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Rutland County Council

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Ladies and Gentlemen,

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham on **Tuesday 7 July 2015** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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A G E N D A

APOLOGIES

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 16 June 2015.

2) 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.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rules.

The total time allowed for this item shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the

Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS

To receive any deputations from members of the Public in accordance with the provisions of Procedure Rule 94(4).

There will be no limit on the total number of deputations to be received but no more than two deputations will be permitted in respect of each planning application one of which, if required, will be from a statutory consultee.

Deputations which relate to a planning application included on the agenda for this meeting will be deferred until the application is considered by Members.

Following the deputation, the applicant or his agent will have a right of reply, the maximum time for which will be three minutes. Members will then have the opportunity to question the depute and if a response has been made, the applicant or agent, for a maximum of four minutes.

5) REPORT NO. 129/2015 PLANNING ENFORCEMENT REPORT FOR UNAUTHORISED WORKS TO A PROTECTED TREE AT 47 MAIN STREET EMPINGHAM

To receive Report No. 129/2015 from the Director for Places (Environment, Planning and Transport)

NB: Report No. 129/2015 contains exempt information. Should detailed discussion take place, members might wish to consider the exclusion of the public and press in accordance with procedure rules.

(Pages 1 - 6)

6) REPORT NO. 126/2015 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 126/2015 from the Director for Places (Environment, Planning and Transport)

(Pages 7 - 46)

7) REPORT NO. 128/2015 COSTS AWARDS ON APPEALS

To receive Report No. 128/2015 from the Director for Places (Environment, Planning and Transport)

(Pages 47 - 52)

8) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief

Executive and Chairman of the Committee.

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DISTRIBUTION

MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:

Mr E Baines (Chairman)

Mr J Lammie (Vice-Chair)

Mr G Conde

Mr W Cross

Mr J Dale

Mr T King

Mr A Mann

Mr T Mathias

Mr M Oxley

Mr C Parsons

Mr A Stewart

Mr D Wilby

OTHER MEMBERS FOR INFORMATION

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Agenda Item 5

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	FUL/2010/0327	ITEM 1	
Proposal:	The erection of a three storey house-block with associated covered walkways, internal security fencing and security lighting and the extension of existing prison car park by a further 25 car parking spaces, involving the relocation of the existing covered bicycle store.		
Address:	H M Prison, Stocken Hall Road, Stretton, Rutland, LE15 7RD		
Applicant:	Ministry of Justice	Parish	Stretton
Agent:	Mr Matthew Kay, AECOM	Ward	Greetham
Reason for presenting to Committee:	Previous resolution to approve subject to S106 and Grampian conditions		
Date of Committee:	7 July 2015		

EXECUTIVE SUMMARY

This application was approved by this Committee on 18 October 2011, subject to a S106 agreement for public transport provision and ‘Grampian’ conditions relating to lighting and drainage. The decision has not yet been issued and the circumstances have now changed. The applicant wants the application to be approved without those controls for the reasons set out in the report. It is recommended that the permission can be issued without the need for the additional controls required in 2011.

RECOMMENDATION

APPROVAL, subject to the following updated 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:
D128787-P2-1000, 1002, 1003, 1004, 1005 (received 11 May 2010), 1006 (received 11 May 2010), 1007, 1008, 1010, 1011, 1014, 1015, SKC-00-A-000-12-E-03 and 04.
REASON - For the avoidance of doubt and in the interests of proper planning.
3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
REASON: The site is in an exposed rural location where the use of inappropriate materials would have a detrimental impact on visual amenity and no details have been submitted with the application.
4. Precise details of the proposed lighting scheme associated with the new house block shall be submitted to and approved by the Local Planning Authority before occupation of the block. Only the approved details shall be used in any subsequent lighting scheme.
REASON: To prevent light pollution of the night sky and because no details have been submitted with the application.

The report and Addendum to the Committee in 2011 is attached at **Appendix 1** together with the relevant minute.

Policy Considerations

1. Since the application was last considered by this Committee, planning policies have changed, The National Planning Policy Framework (NPPF) was published in March 2012 and the Rutland Local Plan has been replaced by the Site Allocations and Policies DPD in September 2014. The Rutland Core Strategy policies remain as before.

NPPF

The NPPF promotes sustainable development but has no specific policies relating to development at Prisons.

Site Allocations and Policies DPD (2014)

SP11 – Use of Military bases and Prisons for operational and other purposes

This policy states:

Development required for the continued operation of military bases or prisons will be acceptable provided that, wherever possible, it would:

- a) re-use previously developed land and buildings;*
- b) keep the use of undeveloped land to a minimum and is justified on the basis of national prison or defence requirements;*
- c) not lead to undue disturbance to nearby local communities through traffic, noise, military or prison activity;*
- d) protect and enhance the countryside and character of the landscape, natural and cultural heritage;*
- e) provide satisfactory access arrangements and not generate unacceptable levels of traffic on the surrounding highway network;*
- f) incorporate high quality design which makes provision for energy efficiency, renewable energy and waste management (see Policy SP15 Design and amenity);*
- g) incorporate satisfactory water and wastewater arrangements ensuring there is no increased risk of flooding and pollution;*
- h) ensure that potential risks from former uses of the sites are assessed and that soil and groundwater are cleaned up where necessary.*

The small scale development of an individual building or part of a military base or prison for alternative uses not required for the operation of the establishment will be given favourable consideration provided that it complies with the key requirements set out in Core Strategy Policy CS6 (Re-use of redundant military bases and prisons) and that it would not adversely affect the operational use of the establishment.

Proposals for the reuse of redundant military bases or prisons will be considered in accordance with Core Strategy Policy CS6 (Reuse of redundant military bases and prisons). Areas that are used primarily but not exclusively as military bases or prisons are shown on the policies map.

SP15 – Design & Amenity

SP17 – Outdoor Lighting

Planning Assessment

2. The main issues are whether the permission can now be issued without the need for a S106 agreement for a contribution towards visitor transport and a Grampian condition relating to lighting and drainage. A Grampian condition can be used when there is

currently no prospect of the condition being complied with.

3. The applicant's agent has sent a letter setting out the current situation regarding these issues which is attached at **Appendix 2**.

S106 – Transport Provision

4. The applicant has pointed out that the site is remote from railway stations and in practice, most visitors arrive by car. The number of visitor spaces in the Visitor Centre has been reduced such that fewer visitors would be on site at any one time than prior to the application being determined in 2011. A S106 request could only be made on the basis of the impact of the development proposed and could not require contributions for the entire prison. On that basis it is not considered that a developer contribution request in this instance would meet the test set out in the Community Infrastructure Regulations and would therefore be unwarranted/unlawful. There is already a bus shelter at the prison, located on the approach to the car park. Visitor information from the prison web site is attached at **Appendix 3**.

Lighting

5. Again lighting conditions should only relate to this proposal. The site is at the opposite end of the complex to Stocken Hall itself so light problems would be minimal. As pointed out in the previous report, it is the impact on the night sky that is more of an issue. On that basis only a simple lighting scheme condition is necessary.

Drainage

6. Since the previous resolution to approve, the sewers between the site and Cottesmore Sewage Treatment Works (CSTW) have been replaced with improved capacity and efficiency. The prison continues to attenuate sewage on site to ensure that peak flows into CSTW do not pose a problem with capacity at the works. Anglian Water has been asked to confirm that the CSTW has the capacity to deal with the discharge from the proposal. It is anticipated that the answer will be positive and an update will be included in the Addendum. The need for a Grampian type condition therefore no longer exists.

Application:	FUL/2010/0327	Item 1	
Proposal:	The erection of a three storey house-block with associated covered walkways, internal security fencing and security lighting and the extension of existing prison car park by a further 25 car parking spaces, involving the relocation of the existing covered bicycle store.		
Address:	H M Prison Stocken Hall Road Stretton Oakham Rutland		
Applicant:	National Offender Management Service	Parish	STRETTON
Agent:	Lambert Smith Hampton Mr Stephen Brooke	Ward	Greetham
Reason for presenting to Committee:	Local interest		
Recommendation:	APPROVAL, subject to conditions		

Executive Summary

1. This proposal is to provide additional accommodation for offenders within an established prison. There are no objections in principle to the building.
2. However, there have been ongoing problems with sewage disposal in the Anglian Water catchment area which serves the prison.
3. Earlier attempts to resolve the problem have been unsuccessful and there is considerable concern that any additional capacity at the prison will exacerbate this existing unacceptable situation.
4. It is recommended that any approval for the new house block is conditional upon its occupation being delayed until such time as a scheme for addressing the foul sewage problems has been agreed and implemented.
5. This would be secured by means of a Grampian condition.

Site & Surroundings

6. The prison is located approximately 2km to the north east of Stretton village and 450m south of Stocken Hall, a grade II* listed building, now converted into flats.
7. The whole site is surrounded by a 5.2m security fence. To the east is a dense area of woodland known as Lady Wood and Little Haw Wood; to the south east, Addah Wood; and to the south west, Stretton Wood. Former prison officer housing is located to the south west along Stocken Hall Road.
8. The site first became a Young Offenders Centre in 1985 but later became a Category C closed Training Prison. It has a current capacity to accommodate 816 offenders. Two replacement blocks, containing 180 cells each, some of which are doubles, and able to accommodate 404 inmates have recently been completed. They are due to be occupied by residents of seven pre-fabricated blocks which are to be demolished.
9. A car park with 286 spaces is sited immediately to the west of the prison entrance.
10. The site is within an area of Particularly Attractive Countryside but is also designated as a Special Area in the Rutland Local Plan.
11. Access to the site is from Stretton village along Stocken Hall Road

Planning History

12. Until recently, Crown Development did not require full approval from the local Planning authority).

Planning Number	Description	Decision
88/0017	Dwelling unit for 100 inmates	No objection
89/0708	Extn to workshop and ancillary accom	No objection
97/0417	Houseblock for 120 inmates	No objection
97/0838	Car park	Approved
2000/0681	Lattice tower and antennas	Approved
GOV/2002/0246	2 storey living accommodation	Deemed consent
GOV/2002/0576	120 unit accommodation block	Deemed consent
GOV/203/0480	2 classroom buildings	Deemed consent
GOV/2003/0854	Office building	Approval
GOV/2003/12245	Storage building	Approval
FUL/2006/0876	Vary condition to extend time for commencement	Approved
FUL/2007/0320	Ancillary prison facilities, LPG storage electricity sub-station	Approval
FUL/2007/0384	2 storey 64 unit accom block, training workshop, extn to car park, fencing and landscaping	Approval

Proposal

13. The application site consists of an area alongside the perimeter fence, towards the south eastern corner of the compound which is bounded on two sides by woodland.
14. The proposal is for the erection of a 3-storey house block located in an open space adjacent to an existing house block. It would provide around 4,500 square metres (net) of accommodation.

