helping maintain a healthy eco-system by replenishing the water.
- Ventilation - All windows in the dwelling will be openable to maximise cross ventilation throughout the building. This will negate the use of air conditioning units within the building.
- Heating - It is proposed to heat the building using a ground source heat pump.
- Lighting
 - Internal light fittings will be low energy fittings.
 - The internal downlights will be LED's
 - External lighting will be low energy fittings installed with movement detection and daylight shut-off devices to minimise consumption.
- Foul waste bio tank On site treatment of fowl and grey water

13. In response to further comments received from Exton Parish Council dated 15 June 2023 the application agent has stated in response that

- a. Hawkswell House was built in 1976, for an agricultural worker for Highmoor Farm hence planning permission under an agricultural tie - Noted as part of wider / nearby planning history. However, of no direct relevance to this application.
- b. An attempt to remove the tie was made in 2000 but the application was withdrawn - As above.
- c. The agricultural tie was removed in 2013. As above.

- d. The site of the proposed development is agricultural and woodland. - Noted. In planning terms arguably, a better description is 'open countryside' with a very small area of woodland forming part of application site.
- e. The current application does not satisfy or meet parts of the National Planning Policy Framework (NPPF) paragraph 80 - No evidence or explanation to support this claim. No reference to the supporting evidence submitted with application – planning policy justification, D&A, Landscape & Visual work, etc. The commentary is not robust, unclear and accordingly should not be afforded significant weight in the decision-making process.
- f. The site is visible from the school, the playground and much of the Southern part of the village. The proposed building will stand out and will not be in keeping with the surrounding landscape. &. The Parish Council is concerned about the access on the corner. - No objection from the Highway Authority. A public concern not based on technical assessment and a matter considered in detail as part of the application process. The new dwelling will be visible. This is not a basis upon which to refuse the application. Its vernacular is unique, outstanding, and exceptional in both architectural/design and landscape terms. The design being derived from a long and detailed study of the local area which forms direct links to the surrounding landscape. The landscape/ecological/bio-diversity benefits of the proposal are important matters to which significant weight should be given in the decision-making process. The PC exclude such commentary in their response.
- g. The Parish Council notes that whilst the proposed building has some welcome attributes, the overall size, scale and design of the building is not appropriate for a rural setting and does not satisfy the criteria of NPPF - There is no basis or policy guidance which directs or prevents such homes (Para 80) being of a particular size and scale in the Countryside. Indeed, quite the reverse. This home is of a size that is commensurate with many country homes across Rutland and the wider UK. The size and scale of the dwelling in isolation is not a basis to refuse planning permission when being considered under the NPPF Para 80 criteria.

Relevant Planning History

There is no planning history for the site.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development (Inc Para 11(d) and footnote 8)

Chapter 5 – Delivering a sufficient supply of homes (Inc Para 80(e))

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well designed places (Para 134)

Chapter 15 – Conserving and enhancing 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

SP15 - Design and Amenity

SP19 - The Biodiversity and geodiversity conservation

SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS19 - Promoting Good Design

CS21 - The Natural Environment

Supplementary Planning Document

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

Neighbourhood Plan

There is no Neighbourhood Plan for Exton.

Main issues

14. The main issues are
 - i) Whether the proposed development would comply with Paragraph 80 e) of the National Planning Policy Framework.
 - ii) would the proposed comply with Adopted Development Plan Policy.
 - iii) Whether the proposed development would have an adverse effect on the setting of heritage assets including Exton Conservation Area, Listed Building and Exton Park, a Grade II Registered Park and Garden.
 - iv) Would the proposed development have an adverse impact on the residential amenities of neighbouring properties.

Officer Evaluation

15. Following a pre-application proposal having been submitted to the local planning authority in July 2021. It was established that the proposal was, in all other

respects, contrary to policy but could be considered under Paragraph 80 of the NPPF. There was a limited response on many planning issues due to the limited information that had been provided at that stage.

16. The applicants engaged with Design Midlands as part of a pre-application consultation with the local authority with the first review taking place on the 4th of March 2022. The Design Review Panel reinforced that Paragraphs 80 of the NPPF set an incredibly high bar and identified the need for a more robust and compelling design narrative.
17. As part of the review in their original assessment the matter of 'isolation' was discussed and its relevance when considering new dwellings under Paragraph of the NPPF. Whilst the review is focused on matters of design, the Panel did draw attention to the Braintree District Council v Secretary of State for Communities and Local Government case (March 2018) and other subsequent decisions, and the views expressed in relation to the meaning of 'isolation'.
18. The Design Midlands Review comments were made in relation to Paragraph 80 of the NPPF. The panel at the first review noted that

“Summary

The proposals, as presented, included some very good ideas offering exciting opportunities for a dwelling on this site. However, the absence of a proper analysis of the character of the local landscape and how this might inform the design of any dwelling on the site meant that the proposals could not be properly assessed against the requirements of Paragraph 80 of the NPPF. The Panel felt that while aspects of the local landscape, e.g. Exton Park, had been considered, the focus was more on the buildings situated in the Park. In addition, no evidence was provided demonstrating that the client's site had a similar, or otherwise appropriate, landscape character to support the idea of an additional landmark building in this location. Additional studies covering

- Archaeology
- Arboricultural (survey aspects should be undertaken together with an assessment of any impact on the design of the proposed dwelling).
- Landscape visual impact assessment (LVIA)
- Views into the site from all aspects should be assessed including from local public footpaths.
- A Landscape Strategy for the site should be developed that informs and complements the design of the dwelling and its relationship with the existing woodland with the possible extension of the woodland closer to the proposed dwelling should form part of this strategy.
- The design of the access road to the site needed careful consideration, including the 'entrance' and 'arrival' experience. Further discussions with the highway authority were needed, as well as an arboricultural survey, to establish the practicality and impact of any access route.

- Greater consideration needed to be given to the sustainability of the proposed dwelling, particularly in view of its size. It was important that these aspects be addressed as part of the design process rather than applied retrospectively...'
19. A copy of the full response can be found on the Council's website.
20. At the second Midlands Design Review took place in November 2022. At this review the following comments were made

“Conclusion

The level of work undertaken since the first design review is well received and supported, in particular expanding the design team to include landscape architects and completing the necessary ‘baseline’ surveys and studies/reports.

The design concept drawn from the presence of dovecotes within the Rutland landscape promises a distinctive and inspired one-off dwelling. The next stage of design development should seek to address the following:

- Provision of a landscape which references and reinforces the dual landscape characters of the site, rather than focusing solely on the historic parkland character.
 - ‘Dissolve’ and ‘loosen’ the landscape grid and consider the need / relevance of the numerous design interventions proposed, e.g. the tree-lined avenue, formal/informal paths and routes, etc.
 - Scrutinise the arboricultural report and findings in determining the optimum location and alignment of the approach driveway to the house.
 - Develop the sustainability proposals including emphasising the ‘fabric first’ approach and ensuring any adopted systems for harnessing renewable energy are properly integrated; and
 - Prepare further drawn studies to assist in understanding and conveying the design intent, including cross sections to show how the house will integrate and ‘settle’ in the landscape, as well as exploring/testing the relationship between the internal and external spaces.
- 33 Subject to the successful resolution of these matters, the Panel believes that this scheme has the potential to meet the stringent criteria of Paragraph 80e of the NPPF.

- 34 A copy of the full response can also be found on the Council's website.

Principle of the Development

35. Policy CS4 sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable local housing needs - The proposal is for a market house so

doesn't accord with this policy so the scheme relies on Para 80 of the National Planning Policy Framework (NPPF).

36. Policy SP6 only allows for development in the countryside where it is essential for certain operational needs or for affordable housing to meet an identified local housing need.
37. The Site Allocations & Policies DPD, Policy SP1 – Presumption in Favour of Sustainable Development states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of sustainable development in line with Paragraph 11 (d) of the NPPF. This includes applications involving the provision of housing, where relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
38. In terms of location of the site, the Framework advises that when planning for development i.e., through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. It is considered the Council's approach to isolated homes in the countryside is out of date. Paragraph 80(e) of the Framework is relevant and states that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply".
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas¹; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
39. Furthermore Paragraph 134 of the Framework states:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

 - a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

¹ Note the previous versions of the NPPF included 'innovative' in this description but this no longer appears in the latest version

- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
40. Overall, the principle for development in this location would have been contrary to the development plan. The council should be satisfied that the scheme meets the criteria set out in Para's 80 and 134 of the NPPFF.
41. The meaning of the word isolated has been assessed in the courts as part of the 'Braintree cases'. The Court of Appeal considered the case after the High Court had done so earlier. Justice Lindblom stated in his findings that:
- 'In my view, in its context in paragraph 55 (now para 80) of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the circumstances of the case in hand'.
- What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another. It does not stipulate that, to be a "village", a settlement must have any "services" of its own, let alone "services" of any specified kind.
42. The key test for decision makers, as established by the ruling, is therefore whether a new dwelling under paragraph 80(e) would be 'physically separate or remote from a settlement'. The final sentence of the Judge's finding above, and the words 'in this sense' serve to confirm the test of 'separate or remote from a settlement' as the key focus. The use of the word 'or' confirms that a site could be considered either separate from or remote from a settlement (for it to be considered isolated); a scheme does not therefore have to meet both of these descriptions and only one description need be met.
43. The agent considers that this site is separate from Exton as it is surrounded by mature vegetative boundaries, is outside the PLD and comprises a 4.7-acre field which has no lawful use other than for agriculture.

44. Taking a step back, it also seems it would be irrational to consider that the advice in Para 80 was only intended to allow remote new dwellings miles from anywhere, but not one adjacent to an existing dwelling in the open countryside.
45. In addition to para 80 e), it is considered that is relevant insofar as Para 130 advises that 'Planning policies and decision should ensure that developments:
 - a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - b. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f. Create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
46. In addition, Para 134 b) also advises that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
47. Overall, the Council will need to be satisfied that this proposal is sustainable development in accordance with the NPPF and that it is unlikely to have an adverse impact on the surrounding environment or character of the area that would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
48. The pre-submission was reviewed by the East Midland Design Panel who made comments considering both Paragraph 80 of the NPPF. To meet the criteria of Paragraph 80 of the NPPF the scheme needs to demonstrate that it will 'significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area', which includes the proposals for the landscape.

Impact of the use on the character of the area

49. The second Design Review Panel held in November 2022 focussed on a number of remaining elements to resolve, for example, landscape, the approach driveway location, and sustainability proposals.
50. The vehicular access has been amended during the consideration of the proposal. In the first instance was proposed from a former access from Exton Road close to the junction with Tickencote Road. Following further studies and assessments it was found that this access was not acceptable to the LPA for 2.No reasons
 - a. The access visibility splays could not be achieved
 - b. The access and driveway to the dwelling and annex would result in the loss of a significant of existing trees in the northeastern part of the site.
51. It is considered that the application documents have addressed these issues, with revised and updated proposals with the inclusion of reports such as the Landscape Visual Impact Assessment, Landscaping Design and Access Statement. The Design Officer has stated that and rendered visuals graded at 1,5,10 and 25 years to illustrate how the landscape will mature over time, concluding that the proposed scheme looks to have addressed the issues raised by the Design Review Panel sufficiently and the design process followed and the final proposals put forward meet the requirements set out in the Rutland Design SPD.

Impact on the neighbouring properties

52. The proposal would be set well away from adjacent property boundaries. The scheme would thereby avoid any adverse impact on the amenities of neighbours to justify refusal. No objections have been received from neighbours concerning impact on residential amenities.

Heritage

53. Part of Exton is designated as a Conservation Area and there are a number of Listed Building in Exton and Exton Park. Exton park is also a Grade II Registered Park and Garden.
54. The NPPF refers the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
55. At the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker

to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Although the site is approximately 1Km from the site Exton Conservation Area, due to the potential visual impact of the development of the wider landscape and views from the within the conservation area there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.

56. A Landscape and Visual Impact Assessment Study (LVIA) has been undertaken. The LVIA as a stand-alone report based it provides a narrative appraisal of the proposed development within the identified application site and surrounding study area. In summary it concludes there is very little potential for landscape or visual impacts. There will be an inevitable change to the character of the site itself however beyond the immediate environs of the site there is very little impact on the character of the landscape. Due to the separation between the proposals and the village of Exton and the intervening topography and vegetation there is no dilution of the historic setting of the park and village. The proposals do not compromise the open arable landscape to the south and west. Visually, the vegetation and topography restrict views from local sensitive receptors including users of the local Public Rights of Way (PRoWs), residents in Exton and road users. Where views are available the proposals will appear as an appropriate component of the view. There will be no impact on longer views, the proposals do not break the skyline and are often a small component of a wider view. The house and its gardens have been designed to respond to the surroundings, creating open vistas and more sheltered private areas. Reflecting this well vegetated location whilst opening up views and providing breathing space around the building. Overall, the proposals read as a fluid building which settles in the gently sloping topography, surrounded by naturalistic garden space.
57. The Conservation Area officer has verbally stated that the proposal would not have a negative impact on the character and appearance of the Exton Conservation Area, setting of Listed Buildings, and/or Exton Park, a Grade II Registered Park and Garden.
58. In addition, as part of the consultation response from the Design Officer, it is stated that the application documents have addressed these issues, with the inclusion of helpful reports such as the Landscaping Design and Access Statement and rendered visuals graded at 1,5,10 and 25 years to illustrate how the landscape will mature over time. The sustainability statement within the D&AS is helpful and sets out a wide range of measures. In conclusion, the proposed scheme looks to have addressed the issues raised by the Design Review Panel sufficiently and the design process followed, and the final proposals put forward meet the requirements set out in the Rutland Design SPD.

Highway issues

59. RCC Highways have confirmed that there is no objection subject to conditions and informatives being appended to the decision notice should consent be granted.

Sustainability

60. As stated by the East Midland Panel There is an expectation that any Paragraph 80 house will be zero carbon/energy+ and a full explanation of how this is to be achieved will be necessary. A fully integrated approach is required in order to ensure that renewable energy considerations are built into the development of the design of the dwelling as opposed to a menu of 'bolt on' features.
61. As seen from the list above, the sustainability statement within the D&AS is helpful and sets out a wide range of measures proposed to be adopted in the development of the site. Although only general information has been provided, the information, that has been provided addresses the issues raised by the Design Review Panel sufficiently and the design process followed, and the final proposals put forward meet the requirements set out in the Rutland Design SPD and Para 80 e) of the NPPF. A number of specific conditions are proposed to require submission of more detailed information to be discharged by the LPA prior to occupation of the dwelling to ensure the development embodies environmental technologies, sustainable materials and construction methodologies to create a development that has a minimal environmental impact on its immediate and wider context.

Ecology

62. The Preliminary Ecological Appraisal produced by KJ Ecology (September 2021). Indicates that there are some plant species present indicative of a nicer grassland. The Biodiversity Net Gain calculation carried out by the Ecologist Consultant, indicates that the landscape proposal set out in the Landscape Design & Access Statement 'Marcius Barnett studio' would result in a strong positive impact on the overall ecological value of the existing site, achieving a 63% increase of habitat units and an almost 94% increase of hedgerow units. This is achieved by creating new habitats for wildlife, wildlife ponds, planting (trees, hedges, meadows, etc), as well as by preserving and enhancing existing habitats woodland and grassland habitats.
63. The Senior Planning Ecologist has stated that these species were generally rare in abundance and there are extensive wildflower meadows proposed within the scheme. It has been confirmed that there are no objections to the plans subject to a species rich hedgerow rather than just a hawthorn hedgerow being provided, and a condition is imposed stating that no development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP would include a description and evaluation of the features to be created/managed; aims and objectives of management;

appropriate management options for achieving aims and objectives; prescriptions for management actions; work schedule; species/seed mixes to be planted/sown; ongoing monitoring and remedial measures. This condition would also address the 3 recommendations within The Preliminary Ecological Appraisal produced by KJ Ecology (September 2021).

Environmental Protection

64. Have confirmed that they do not object to the proposed development. Although the site has been predominantly used agriculturally as grazing land, the area in the northeast corner of the site is previously shown as an old limestone pit on 1884 mapping. Due to the small woodland now in this area, it is not clear if the pit remains or if there has been any infilling of the land since this time. Therefore, it would be prudent for a Phase I desk study to be undertaken to assess if any source-pathway-receptor linkages may exist that could pose a potential risk to future users of the site. A suitably worded condition is proposed to address this issue.
65. In relation to foul drainage the information included in the planning application is considered to be insufficient and does not demonstrate that the proposed management of foul drainage is appropriate. To address this issue 2 No. conditions, are recommended that require prior to occupation of the development a foul water drainage schemes and the long-term maintenance of the foul and surface water drainage systems within the development have been submitted to and approved in writing by the Local Planning Authority.

Archaeology

66. The applicant has undertaken an archaeological desk-based assessment and geophysical (gradiometer) survey for the site. In response to the original comments received from the Senior County Archaeologist (SPA) the applicant's agent did not agree with the SPA's request for a programme of archaeological fieldwork prior to the determination of the application for full planning permission on the basis of evidence already provided within the submission disagreeing that the requirement for a further phase of fieldwork in light of the prevailing framework of planning legislation, policy and guidance.
67. Following submission of a further statement setting the reasons for this opinion the SPA confirmed that 'our position in regard to the need of further archaeological assessment has not changed. The site lies close (less than 350m) to a possible Anglo-Saxon cemetery, often the settlements are slightly dispersed near to the cemetery, and as we do not know where the settlement associated with this cemetery is there is the potential it could be within the application area. This potential alongside the fact that Anglo-Saxon remains are not often seen on geophysical survey, we cannot rule out the presence of archaeological remains without intrusive evaluation. If you are minded to approve the planning application then we therefore recommend that any planning permission that is granted to be subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic

Environment GPA 2), to safeguard any important archaeological remains potentially present that no demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives,

Parish Council

68. The Parish Council has objected to the proposed development raising a number of objections. These are noted.
69. The Parish Council notes that whilst the proposed building has some welcome attributes, the overall size, scale and design of the building is not appropriate for a rural setting. As identified the applicant's agent in response to the Parish comments, there is no guidance or policy criteria that specifies in particular which specifies that NPPF Para 80 e) dwellings have to be a particular size and scale in the Countryside. The size and scale of a dwelling in insulation is not a basis to on which to solely refuse planning permission when being considered under the NPPF Para 80 e) criteria.
70. In relation to the current application not satisfying or meeting parts of the National Planning Policy Framework (NPPF) paragraph 80, it is considered that in this instance following 2. No. design reviews with Design Midlands, the receipt of additional drawings surveys and relevant information to accompany the application, the proposed scheme is considered to have addressed the issues raised by the Design Review Panel sufficiently and the design process followed, and the final proposals put forward meet the requirements set out in the Rutland Design SPD and NPPF para 80 e).
71. In relation to visual impact of the dwelling from views from the village It is considered that the proposed dwelling in its landscape setting would not have a significant harmful impact upon the landscaping setting to justify refusal of the application.
72. In relation to the Parish Council concerned about the vehicular access on the corner (close to the junction between Tickencote Road and Exton Road), has been relocated as referenced above to be from Tickencote Road rather than Exton Road following objection from RCC Highways and the applicants own arboricultural survey identifying the loss of a significant number of mature trees that would have had a harmful visual impact on the existing landscape contrary to the aims and objectives of the proposed development. In relation to the proposed access, there is no objection from the Highway Authority.

Section 106 Heads of Terms

73. Not applicable

Crime and Disorder

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

Human Rights Implications

75. 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

76. 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)

Exton & Horn Parish Council

77. The view of the Parish Council is that the site is outside the village envelope and therefore outside the Planned Limits of Development of the village of Exton and is therefore, in planning terms, countryside. The Parish Council consider that the design of the house and the visual appearance is not appropriate for a rural setting and is out of keeping with the landscape.

78. At paragraph 55 of the National Planning Policy Framework ((NPPF) Local planning authorities are advised to avoid new isolated homes in the countryside unless in exceptional circumstances. It goes on to state that the design should significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

79. The Parish Council consider that the design of this house does not satisfy either of these criteria.

80. Additional comments were received on 15 June 2023 stating -

1. Hawkswell House was built in 1976, for an agricultural worker for Highmoor Farm hence planning permission under an Agricultural Tie.

2 An attempt to remove the tie was made in 2000 but the application was withdrawn

3. The agricultural tie was removed in 2013.

4. The site of the proposed development is agricultural and woodland.

5. The current application does not satisfy or meet parts of the National

Planning Policy Framework (NPPF 2021) paragraph 80.

6. The site is visible from the school, the playground and much of the Southern part of the village. The proposed building will stand out and will not be in keeping with the surrounding landscape & the Parish Council is concerned about the access on the corner.

7. The Parish Council notes that whilst the proposed building has some welcome attributes, the overall size, scale and design of the building is not appropriate for a rural setting and does not satisfy the criteria of NPPF.

Design Officer

81. The second Design Review Panel held in November 2022 focussed on a number of remaining elements to resolve, for example, landscape, the approach driveway location, sustainability proposals.
82. The application documents have addressed these issues, with the inclusion of helpful reports such as the Landscaping Design and Access Statement and rendered visuals graded at 1,5,10 and 25 years to illustrate how the landscape will mature over time. The sustainability statement within the D&AS is helpful and sets out a wide range of measures. In conclusion, the proposed scheme looks to have addressed the issues raised by the Design Review Panel sufficiently and the design process followed and the final proposals put forward meet the requirements set out in the Rutland Design SPD.

RCC Highways

83. CONDITIONS:

Parking and Turning

Car parking and turning shall be provided for the new dwelling in accordance with the details shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan prior to the first occupation. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Access

The access hereby approved shall be provided in accordance with the details shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan prior to commencement of development and shall thereafter be retained in perpetuity.

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).

Surface Water Drainage and Surfacing Materials

No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction must be porous.

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway 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).

Pedestrian Visibility Splays

Prior to commencement of development the vehicle to pedestrian visibility splays as shown on plan HKH_DD_1.00.01 Landscape General Arrangement Plan shall be provided and kept free of any obstructions over 600mm in height above ground level in perpetuity.

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).

Construction Management Plan

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) the parking and turning of site operatives vehicles to ensure all vehicles park on site and enter and leave the site in forward gear
- b) space for loading and unloading of plant and materials which must only be done within the site edged red
- c) areas for storage of plant and materials
- d) a scheme of chassis and wheel cleaning for all vehicles to include the location and specification of the wheel wash system of which must be in place for the entirety of the construction period
- e) haul routes to the site and hours of delivery
- f) measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading/unloading or queuing on the public highway
- g) confirmation of any tree protection measures
- h) details of the site notice with contact details and a scheme for dealing with complaints
- i) details of any temporary lighting which must not directly light the public

- highway
- j) a scheme for recycling/disposing of waste resulting from the demolition and construction works
- k) measures to control the emission of dust and dirt during construction
- l) residents liaison

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

Reason: In the interests of residential amenity and highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

INFORMATIVES

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

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

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-name-and-numbering/>

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

Utility Services - Section 50 NRSWA 1991

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

emailed to highways@rutland.gov.uk.

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

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

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

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

Flood Risk

84. It is the responsibility of the developer to manage flood risk on the site.

Ecology Unit

85. I have reviewed the Preliminary Ecological Appraisal produced by KJ Ecology (September 2021). There are some plant species present indicative of a nicer grassland, however these species were generally rare in abundance and there is extensive wildflower meadows proposed within the scheme. I therefore have no objections to the plans. I would however recommend a species rich hedgerow rather than just a hawthorn hedgerow.

I recommend the following condition is attached to any planning permission:

No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- A) description and evaluation of the features to be created/managed
- B) aims and objectives of management
- C) appropriate management options for achieving aims and objectives
- D) prescriptions for management actions
- E) work schedule
- F) species/seed mixes to be planted/sown

G) ongoing monitoring and remedial measures

The development shall be implemented in accordance with the approved LEMP.

I recommend the following informative is attached to any planning permission:

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

Senior Planning Archaeologist

86. Updated response

Our position in regard to the need of further archaeological assessment has not changed. The site lies close (less than 350m) to a possible Anglo-Saxon cemetery, often the settlements are slightly dispersed near to the cemetery, and as we do not know where the settlement associated with this cemetery is there is the potential it could be within the application area. This potential alongside the fact that Anglo-Saxon remains are not often seen on geophysical survey, we cannot rule out the presence of archaeological remains without intrusive evaluation.

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

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

87. Original response

Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements.

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the archaeological potential of this site is unknown, given the paucity of previous archaeological investigation in the vicinity of the site.

The submitted archaeological desk-based assessment and geophysical survey of the site are welcomed. We agree with the conclusions 'the results of this Archaeological Desk Based Assessment demonstrate that the overall archaeological potential of the Site is moderate to high.' However we do not agree with the recommendation that no further archaeological work is needed, or that the only archaeological work is a watching brief. A watching brief would not be an effective mitigation strategy because it is currently unclear as to the presence and character of any potential archaeology.

Geophysical survey does not show all types of archaeological deposit including prehistoric, Anglo Saxon remains and human burials which are not sensitive to detection by this method. Although the survey has not identified any positive evidence for archaeological activity here, it has not established their absence either.

The preservation of archaeological remains is, of course, a 'material consideration' in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

This will require provision by the applicant for:

1. A field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply

the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 194 & 195).

Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists 'Standards' and 'Code of Practice', and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

Information on suitable archaeological organisations to carry out this work can be obtained from HNET.

Environmental Protection

88. Thank you for consulting this section regarding planning application 2023/0397/FUL. We do not object to the proposed development, however we have the following comments and condition.

Although the site has been predominantly used agriculturally as grazing land, the area in the north east corner of the site is previously shown as an old limestone pit on 1884 mapping. Due to the small woodland now in this area, it is not clear if the pit remains or if there has been any infilling of the land since this time. Therefore, it would be prudent for a Phase I desk study to be undertaken to assess if any source-pathway-receptor linkages may exist that could pose a potential risk to future users of the site.

Condition:

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.

Foul Drainage

89. The EA guidance provides further information on what is required. The information included in the planning application is insufficient and does not demonstrate that the proposed management of foul drainage is appropriate.

The will be required to provide the information included within the FDA form. If they cannot demonstrate that adhere to the requirements of the general binding rules they will need and environmental permit with the EA.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>

As per previous conditions, the following are appropriate conditions for the site:

- Prior to occupation of the development approved by this planning permission a foul water drainage schemes shall be submitted to, and approved in writing by the Local Planning Authority.
- Prior to occupation details in relation to the long-term maintenance of the foul and surface water drainage systems within the development have been submitted to and approved in writing by the Local Planning Authority.

Forestry Tree

90. A tree protection plan is required in accordance with BS5837:2012.

Conservation area Officer

91. The Conservation Area officer has verbally stated that The proposal would not have a negative impact on the character and appearance of the Exton Conservation Area, setting of Listed Buildings, and/or Exton Park, a Grade II Registered Park and Garden

Neighbour Representations

92. 4 no. letters have been received, 3 of which raise a number of objections to the proposed development and 2 provide comments in support.

93. 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)

1. Building is in open countryside, outside the village boundary is far too big and visually intrusive
2. The development would not in keeping with the area and certainly does not compliment the surrounding area.
3. There's nothing wrong with the design of the house per se, just a serious case of the wrong house in the wrong place.
4. It's morally and ethically wrong to buy up little spinneys in open countryside, bulldoze them and build huge houses in their place.
5. Applying the criteria outlined Para 80 of the NPPF, the application does not satisfy or meet parts a) to d). With respect to part e), although elements of the design are welcomed (green roof) the design, layout and location fail to meet all of the requirements as listed. In Appeal Decision APP/T9501/W/17/3170021 the inspector stated at paragraph 18 of the decision:

"...in the absence of adequate demonstration that the property can no longer function as a holiday let, or indeed any other tourism or employment related use, I find the proposal will not re-use redundant or disused buildings and lead to an enhancement to the immediate setting. As a result, it will represent an isolated new home in the countryside without meeting any special circumstances, in conflict with paragraph 55 [updated to paragraph 80 in 2021] of the Framework."
6. The proposal is located c. 500m from the edge of the village conservation area. It can be argued that the location, design and layout of this single dwelling will result in no to minimal harm to the conservation area or other designated and non-designated heritage assets. However, the visuals provided as supporting evidence do not reflect the changing nature of the landscape through the seasons, or the loss of trees due to disease and climate change; winter views are significantly different to those in the summer. The site is visible from the playground and school playing fields and thus can be considered harmful to the landscape setting. Thus, the design and material palate will be incongruous with the dominant and vernacular buildings experienced within and surrounding the village environment.
7. As outlined in the comments by the Leicestershire Senior Planning

Archaeologist (uploaded 16.05.2023) there is insufficient information provided by the applicant to assess potential construction activity and subsequent use upon any heritage assets within the development boundary.

8. The proposed creation is the ugliest building I've ever seen - completely out of keeping with the village and area.
9. They are also building in the wood adjacent to it - the woodland is brimming with wildlife. There are bats around here, certainly flying between their property and mine, possibly living in the wood.
10. Can I suggest the application is reviewed by the council's design and review team if you have one.

In support

1. You can't approve a solar farm and deny this. Looks modern and no one will be able to see it from their houses in Exton.
2. Ecology and Biodiversity - The preliminary assessment undertaken in September 2021 identified:
 - rare plant species within the grassland area - see appendix. Examination of aerial images provided by Google Earth show that the former pasture has been selectively mown and planted; thus likely to increase the biodiversity and grassland recovery of the area;
 - badger activity is attested on the boundary between the grassland and spinney located to the immediate east of proposed construction/development. Although the assessment did not find evidence of latrines or setts, the presence of badger hair attached to the wire fence demonstrates this is an active badger area. The assessment does not include any mitigation measures to ensure this protected species is not adversely affected by development.
 - The comments and recommendations by the ecologist (dated 12.05.2023) responding on behalf of Leicestershire County Council are welcomed, notably the requirement for a landscape and ecology management plan (LEMP). This recommendation should include a requirement that the LEMP in in place for a minimum of 30 years after completion of the proposed landscaping and ecology elements of the proposed development.

Conclusion

94. The planning application is supported by Design Midland, which is an independent, impartial resource providing design support. As such, paragraph 80 (e) 130 and 134 of the NPPF is relevant. Paragraph 134 b) states '*outstanding or innovative designs which promote high levels of sustainability or*

help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

95. The Design Midlands Review Panel has assessed that the overall ambition for a sustainable house as commendable. A 'fabric-first' approach to the building design has been adopted, along with the use of mechanical 'systems' too, complying with the sustainable development principles highlighted in Policy CS1. The sustainable design has been concluded by the Panel to have a positive and significant impact on the performance of the building, whilst imbuing it with a calm and robust character, e.g., thick walls/deep reveals, etc.
96. The Design Officer has no objection to the proposal being a paragraph 80 e) dwelling confirming that the second Design Review Panel held in November 2022 focussed on several remaining elements to be resolve, for example, landscape, the approach driveway location, sustainability proposals. The application documents have addressed these issues, with the inclusion of helpful reports such as the Landscaping Design and Access Statement and rendered visuals graded at 1,5,10 and 25 years to illustrate how the landscape will mature over time. The sustainability statement within the D&AS is helpful and sets out a wide range of measures. In conclusion, the proposed scheme looks to have addressed the issues raised by the Design Review Panel sufficiently and the design process followed, and the final proposals put forward meet the requirements set out in the Rutland Design SPD.
97. The design and location of the proposed development is considered to respect and adequately address the impacts that the development would have had on the surrounding landscape. As a result, it is considered that the proposal would comply with paragraph 80 (e), 130 and 134 of the NPPF.
98. Although the proposal does not comply with policies CS03, CS04 and SP6, due to being located outside the planned limits for Exton and is not a dwelling proposed to meet an essential need as identified by policy SP6, the development is considered, for the reasons identified in the latest response from Design Midlands and the Design Officer the proposal is acceptable in the National Policy terms as it meets the requirements of a dwelling set out in NPPF paragraph 80 e)
99. The proposed development would not be visually intrusive and/or impact adversely on the form and character of the area or the amenities of nearby properties.
100. Taking the above into account, it is considered that the proposal is acceptable and complies with NPPF (Sections 5, 9, 12 and 15), Policies CS1, CS19, CS20 & CS21 of the Rutland Core Strategy (2011) and Policies SP1 SP15 & SP19 and SP23 of the Site Allocations and Policies Development Plan Document

(2014) and Supplementary Planning Document - Design Guidelines for Rutland SPD (2022).