15. The facing brickwork proposed would match that of the most recently completed house blocks. The roof also matching this house block is proposed to be profiled steel finished in a goose wing grey colour.
16. The house block would be arranged in an 'L' shape and incorporate two associated exercise yards.
17. The car-park would be extended to provide further 25 places.
18. It is not proposed to provide additional landscaping because of the proximity of woodland to the blocks.
19. In recognition of the concern about external lighting the applicant is proposing to give consideration to modifying non security lighting to reduce glare.

Planning Guidance and Policy

20. Rutland Local Plan

Policy EN1 - Location of development

Policy EN26 - Development in the countryside

Policy HT4 - Location of development

Chapter 13: Special Areas – where it is not always appropriate to apply policies relating to settlements or the countryside.

21. Rutland Local Development Framework – Core Strategy

Policy CS1 – Sustainable development principles

Policy CS4 – The location of development

Policy CS19 – Promoting good design

22. Circular 03/98 – Planning for Future Prison Development

This sets out advice to local authorities on the need to make adequate provision through the planning system. It is a matter of national importance but appropriate weight should be given to the public interest.

Consultations

23. It should be noted that the original consultations were carried out in early 2010. Because the application has been held in abeyance pending discussions with the applicant and Anglian Water, re-consultation was carried out 13 September 2011. Any additional responses will be included in the Addendum Report

24. Stretton PC – original comments

Stretton Parish Council wishes to make the following observations:

25. Transport - the majority of Prison staff do not live locally and thus any increase in personnel, together with the proposed extension of visiting times, will result in increased traffic flow along Stocken Hall Road which is ill-suited to such a volume of traffic. Considerable damage was caused to the verges during the construction phase of the previous development and this has never been satisfactorily rectified. The Parish Council asks that a condition be imposed to ensure that any damage to the verges be the responsibility of the Applicant. The Parish Council also asks that the Authority consider reducing the speed limit along Stocken Hall Road to mitigate the impact of any increase in traffic.

26. Sewage system - the Parish Council has expressed serious concern on a number of occasions at the ability of the existing system to cope with current prison numbers. The Authority will be aware that there have been a number of incidents in Stretton involving the discharge of untreated sewage. The Parish Council therefore asks that the existing flow rates and capacity of the system be clarified with Anglian Water to ensure that the situation does not deteriorate further. Whilst the Parish Council appreciates the need for further prison places, it wants to ensure that the local community is shown proper consideration. We would ask that any plan for resolving the matter be included in any planning conditions.
27. Lighting - the Authority will no doubt also be aware of the light pollution caused by the existing lighting scheme. This causes a considerable nuisance to local residents and has been raised with the Applicant on a number of occasions to no avail. The Parish Council urges the Authority to ensure that any new scheme does not add to this situation. The meeting attended by local residents clearly shows that this remains an issue and that it has not been adequately addressed to date. The Parish Council's view is that this matter should be given proper consideration in order to minimise the impact of the proposed development upon the local community. Whilst not relevant to this application, we also ask that the Applicant again consider whether steps can be taken to mitigate the impact of the current lighting scheme.
28. We ask that these comments are recorded in full in any report to the Development and Licensing Committee in due course.
29. **Highways**
- No objection, subject to conditions.
- Consideration to be given to ensure that there is adequate parking for staff and visitors.
30. **Ecology**
- Trigger J - great crested newts.
31. **English Heritage**
- Recommendation - the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. Please see letter dated the 5th May 2010 for further advice and information.
32. **Conservation Officer**
- I am satisfied that the proposals will not have any further impact on the setting of Stocken Hall as a listed building.
34. **Environment Agency**
- We have no objection to the application as submitted, subject to the imposition of the following condition:
- A. Development shall not begin until a surface water drainage scheme for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

35. The scheme shall:
36. Build on the information included in the Flood Risk Assessment, dated March 2010 and specifically the runoff rate being limited to 5l/s and include the following at detailed design stage:
 - I. Confirmation that rainwater harvesting and an attenuation tank will be incorporated into the development.
 - II. Confirmation of the storage capacity of the attenuation tank, and that it will have the capacity to attenuate up to and including the 100 year event with the inclusion of climate change.
 - III. Details of any other SUDS methods to be used.
 - IV. Confirmation of who will maintain the drainage system for the lifetime of the development.

REASON: To prevent the increased risk of flooding.

37. As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions in Planning Permission'. Please notify us if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly.
38. **Anglian Water**
The proposed extension to HMP Stocken would be served by Cottesmore Wastewater Treatment Works (WwTW) which is currently at the limits of its consented Dry Weather Flow (DWF) capacity. Therefore, although the proposed increase in flow is relatively small, it has the potential to significantly increase the risk to Anglian Water of this site breaching its DWF consent, which is regulated by the Environment Agency (EA).
39. The issue is further complicated by the variable nature of the Cottesmore WwTW catchment, which also serves RAF Cottesmore. The number of people on the base varies significantly over relatively short periods of time, which gives uncertainty when trying to manage waste water flows at our works.
40. Therefore we have recommended that a drainage strategy be prepared for the proposed extension. The strategy would investigate options to provide capacity for the additional flow, which could include but are not limited to:
 1. Reducing flows discharged from the proposed extension through demand management (eg removal of existing surface water connections, or water efficiency measures)
 2. Accommodation of additional flows within current or revised discharge consent limits set by the EA.
 3. Investment in upgrades to the works that would provide sufficient additional capacity.
41. We are re-assured by the commitment of HMP Stocken to work with us on the preparation of a drainage strategy, which will enable us to identify measures to serve the proposed extension.
42. A Grampian condition should be attached to any planning permission to prevent occupation of the new house block until the necessary measures have been implemented.

Neighbour Representations

43. The application was advertised on site and in the press. Sixty eight households were notified by letter. Three letters of representation were received originally; one has been received since re-consultation was carried out.
44. The issues raised relate to:
 - Increased traffic
 - Inadequacy of the sewerage system
 - Light pollution
 - Problems with construction traffic

Planning Assessment

34. Chapter 13 of the Rutland Local Plan identifies the prison at Stocken as a Special Area and gives guidance as to how applications within these areas should be considered. The emphasis is that certain developments within these areas are within the national interest and that they can only be realistically accommodated within specialist sites. Where proposals are in the national interest, a certain degree of leniency is considered to be appropriate, provided that the scheme meets a number of criteria relating to siting and design, pollution control, landscaping, and traffic limitation measures.
35. In this instance, the proposals are submitted in response to the national situation of a shortage of prison accommodation. It can therefore be argued that the provision of extra accommodation is in the national interest. In relation to Chapter 13 of the Local Plan, the site at Stocken is considered to be a suitable location to accommodate these facilities, providing the impact upon the surrounding area can be mitigated.
36. The primary considerations in this case are:
 - **the impact of the siting, design and appearance upon the wider area;**
 - **the acceptability of access arrangements during the construction process; and**
 - **the ability of local services (particularly sewage) to cope with the increase in demand.**
37. **Siting/Design/Appearance**

Unlike earlier developments, the location for the current proposal is in a relatively well screened part of the site, away from the open views from Stocken Hall. This was established as a preferred option with planning officers.
38. The blocks are 3 storey, similar in style to the most recently completed blocks and in contrast to the remainder of the buildings on site which are one and two storeys high.,
39. Three layout options were considered; that selected maintains the existing perimeter boundaries and distances from adjacent woodland.
40. The layout has been arrived at on the basis of operational requirements to provide secure living accommodation and good use of space. It seeks to minimise the impact by using hipped roof structures.
41. The designs are utilitarian and similar to previous schemes. In the context of the overall prison environment, it is unlikely that the proposals will cause unacceptable harm in their own right to the surrounding landscape. Additional landscaping is not proposed in this instance because of the presence of thick woodland on two sides.

42. It has to be accepted that for security reasons there needs to be illumination on the site during periods of darkness. In recognition of the impact that this can have over a wider area, it is intended to ensure that lighting attached to buildings needs to be directional (downwards) and designed in such a way as to limit glare to neighbouring occupiers.
43. It is unlikely that lighting on this latest phase will have any direct impact on residential properties but it could add to the general illumination of the sky in the vicinity of the site.
44. It is intended to achieve a BREEAM “Excellent” rating for the development.

45. **Highway Safety/Access**

Access to the site is along Stocken Hall Road which is not well suited to heavy vehicles. However, as this would only be for the construction period, it would be unreasonable to refuse permission on that basis. The road does not have any particularly difficult bends and it is of a reasonable width. There is a 30mph limit at both ends of the road (village and prison). There is no objection in principle from the highway authority but a management scheme could be considered.

46. **Infrastructure**

The issue of foul drainage has been a long standing subject of complaint from the local community.

47. Measures have been undertaken by the prison authority in the past to ameliorate the consequences downstream at Stretton, Greetham and Cottesmore. This has been the implementation of a system of attenuation whereby sewage is discharged overnight when the demand on the system is lower. This will continue with the new blocks being drained to 24 hour capacity holding tanks and using heavy duty maceration.
48. However, it appears that the problems experienced in the villages are not necessarily attributable to the prison output, although it is acknowledged that any increase from the prison would likely exacerbate the existing inadequate and antiquated foul sewage system which serves the area.
49. Since 2010, the applicant has continued to discuss solutions to the sewage problem with consultants, the Environment Agency and Anglian Water.
50. The issues identified are firstly the capacity of the pipe work to carry the load to the sewage treatment works at Cottesmore, and secondly the capacity of the works. The maceration is intended to assist with the first issue and the overnight discharge from holding tanks deals with the other. A similar scheme of attenuation is proposed for surface water runoff from the increased impermeable area.
51. Anglian Water has now acknowledged the defects in the system and has started to undertake remedial works. An update is attached at **Appendix 1**
52. It is proposed to replace the existing boiler system with a new central renewable/non renewable fuel system which will be applied for later this year. This is intended to significantly reduce carbon emissions from the site.