311

55

Residential Curtilage

PROPOSED SITE PLAN

Issue - Amendment	Date	Rev
Issued for Information	01.12.2023	06
Issued for Information	30.11.2023	05
Issued for Information	25.01.2023	04
Issued for Information	03.10.2022	03
Issued for Information	09.06.2022	02
Issued for Information	25.03.2022	01
Issued for Information	10.05.2022	00

Project Land at Hawkswell House, Exton
LE15 8BA

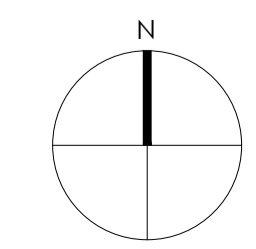
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Subject Site Plan

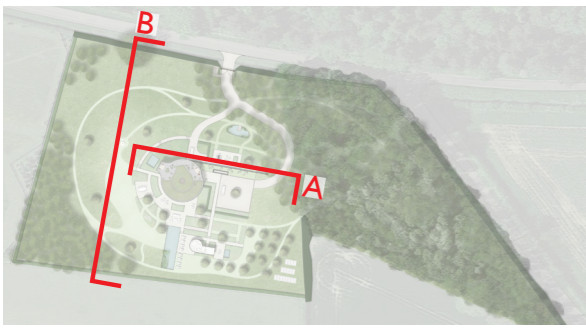
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Original Size A1

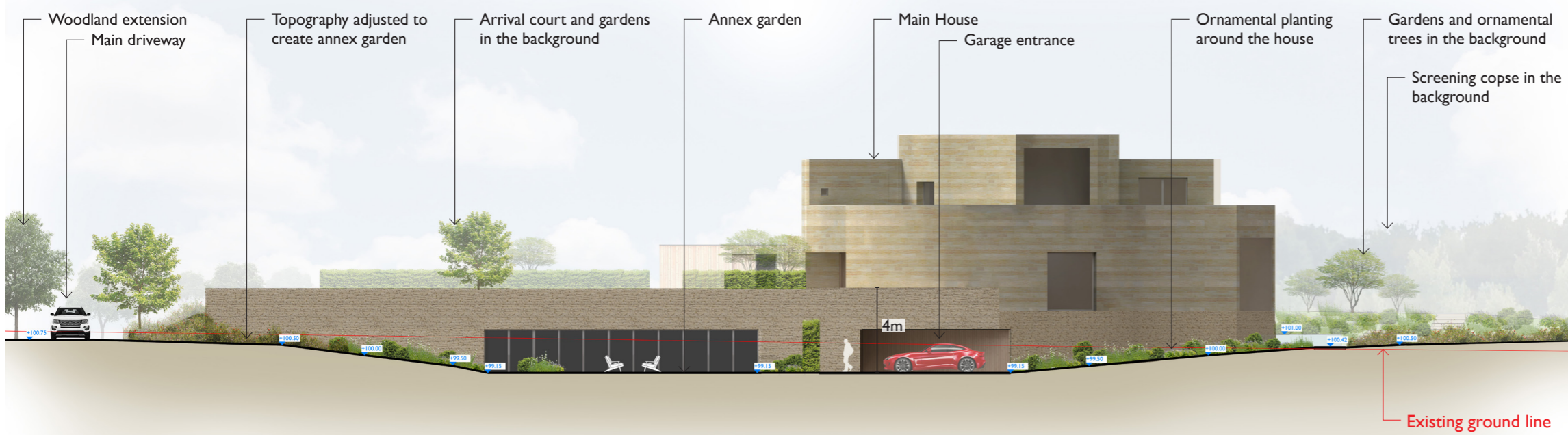
Drawing No. GA_002 Revision 06



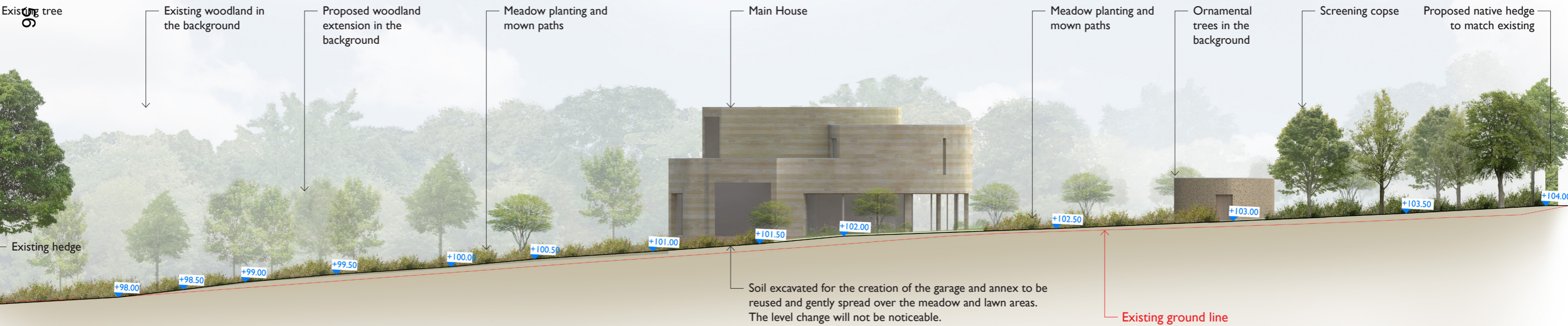
Appendix 2



Keymap



01 SECTION A
4.00.01 Scale 1:250



02 SECTION B
4.00.01 Scale 1:250

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REV	REV DATE	DESCRIPTION

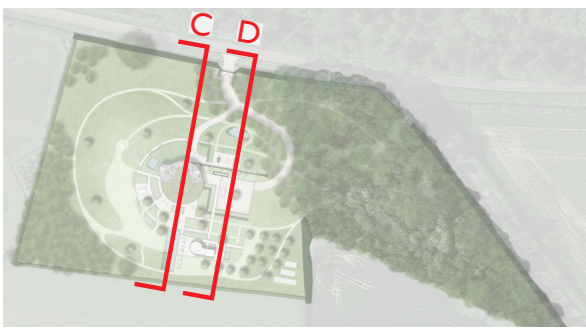
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CHECKED BY FF	ISSUE STATUS Planning	REVISED BY -
SCALE 1:250 @ A3	REV DATE -	

PROJECT TITLE Hawkswell House
SHEET TITLE Rendered Site Sections 01
SHEET NUMBER HKH_DD_4.00.01

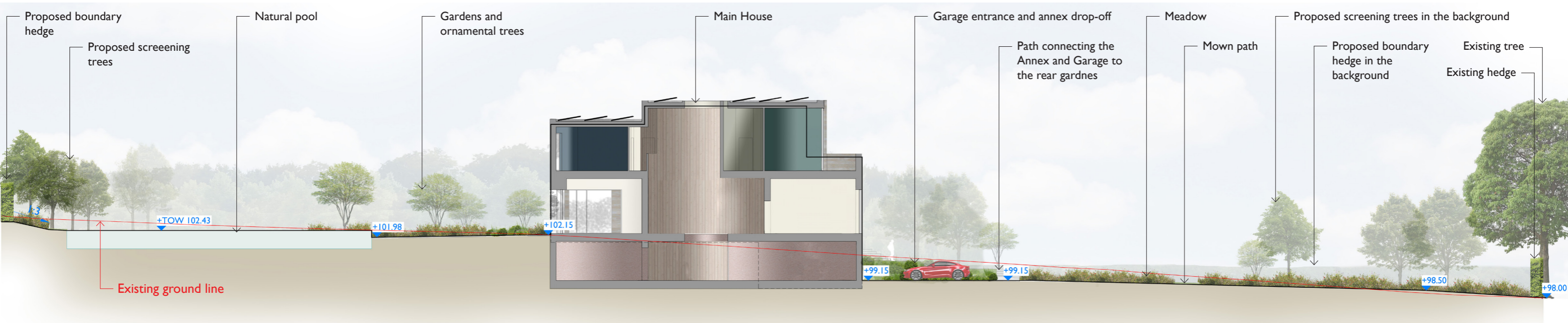
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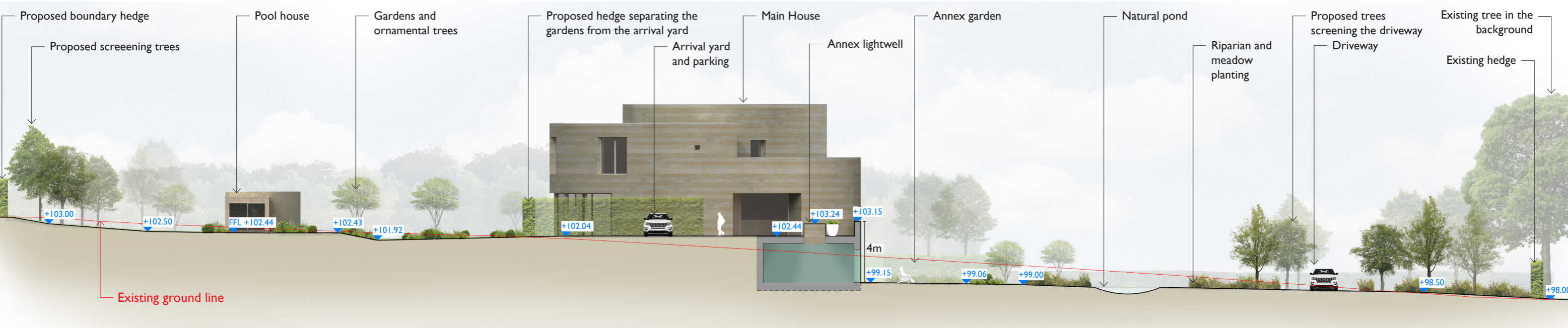
Appendix 3



Keymap



02 SECTION C
4.00.02 Scale 1:250



02 SECTION D
4.00.02 Scale 1:250

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REV	REV DATE	DESCRIPTION

DEAWN BY AH	DRAWING DATE 14/04/2023	REVISION 00
CHECKED BY FF	ISSUE STATUS Planning	REVISED BY -
SCALE 1:250 @ A3	REV DATE -	

PROJECT TITLE Hawkswell House
SHEET TITLE Rendered Site Sections 02
SHEET NUMBER HKH_DD_4.00.02

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LEGEND
Contours
Contours every 0.50m

- SOFT LANDSCAPE**
- Existing Tree to be retained
Refer to Arborist and Report
 - Proposed Standard Tree
Woodland and screening trees. Min girth 25-30cm
 - Proposed Ornamental Tree
Multi-trunk ornamental garden trees. Height 4m
 - Proposed Orchard Tree
Fruit Standard Tree. Height 4m
 - Existing Hedging
 - ▨ Proposed Hedging
Native hedge to match existing (streamers)
 - Mown Lawn
Species rich lawn
 - Meadow Planting
Species rich meadow
 - Ornamental Planting
Perennial and ornamental grasses
plantings
 - Alpine Planting
Water plants to natural pool and wildlife pond
 - Existing Hedge proposed for removal

- PAVING TYPES**
- ① Paving Type 1 - Birch Bound Gravel Paving
Resin Bound Gravel on permeable sub-base
 - ② Paving Type 2 - Natural Stone Paving
Local stone to match house cladding. On permeable sub-base
 - ③ Paving Type 3 - Timber Decking
Natural Timber Decking
 - ④ Paving Type 4 - Natural Stone Paving Band
Stone pavers. Local stone to match house cladding
On permeable sub-base

- STEP TYPES**
- ① Step Type 1 - Natural Stone Steps
Local stone to match house cladding

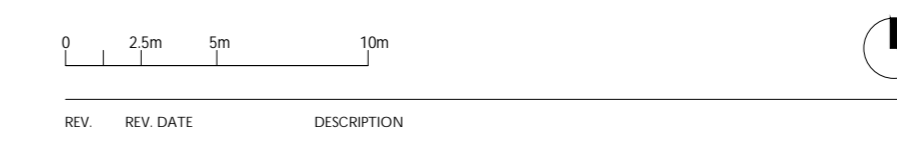
- BOUNDARY TYPES**
- ① Gate Type 1 - Slane Entrance Gate
Decorative metal entrance gate with stone-clad pillars

- FURNITURE & FEATURES**
- ① Water Feature
Single or double water feature
to specialist design
 - ② Natural Pond
Natural swimming pool
to specialist design
 - ③ Wildlife Pond
Natural wildlife pond
to specialist design
 - ④ Ornamental Ponds
Ornamental ponds
to specialist design
 - ⑤ Lounge Seating
Ornamental furniture
to specialist design
 - ⑥ Dining Table & Chairs
Ornamental furniture
to specialist design
 - ⑦ Pool Loungers
Ornamental furniture
to specialist design
 - ⑧ Solar Panels
To specialist design
 - ⑨ Bin Storage
enclosed bin enclosure
to specialist design

- LEVELS**
- ① Existing Level
 - ② Finish Floor Level
 - ③ Proposed Level
 - ④ Top of Step Level
 - ⑤ Bottom of Step Level
 - ⑥ Fall

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NOTES
WATERPROOFING & DRAINAGE - To Engineer's details and specifications.
CIVIL AND STRUCTURAL NOTES - To be carried out to ensure prior to planting and made available to Marcus Barnett Studio in writing or on site as available.
LOAD WARNINGS - This should be carried out after necessary and to Engineer's specification and approval.
ROCK OR WEEDS - This should be agreed upon completion to Marcus Barnett Studio and Client approval prior to commencing construction.
LANDSCAPE SETTING OUT - To be marked on site by contractor to Marcus Barnett Studio approval.
LANDSCAPEWORKS - To be reviewed by Geotechnical and Civil Engineers.

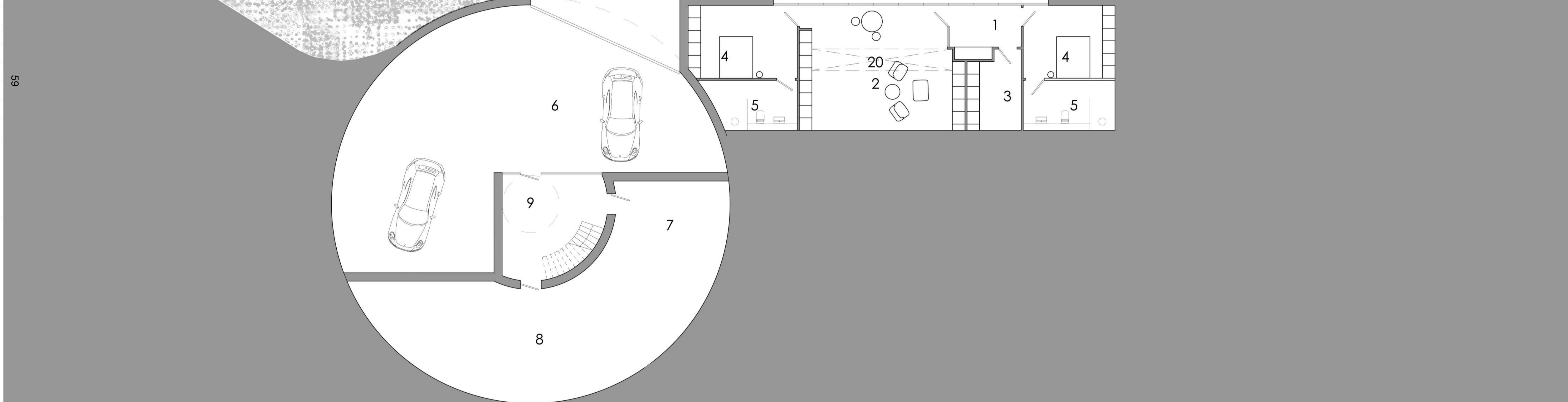
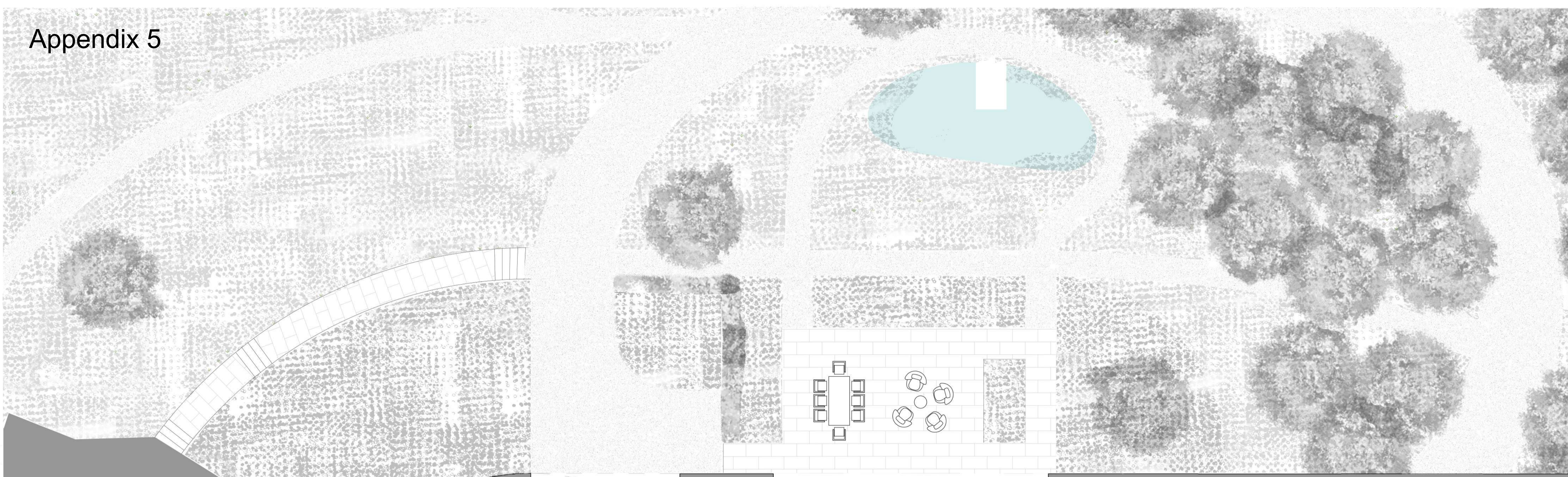


DRAWN BY FF	DRAWING DATE 14/04/2023	REVISION 00	PROJECT TITLE Hawkswell House
CHECKED BY JM	ISSUE STATUS Planning	REVISED BY -	SHEET TITLE Landscape General Arrangement Plan
SCALE 1:250@ A0	REV DATE -	SHEET NUMBER HWL_DD_100.01	

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Appendix 5

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LEGEND

- 1. Annex - Entrance Hall
- 2. Annex - Kitchen/Living
- 3. Annex - Utility
- 4. Annex - Bedroom
- 5. Annex - Ensuite
- 6. Garage
- 7. Plant
- 8. Gym/Cinema/Wine
- 9. Glass Floor/Ceiling
- 10. Main/Guest Entrance
- 11. Boot Room
- 12. Kitchen
- 13. Living
- 14. Pantry
- 15. Study
- 16. Dining
- 17. Bedroom
- 18. Ensuite
- 19. Dressing
- 20. Rooflight Above

FLOOR AREAS
 BASEMENT 447m²
 GROUND 320m²
 1ST FLOOR 191m²

TOTAL 958M²

Issue - Amendment	Date	Rev
Issued for information	13.04.2023	04
Issued for information	25.01.2023	03
Issued for information	14.10.2022	02
Issued for information	11.08.2022	01
Issued for information	09.06.2022	00

Project Land at Hawkswell House, Exton LE15 8BA

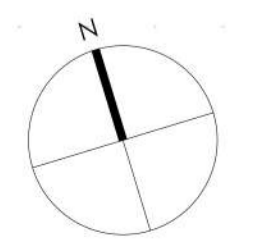
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 Peacocks Business Park
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 T. 01522458100
 W. www.jonathanhendryarchitects.com

Subject Lower Ground Floor Plan

Scale 1:100 Date 10.05.2022

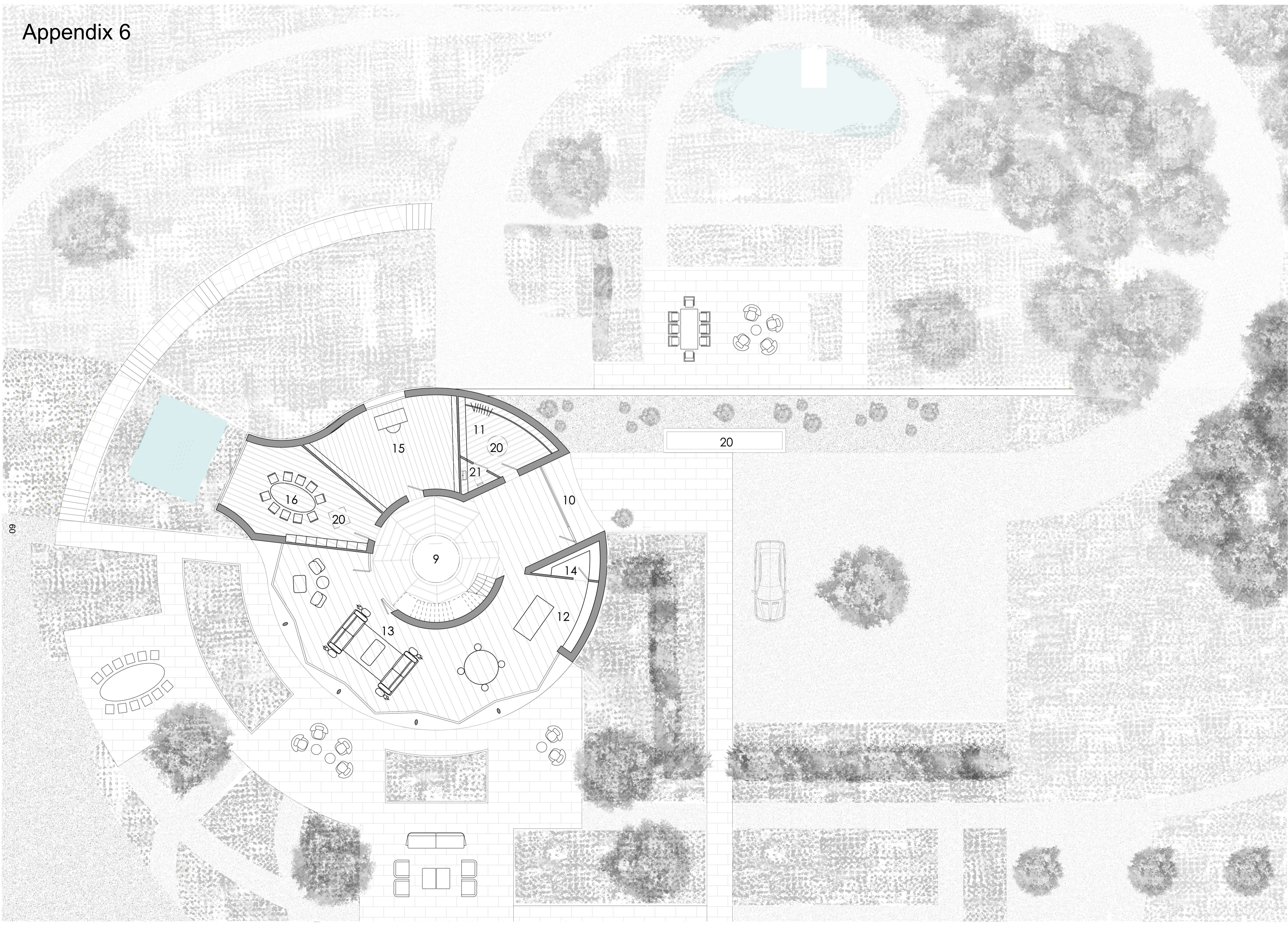
Original Size A1

Drawing No. GA_100 Revision 04



Appendix 6

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LEGEND

- 1. Annex - Entrance Hall
- 2. Annex - Kitchen/Living
- 3. Annex - Utility
- 4. Annex - Bedroom
- 5. Annex - Ensuite
- 6. Garage
- 7. Plant
- 8. Gym/Cinema/Wine
- 9. Glass Floor/Ceiling
- 10. Main/Guest Entrance
- 11. Boot Room
- 12. Kitchen
- 13. Living
- 14. Pantry
- 15. Study
- 16. Dining
- 17. Bedroom
- 18. Ensuite
- 19. Dressing
- 20. Rooflight Above
- 21. WC

FLOOR AREAS

BASEMENT 447m²
GROUND 320m²
1ST FLOOR 191m²

TOTAL 958m²

Issue - Amendment	Date	Rev
Issued for information	13.04.2023	04
Issued for information	23.01.2023	03
Issued for information	14.10.2022	02
Issued for information	11.08.2022	01
Issued for information	09.06.2022	00

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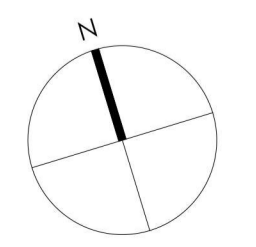
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Subject Ground Floor Plan

Scale 1:100 Date 10.05.2022

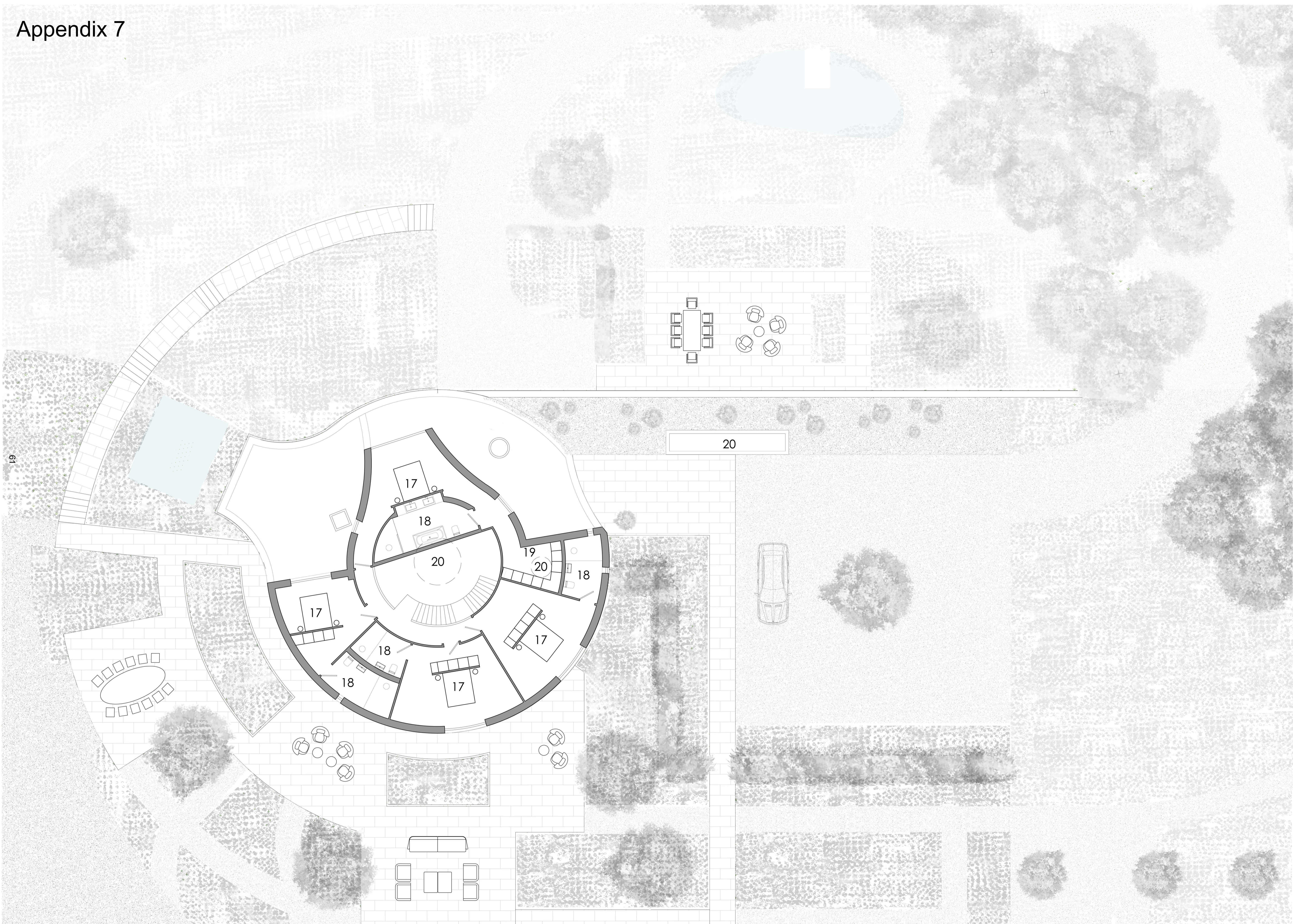
Original Size A1

Drawing No. GA_101 Revision 04



Appendix 7

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LEGEND

- 1. Annex - Entrance Hall
- 2. Annex - Kitchen/Living
- 3. Annex - Utility
- 4. Annex - Bedroom
- 5. Annex - Ensuite
- 6. Garage
- 7. Plant
- 8. Gym/Cinema/Wine
- 9. Glass Floor/Ceiling
- 10. Main/Guest Entrance
- 11. Boot Room
- 12. Kitchen
- 13. Living
- 14. Pantry
- 15. Study
- 16. Dining
- 17. Bedroom
- 18. Ensuite
- 19. Dressing
- 20. Rooflight Above

FLOOR AREAS
 BASEMENT 447m²
 GROUND 320m²
 1ST FLOOR 191m²

TOTAL 958m²

Issue - Amendment	Date	Rev
Issued for information	13.04.2023	04
Issued for information	23.01.2023	03
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Issued for information	11.08.2022	01
Issued for information	09.06.2022	00

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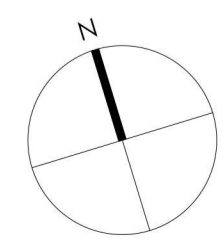
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Subject First Floor Plan

Scale 1:100 Date 10.05.2022

Original Size A1

Drawing No. GA_102 Revision 04





62

E A S T E L E V A T I O N

MATERIAL LEGEND

- 1. ANCASTER 'HARD WHITE' ASHLAR LIMESTONE
- 2. ANCASTER 'HARD WHITE' TUMBLED STONE
- 3. ALUMINUM FRAMED GLAZING
- 4. TIMBER DOOR/CLADDING - VERTICAL PLANK

Issue - Amendment	Date	Rev
Issued for Planning	13.04.2023	04
Issued for Information	28.09.2022	03
Issued for Information	11.08.2022	02
Issued for Information	01.08.2022	01
Issued for Information	09.06.2022	00

Project Land at Hawkswell House, Exton
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Subject Proposed East Elevation

Scale 1:100 Date 10.05.2022
Original Size A1
Drawing No. GA_201 Revision 04

63



S O U T H E L E V A T I O N

MATERIAL LEGEND

- 1. ANCASTER 'HARD WHITE' ASHLAR LIMESTONE
- 2. ANCASTER 'HARD WHITE' TUMBLED STONE
- 3. ALUMINIUM FRAMED GLAZING
- 4. TIMBER DOOR - VERTICAL PLANK

Issue - Amendment	Date	Rev
Issued for Planning	13.04.2023	04
Issued for Information	28.09.2022	03
Issued for Information	11.08.2022	02
Issued for Information	01.08.2022	01
Issued for Information	09.06.2022	00

Project Land at Hawkswell House, Exton
LE15 8BA

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Subject Proposed South Elevation

Scale 1:100 Date 10.05.2022

Original Size A1

Drawing No. GA_202 Revision 04



WEST ELEVATION

- MATERIAL LEGEND**
- 1. ANCASTER 'HARD WHITE' ASHLAR LIMESTONE
 - 2. ANCASTER 'HARD WHITE' TUMBLED STONE
 - 3. ALUMINUM FRAMED GLAZING
 - 4. TIMBER DOOR/CLADDING - VERTICAL PLANK

Issue - Amendment	Date	Rev
Issued for Planning	13.04.2023	04
Issued for Information	28.09.2022	03
Issued for Information	11.08.2022	02
Issued for Information	01.08.2022	01
Issued for Information	09.06.2022	00

Project Land at Hawkswell House, Exton
LE15 8BA

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Subject Proposed West Elevation

Scale 1:100 Date 10.05.2022
Original Size A1
Drawing No. GA_203 Revision 04



N O R T H E L E V A T I O N



E A S T E L E V A T I O N

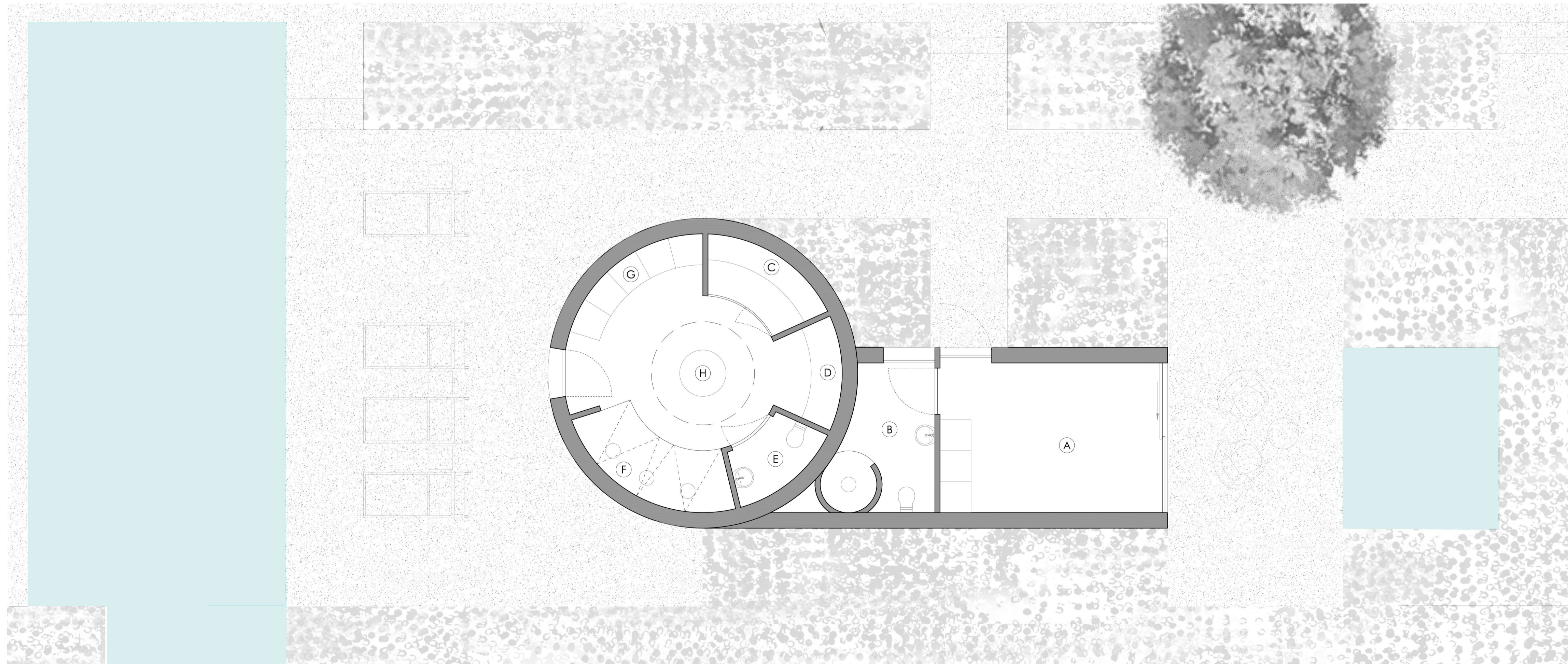


S O U T H E L E V A T I O N



W E S T E L E V A T I O N

- MATERIAL LEGEND**
1. ANCASTER 'HARD WHITE' TUMBLED STONE
 2. ALUMINUM FRAMED GLAZING
 3. TIMBER CLADDING - VERTICAL PLANK
 4. TIMBER DOOR - VERTICAL PLANK



P O O L H O U S E P L A N

- LAYOUT LEGEND**
- A. Entertaining
 - B. Shower room
 - C. Sauna
 - D. Meditation Bed
 - E. WC
 - F. Shower
 - G. Refreshments
 - H. Changing Bench
 - I. N/A
 - J. Rooflight

Issued for Planning	13.04.2023	02
Issued for Information	11.08.2022	01
Issued for Information	09.06.2022	00
Issue - Amendment	Date	Rev