53. **Other Issues**

Archaeological and flood risk assessments have been carried out with no significant concerns being raised.

CONCLUSIONS AND RECOMMENDATION

54. The proposal is required in the national interests so the impact, in terms of normal policies, can be lent less weight than normal. However, the new blocks are a similar design to the previous developments on site and are located in an unobtrusive location within the existing compound.
55. The over-riding and unresolved issue relating to this proposal is the urgent need for an upgrade to the foul sewerage system which serves not only the prison but also the wider community.
56. It is recommended, as the principle of the development is acceptable, that planning permission is granted but subject to a Grampian condition which would allow the development to go ahead and the new house blocks completed but not occupied until the issue with foul drainage has been fully addressed to the satisfaction of all concerned.

APPROVAL, subject to the following conditions:

1. TM01 – Standard 3 year.
2. Development shall not begin until a surface water drainage scheme for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
3. The scheme shall:
Build on the information included in the Flood Risk Assessment, dated March 2010 and specifically the run-off rate being limited to 5l/s and include the following at detailed design stage;
 - Confirmation that rainwater harvesting and an attenuation tank will be incorporated into the development.
 - Confirmation of the storage capacity of the attenuation tank, and that it will have the capacity to attenuate up to and including the 100 year event with the inclusion of climate change.
 - Details of any other SUDS methods to be used.
 - Confirmation of who will maintain the drainage system for the lifetime of the development.

REASON: To prevent the increased risk of flooding.

4. MA02 – Materials details
5. Precise details of the proposed lighting scheme associated with the new house block shall be submitted to and approved by the Local Planning Authority before occupation of the block.

REASON: in the interests of visual amenity.

6. A scheme for the upgrade/remediation of the foul drainage system serving Stocken Prison, Stretton, Greetham and Cottesmore, drawn up in association with Anglian Water, shall be submitted to and approved by the Local Planning Authority.

REASON: To ensure that the foul sewerage system which serves the prison is adequate to address the current deficiencies identified, thereby protecting local amenity.

7. Prior to occupation of house block three, other than to prepare its for occupation, the scheme, thereby approved in accordance with condition 6, shall have been fully and satisfactorily implemented in accordance with the approved details.

REASON: For the avoidance of doubt in the interests of local amenity

DEVELOPMENT CONTROL & LICENSING COMMITTEE

OCTOBER 18TH 2011

REPORTS OF THE STRATEGIC DIRECTOR OF PLACES

ADDENDUM REPORT

Report no: 154/2011

Planning applications to be determined by the Development Control & Licensing Committee

Item no:

1. **APP/2010/0327 NATIONAL OFFENDER MANAGEMENT SERVICE**
1. **Appendix 1** referred to, but omitted in the main report, is now attached as an appendix to this report.
2. A letter from the Environment Agency is attached as **Appendix 2**.
3. A letter from a resident of Stretton is attached at **Appendix 3**

Planning Officer Comments

Following further consultation responses it is suggested that amendments are made to two conditions, namely:

Condition 5 Precise details of the proposed lighting scheme associated with the new house block shall be submitted to and approved by the Local Planning Authority before occupation of the block. **The lighting, so approved, shall be carried out and maintained in accordance with the approved details.**

Condition 6:

A scheme for the upgrade/ remediation of the foul drainage system serving Stocken Prison, Stretton, Greetham and Cottesmore, drawn up with Anglian Water shall be submitted to and approved by the local Planning authority. **The scheme shall demonstrate that sufficient infrastructure capacity is existing for the connection, conveyance, treatment and disposal of the quantity and quality of water.**

Item no:

6. **APP/2011/0566 MS VICKY CROSER**

County Ecologist – latest response following submission of further information from the applicant about bat mitigation measures

1. I have received the attached document from the ecologist working on the above application. I am satisfied with the information provided in the report but would recommend that a condition for the bat mitigation is placed on any permission granted. This condition should include 'works should proceed in accordance with the bat mitigation measures stated in the 'Technical Note, Bat Mitigation Measures for the proposed development at Barleythorpe EEF' by Philippa Harvey of Baker, Shepherd, Gillespie on 14/10/11'.

Update FROM Anglian Water Services Regarding Cottesmore Sewerage Catchment - Stocken Prison Expansion – Received 6 October 2011

On Tuesday 28 June 2011 at a meeting with representatives of Stocken Hall Prison, I undertook to communicate with interested parties and provide an update on the various investigations and improvements which have taken place, or are proposed, within the drainage catchment served by the Cottesmore Sewage Treatment Works (STW.)

You may be aware that a proposed extension of Stocken Prison initiated a detailed analysis of the Cottesmore catchment and I am pleased to detail below a summary of that work, the findings of our investigations and proposals for improvement. I have attached a diagrammatic plan illustrating the layout of the catchment in order that you may fully understand the interdependencies on the various parts of the drainage system.

Investigations

Consideration of Sewage Treatment Capacity – There is currently no available capacity at Cottesmore STW. Consequently any increase in sewage flows will result in a breach of our discharge consent.

Analysis of Prison Flows – In order to better understand the likely impact of additional flows resulting from proposed development at the prison, water supply data was obtained from the prison and confirmed by Severn Trent Water (Anglian Water provide wastewater services and Severn Trent supply clean water.) Typical water usage figures were analysed. Additionally, a specialist contractor was employed to undertake a detailed monitoring of prison waste flows over a four week period. Over the same period local rainfall was monitored allowing for an analysis of how rainfall impacts on sewage flows within our drainage network.

Analysis of Anglian Water Pumping Station Capacities – The performance of the four Anglian Water owned sewage pumping stations within the catchment has been measured and we have given consideration to issues such as pump reliability, and problems with repeat rising main bursts. We acknowledge that such issues can cause particular inconvenience to our customers. As the pumping stations are linked to our telemetry monitoring system, we are able to remotely access data such as daily pump running times and/or the operation of emergency overflows.

Investigation of Non-Anglian Water Pumping Station – The area around Stocken Hall and Stocken Hall Farm is served by a private network of gravity sewers which drain to a privately owned and maintained sewage pumping station. A specialist contractor was engaged to monitor the performance of this pumping station over a 4 week period.

Analysis of the Reaction of the Catchment to Rainfall – We are aware that heavy or even moderate rainfall can result in overloading problems at some of our pumping stations. The

most probable reason for this is that surface water connections have been made into a sewer network designed to accept foul only flows (domestic waste from toilets, baths, showers, washing machines etc.) In order to understand the extent to which surface water is able to impact on our systems, specialist contractors were employed to undertake an Impermeable Area Survey (IAS). This involves a detailed investigation of all hard surfaces (typically roofs, paved yards and driveways, highways etc) and tracing drainage connections from those surfaces. Ideally we would hope that in the vast majority of cases, rainfall falling on these surfaces would drain either to soakaways or to some other surface water dedicated drainage system.

The investigation identified that in all villages within the catchment there are a number of pitched roofs draining into our foul network. No highways were identified as draining to the foul network. In Cottesmore a significantly sized paved area has a drainage connection to the foul system. The scope of the IAS excluded Stocken Prison and RAF Cottesmore.

RAF Cottesmore Issues – Our Business Customer Services Department have made concerted efforts to obtain confirmation as to the likely future of the RAF Base. At a meeting on 27 June 2011 they were unable to obtain clarification from the Ministry of Defence on this matter. It is however our understanding that no reduction in residential numbers at the base may be expected in the imminent future.

Consideration to Water Efficiency Measures – Stocken Prison is a significant consumer of water (and consequently a major discharger of wastewater.) In order to identify whether the prison is making best use of the water supplied to it by Severn Trent, we undertook a water efficiency survey. The survey considers such factors as possible on-site leakage and assesses whether existing water using appliances could potentially be adapted to use less water. The report concluded that the Prison is already demonstrating a very good level of water efficiency. The use of an automated flow control device together with 800 water saving devices in WC cisterns would be expected to reduce water usage further.

Consideration of Other Drainage Issues – As part of more general investigations a partially collapsed Anglian Water owned foul sewer feeding into the STW from RAF Cottesmore has been identified.

A connection from an existing minor watercourse into our foul drainage system has been identified in Clipsham. An alternative nearby drainage system may be suitable to accept the surface water flows from the watercourse and negotiations with Rutland County Council Highways Department in this regard have taken place. Localised flooding in the vicinity of Clipsham pumping station has been a regular problem. Undoubtedly capacity restrictions at the pumping station are a factor but additionally we have identified issues with the village's surface water drainage system (not Anglian Water owned.)

Following on from the foregoing investigations, the flowing works have been completed:-

Cottesmore partial sewer collapse – Repair completed in 2010.

Greetham Pumping Station – Major refurbishment completed in December 2010. Work comprised installation of new packaged pumping station with submersible pumps of increased capacity. New valve chamber, valves and control panel within new GRP kiosk.

Stocken Prison – The Prison have advised that water saving devices as recommended by our efficiency survey have been installed.

The following further works within the catchment are planned:-

Greetham Pumping Station Rising Main – This main has a history of burst failures. A project to replace the first 175m immediately downstream of the station has been approved and is proceeding through the design phase. This work is programmed for completion by 31 March 2012.

Clipsham Watercourse Cross Connection – Site meetings have been held with Rutland County Council Highways Department and approval granted for the redirection of surface water flows in the stream from the Anglian Water owned foul sewer into the adjacent highway drainage system. In order for this work to proceed, preparatory work on the highway system needs to have been completed. It is hoped that this work will help to address localised flooding in Clipsham, generally improve the performance of Clipsham PS and have a beneficial effect on downstream pumping stations. It must be accepted that the precise quantity of flow which will be removed from the catchment as a result of this work is unknown. On completion however, we propose to monitor the beneficial effects by the use of our telemetry systems.

Stretton Pumping Station – It is acknowledged that this PS is particularly problematic. The limited existing pumping capacity coupled with generally unreliable pump and control systems has been a frequent cause of customer complaint. A proposal to totally refurbish the pumping station (increased storage capacity, new pumps with improved output and control systems) was granted initial internal approval on 23 June 2011. The replacement of the Stretton PS rising main, which has a history of burst failures was included within the approval scope. This project is currently programmed for completion by 30 June 2012 however this timescale is indicative only and may be subject to change.

Clipsham Pumping Station – Also a problematic PS which regularly operates 24 Hrs a day in reaction to even modest rainfall. It is not feasible to refurbish this pumping station until such time as work on downstream assets (Stretton and Greetham P Stas) has been completed. Whilst the scope of works at Clipsham will be the subject of further investigation, current thinking is that a major refurbishment comprising increased storage capacity, new pumps and rising main may be appropriate. Timing to be confirmed.

I hope that the above information has given all interested parties an understanding of the investigations undertaken to date, the improvement works completed and those proposed for the future.

Rutland County Council
Development Control
Catmose
Oakham
Rutland
LE15 6HP

Our ref: AN/2010/109637/02-L01
Your ref: FUL/2010/0327
Date: 05 October 2011

FAO Carolyn Cartwright

Dear Madam

**The erection of a three storey house-block with associated covered walkways, internal security fencing and security lighting and the extension of prison car park by a further 25 car parking spaces, involving the relocation of the existing covered bicycle store
HM Prison Stocken Hall Road Stretton Oakham Rutland LE15 7RD**

Thank you for referring the additional information for above application, which was received on 15 September 2011.

The Environment Agency has no objection to a Grampian condition being imposed on any approval to prevent occupation of the three storey-house block until the issues concerning the disposal of foul drainage have been resolved.

Any such proposed condition will prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure, irrespective of the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991.

We would recommend that in order to satisfy any such condition an adequate scheme be submitted to your Authority to demonstrate, prior to the occupation of the house block, sufficient infrastructure capacity is existing for the **connection, conveyance, treatment and disposal of quantity and quality** of water.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Kerrie Ginns
Planning Liaison Officer
Direct dial 01536 385159

Direct e-mail kerrie.ginns@environment-agency.gov.uk

Environment Agency
Nene House (Pytchley Lodge Industrial Estate),
Pytchley Lodge Road, Kettering, Northants, NN15 6JQ
Email: planningkettering@environment-agency.gov.uk
www.environment-agency.gov.uk

Awarded to the Planning and Corporate Services
Department of Anglian Region, Northern Area

*Customer services line: 03708 506 506
Weekday daytime calls to 0370 numbers cost 8p plus up to
6p per minute from BT Weekend Unlimited.
Mobile and other providers' charges may vary.*

CULBRAE
ROOKERY LANE
STRETTON
RUTLAND
LE15 7 RA

10th October 2011

Dear Mr Frieland,

Ref : FUL/2010/0327/NH (MAJR)

As one of the consulted residents of Stretton I wish the following to be made available to the Committee, prior to the above applications decision, on Tuesday the 18th October 2011.

There has been an historical problem with the Stretton Pumping Station going back over many years but recently this has been exasperated by the continuing expansion of the Prison at Stocken.

One of the major problems appears to be the inconsistency in which Anglian Water (the Authority responsible for taking and treating the areas sewage) have calculated their systems capacity. In 2002 they told the Prison Authorities that they had insufficient capacity to take any more effluent from the prison but in 2003 told RCC that they had 'sufficient capacity to handle the existing Prison and its planned expansion PLUS additional flows as the works are to be phased'.

It must be remembered that at this time Prisons were exempt from Planning and all of their expansion was done under the then existing 'notification' system which meant that although Parish Councils were able to comment on any 'notified' development, in practice what was planned had to be accepted by the County Council. This system was changed in 2006 so that further expansion at the Prison came under the present Planning Regulations. However there were already five 'notified' expansions in the pipe line and the latest of them, which was a 2002 'notification', was subject to a 'notification to vary condition', deemed 'Planning' for an extension to time; as it was 5 years since the 'notification' had been accepted.

It may have been the fact that these 'hidden' applications have misled Anglian Water but the following facts are irrefutable.

- 1) The pumping station at Stretton cannot cope with peak flows from the Prison, Stocken Hall and the Mews, Stocken Woods, Clipsham and Stretton Village itself.

The Parish Council has been given access to various figures over the last six years and unless there has been a marked reduction in non-prison activity the total pumping capacities of the pumping stations at Stocken and Clipsham combined with the Stretton Village flow is greater than the capacity of the Stretton Pumping Stations pump. I know that the Stretton Pumping Station has two pumps but only one pump can run at any one time because

- a) there is insufficient power in the pump house to run the two pumps and
- b) the pipe line from Stretton to Greetham is not capable of taking the extra pressure that running two pumps will generate.

The 'wet well' that feeds the pump(s) is of insufficient size to allow the natural surges in intakes to dissipate in the time it takes the pump to evacuate it. This is also exasperated by the lack of a normal overflow to the watercourse that runs alongside the Clipsham Road. The overflow is protected by a fine mesh grating that is

- a) invariably blocked with 'prison' detritus and
- b) the setting of the 'high level' alarm point, which is above the overflow level.

The result of this is that the inflows from Stocken and Clipsham back up in the inflow line and overflow onto the road through the manhole covers at their lowest point in Manor Road, between the grass triangle and Mr Lester's Farm. This overflow then finds its way into the surface water drains that empty into the water course adjacent to the Clipsham Road.

By doing this Anglian Water do not generate an unauthorised overflow from the Pumping Station and no record of the 'high level' alarm being triggered is made. This is amply demonstrated by the times the 'duty' pump has failed and no alarm has been triggered to Anglian Waters Control, it has only been as a result of local residents complaints that the pump failure has been known and rectified.

- 2) That between 2003 and 2006 a set of drawings was submitted under the 'notification' process that included a dedicated sewage treatment plant for the Prison.

Members will be aware that for obvious 'safety' reasons NO detailed drawings of the Prison Buildings or Services are available for Public retention. Details submitted are able to be viewed but not retained therefore Stretton Parish Council do not have copies of these plans and probably RCC will have also returned to the Prison Authority any drawings that were issued at the time.

It is however well documented in correspondence that this new dedicated treatment system was expected to be built and that a sum of £3million had been 'ring fenced' by the Government for its instillation. (This fact was confirmed by Mr Steve Brooks, of Rider Levett Bucknall, at the Public Meeting held at the time) Concerns were expressed then as to possible odour issues from the above ground intermediate storage tanks, needed to regulate the treatment flow, which appeared to be un-lidded and therefore not vented to suitable abatement treatment.

- 3) That as part of the last major increase at the Prison the new system of intermediate storage tanks to allow the Prison's effluent flow to be directed to the Stretton Pumping Station during the night was installed.

This system was put in because Anglian Water said in 2006 that it could not handle the Prison flow on a maximum - minimum flow bases at the Stretton Pumping Station so intermediate storage was required. This increased the total running times of the Pumping Station not only at Stretton but also at Greetham. It also meant that the effluent being sent for treatment was much older and more odorous, a fact that Greetham residents will testify to.

One of the other re-occurring problems at the Stretton Pumping Station was the large amount of non-sewage items that finds its way into the pump(s) and settles out in the 'wet well'. These range from Trainers, Pillow Cases, Trousers, Shirts and Underclothes along with Cutlery and Plastic Cups etc. To help alleviate this the Prison installed maceration pumps which enable the items to be shredded before being pumped onwards, but no account as to its effects on the rest of the downstream operations was ever allowed for. It is not, I understand, an industry recommended method of handling material that needs subsequent re-pumping without either separate settlement or screening prior to discharge.

- 4) That at the Residents Meeting held at Stocken Prison on Wednesday 27th July this year Mr Neil Cartwright of Anglian Water was totally unaware of the above.

At this meeting Mr Cartwright informed residents that the present pumping system at Stretton was to be converted to a 'submersible instillation system' that would empty the 'wet well' to 6". This with macerated material is probably not the best way to handle the effluent, as ideally it needs to be held in suspension (often achieved by re-cycling the material in the 'wet well' to achieve a consistent product) prior to pumping it further.

Mr Cartwright said he was not aware of the presence of macerated material. And when questioned as to what effect the 'new' water saving devices installed into every one of the Prisons toilets would have on the effluents constituency and the resultant pumping requirements both at Stretton and further down the line he said he was unable to comment.

- 5) that at the Residents Meeting held at Stocken Prison on Wednesday 27th July this year Mr Neil Cartwright of Anglian Water also said *"that at present the treatment works at Cottesmore was unable to handle or accept 'one litre more' than it was currently handling"*.

When told by the residents that the present flows from the Cottesmore base were at an historic low and that when the Army took over the number of personnel would dramatically increase, and therefore the loading on the treatment works, Mr Cartwright said *"that Anglian Water were looking at any surface water inclusions that could be diverted, but that these would not be sufficient to cope with any additional expansion in the catchment area as a whole"*.

- 6) that at the Residents Meeting held at Stocken Prison on Wednesday 27th July this year Mr Stephen Brooks told the residents present that *"NO Planning Application for a treatment plant at the Prison had ever been made"*.

This is basically true, as the application was made under the 'notification' process operating at the time, but both Stretton Parish Council and RCC are aware of the application containing the Prisons own sewage treatment plant and the fact that Government funds had been allocated for it's instillation at the time. It was only the change in Anglian Waters assessment as to the processing capacity for the catchment area which led the development to remove the treatment plant and install the intermediate storage tanks to enable part of the Prisons flow to be sent down at night instead.

Conclusions

From the above facts it would seem obvious to any onlooker that what ever is done at Stretton Pumping Station will only achieve further and more frequent problems at Greetham and via them the Treatment Works at Cottesmore.

It must be remembered that Stocken Prison was originally to be a 'Young Offenders' institute, with a very small population working on the Prison Farm as part of their rehabilitation; the original concept is long gone and what we have now is the making of a 'Super Prison'.