Project Land at Hawkswell House, Exton
LE15 8BA

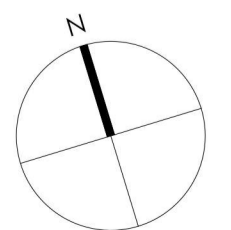
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Subject Proposed Elevations
Pool House

Scale 1:50 Date 10.05.2022

Original Size A1

Drawing No. GA_110 Revision 02





N O R T H E L E V A T I O N

- MATERIAL LEGEND**
1. ANCASTER 'HARD WHITE' ASHLAR LIMESTONE
 2. ANCASTER 'HARD WHITE' TUMBLED STONE
 3. ALUMINIUM FRAMED GLAZING
 4. TIMBER DOOR - VERTICAL PLANK

Issue - Amendment	Date	Rev
Issued for Planning	13.04.2023	04
Issued for Information	28.09.2022	03
Issued for Information	11.08.2022	02
Issued for Information	01.08.2022	01
Issued for Information	09.06.2022	00

Project Land at Hawkswell House, Exton
LE15 8BA

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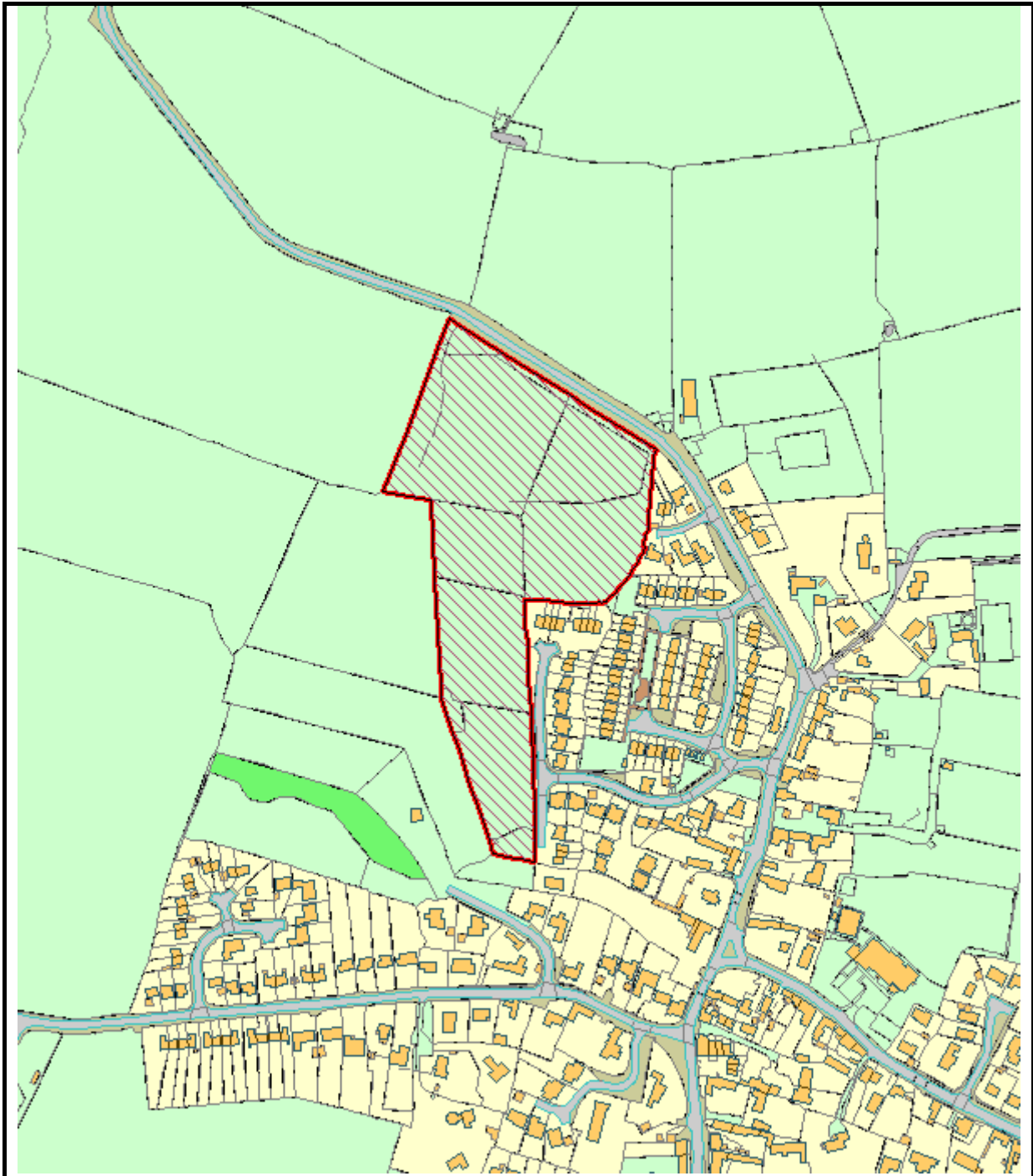
Subject Proposed North Elevation

Scale 1:100 Date 10.05.2022

Original Size A1

Drawing No. GA_200 Revision 04

2023/0271/RES



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0271/RES	ITEM 2	
Proposal:	Application for reserved matters consent for the erection of 66 no. dwellings for layout, scale, landscaping and access (other than as already approved as part of outline planning permission) pursuant to outline planning permission 2021/1263/OUT.		
Address:	Land to the South of Stapleford Road, Whissendine, Rutland		
Applicant	Mulberry Homes	Parish	Whissendine
Agent:	Nineteen47	Ward	Whissendine
Reason for presenting to Committee:	Deferred from 19th September 2023 <ul style="list-style-type: none"> • The density of the housing proposed within the location. • Issues around the biodiversity net gain. 		
Date of Committee:	12th December 2023		
Determination Date:	13th June 2023		
Agreed Extension of Time Date:	22nd September 2023		

EXECUTIVE SUMMARY

The proposal follows outline consent granted for the development of up to 66 dwellings on the land in December 2022. That outline planning permission fixed the detail of the proposed vehicular access to the site including provision of a footway link around the bend in Stapleford Road to the east.

The proposal was deferred from the September meeting of the Planning Committee following a failed motion to approve in accordance with the Officer recommendation. Members indicated that the application was deferred in order to seek changes to the scheme in respect of the density of the housing proposed within the location and issues around the biodiversity net gain proposed.

Amendments have been made to the layout following its deferral by the Committee to open up the southern section of the site and incorporating changes to the house types to increase the proportion of smaller properties in line with the comments received on the original layout. The amendments also result in changes to the biodiversity impact of the scheme, although there remains a deficit required to be offset elsewhere (which is permissible under the forthcoming Environment Act).

The scheme differs from the indicative masterplan provided with the outline application. This is to ensure development of the site follows the landscape led approach advocated by the Local Planning Authority and has the added benefit of allowing for a lower density form of development across the site more appropriate to its immediate rural setting instead of locating the entirety of the development into a smaller proportion of the land which resulted in a higher density scheme indicated in the outline masterplan.

The application demonstrates that the quantum of development envisaged by the outline planning permission is capable of being accommodated within the application site, whilst still providing an acceptable level of open space within the site boundary and incorporating the ancillary infrastructure provision required on-site.

The design of the properties is appropriately evidenced within the application to demonstrate that it is reflective of local character, and the scale of the development proposed is in keeping with the village and the form and appearance of the properties within it. Materials are also appropriate to the setting of the development subject to approval of samples.

The landscaping proposed to facilitate the development ensures retention of the key central woodland area, and supplements this with suitable planting in its vicinity and throughout the development, with a further area of undeveloped land to the southern end of the site. New hedgerows are proposed to flank the proposed green pathways around the site edges where appropriate, which will assist in providing an appropriate transition from the countryside to the development, whilst also providing segregation between those pathways and the private areas adjacent to them.

The surface water discharge rate has been limited to 5 l/s for the whole site. This is below the current Q_{bar} rate.

The drainage scheme comprises of a series of pipes leading to an attenuation basin which will then outfall at a restricted rate into the Anglian Water system.

The LLFA therefore have no objection if built in accordance with Drawing 230311-RGL-zz-XX-DR-D-120-0001-S2-PO1.

Overall the reserved matters proposals are considered to be acceptable and will provide a development that is appropriate to its setting.

RECOMMENDATION

APPROVAL subject to the following conditions (to be read in conjunction with the conditions imposed on the outline planning permission):

1. No development above damp course level shall be carried out until samples of the proposed 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 only electronic details have been submitted with the application. Physical samples are necessary to ensure appropriate visual appearance of the materials.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans as listed below:
- Public Rights of Way plan - MPD050-PROW-01 Rev C
 - Planning Layout – n1879 008 Rev H
 - Presentation Layout – n1879 009 Rev C
 - Materials Plan – n1879 600 Rev D
 - Boundary Treatments Plan – n1879 700 Rev C
 - Affordable Housing Plan – n1879 800 Rev C
 - Parking Strategy Plan – n1879 900 Rev C
 - Housetypes
 - Avebury Half Rendered Elevations 100-01
 - Avebury Floor Plans 100-02
 - Bourne Elevations 100-01
 - Bourne Floor Plans 100-02
 - Chartwell Elevations (no chimney) 100-01
 - Chartwell Elevations (with chimney) 100-01
 - Chartwell Floor Plans 100-02
 - Dalton Elevations (with chimney) 100-01
 - Dalton Elevations (no chimney) 100-01
 - Dalton Floor Plans 100-02
 - Grantham Elevations (with chimney) 100-01
 - Grantham Floor Plans 100-02
 - Kedleston (no chimney) 100-01 A
 - Kedleston Floor Plans 100-02
 - Lavenham Elevations Rendered (no chimney) 100-01 A
 - Lavenham Elevations with stone (no chimney) 100-01
 - Lavenham Elevations (no chimney) 100-01
 - Lavenham Floor Plans 100-02
 - Petworth Elevations (with chimney) 100-01
 - Petworth Elevations Rendered (with chimney) 100-01
 - Petworth Elevation (no chimney) 100-01
 - Petworth Floor Plans 100-02
 - Sherringham Elevations part rendered (with chimney) 100-01A
 - Sherringham Elevations (with chimney) 100-01A
 - Sherringham Floor Plans 100-02
 - Woodchester Elevations part rendered (with chimney) 100-01
 - Woodchester Elevations (with chimney) 100-01
 - Woodchester Elevations (no chimney) 100-01
 - Woodchester Floor Plans 100-02
 - Aster & Arlington Elevations 100-01A
 - Aster & Arlington Floor Plans 100-02A
 - Sheldon Elevations 100-01B
 - Sheldon Floor Plans 100-02A
 - Bembridge Elevations 100-01
 - Bembridge Floor Plans 100-02
 - Arlington Elevations 100-01
 - Arlington Floor Plans 100-02
 - Hinton & Bembridge Elevations 100-01A

- Hinton & Bembridge Floorplans 100-02A
- Dalton & Arlington Elevations 100-01A
- Dalton & Arlington Floor Plans 100-02A
- Single Garage 100/SG1-01
- Single Garage 100/SG1-02
- Double Garage 100/DG1-01
- Double Garage 100/DG1-02

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

3. No development shall take place (including ground works or vegetation clearance) until a Biodiversity Offsetting Management Plan (BOMP) has been submitted to and approved in writing by the LPA. The BOMP is to be based on the Biodiversity Net Gain Assessment undertaken by Brindle & Green (Revision 3, October 2023) and is to provide a minimum of 10% net gain on the reported loss. The plan shall include the following details:
- A) Description and location plan of the area to be used for off-setting
 - B) description and evaluation of the features to be managed/created
 - C) aims and objectives of management
 - D) appropriate management options for achieving aims and objectives
 - E) prescriptions for management actions
 - F) work schedule
 - G) seed mixes/species to be sown/planted
 - H) ongoing monitoring and remedial measures
 - I) details on the mechanism by which this plan is to be legally secured for a period of 30 years

The plan will be supported by a BNG metric calculation using the latest DEFRA version of the metric. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure that the development results in a 10% biodiversity net gain in accordance with the requirements of The Environment Act (2021).

4. No development shall take place until an onsite biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of integrated bird and bat boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

REASON: To ensure that the onsite biodiversity enhancements proposed are implemented as part of the approved development on the site.

5. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
- A) Identification of potentially damaging construction activities
 - B) identification of biodiversity protection zones
 - C) practical measures and sensitive working practices to avoid or reduce impacts during construction

- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

REASON: To ensure that appropriate steps are taken to protect biodiversity and ecological interests on the site throughout the construction phase of the development hereby approved.

6. No development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections (a) to (d) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall 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 section (iv) has been complied with in relation to that contamination.

a. 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.

b. 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.

c. 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 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.

d. 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 6a, 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 6b.

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 6c.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. No building or use hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate drainage of the site during the construction stage of the proposed development.

The Construction Method Statement shall include;

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The Construction Method Statement shall be strictly adhered to throughout the construction period.

REASON: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

9. Off-site highway works (road widening and footpath extension). No dwelling shall be occupied until the off-site highway works have been completed to a minimum of base course level for the carriageway, and footpath extension completed to surface course. If the dwellings will be occupied prior to the carriageway 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 carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.

REASON: In the interests of highway safety.

10. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- construction traffic routes to and from the site, including deliveries

- restrictions on timings of deliveries to and from the site to avoid conflict with the nearby school at morning drop-off and afternoon pickup times
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- Hours of working on site

REASON: To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

Informative notes

- Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. It is understood that the District Level Licencing route has been selected, thus the licence needs to be in place prior to works commencing for the development to be lawful.
- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- Grass snakes are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to: Deliberately kill, injure or take grass snake. As grass snake are present on site, careful working practices will need to be followed to ensure none are injured or killed.
- 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.

- 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.

- Section 184 Highways Act 1980 – temp access

The development involves the construction of a new vehicular access within the public highway. However, should the developer wish to install a temporary construction access prior to the full access being installed under Section 278 of the Highways Act 1980, this can be applied for under Section 184 of the Highways Act 1980. These works must be carried out under strict accordance with the requirements of Rutland County Council under the provisions of Section 184 of the Highways Act 1980. Prior to commencing any work within the highway, a licence must be obtained from the Local Highway Authority. The application form and guidance notes can be found on Rutland's website or contact can be made with Highways by email at highways@rutland.co.uk.

- 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.

Site & Surroundings

1. The site is located on the west side of Stapleford Road, Harborough Close and Willow Close at the northwest end of Whissendine. The land is used for grazing and is surrounded by hedges. The land also contains historic ridge and furrow features. The site extends to 3.46Ha.
2. The site is bounded to the west by open farmland and to the east mostly by existing modern housing. To the north is Stapleford Road, a rural lane leading out of the County into Leicestershire.
3. There is no Conservation Area in Whissendine. There are 3 listed buildings on Stapleford Road, close to the junction with Harborough Close. The GII* listed Windmill in the village to the south of Melton Road is approximately 250 metres from the nearest proposed house and 200m from the site boundary.
4. The site is outside the Planned Limit to Development (PLD) for Whissendine but does adjoin it along its southern and eastern boundary.

Proposal

5. The proposal is a reserved matters application comprising the layout, scale, appearance, and landscaping relating to the construction of 66 dwellings on the land previously granted outline planning permission in 2022. That permission included the approval of the details of the proposed access to the site.

Relevant Planning History

6. The site was granted outline planning permission for up to 66 dwellings on the 5th of December 2022 and is included within the Five-Year Land Supply & Developable Housing Land Supply Report of May 2023 where it is identified as making its full contribution of 66 dwellings to the 5-year housing land supply. Its inclusion was supported by the recent Planning Inspector's decision under appeal reference APP/A2470/W/22/3312763 and therefore the 66 dwellings on this site makes a contribution to the overall housing land supply of 0.51 years to the 5.59 year supply the Inspector concluded was demonstrable on the basis of the evidence available at that time (7.4 years supply detailed in the Annual 5-year land supply report published by RCC in May 2023).

Planning Guidance and Policy

Core Strategy DPD

CS01 - Sustainable Development Principles
CS02 - The Spatial Strategy
CS03 - The Settlement Hierarchy
CS04 - The Location of Development
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS19 - Promoting Good Design
CS20 - Energy Efficiency and Low Carbon Energy Generation
CS21 - The Natural Environment
CS22 - The Historic and Cultural Environment
CS23 - Green Infrastructure, Open Space, Sport and Recreation

Site Allocations and Policies DPD

SP1 - Presumption in Favour of Sustainable Development
SP6 - Housing in the Countryside
SP9 - Affordable Housing
SP15 - Design and Amenity
SP19 - Biodiversity and Geodiversity Conservation
SP20 - The Historic Environment
SP22 - Provision of New Open Space
SP23 - Landscape Character in the Countryside

Whissendine Neighbourhood Plan (draft submission version)

The Neighbourhood Plan acknowledges the granting of outline planning permission for up to 66 homes on the site in 2022.

WH1: Housing
WH4: Design
WH5: Landscape and Heritage
WH7: Surface Water
WH8: Infrastructure

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

Officer Evaluation

Principle of the use

7. The principle of residential development on the site has been established by the outline planning permission granted under application 2021/1263/OUT.

8. This permission granted outline consent for up to 66 dwellings on the land alongside provision of public open space and associated infrastructure, and it also included consent for the access point off Stapleford Road. These matters do not therefore form part of the consideration of the current application, which is to consider the remaining reserved matters not already approved. These reserved matters are the layout of the site, the scale of the development proposed, its appearance and the landscaping proposed.