Members must be aware that there are still more inmate holding blocks authorised and that the present prison population at Stocken will rise from 1,370 to over 1,500; plus Prison Staff on duty (say 385 personnel) along with 515 to 570 prison visitors over four or five days per week. This gives a population total for the site of 1,750 to 2,270 per day. This number of people is well over three times the combined population of Stretton, Stretton Woods, Stocken Hall and the Mews, and Clipsham. Stretton Pumping Station and the upstream facilities were never designed for anything like this.

Despite requests by Mr C Howat of RCC neither actual or nominal figures for the various inputs for the catchment area have ever been forthcoming from Anglian Water so not only is it impossible for anyone else to quantify what is happening it is also impossible to 'police' what is being done to ameliorate the present situation. I understand the Prison Authority are saying they will tanker away any excess and deliver it to Peterborough, but without ANY bases on how this excess is calculated how can RCC know if what is being done is in fact adequate, appropriate or synchronised with the actual additions demanded by the site.

Members will appreciate that the inmates of the Prison are not like normal households (they do not go out) and that there is therefore not the divergence in hourly flows that a pumping station from a normal village or villages would be designed to accommodate. There is also the change of use to a 'Special Needs School' of the old Shires Hotel in Stretton which has generated a significant extra loading from the Stretton Village gravitational line into the 'wet well', again something that has never been quantified.

As they say, RCC is between a 'Rock and a Hard Place' with this Prison Development. Without statistics to validate what is being put forward it is impossible for them to verify what or if what is being proposed by Anglian Water will or can alleviate the acknowledged problems that exist not only at the Stretton Pumping Station but for the catchment system as a whole. They are also unable to seek outside independent expert advice for the same reason.

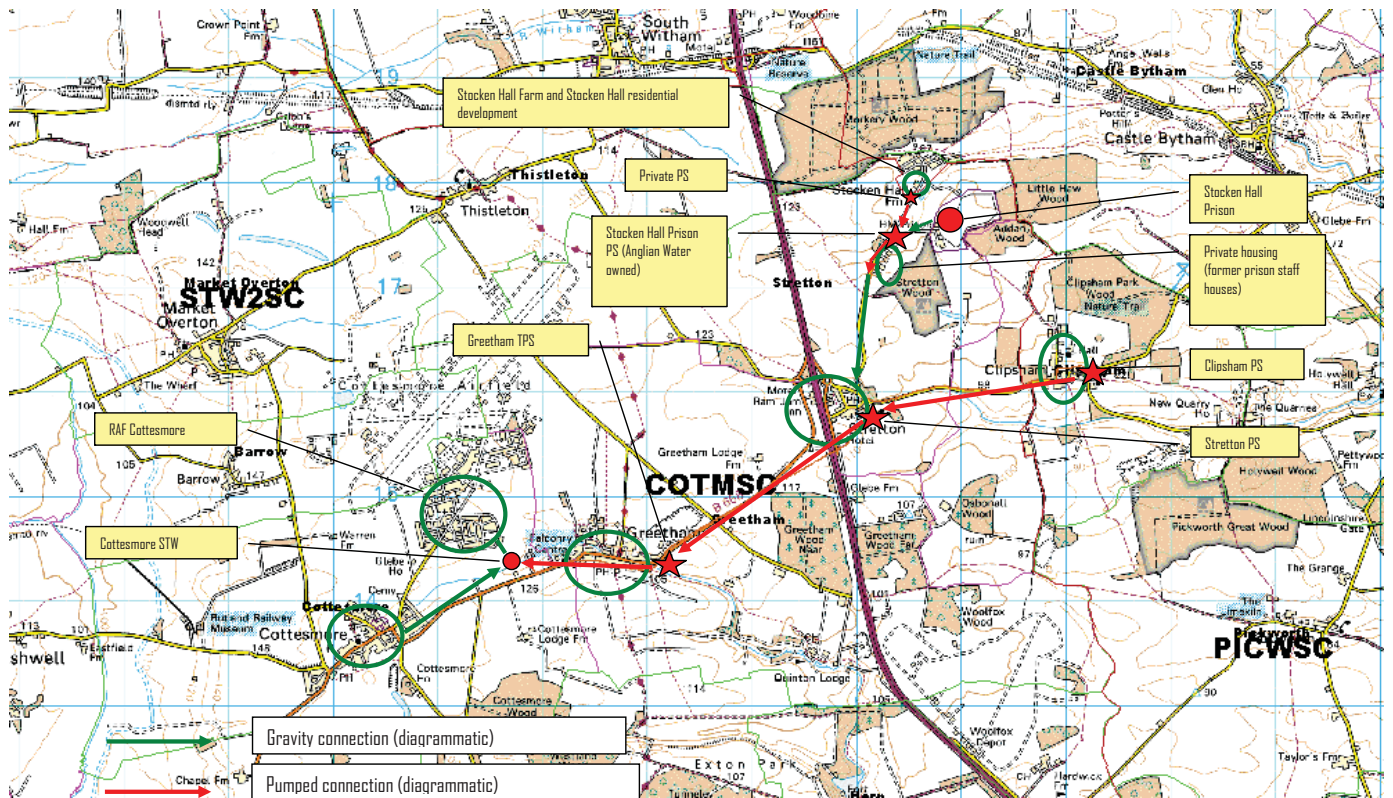
As the Government have 'ring fenced' the money for the Prison to provide its own effluent treatment system this seems the obvious way forward in alleviating not only the present pumping/storage and odour problems at Stretton and Greetham but also the lack of capacity currently effecting the Cottesmore Treatment Plant.

As previously stated the current Prison population is well over three times the size of Stretton, Stretton Woods, Stocken Hall and the Mews, and Clipsham; and when (if ever) its expansion is finished it will then be more than four times greater. Any development of this size easily warrants its own effluent handling system and as this is exactly what was proposed in 2003-6. It should therefore be the one that is adopted.

This solution will not impact on RCC funds and will enable further development at Cottesmore and Greetham etc to be accommodated.

Yours sincerely,

R. Harrison.
Ex Chairman of Stretton Parish Council.





Rutland County Council

Catmose Oakham Rutland LE15 6HP
Telephone 01572 722577 Facsimile 01572 758307 DX 28340 Oakham

Minutes of a meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, at 6.00 pm on Tuesday, 18 October 2011.

PRESENT: Mrs C L Vernon – Chairman (in the Chair)
Mr M E Baines
Mr W J Cross
Mr J T Dale
Mr R J Gale
Mr D Hollis
Mr T C King
Mr J Lammie
Mr M A Oxley
Mr M Woodcock

OFFICERS	Mrs C Cartwright	Development Control Manager
PRESENT:	Ms C Denness	Principal Lawyer, Peterborough City Council
	Mr P Gear	Senior Planning Officer
	Ms S Hall	Planning Enforcement Officer
	Mr A Mehra	Strategic Director for Places (for part of the meeting)
	Miss T D Stokes	Democratic Services Manager
	Mr D Trubshaw	Conservation Officer
	Mr A Woodhouse	Environmental Protection Officer

IN Mr R B Begy
ATTENDANCE: Mr B W Roper

APOLOGIES: Mr C A Parsons

---oOo---

Prior to the formal commencement of the meeting, a minute's silence was observed in memory of Cllr Colin Forsyth OBE, who passed away on 7 October 2011.

---oOo---

407 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the Development Control and Licensing Committee meeting held on 20 September 2011 be confirmed.

408 DECLARATIONS OF INTEREST

The following Members declared an interest in the items shown:

Mr Baines	Agenda Item No 5 Item No 2 APP/2011/0179 Mrs Jenny Green, Ketton	Personal but not prejudicial interest as Mr Baines taught the applicant's daughter.
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Consideration was given to the issues detailed in the Addendum Report which referred to unauthorised living accommodation at the Rutland Garden Centre on Ashwell Road, Langham. Planning permission was refused in July 2009 and a compliance period of six months to vacate the premises was specified. However, this was held in abeyance following an appeal by the owner which was subsequently dismissed. A further application for retention of the flat was refused on 11 January 2011 and the compliance period required vacation of the flat by 6 October 2011.

A request to extend the enforcement notice period to the end of February 2012 had been received from the applicant and members' views were sought in respect of the merits of the applicant's request. As the Council was advised to act reasonably in terms of pursuing court action, should the flat not be vacated by March 2012 then the prosecution was more likely to be supported by the Courts.

RESOLVED

That any court action necessary to seek compliance with Enforcement Notice ENF/2009/00011 be suspended until 1 March 2012, but that the necessary court action be commenced swiftly if the enforcement notice has not been complied with by that date.

413 PLANNING APPLICATIONS TO BE DETERMINED BY THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE

Report No 154/2011 and the Addendum Report from the Strategic Director for Places was received.

- * **414 No. 1 (FUL/2010/0327) HM PRISON STOCKEN**, Stocken Hall Road, STRETTON, Oakham, Rutland. Erection of three storey house block with associated covered walkways, internal security fencing and security lighting and the extension of existing prison car park by a further 25 car parking spaces, involving the relocation of the existing covered bicycle store. (Ward: Greetham, Parish: Stretton).

RESOLVED

FUL/2010/0327 In accordance with the recommendations set out within Report No. 154/2011 and the Addendum, Item number 1, the application be **APPROVED**, subject to:-

- i) S106 negotiations taking place with the applicant regarding the introduction of an appropriate visitor transport service with any issues being considered by the Planning Officer in consultation with the Portfolio Holder and Ward Member; and
- ii) A Grampian Condition being imposed relating to drainage and lighting.



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10 April 2015

Nick Hodgett
Principal Planning Officer
Rutland County Council
Catmose,
Oakham,
Rutland
LE15 6HP

Our Ref: 47073548
Your Ref: FUL/2010/0327

Dear Mr Hodgett

The erection of a three storey house-block with associated covered walkways, internal security fencing and security lighting and the extension of existing prison car park by a further 25 car parking spaces, involving the relocation of the existing covered bicycle store at H M Prison Stocken Hall Road Stretton Oakham Rutland

I write in relation to the above planning application and our recent telephone conversations. As you are aware the above application was recommended for approval at the 11th October 2011 planning committee subject to two matters:

- a) Imposition of a 'Grampian' condition relating to lighting and drainage; and
- b) S106 negotiations taking place with the applicant regarding the introduction of an appropriate visitor transport service with any issues being considered by the Planning Officer in consultation with the Portfolio Holder and Ward Member;.

Following the 11th October 211 planning committee, a number of physical and operational improvements have been carried out at the establishment to reduce its impact on the locality, as described in further detail below.

Lighting

It is understood that the condition was recommended in relation to glare from existing lighting. The lights that were in place during 2011 have since been replaced or removed, significantly reducing the glare from beyond the site boundaries. For example, the lighting nearby the hall is no longer multi directional and now only illuminates inside the establishment. Further, lights in non-essential areas are now controlled by timers to go out at 22.00hrs (including the bike sheds and main stores, both external of the main establishment).

Also, the establishment has undertaken other improvement work to the site boundaries including the painting of the fence line facing the Hall, planting on the north side of the establishment (including continued maintenance of that planting) and an additional c. 25 trees planted in farmers' fields nearby the establishment boundary.

We understand there to have been no recent complaints regarding lighting glare emanating beyond the boundaries of the establishment. Therefore, coupled with the improvements described above, we no longer consider that a Grampian condition relating to lighting is necessary.

Drainage

A Grampian condition was recommended to prevent occupation of the new house block until measures to improve drainage had been implemented. At the time the application was considered Cottesmore Wastewater Treatment Works was at the limits of its consented Dry Weather Flow capacity. However, we understand that improvements to the Works have been completed and capacity issues have now been resolved. Further, the establishment operates a tanking system on site and has agreed with Anglian Water to the storage of wastewater during morning peak demands, and the subsequent release of that wastewater when demands on the wider drainage system are reduced.

Given the improvements described above, we no longer consider it necessary for a Grampian condition to be imposed.

Visitor Transport Service

A visitor transport service was not identified in the application documentation or the committee report. Therefore, the basis of this requirement is unclear but it is assumed to relate to historic problems relating to visitor traffic.

These problems are highlighted within the correspondence from David Rigby which identifies the parking of cars on Stocken Hall Road during weekdays and the objection from Stretton Parish Council which identifies damaged highway verges. These problems have since been resolved and are being monitored to ensure that any future impact from visiting traffic is avoided. The problems have been resolved by:

- a) the repair of highway verges;
- b) the creation of additional 25 parking spaces above the maintenance department (installed as part of the boiler house refurbishment);
- c) reduction in the maximum number of seating in the visitors area from 40 to 30; and
- d) the reduction in the operational capacity of 1,056 inmates in 2011 to the current capacity of 843 (effected by the removal of some buildings including the A-E wing). It is highlighted that the addition of 202 inmates from the proposed house block would still result in a capacity below that in 2011.

Visitor information can be found on the prison's website¹, including visitor times. In terms of public transport, visitors using train services arrive into Oakham (9.3 miles from the prison), Stamford (11.1 miles from prison) or Grantham (15.3 miles from the prison). A limited bus service is provided by the 4R Stamford & Rutland CallConnect operating on an hourly basis between Seaton and Stamford.

The prison does not record how visitors have arrived (by taxi, car, train, bus) and from where they have travelled; however, given the isolated location and the distant and irregular nature of public transport services, it is understood that the majority of visitors arrive by private car.

Bearing in mind that: a visitor transport service could only relate to the proposed development; visitor numbers being limited to a maximum of 30 (across the whole prison, managed using a booking system); the vast geographic area from which visitors could potentially arrive and the lack of a common local pick point; it is considered that it would be almost impossible to provide a meaningful visitor transport service.

¹ <http://www.justice.gov.uk/contacts/prison-finder/stocken/visiting-information>

To put matters into perspective, the house-block would comprise less than one fifth of the resulting operational capacity of the prison. Applying this fraction to the maximum number of visitors of 30 would suggest an average of 6 additional visitors would be generated by the house-block for each visit. Given the isolated nature of the prison, it is highly likely that the majority of the 6 visitors would choose to arrive by private car. Of those that wish to use public transport (which may be as low as 1 or 2 persons), they may arrive at one of three train stations located between c. 9 – 15 miles from the prison and possibly the irregular bus service. Further, those with little or no income can make use of the Assisted Prison Visits system, details of which are contained on the Prison's website.

The Council will be aware that any request for a S106/ planning obligation must comply with guidance found within the National Planning Policy Framework, re-iterated by the Government's Planning Practice Guidance, which requires that:

'Planning obligations should only be sought where they meet all of the following tests:

- 1. necessary to make the development acceptable in planning terms;*
- 2. directly related to the development; and*
- 3. fairly and reasonably related in scale and kind to the development', (para. 205)*

To consider each of the above tests in turn:

1. The committee report shows that neither the Council's Highways department nor the case officer of the application had any concerns relating to the impact of visitor traffic; therefore, neither found it necessary to require a visitor transport service to make the development acceptable. Given the absence of discussion with the committee report, it is assumed that members of the committee requested the introduction of a visitor transport service on the day of the committee. At that time, problems associated with the impact of visitor traffic were identified in the correspondence from David Rigby and Stretton Parish Council. Whilst those concerns were not considered sufficient by the case officer to warrant the introduction of visitor transport service, those problems have since been resolved by the prison, summarised in points a) to d) above. For these reasons, the introduction of a visitor transport service is not considered necessary to make the development acceptable.
2. Given that the house-block would result in some increase in visitors, it is acknowledged that a visitor transport service would be related to the development.
3. For reasons set out within the first full paragraph of this page, it is not considered reasonable to require the prison to introduce a visitor transport service that may only serve 2 people, who could originate from a vast geographic area and arrive into one of three train and two bus stations.

Any request for a planning obligation must meet all three tests set out at paragraph 205 of the National Planning Policy Framework. For reasons above, it is considered that the requested planning obligation fails two of three tests and, therefore, it is not considered necessary or reasonable to introduce a visitor transport service. Rather, it is considered that the managing of visitor traffic be undertaken at the locality of the establishment, where improvements can be better effected and managed to the benefit of local population. This is already (and will continue to be) undertaken; as evidenced from the improvements made since 2011 described above.

Yours sincerely
for **AECOM**

Matthew Smedley
Principal Planner

Direct Line: +44 (0)113 2045031
matthew.smedley@aecom.com

APPENDIX 3

Stocken prison visiting information (extract)

Social visits

Wed: 13:45 - 15:45

Fri: 13:45 - 15:45

Sat: 09:15 - 11:15 & 13:45 - 15:45

Sun: 09:15 - 11:15 & 13:45 - 15:45

Additional information: Please be aware that you will not be allowed into the Visits Room after 10:30 in the morning and 15:00 in the afternoon.

Visiting Orders: Only those visitors named on the visiting order will be allowed entry. This includes children. There are three types of visiting order.

- White - Statutory
May be used at any visits session. They are valid for 28 days from the date of issue.
- Yellow - Privileged
May be used on Wednesday afternoons and Saturday & Sunday mornings only.
- Red - Closed
For closed visits and must be pre-booked.

For prisoners recently transferred into HMP Stocken, one visiting order from their previous prison will be honoured.

Visitors must produce two of the following as proof of identity:

- Passport,
- Driving Licence,
- Birth Certificate,
- Senior Citizens public transport pass,
- Annual public transport season ticket,
- Employers ID card that shows employee's photo,
- Rail or bus pass with photo,
- Cheque book or credit card,
- Young person's proof of age card,
- Trade Union or National Students card

Inside the visits room: On entering the visits room please hand your visiting order to the officer sitting at the top table. The officer will then allocate you a table..

Official visits

Tues and Wed: Mornings only 09:00 - 11:15

How to get there: HMP Stocken is situated near the village of Stretton off the A1, exit onto the B668.

- **Train:** The nearest stations are Stamford, Grantham and Oakham. You will need to take a taxi from the station to the prison.

Local taxi companies include:

Oakham

Berridge Taxis – 01572 756088

Young's Taxis – 01572 813053

Kevin's Taxis – 01572 720136

Stamford

Associated Silver Cabs – 01780 482800

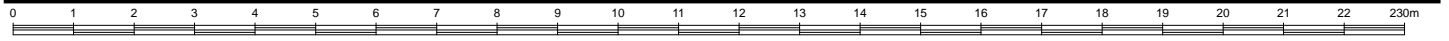
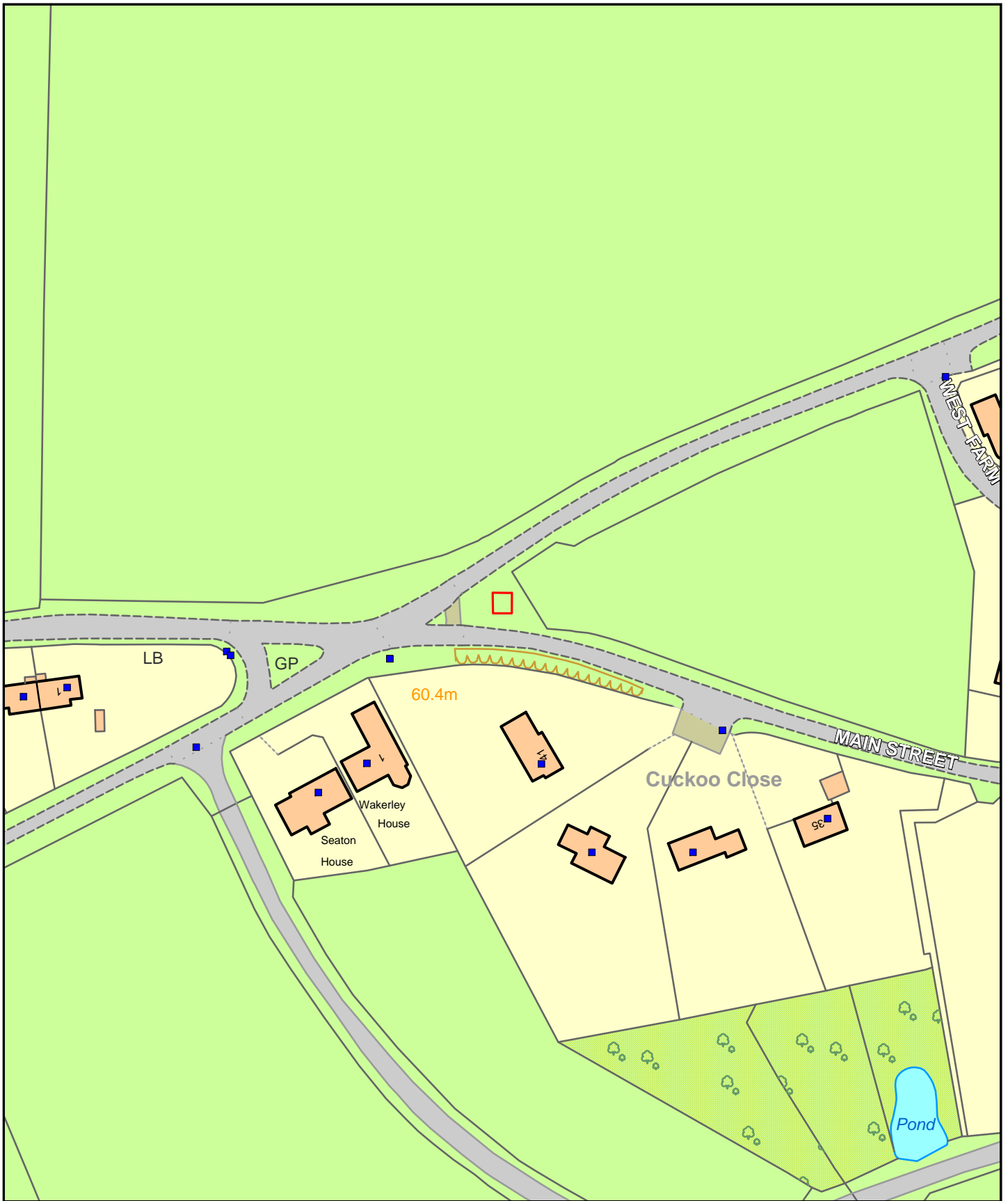
Star Line Cabs - 01780 763245