Layout

9. The site is designed with a central spine road, off which several subsidiary roads and private driveways are located. There is no circular route within the site however the shape of the site and its constraints make this impractical. A surface water attenuation feature is located adjoining the access on Stapleford Road, further details of which are considered under landscaping below.
10. Amendments made to the scheme in respect of its deferral by the planning committee have not changed the majority of the layout of the site but do result in the removal from the scheme of the two most southerly plots, which opens up this southern section to a lower density and allows for a larger area of landscaping within the application site boundary.
11. The site has a pedestrian 'mown path' along its frontage, which continues along the western boundary providing pedestrian access around the site and providing an alternative route for the existing public right of way that minimises the amount of walking along engineered paths. Again, details of the mown paths are considered as part of the comments on landscaping below.
12. The central part of the site forms the proposed public open space and incorporates a small area of woodland currently present on the site, with amendments having been made to the layout immediately surrounding this woodland to ensure that the Forestry Officer is satisfied that the impact on that woodland is acceptable.
13. The central spine road then extends further south to serve the remaining dwellings but is located on the western side of the site ensuring separation from Harborough Close which adjoins the site to the east. A small private drive serves the properties on this side of the site with supplementary hedgerow planting to ensure that any visual conflict between adjoining vehicular access ways is minimised. A second area of less formalised open space is now proposed to the south of the site following the deferral of the application by the committee in September.
14. On-plot parking is provided to the majority of dwellings on the site, with nearby courtyard parking to the remaining smaller plots to ensure an appropriate and efficient use of the space within the site.

15. Bin collection points are identified on the layout at the entrance to areas of private driveways and the applicant has confirmed that all the proposed properties will benefit from electric vehicle charging points.
16. Window to window distances within the layout are generally more than 20m, with the layout avoiding issues of unacceptable overlooking both internally and to the existing properties surrounding the site.
17. The amendments to the proposed layout following the deferral at the September meeting of the Planning Committee have also resulted in changes to the Biodiversity Metric undertaken in relation to the scheme. The previously considered plans showed a 41.05% loss of habitat units and a 29.33% increase in hedgerow units as a result of the scheme, whilst the revisions show a 37.82% loss in habitat units and a 45.53% gain in hedgerow units.
18. Overall therefore the changes have resulted in improvements to the biodiversity credentials of the scheme however these improvements are nominal and still result in an overall net loss on the site that will be required to be offset. The incoming Environment Act allows for offsetting to be undertaken and does not require such offsetting to be provided for in the immediate locality of the application site. The ecological advisors to the Local Planning Authority have confirmed that subject to appropriate conditions being imposed on any permission granted to secure such offsetting, there are no ecological grounds for the refusal of the scheme. These conditions are detailed above.
19. Overall, the amended layout is considered by Officers to be acceptable.

Scale

20. The site comprises mostly 2-storey development, with only 2 of the proposed plots being bungalows. 58% of the proposed dwellings are now 3-bedrooms or less, with 35% (down from 42%) being four-bedroomed units.
21. The amendments made to the housing mix are favourable in terms of the scheme's compliance with policy WH1 of the forthcoming Whissendine Neighbourhood Plan, which requires developments to be predominantly 1-3 bedrooms.
22. Two-storey development is appropriate to the prevailing character within Whissendine and none of the properties include additional accommodation within the roof space. In this regard, none of the properties adjoining the site are less than two-storeys in height and therefore the scale of the proposal is considered to be acceptable.

Appearance

23. The application includes an assessment of existing details of appearance and character within Whissendine, undertaken at the behest of the Local Planning Authority to ensure that proposed house types for inclusion within the site are

appropriate to the wider characteristics of the village of Whissendine. This study ensures that the proposed house types incorporate features and styles that are currently characteristic of the village, with the study focusing on properties within the historic core of the village and not relying on examples of more recent development that may have been less appropriate to its original character.

24. This leads to a development proposed where the majority of properties are finished in red brick, with a smaller proportion of full (4) and part-rendered (9) dwellings, along with three properties that have a stone front elevation. Chimneys are incorporated within a number of the properties across the development to assist within ensuring the character of the development is appropriate to that of the settlement.
25. The application is accompanied by 3-d visuals to illustrate how the combination of proposed house types and materials will look upon completion of the development, although these have not been updated to the revised layout. A condition is proposed to ensure samples are provided to secure materials appropriate in colouration and style to the character of the settlement.
26. Overall, the application is considered to demonstrate that it has had due regard to the existing character and appearance of properties within Whissendine and the design response to that character is considered to be appropriate.

Landscaping

27. The landscaping details accompanying the proposals are comprehensive in nature and have responded to several concerns identified by the Local Planning Authority and its advisors in relation to the original proposals.

Attenuation Pond

28. This feature is designed to retain water all year round to ensure that it contributes to the visual and ecological interest of the site and is not simply an engineered feature that makes little contribution to the character of the site. The pond is to be surrounded by a timber post and rail fence to assist with security and safety, but also incorporates a decked 'viewing' platform to the northeast corner of the feature and a bench to the south to allow it to function more widely as an ecological asset of the site. These features were introduced following a request from Officers to ensure that the attenuation pond operated as more than simply a surface water run-off feature.

Mown Paths

29. There are a number of mown paths located within the proposed development. Details of their construction is provided to ensure that these remain usable in inclement conditions, and they constitute a cell-supported surface edged with timber to define the limit of the pathway. These are adjoined in places by proposed hedgerows to ensure the delineation between these public routes and more private areas associated with the individual dwellings. These mown paths

also provide connectivity between the entry of the public right of way to the site in the south, and a bridleway to the north of Stapleford Road.

Central Play Area/Woodland

30. Key to the design of the proposed development is a central area of open space, designed to be located to be accessible equally from the entire development and to maximise its benefit to the development by adjoining the existing area of woodland within the centre of the site. The area is overlooked by proposed dwellings to ensure a level of security is given to the site in that regard, and the scheme includes the provision of play equipment on this land as well as seeding of appropriate mix below the tree canopy.

Crime and Disorder

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

Human Rights Implications

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

Consultations

34. 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)

Revised details following deferral

Public Protection

35. Comments and requested conditions remain unchanged.

Whissendine Parish Council

36. Cannot see how biodiversity is to be improved from the plans available. The Parish Council is uncomfortable with the concept of offsetting outside the local area and would welcome an innovative approach to increasing biodiversity within the site or locally. Remain concerned regarding the proposed number of dwellings and that road and sewerage infrastructure is insufficient to cope. Wish to have the location of manhole MH5413 clarified. Pleased to note the variation in design of the buildings and the design relationship to the existing houses in the village.

LCC Archaeology

37. Confirm that the fieldwork is now complete and await the submission of a final report in due course. No comment in respect of the revised plans.

LCC Ecology

38. Condition recommendations remain the same, but BNG net gain assessment report should refer to Brindle & Green, October 2023 Rev 3.

NHS Leicester, Leicestershire & Rutland County Council

39. Contributions (CIL) will be requested towards healthcare provision requirements arising from this development.

Original plans

Whissendine Parish Council

40. Wish to see access to the site via Stapleford Road and no other, and for any verge damage within 500m of the access point to be repaired/reinstated prior to the developers leaving the site. Request that these are attached as condition to any permission granted. Would also like to see consideration given to limiting working hours consistent with the Considerate Contractor Scheme.
41. The Parish Council considers the scheme to be overdevelopment of the site, representing a 13% increase in the size of the village, with inappropriate design and density for its rural setting. *(Officer note – the site density is approximately 19 dwellings per hectare, whilst policy CS10 of the Core Strategy indicates development in the villages should achieve a density of 30 dwellings per hectare).*
42. Insufficient provision of parking within the site for private vehicles. It is not near a bus stop nor is it on a bus route, and there is no railway station in Whissendine. The roadways within the development are narrow and would not permit on-street parking. *(Officer note – the proposed parking meets the standards set out in the Site Allocations and Policies Development Plan Document Appendix 2).*
43. The access point is not suitable for a large number of daily traffic movements and its use would affect other road users. The site is likely to cause congestion at the junction of Stapleford Road with Main Street. *(Officer note – the access point has been granted permission under the outline application process, which also accepted the quantum of development within the site in relation to that access).*
44. The proposal would lead to an unacceptable increase in flood risk.

45. Public Right of Way not acknowledged within the design of the site.
46. Affordable dwelling ratio needs to be significant. (*Officer note – the percentage of affordable dwellings on the site meets the policy requirement of 30% affordable units*).

Forestry Officer

47. No objections

LCC Ecology

48. Conditions will be required to secure Biodiversity Net Gain, which will need to be via off-site offsetting in this instance. Informative notes should also be attached detailing protection of the relevant species under the Wildlife and Countryside Act 1981

Public Rights of Way

49. No objection. Subject to the completion of a S38 adoption agreement ensuring that the land over which the current footpath crossing the site passes is included within the adopted highway, allowing for appropriate maintenance of the land facilitating members of the public being able to pass from the existing entry point of the public right of way into the site to the existing exit point without passing over private land.

NHS Leicester, Leicestershire & Rutland County Council

50. Contributions (CIL) will be requested towards healthcare provision requirements arising from this development.

Police Designing Out Crime and Architectural Liaison Officer

51. No objections. Recommend consideration of CCTV to include Automatic Number Plate Recognition and appropriate signage, lighting to BS5489, secure storage of wheeled bins/cycles and maintenance of foliage to ensure clear fields of vision.

Rutland Ramblers Association

52. Objection. The proposal appears to show an estate road built over the existing footpath contrary to policy.

Housing Strategy Officer

53. No objections raised. The mix meets housing need well. Further detailed comments made regarding internal details of the proposed affordable units not relevant to the consideration of this application.

Public Protection

54. No objections. Condition requested regarding contamination of land.

Neighbour Representations

Revised details following deferral

55. 14 further responses have been received following submission of the revised plans, identifying the following objections
- Number of houses proposed
 - Impact on wildlife & biodiversity
 - Flooding
 - Highway safety
 - Infrastructure issues – sewerage, schools and healthcare
 - Changes don't address concerns from September planning meeting
 - Parking adjoining residential dwellings adjacent to the site – should be moved to the west of the site.
 - Access is unsuitable
 - Safety of children walking to school
 - Parking provision insufficient
 - Affordable housing provision
 - Adjacent housing proposal
 - Amenity impact to adjacent properties
 - Adoption of roads within the site
 - Whissendine not identified in the draft local plan as having any suitable development sites
 - Work undertaken on the site already

Original Plans

56. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)
57. 114 notifications were sent in respect of the application, and 26 objections have been received. The points raised within these responses can be summarised as follows. These matters have been grouped into related topic areas.
58. Issues of principle
- Access is dangerous
 - Historic field system being lost (ridge and furrow)
 - Construction of an estate road over a public footpath
 - Expanding the village further would impact adversely on the community
 - Outside the planned limits of development of the village
 - Resulting light pollution
39. Biodiversity
- Loss of wildlife habitat
 - Proposed area of wild hawthorn planting is unacceptable

- Hedgerow fronting the site should remain
- Trees and hedgerows need to be protected.
- Who will maintain the mown paths
- Who will maintain the hawthorn area

40. Foul and Surface Water

- Flooding impact
- Developer should provide a guarantee that additional drainage or flooding issues would be paid for by them including reduction in value of properties in the village.
- What steps are being taken to ensure the development does not add to the issue of sewage discharge in Whissendine brook.

41. Detailed design issues

- Proposed play area is inadequate
- Not enough terraced housing for rent
- Not related to the plan put forward at outline stage
- Proportions of proposed developments aren't right (higher proportion of smaller properties required)
- Fewer than 66 houses should be provided on the site.
- Gardens to maisonettes not directly accessible from the property
- No detail of construction compounds/routes
- No play area detail
- Attenuation pond in the wrong location
- No boundary details

42. Infrastructure

- Age of the power infrastructure network in the village
- No sustainable transport provision in village
- School is oversubscribed
- Lack of health infrastructure.

43. Construction Stage Impacts

- Access will also be required from Harborough Close
- Construction traffic should not use Stapleford Road.
- Construction materials should all be stored within the application site.
- Harborough Close, Sherrard Close and Willow Close must not be used by contractors
- Working hours need to be limited to 8am to 5pm on weekdays and at no time during the weekend.
- Working hours should be limited to 8.30am to 6pm on weekdays and 9am to 12pm on Saturdays.

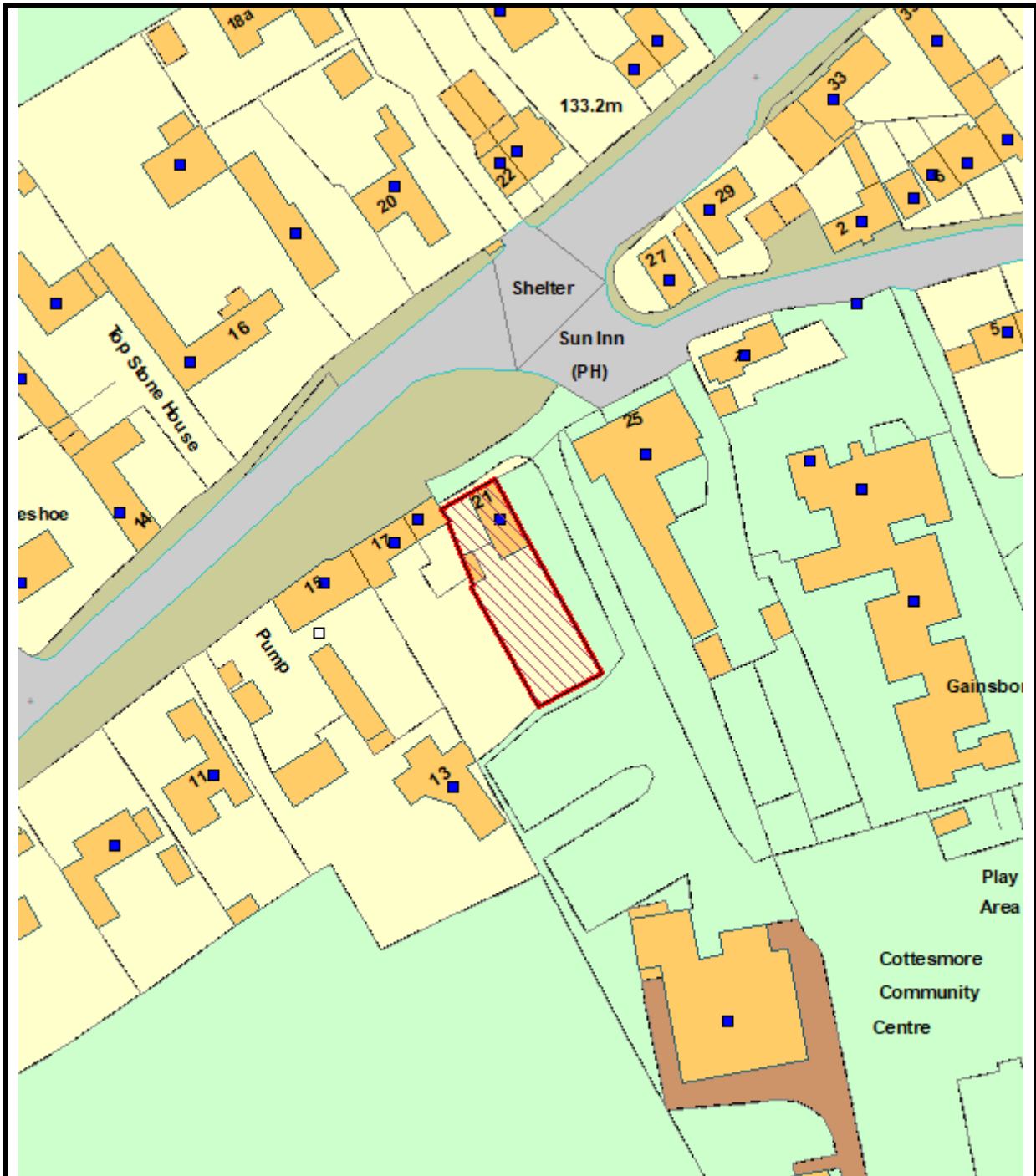
Conclusion

44. The proposal was deferred from the September meeting of the Planning Committee following a failed motion to approve in accordance with the Officer recommendation. Members indicated that the application was deferred in order to seek changes to the scheme in respect of the density of the housing

proposed within the location and issues around the biodiversity net gain proposed.

45. The application site has been granted outline planning permission, which gave consent for the construction of up to 66 residential units on the land alongside open space provision and associated infrastructure. Whilst it is incumbent upon the applicant to demonstrate that this quantum of development can be appropriately accommodated within the application site boundary, it is reasonable to conclude from the outline consent that the Local Planning Authority did not have grounds to consider that it was unlikely that such a level of development could be accommodated within the site.
46. The application proposals show a development density average across the site of approximately 19 dwellings per hectare, with key separation distances between properties in the order of 20m. The scheme makes provision for a central area of open space with green pathways allowing for pedestrians to walk around the site with easy access to the public rights of way network in the immediate vicinity of the land.
47. The dwellings proposed are predominantly of two storeys, which is appropriate to the character of the village, and the design of the properties incorporates features and materials that are evidenced within the application as being appropriate to the local distinctiveness of the area.
48. Surface Water Drainage details are secured by means of a condition on the outline planning permission and the Lead Local Flood Authority has raised no objections subject to two additional conditions as detailed above.
49. The comments received from the general public are noted, however the outline planning permission granted on the site establishes the principle of development as being acceptable, with the matter of the amount of development addressed above. Landscaping and biodiversity improvements across the site are both secured by condition on the outline planning permission and proposed conditions to be attached to the reserved matters consent, whilst infrastructure contributions are secured through the Community Infrastructure Levy. Construction phase impacts are addressed through a requirement for the submission of a construction method statement imposed on the outline planning permission, which covers matters including construction phase parking, loading, unloading and storage of materials, wheel washing, dust and dirt control measures and hours of working.
50. On that basis, there are considered to be no material planning grounds justifying the refusal of the application, which is therefore recommended for APPROVAL, subject to the additional conditions outlined above.

2023/0892/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0892/FUL	ITEM 3	
Proposal:	Section 73 application to Remove or Vary Conditions 2, 3 and 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).		
Address:	21, Main Street. Cottesmore. Rutland		
Applicant	Mrs J Burgess	Parish	Cottesmore
Agent:	Mr Timothy Bale	Ward	Cottesmore
Reason for presenting to Committee:	At the request of the Head of Development Control		
Date of Committee:	12 th December 2023		
Determination Date:	23 rd October 2023		
Agreed Extension of Time Date:	19 th December 2023		

EXECUTIVE SUMMARY

It is considered that the removal of Condition 6 and variation of Conditions 2 and 3 does not impact on residential amenity, highway safety and does not cause harm to adjacent listed buildings or the character of the Cottesmore Conservation Area in accordance with Sections 9, 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15, SP20 and SP23 of the Site Allocations and Policies Development Plan Document (2014).

RECOMMENDATION

APPROVAL subject to the following conditions:

1. The development shall be begun before the expiration of three years from 11th August 2023.
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: 3194/4 Rev B and 3194/5 Rev H.
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Should any of the new planting shown on the approved Drawing Number: 3194/5 Rev H 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.
4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window in the first floor bathroom shall be non opening below a height of 1.7m measured from the floor of the room it serves and glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.
Reason: To protect the private amenity of neighbouring properties.
5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C & D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except with prior planning permission.

Site & Surroundings

1. The site lies within the Cottesmore Conservation Area. The dwelling has been built from stone with a thatched roof.
2. The plot itself to which the dwelling lies is mainly level for the length of the building with higher ground to the rear with brick retaining walls to the amenity area.
3. The site has an existing access from Main Street. Access to the Cottesmore Sports Club runs alongside the rear of the property.
4. To the southwest of the site lies a mix of terrace, detached and semi-detached properties. To the north east of the site is the Sun Inn public house.

Proposal

5. A retrospective application (2023/0074/FUL) was recently approved 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.

6. The building was previously occupied as a dwelling but had been vacant for many years and over time had come into serious disrepair. The works have been carried out to bring the building back into its permitted use.
7. This application is to remove Condition 6 of approval 2023/0074/FUL. Condition 6 was added at the request of the Members of the Planning Committee.

Condition 6 stated the following:

‘Two cars shall only be parked at the site in the two designated spaces identified on drawing 3194/5 REV G at any one time. No vehicles are permitted to park elsewhere on the site. Notwithstanding the submitted plans within 1 month of the date of this decision a plan showing how the site will be limited to only provide for two off-street parking spaces will be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of a physical barrier to ensure that the rest of the site is not used for additional parking.

Reason: To avoid the intensification in the use of the existing access and the potential for further conflict between vehicles reversing onto or off this site. In the interests of pedestrian and highway safety.’

8. A new plan has been submitted which shows the parking for 4 vehicles on site. Though, based on the submitted information, it was considered appropriate at the time to add Condition 6 to 2023/0074/FUL approval, additional highways information has now been submitted as part of this application to the satisfaction of the Highways Department to justify the provision of 4 on-site parking spaces.
9. As a result of this new plan the reference number of the revised drawing has been added to the approved plans condition (Condition 2) and the landscaping condition (Condition 3). The reference to drawing Rev G in the existing conditions 2 and 3 has now been replaced with drawing Rev H.
10. So the application proposes to remove Condition 6 and to vary conditions 2 and 3.

Relevant Planning History

11. Application 2020/0540/FUL for similar development was withdrawn at the request of the planning officer.
12. The extension did not appear subservient to the host property and was a large extension with a bigger footprint than the original house. This was considered over development of the site which is compounded by the close proximity of Nos. 17 & 19, Main Street. The mass of the building would have created a dominant and oppressive environment in relation to the rear elevations of these properties and their amenity spaces.
13. The position of the new build element would have also impacted on levels of light to the rears of these neighbours and create additional overshadowing.

14. Application 2020/0959/FUL was approved for proposed demolition of existing outbuilding and garage. Erection of a two and single storey extension to dwelling, raising of the roof on the existing house and clad with a thatch roof.
15. The proposal was to extend the cottage on the elevation opposite to the road (south east elevation) with a two storey and a single storey. The walls were to be repaired where necessary and built up over the ground floor windows to roughly half way up the first floor windows and a new Thatch roof was to be installed using reed over the two storey element with pantiles over the single storey element. The first floor windows had an eye brow style roof over as traditional thatch cottages.
16. Application 2022/0715/FUL was a Section 73 application to vary Condition 2 (Approved Plans) of 2020/0959/FUL to add a window on the north east elevation and slightly move two windows on the South west elevation. Addition of an extra chimney and raise the height of the existing chimney to satisfy fire regulations. This application was withdrawn.
17. Following a site visit and assessment of the submitted plans the dwelling was found to be built in variance with the proposed plans as submitted.
18. Furthermore, application 2022/0715/FUL was to amend condition 2 which relates to the approved plans. As part of approval 2020/0959/FUL the decision notice also included other conditions which had to be adhered to. These included tree conditions such as the following:

7 Before construction works commence Tree Protection measures should be erected in accordance with the Tree Survey, Impact Assessment & Method Statement by RJ Tree Services Ltd dated 13th July 2020.
Reason: To protect trees which make an important contribution to the character of the area.

8 The development hereby approved shall be carried out in strict accordance with the Tree Survey, Impact Assessment & Method Statement by RJ Tree Services Ltd dated 13th July 2020.
Reason: To protect trees which make an important contribution to the character of the area
19. From the information that the applicant provided regarding the loss of certain trees which should have been retained, conditions 7 & 8 were not complied with.
20. It was considered that with all the changes that the existing permission was not being and could not be complied with. The application was requested to be withdrawn. A new full application (not a Section 73 to vary the existing permission) was requested to be submitted which should include within the description the retrospective works which have been carried out to dwelling.

This has led to the submission of the most recent application which the committee approved. (2023/0074/FUL).

Planning Guidance and Policy

National Planning Policy Framework NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 12 – Achieving well designed places

Chapter 16 – Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP5 – Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP15 – Design & Amenity

SP20 – The Historic Environment

SP23 – Landscape character in the countryside

Core Strategy DPD (2011)

CS04 – The Location of Development

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

Officer Evaluation

Heritage impact and impact on the character of the area

21. Listed Building Apps - The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
22. Conservation Area Apps - The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.

23. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
24. The Conservation Officer was consulted as part of application 2023/0074/FUL and had no objections.
25. The development was found to be acceptable, in accordance with SP6 and in order to control extensions or replacement dwellings, a planning condition has been applied that removes the permitted development rights to further extend the dwelling.
26. Policy SP23 (Landscape character in the countryside), which requires that new development be designed so as to be sensitive to its landscape setting.
27. A plan has been submitted showing replacement planting. The Rutland Tree Officer was consulted and had no objections.
28. The further tree /planting provided to the rear maintains and protects the character and appearance this location.
29. A condition has been attached stating that should any of the new planting shown on the approved Drawing Number: 3194/5 Rev H 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. This condition (Condition 3) has been amended to include the new drawing number reference which shows the parking of 4 vehicles.
30. It is considered that the on-site parking provision as indicated on the revised plan will not impact adversely on the setting of nearby listed buildings or the character of the Cottesmore Conservation Area.
31. By virtue of the design and layout the proposal would be in keeping with the host dwelling, streetscene and surrounding context. The development would not cause harm to adjacent listed buildings or the character of the Cottesmore Conservation Area in accordance with Sections 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15, SP20 and SP23 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

32. Taking into account the nature of the proposal and provision of suitable boundary treatments it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
33. Any issues regarding boundary disputes or rights of way are legal matters which should be addressed between the interested parties and do not impact on the determination of this planning application.

Highway issues

34. Objections have been received regarding access and parking arrangements for the property.
35. Additional information within the accompanying Highways Report has been submitted for assessment which is in addition to the information which was considered as part of the determination of 2023/0074/FUL. The Highway Department consider the proposal to have a safe and suitable access with adequate parking provision.
36. The proposal would result in adequate access and parking facilities for 4 No. vehicles and would not have an unacceptable adverse impact on highway safety in accordance with the Section 9 of the NPPF (2019).
37. As a result, the Highway Department has no objection to the removal of Condition 6 of 2023/0074/FUL.

Crime and Disorder

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

Human Rights Implications

39. 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

Highways Department:

40. The additional information, Accompanying Highways Report, has been reviewed by the LHA. The following comments are made on behalf of the LHA: The above-mentioned report has made some very valid points in relation

to the impact of increasing the car parking spaces from 2 to 4 and increased vehicular activity at the access. To name a few, our parking standards are minimum, there is no evidence of accidents within the location of the access, planning history, history of the dwelling, the width of the access being wider than our minimum requirement for a shared access, comparison with the nearby access to the public house which is evidently much worse (with also no recorded accidents), the fact that not all the parking spaces will necessarily be used, the resulting benefit of less vehicles parking on the public highway, good visibility, etc.

In summary, the LHA are satisfied that the additional information has demonstrated that the access is adequate to accommodate the movements of all vehicles associated with the proposed 4 parking spaces, and therefore the LHA would be supportive of the removal of Condition 6 on planning application 2023/0074/FUL or variation of it.

Rutland Tree Officer:

41. No objections

Cottesmore Parish Council

42. The Parish Council notes the request to Remove or Vary Condition 6 of Application No. 2023/0074/FUL. We consider the matter was dealt with at some length within the assessment and discussion of this retrospective application at the planning and licensing committee meeting on 8th August 2023. It was clear why the committee wished to impose this condition and the reasoning is set out in the decision notice. The Parish Council see no sound planning reason to change or remove this condition.

Neighbour Representations

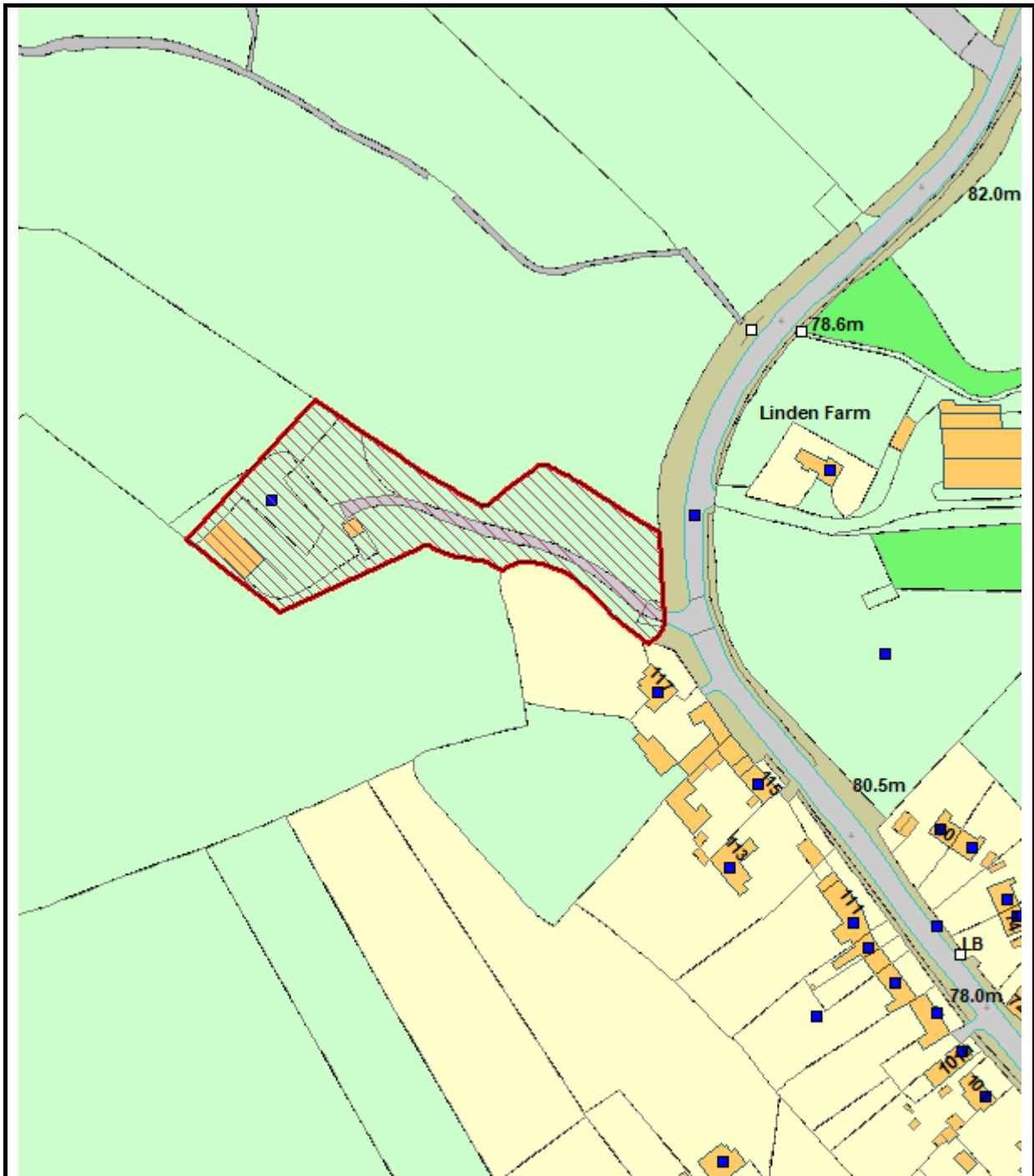
43. Mr Colin Smith, 17 Main Street (15th September 2023) Cars reverse into this site from the adopted highway. It is a narrow residential access. It is unsafe, creates noise and friction with the constant movement of vehicles. I therefore would like the refusal of this application to remove condition 6 to which the committee agreed on. Condition 6 should remain, for only 2 cars entering this narrow access at all times.

44. Mr Colin Smith, 17 Main Street (28th November 2023)
- On 8th August 2023 this application came to the planning and licensing committee. It was dealt with in depth and concluded that condition 6 should be applied stating only two cars should be parked in this area.
 The developer had 1 month to comply and a barrier was supposed to be erected restricting any other vehicles.
 We are now 5 months on and nothing has changed
 The drive is still narrow
 It is still dangerous
 It is still very noisy due to constant movement of vehicles reversing in
 No. 19 and 17 still can't use their access safely
 Condition 6 which was set in place by the committee should remain in place because nothing has changed.
45. George Weightman Planning Consultant (on behalf of 17 Main Street)
- Committee members requested the condition to be added. This was recommended by Highways and followed Astill Consultants letter (attached). Astill Consultants were called the following day by RCC due to the way the matter was handled.
- The reason for the condition in the first limb is the intensification of use. The intensification is a consequence of the permission granted.
- The previous level of parking, not in accordance plans, and associated problems/conflicts documented by objections are all considerations resulting in this condition. Now the scheme digresses to four spaces while five to six cars are still regularly parked at the site.
- The latest highway comments change again. They fail to consider all past events and the detrimental impact on the amenity of occupiers, the impact on their access, the damage to village green, safety of occupiers and all reported incidents to the council. The condition is necessary, relevant to both planning and the development permitted, enforceable and precise; while given the history of unauthorised works and use it is reasonable in all other respects.

Conclusion

46. Taking the above into account, it is considered that the removal of Condition 6 and variation of Conditions 2 and 3 does not impact on residential amenity, highway safety and does not cause harm to adjacent listed buildings or the character of the Cottesmore Conservation Area in accordance with Sections 9, 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15, SP20 and SP23 of the Site Allocations and Policies Development Plan Document (2014).

2023/0944/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0944/FUL	ITEM 4	
Proposal:	Demolition of existing agricultural building and construction of 1 no. new dwelling.		
Address:	Land Off Main Street, Lyddington, Rutland		
Applicant	Ms Sophie Harford	Parish	Lyddington Parish Council
Agent:	Mr William McCormack	Ward	Lyddington Ward
Reason for presenting to Committee:	Proposal is outside the planned limits of development		
Date of Committee:	12.12.2023		
Determination Date:	15.12.2023		
Agreed Extension of Time Date:	Yes		

EXECUTIVE SUMMARY

The site is outside the PLD for Lyddington, and the proposal is for one dwelling, where the previous decision determined the principle of the use.

The scheme is of an appropriate design similar in appearance to the previously approved development and would have a limited impact on the character of the open countryside and the village conservation area.

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 001 rev. E Site Location, 003 rev F Proposed Block Plan, 007 rev. C Proposed Landscaping Plan including sectional plan, 006 rev B Proposed Floor Plans and Elevations, and relevant information specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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:
- a) human health,
 - b) property (existing or proposed) including buildings, crops, livestock, pets,
 - c) woodland and service lines and pipes,
 - d) adjoining land,
 - e) groundwaters and surface waters,
 - f) ecological systems,
 - g) archaeological sites and ancient monuments.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. 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.