- **Car:** North and Southbound on the A1 exit B668 – Stocken is signposted from this point. On arrival at the prison, please use the main car park.

Updated: Monday, 28 July 2014

From: <https://www.justice.gov.uk/contacts/prison-finder/stocken/visiting-information>

(23 Jun e2015)



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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 08:36
Date of plot: 25/06/2015



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0125/FUL	ITEM 2	
Proposal:	Erection of a Monument to the Queen's Diamond Jubilee.		
Address:	Land Between Back Road and Main Street, Barrowden, Rutland		
Applicant:	Mr Philip Wood	Parish	Barrowden
Agent:	n/a	Ward	Ketton
Reason for presenting to Committee:	Objections received		
Date of Committee:	7 th July 2015		

EXECUTIVE SUMMARY

The monument would appear as an incongruous addition within the street scene, and have a detrimental impact upon the character and appearance of the Barrowden Conservation Area.

RECOMMENDATION

REFUSAL, for the following reason:

The proposed monument, by virtue of its location, height, design and materials, would appear as an incongruous addition, out of keeping with the rural character of this edge of village location, to the detriment of the character and appearance of Barrowden Conservation Area. As such, the proposal is contrary to policies CS19 and CS22 of the adopted Core Strategy (2011), policies SP15 and SP20 of the adopted Site Allocations and Policies Development Plan Document (2014), and paragraph 134 of the National Planning Policy Framework (2012).

Site & Surroundings

1. The site is a small triangle of grass at the north-west end of the village, by the junction between Back Road and Main Street. The site is within the conservation area, just within the planned limits of development and is common land. There are dwellings to the south and west of the site, and fields and hedgerows to the north and east. There is an ash tree in the corner of the site.

Proposal

2. This application proposes to erect a monument to the Queen's Diamond Jubilee. The monument would be 3.8m tall, made of galvanised steel, and be set in concrete. Each of its four sides would be 500mm wide at the bottom, tapering to 400mm at the top. The top of the monument would be a decorative steel weathervane. An area of up to one square metre would be dug out to the depth of half a metre to accommodate the concrete and the monument fixing.
3. Though the Jubilee was in 2012, the monument has the date 2013 on its side; it is believed this is when it was commissioned.
4. The proposed plans are attached as **APPENDIX 1**.

Planning Guidance and Policy

(i) Development Plan

The Rutland Core Strategy (2011)
CS19 Promoting Good Design

Site Allocations and Policies DPD – Submission Document (2013)

SP15 Design and Amenity

SP20 Historic Environment

(ii) Other Material Considerations

National Planning Policy Framework

Section 12 Historic Environment

Barrowden Village Design Statement

Consultations

5. Barrowden Parish Council – Objection. 4:1 majority of those councillors who voted believe that the application should be rejected for the following reasons;
 - Design, size and materials do not accord with the planning requirements for a conservation area
 - Contravenes the Village Design Statement
 - Patriotic sentiment (three years ago) is not sufficient justification to disregard planning
 - The Parish Council raised objections [at the time the monument was first proposed] and asked for alternative designs
 - Current public opinion (that we have seen) is not in favour of the application
 - Further requirements of the National Planning Policy Framework relating to heritage assets not met

6. Conservation Officer – Although the rationale behind the monument to commemorate the Jubilee is acceptable (and appreciation of the aesthetics of public art is to a large degree a matter of personal taste), I consider that the design and choice of material for the structure is inappropriate and would result in the proposal appearing incongruous and visually intrusive in the context and setting of the location on the edge of Barrowden. As such, the structure would fail to preserve or enhance the character or appearance of Barrowden Conservation Area. However, in accordance with paragraph 134 of the National Planning Policy Framework, the harm to the conservation area (as a designated heritage asset), although less than substantial, should be weighed against the wider public benefit of the proposal. I would suggest that this would include village support for the proposal.

7. Highway Authority – No objection

Neighbour Representations

8. Eight objections to the proposal, on the following grounds;
 - Inappropriate site
 - Does not preserve or enhance the conservation area/village
 - Design and materials out of keeping for a rural setting
 - Detrimental impact upon highway safety due to;
 - Steel monument reflecting light,
 - causing a distraction by a junction,
 - impact on visibility splays,
 - vehicles parking to look at the monument.

- Unsuitable and out of character in a rural setting
- Increase in the items of street furniture
- contrary to Barrowden's Village Design Statement on location, design and materials.

9. One additional response expresses their disappointment that the monument is not yet erected. Some of the objection responses do commend the Jubilee Group for their fundraising efforts for the monument.

10. In addition, the Parish have forwarded copies of comments submitted directly to them from local residents. There are 21 responses in total, of which 17 object to the monument, and 4 are in support. These include all local residents who commented directly to the planning department, and who have repeated their comments to the Parish. Further points raised in objection include;

- Monument visually unattractive
- Irrelevant to the village and its residents
- Largely undesired/does not represent what the village would like to see
- No permanent monument required
- Community funds could be better used
- Would prefer an alternative design
- Who would be responsible in the event of an accident?

Further comments in support of the monument include;

- Majority of village voted in favour of the monument in 2013
- It is appropriate that Barrowden has a memorial to commemorate this historic day
- The process to site the monument has been running too long
- Shame that it is not in a more prominent place in the centre of the village

Planning Assessment

11. The main issues are:

- Impact upon Barrowden Conservation Area/street scene
- Highway Safety

Conservation Area/street scene

12. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving or enhance the character or appearance of the conservation area. This carries significant weight in considering the current application.

13. Several potential sites for the proposed monument were put forward by the applicant as part of a preliminary enquiry process. Positioning it in the centre of the village would have a detrimental impact upon the historic core of the conservation area. Its proposed position on the edge of the village would have less of an impact upon Barrowden's historic core; however it would still have an impact upon this more rural character of the conservation area. This is due to its unique design, and it is acknowledged that public art is to a certain extent subjective. It is also acknowledged that the purpose of a monument is to stand out and be noticed

14. Notwithstanding this, due to its location, height, design and materials, the proposed monument would appear as a dominant and incongruous addition to the rural character of this area on the edge of the village, to the detriment of the character and appearance

of the Barrowden Conservation Area. There would also be a visual conflict with the adjacent ash tree.

15. The Conservation Officer's comments relating to the NPPF are noted (*'the harm to the conservation area (as a designated heritage asset), although less than substantial, should be weighed against the wider public benefit of the proposal.'*).
16. In balancing this, there have been 8 objections received from local residents, and one letter of support, though that was expressing general disappointment that no monument had been erected, rather than specific support of this location. The Parish Council object to the monument, and have forwarded further comments from local residents (17 objections, and 4 in support). Reference is made to a village vote in favour of the monument in 2013, however, details of this have not been submitted, and given that this was two years ago, it would not carry any significant weight for the current application. Based on the responses to the current application, the limited support would not outweigh the identified impact upon the conservation area, while the majority of consultation responses are opposed to the monument.
17. Several of the objections refer to the Barrowden Village Design Statement (VDS). While noted, the guidance relates primarily to new buildings or extensions. The VDS would also carry limited weight as it is not up to date with the current local plan. Notwithstanding this, the site is designated as important road verge in the VDS, and reference is made to safeguarding numerous grass verges in the village wherever possible, and retaining their natural edges, including those along Back Lane and Main Street. The safeguarding of the site in the VDS could not be included as a reason for refusal, and while it is possible that some vehicles may pull up onto the verge to look at the monument, the impact of this on its own would also not be sufficient reason to warrant refusal.

Highway safety

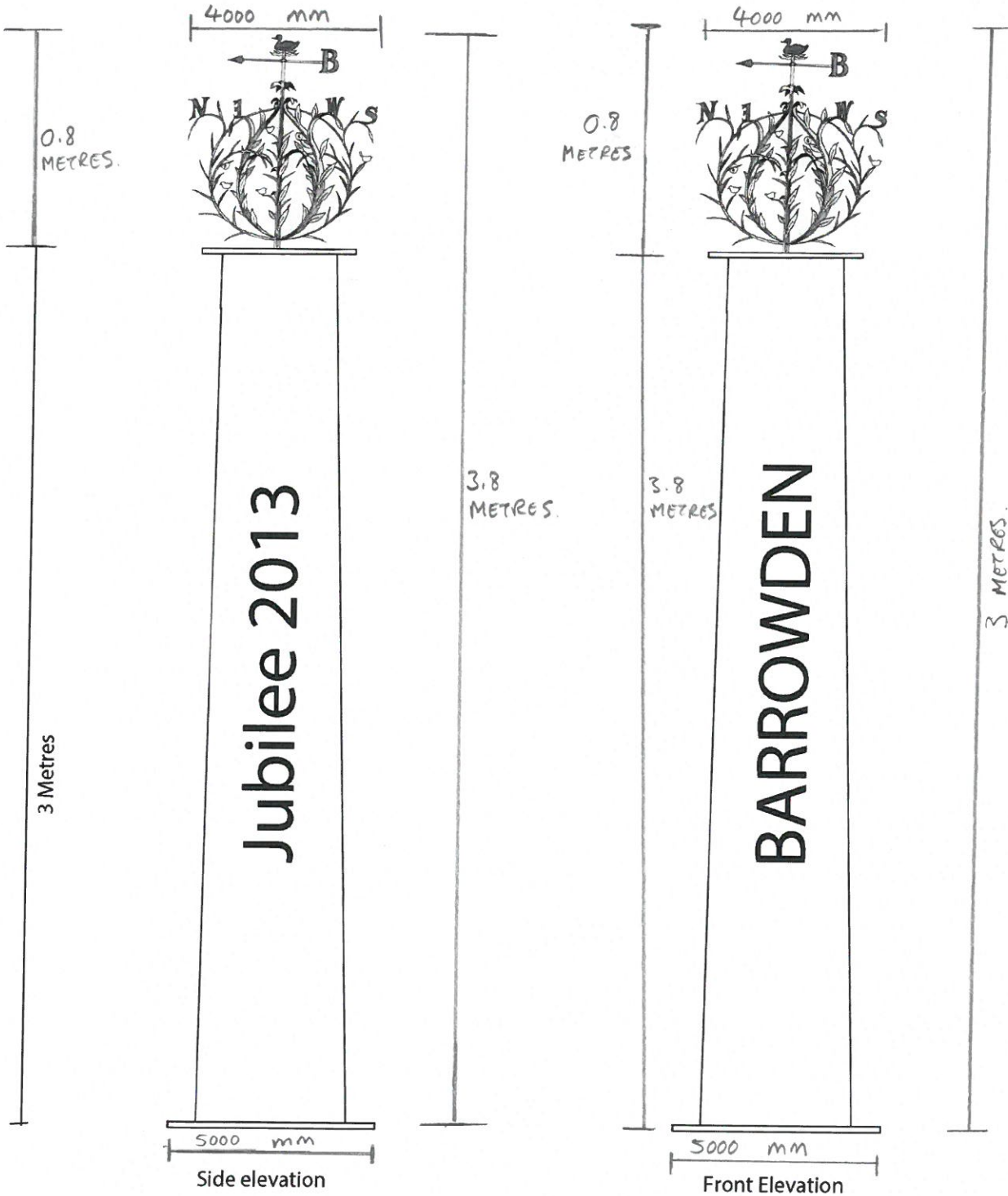
18. While part of the purpose of a monument is to draw attention, the speed limit here is 30mph, and close to a junction, where vehicles would not be travelling at excess speeds. The monument would also not obscure visibility splays to any significant level and there is no objection from the highway authority.

Other Issues

19. The proposed digging to accommodate the concrete would appear to be outside the root protection area of the adjacent ash tree (protected by the conservation area), though if were the proposal to proceed, care would be needed to ensure that the tree and its roots would not be adversely affected.
20. With regard to one of the consultation responses, responsibility in the event of an accident is not a material planning consideration.

Barrowden Village Jubilee Monument

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06 MAY 2015
PLANNING SUPPORT



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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

7th July 2015

COSTS AWARDS ON APPEALS

Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

RECOMMENDATION

That the contents of this report are noted

1. PURPOSE OF THE REPORT

- 1.1. This report researches recent appeal costs awards against the Council and what can be learned from them.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In reaching a decision on a planning appeal the Inspector will consider whether an award of costs should be made against any party to the appeal. Costs may be awarded if a party has behaved unreasonably and this has caused another party to incur unnecessary or wasted expense. An award of costs can be made even if no party has applied for costs.

- 2.2** In relation to councils, costs awards are designed to, “encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, (and) not to add to development costs through avoidable delay”. (PPG 2014)
- 2.3** The Inspector decides whether a costs award is made and whether it is full or partial but does not determine the amount of costs. The current guidance was issued by the Government on 6th March 2014 and is contained in the online only Planning Practice Guidance. An extract is included in Appendix A.

3. DECISIONS ON RECENT CASES

- 3.1** The Council has recently received three costs awards against the Council which is unprecedented. These are detailed below.

- 3.2** **APP/A2470/A/14/3001052 – Larkfleet Homes – 2014/0386/RES**
Burley Park Way, Barleythorpe, Oakham LE15 7EE
Erection of apartment block

The Council did not accept unequivocal legal advice on car parking provision. Whilst the Inspector found the concern was right the Design Code was misunderstood in his view. The sustainability credentials of the site were not assessed. Without evidence the Council’s stance was vague and lacked analysis.

Lessons from this decision

Technical evidence was needed to support the reason and that was not available.

- 3.3** **APP/A2470/A/14/2222210 – Hanover Developments Ltd – 2013/0956/OUT**
Greetham Garden Centre, Oakham Road, Greetham LE15 7NN
Outline Planning application for the redevelopment of the former Greetham Garden Centre for residential development for up to 35 dwellings.

This was a partial award of costs as the Council did not notify neighbours of the hearing date as it should have done, resulting in the postponement of the hearing. In addition the Council was unable to provide a venue for the re-arranged date so the appellant unilaterally arranged and paid for a venue.

Lessons from this decision

Officers have reinstated a refined version of an older paper based system to monitor progress on appeals to ensure all stages of appeals are correctly followed. This had ceased when new software was installed but this software cannot provide the necessary process controls. For most hearing and inquiry cases the best and sometimes only suitable venue is the Council Chamber and one of the 3 adjoining rooms due to the requirements of the Planning Inspectorate. There is an issue with these venues being booked long in advance and unavailable. The Planning Inspectorate can impose a date on the Council. There is a corporate priority list for the use of the Council Chamber but planning inquiries and hearings

are not identified as a priority. More effort will be made in future to try to relocate other users. These actions should avoid a recurrence of these issues.

3.4 APP/A2470/W/15/3002295 - Imprezaco Limited – APP/2013/0221

Former Rose of England Hotel, Old Great North Road, Little Casterton, PE9 4DE
Erection of 15 Employment units (Use Classes B1, B2 and B8)

This was a committee decision contrary to officer recommendation. The first reason related to planning policy. The Inspector accepted that it was balanced and that whilst Members took a different view to officers that the reasons were explained and not unreasonable.

Reason 2 related to highway safety where the highway authority had recommended it was acceptable. As no technical evidence was produced to substantiate this reason the Council's behaviour was held to be unreasonable.

Reason 3 related to over development due to space for lorry parking and external waste storage. The Inspector noted the lack of a highway objection and that waste storage could have been conditioned. He found that in the absence of substantive evidence the behaviour was unreasonable.

Lessons from this decision

Had Members only applied the policy issue there would have been no award of costs. If technical issues are raised as reasons for refusal that are not supported by technical consultees, where will the evidence to justify that come from?

- 3.5** In the same period the Council has succeeded in getting a costs claim rejected for the Land to the rear of North Brook Close, Greetham. The Inspector decided that although Members had overturned a recommendation to approve that there was evidence to support that overturn. That evidence was around design issues and density, with critically the density being higher than set out in the development plan.

4 EXPERIENCE OF OTHER COUNCILS

- 4.1** The change in Government guidance in 2014 built on longstanding Government guidance and was perceived as a tightening of advice. However for the first year of operation this had not affected Rutland. It now appears that it has. Neighbouring authorities have been contacted to see if they have noticed any change in awards of costs. With one exception those that replied had noticed a change. One of our neighbouring authorities has had 5 claims in the last 6 months with costs awarded in 4 cases. There were several references to cases where Members had overturned a recommendation and costs were awarded. There were also references to cases where technical evidence could not be produced to justify a decision. In one case in Oadby where a costs award did not succeed two members of the Committee attended the hearing to defend the decision for the Council.

5. REASONS FOR REFUSAL

- 5.1** Members and Officers in refusing applications need to be sure that the evidence exists to substantiate each and every reason. If there is a strong and a weak reason then particular care needs to be exercised in any decision about adding the weaker reason. The likelihood of an award of costs being applied for has

increased. In recognition of this the Council needs to apply the same criteria and has recently indicated on two appeals that it will seek an award of costs.

6 CONSULTATION

6.1 Consultation has taken place with neighbouring authorities

7 ALTERNATIVE OPTIONS

7.1 The alternative option is not to review these cases which would place the Council at risk of further costs awards.

8 FINANCIAL IMPLICATIONS

8.1 In the cases quoted the financial implications should be low with only three or four figure sums. As claims have not yet been submitted actual figures are not available and even when submitted they will be checked in detail to ensure the claim is reasonable.

8.2 However costs awards have the potential to be large and have a significant budget implication.

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 has identified changes needed and underway to internal processes. It has also identified that the Council is at particular risk of a costs award when reasons for refusal are not supported by technical consultees.

14 BACKGROUND PAPERS

- 14.1 There are no additional background papers to the report.

15 APPENDICES

- 15.1 Appendix A – Extract from Planning Practice Guidance

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

APPENDIX A. Extract from Planning Practice Guidance

“What type of behaviour may give rise to a substantive award against a local planning authority?”

- Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- failure to produce evidence to substantiate each reason for refusal on appeal
- vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- acting contrary to, or not following, well-established case law
- persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- not determining similar cases in a consistent manner
- failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage

- imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the [National Planning Policy Framework](#) on planning conditions and obligations
- requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the [National Planning Policy Framework](#), on planning conditions and obligations
- refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- if the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

(This list is not exhaustive).

Revision date: 06 03 2014”