Reason: To ensure that the development can be carried out safely without unacceptable risks.

5. 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.

6. Car parking and turning shall be provided in accordance with the approved layout plan(s) prior to the first occupation of the dwelling. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains

available on site in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

7. 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).

8. 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 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) A scheme for dealing with complaints.

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

Reason: In the interests of highway safety 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. No external lights shall be installed until details of the illumination scheme have 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 nighttime illumination on the character of the area.

10. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A,

B,C, D, E, F and G, and Part 2 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, no provision of hard surfacing, buildings, enclosures, swimming or other pool, or any fences, walls or other means of enclosure shall be erected except with prior planning permission.

Reason: To protect the character and appearance of the open countryside.

11. Any new gates provided at the vehicular access shall be inward opening only and shall not be sited closer to the nearside edge of the carriageway than the existing gates.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

Informatives:

1. 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. 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 subdivision of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-andnumbering/> 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. Off-site Highway Works Section 278 Highways Act 1980 (potential shortform) 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. Enquiries regarding an application should be sent to the Highway Control Team at highways@rutland.gov.uk.

4. Utility Services - Section 50 NRSWA 1991 The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained by emailing highways@rutland.gov.uk.
5. Section 148 Sub-Sec C Highways Act 1980 It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
6. Section 149 Highways At 1980
If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.
7. Nesting birds are protected under the Wildlife and Countryside Act 1981(as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

Site & Surroundings

1. The site is located alongside the Main Street and is adjacent to the Planned Limit to Development (PLD) for Lyddington. It also had the same relationship

with the Conservation Area.

2. The site is mainly grassland with some deposits from a former farm setting. The evaluated part of the site is tucked away in the public scene, surrounded by trees on most of boundaries.

Proposal

3. The proposal is for a two-storey dwelling with four bedrooms at first floor, largely open layout at the ground floor, patio, and on-site parking space.

Relevant Planning History

4. 2020/1431/PAD - Proposed change of use of an Agricultural Building to a Dwellinghouse (class C3) and for building operations reasonably necessary for the conversion. – approved 22.07.2021
5. 2020/1432/FUL - Resurfacing of vehicular access and new 5 bar timber gate. – approved 22.07.2021

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.

Site Allocations and Policies DPD (2014)

SP5 – Built Development in the Towns and Villages.

SP6 - Housing in the Countryside.

SP15 - Design and Amenity.

SP20 - The Historic Environment.

Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

Not applicable

Officer Evaluation

6. The main issues are planning policy, impact on open countryside and the conservation area.

Principle of the use

7. The site is outside the PLD in open countryside. Policies CS4 and SP6 would ordinarily rule out this development where the local authority can demonstrate a 5-year housing land supply (5YHLS).
8. A planning consideration is whether the proposed residential scheme is appropriate having regard to the approved principle of the development known as a fallback position.
9. Lyddington is classed as a smaller service centre the Core Strategy, where a minor scale level of development can be accommodated, mainly on previously developed land; appropriate in scale, character and needs of the village.

Impact of the use on the character of the area

10. The scheme would moderately increase the size of the proposed dwelling from the previous Class Q approval. Nonetheless, the footprint of the proposed house remains unchanged. The proposed design lowers the building in the ground and retains the height of the original approval. The use of a traditional rural architectural barn style and modest materials would reflect the building itself and the character of the local area. The scheme also incorporates a new supporting landscaping scheme which would alleviate the visual impact of the development on the surrounding area.
11. The proposal would not have a detrimental impact on the character of the open countryside or the village.

Impact on the neighbouring properties

12. The proposal would be set well away from adjacent property in terms of amenity. There are no residential dwellings in the vicinity. The nearest residential house is approx. 100m within the south boundary. The scheme would thereby avoid impact on the amenities of neighbours. No objections have been received from neighbours.

Heritage

13. While the site is outside the village conservation area, the Conservation Officer has advised the proposal would not result in any harm to the historic environment of the Lyddington.

Highway issues

14. No objections. The proposal provides satisfactory access, on-site parking and turning space. The proposal would not have impact on highways safety.

Noise

15. Not applicable

Dust

16. Not applicable

Section 106 Heads of Terms

17. Not applicable

Crime and Disorder

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

Human Rights Implications

19. 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

20. 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)
21. The Parish Council objects to increase of the dwelling size and creation of precedent for future developments.

Neighbour Representations

22. None

Conclusion

23. There has been a recent Class Q approval for the conversion of an existing agricultural building on the site. This is a material consideration in the determination of this current application as it provides an approved fallback position for new residential dwelling on the site.
24. Case-law indicates that where there is a demonstrably realistic prospect of a permitted development scheme being implemented, the potential for the fallback position to outweigh any conflict with the development plan policies can be a material planning consideration that must be considered by the local planning authority.

25. Notwithstanding this, the Class Q prior approvals do not include any permitted development rights, and while the application is for full planning permission, considering the distinction of the building within the open countryside, the removal of permitted development rights for further extensions, outbuildings and means of site enclosure is considered justified in the interests of the character and appearance of the open countryside.
26. A condition is also included to maintain the soft boundaries' treatment around the development to help assimilate the development into its countryside setting.
27. Given the above and the fact that the proposal would not have a detrimental impact upon the character or appearance of the local area or local amenity; it is therefore recommended that the application is approved, subject to the recommended conditions.

2023/1057/FUL



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/1057/FUL	ITEM 5	
Proposal:	Single storey front and rear extensions and new porch		
Address:	30 Alexander Crescent, Oakham, LE15 6LB		
Applicant	Michael Elliott	Parish	Oakham Town Council
Agent:	Mr Hans Zollinger	Ward	Oakham NW Ward
Reason for presenting to Committee:	The application was submitted by a Rutland County Councillor		
Date of Committee:	12.12.2023		
Determination Date:	14.12.2023		
Agreed Extension of Time Date:	Yes		

EXECUTIVE SUMMARY

Minor household development to enlarge the house. The proposal would sit within the residential curtilage, and there are no planning material considerations to object this type of development.

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 ELLIOTT005 Site Location and Block Plans, ELLIOTT001A Proposed Ground Floor Plan dated 24.11.2023, ELLIOTT003A Proposed Front and Rear Elevations, ELLIOTT004A Proposed Side Elevation dated 24.11.2023, and relevant details on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

1. The site is located on the northern side of Alexander Crescent in a primarily residential area of Oakham. The street comprises houses of a similar age/design styles dating from the 1970s/1980s – notably two-storey semi-

detached houses, defined by front gardens with driveways to the side – some leading to rear garages.

Proposal

2. Proposal is to construct a single-storey front and rear extensions.

Relevant Planning History

3. None

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 12 – Achieving Well-designed places.

Site Allocations and Policies DPD (2014)

SP15 – Design and amenity

Core Strategy DPD (2011)

CS19 – Promoting good design.

Supplementary Planning Document

Extensions to Dwellings (2015)

Design Guidelines for Rutland (2022)

Neighbourhood Plan - Oakham and Barleythorpe Neighbourhood Plan

Policy 2 – Delivering good design.

Officer Evaluation

Principle of the use

4. Residential

Impact of the use on the character of the area

5. The proposal comprises a front and rear extensions. The front alterations tie into the existing elevation and create an additional modest porch. The rear extension creates a simple form of ground floor enlargement to facilitate an open layout of the floor. The alterations reflect the nearby alterations to properties and they will not have an adverse impact on the character of the area.

Impact on the neighbouring properties

6. Given the nature of the proposal, small scale and adequate separation distances, the proposed enlargements would not lead to unacceptable impact on the residential amenities of the occupiers of adjacent properties.

Heritage

7. Not applicable

Highway issues

8. The proposal will not have an adverse impact on highway safety. There is adequate parking and turning space for vehicles, and the access isn't changing.

Level

9. Not applicable

Noise

10. Not applicable

Dust

11. Not applicable

Section 106 Heads of Terms

12. Not applicable

Crime and Disorder

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

Human Rights Implications

14. 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

15. Below is a summary of the comments:
 1. Oakham Town Council – no objections
 2. Local Highways Authority - no objections
 3. Forestry Officer - no objection

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

Neighbour Representations

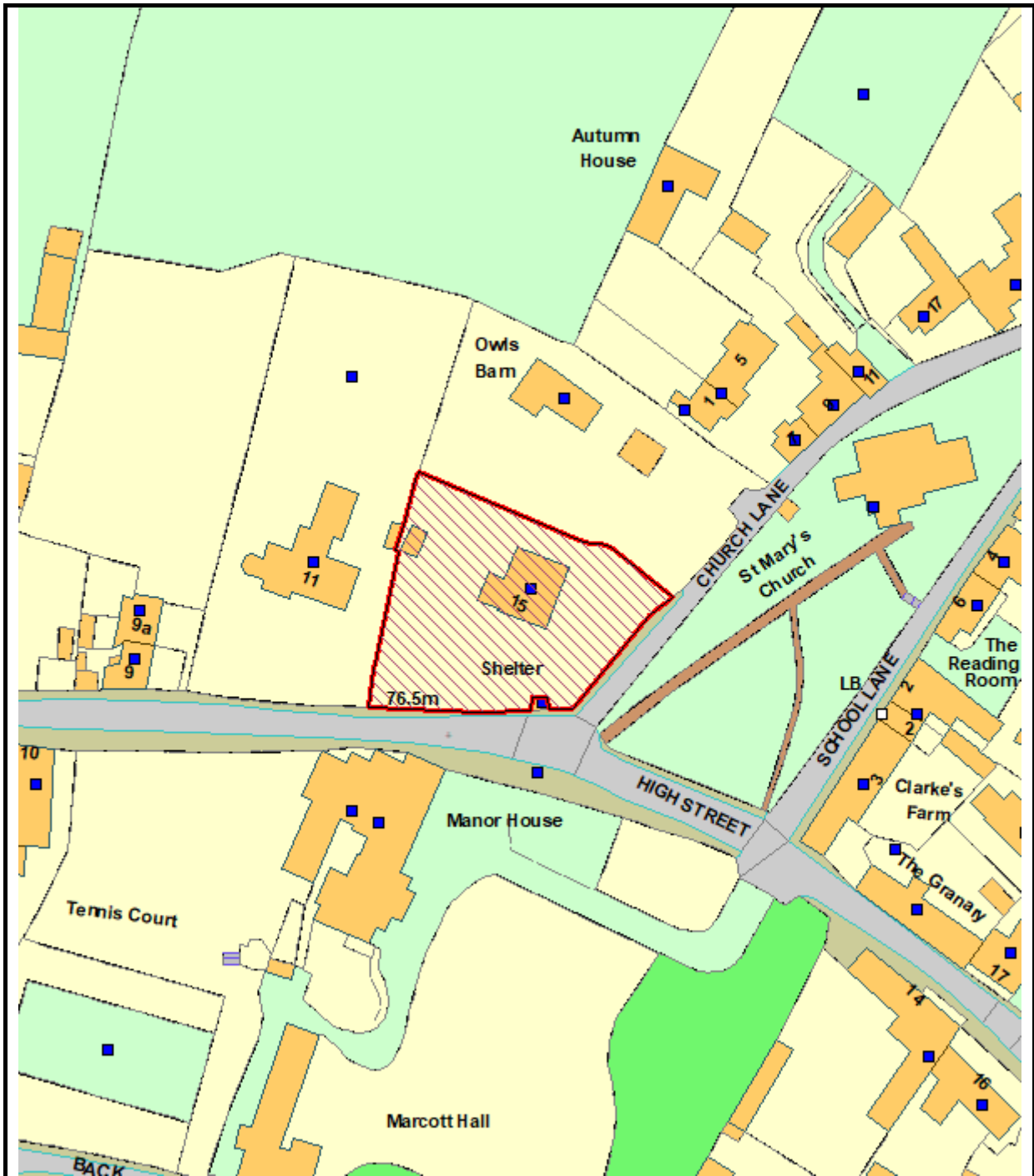
17. None

Conclusion

18. The design and scale of the proposal would follow objectives Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policies SP15 of the Site Allocations and Policies Development Plan Document (2014), Supplementary Planning Document – Extensions to Dwellings (2015), and Supplementary Planning Document – Design Guidelines for Rutland (2022), and is therefore considered to be acceptable and is recommended for approval.

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2023/0847/LBA



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0847/LBA	ITEM 6	
Proposal:	Repointing works of the main building using lime mortar		
Address:	The Old Rectory, 15 High Street , Morcott, Rutland LE15 9DN		
Applicant	Mr Andrew Johnson	Parish	Morcott Parish Council
Agent:	None	Ward	Braunston & Martinsthorpe Ward
Reason for presenting to Committee:	The applicant is an RCC Councillor		
Date of Committee:	12.12.2023		
Determination Date:	14.12.2023		
Agreed Extension of Time Date:	Yes		

EXECUTIVE SUMMARY

Essential maintenance works.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Works 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. Works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: unmarked Site Location Plan dated 14.08.2023 and Supporting Document – Heritage Impact Assessment dated 14.08.2023.
Reason: For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

1. The property is The Old Rectory listed residential house, dated 1830, in Tudor gothic style. Coursed rubble with ashlar dressings. The property is in the village centre.

Proposal

2. The proposal is to repoint the stone masonry.

Relevant Planning History

3. LBA/2006/0200 – various internal and external alterations, approved 26.04.2006.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 12 – Achieving well designed places.

Chapter 16 – Conserving and enhancing the historic environment.

Site Allocations and Policies DPD (2014)

SP15 - Design and Amenity

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

The site is not in any relevant neighbourhood plan.

Officer Evaluation

Principle of the use

4. Residential

Impact of the use on the character of the area

5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building and its setting and preserving or enhancing the character or appearance of a conservation area. This carries significant weight in considering planning applications.
6. National policy on the historic environment is contained in the National Planning Policy Framework (NPPF) (2021). Paragraph 189 of the NPPF states that the significance of the heritage asset should be fully described in the application. Paragraph 193 of the NPPF states that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 196 of the NPPF states that, where a proposal would lead to harm that is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7. Local plan policy on the historic environment is contained in the Rutland Core Strategy (2011) and the Site Allocations and Policies Development Plan Document (2014). Specific policies in relation to heritage assets are CS22 and SP20 which seek to protect and maintain the character of listed buildings.
8. The application includes a historic impact assessment for the building and the proposed works would preserve the heritage assets. There will be no harm to the historic significance of the Listed Building itself nor the character and appearance of this part of the Conservation Area.

Impact on the neighbouring properties

9. None

Heritage

10. The building comprises two-storey, three bays with a high parapet forming outer shallow gables. The main elevation forms a central door with overlight and hoodmould with drop ends, and three light-mullioned and transomed windows above. Each gable has a three-light mullioned and transomed window to each floor and a quatrefoil in the apex. All windows have hoodmoulds with dropped ends. The string course follows a line of gables and parapets. Gables are emphasised by thin plaster buttresses on each side.
11. On the south side, a rear wing of two storeys with an attic. two bays with an outer door and window alongside incised keystones.
12. Upper windows two-light casements with gothic ogees in upper lights, and incised voussoirs. Half-timbered gabled dormers above.

Highway issues

13. Not applicable

Level

14. Not applicable

Noise

15. Not applicable

Dust

16. Not applicable

Section 106 Heads of Terms

17. Not applicable

Crime and Disorder

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

Human Rights Implications

19. 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

20. The LPA Conservation Officer advised the repointing works are appropriate in the context of the application, and no harm will occur to the heritage asset.

Neighbour Representations

21. None

Conclusion

22. The proposal would not be contrary to local or national planning policies and would not have a detrimental impact on the historic significance of the listed building. The application is therefore recommended for approval.

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PLANNING AND LICENSING COMMITTEE

12th December 2023

APPEALS

Report of the Strategic Director of Places

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

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/W/23/3328643 – Manor Oak Homes – 2022/0066/MAF**
Land Off Manor Green, Ketton, Rutland
Residential development of up to 41 no. dwellings including open space, allotments, improved site access including off-site highway works and ecological enhancements.

**Appeal Against Refusal – Will be dealt with as an Appeal Hearing
Delegated Decision:**

Policy CS4 of the Core Strategy sets out that development in the countryside will only be permitted where that development has an essential need to be located in the countryside and is of a development type that supports the rural economy and meets affordable housing needs. Policy SP6 of the Site Allocations and Policies Development Plan Document also identifies a restriction on new housing development in the countryside except where it meets specified exceptions.

The proposal is for open market housing with a proportion of affordable housing on the site and does not meet with the exceptions specified in either of these policies for allowing development in the countryside. The Local Planning Authority considers that it is able to demonstrate a 5-year housing land supply and that paragraph 11d of the National Planning Policy Framework is not engaged. The scheme is therefore contrary to the above-mentioned policies of the Development Plan.

3. DECISIONS

3.1 APP/A2470/W/23/3323586 – Mr Philip Davies – 2022/1213/MAO

Land to the east of Normanton road, Edith Weston, Rutland

Outline application for up to 62 no. dwellings, landscaping and open space with all matters reserved except access.

Non-determination

Appeal dismissed – 21st November 2023

No application for costs

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

- 12.1 There are no such implications.

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

- 14.1 There are no such implications.

15. APPENDICES

- 15.1 None

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

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