

# Public Document Pack



## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.  
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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 4 August 2015** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs  
**Chief Executive**

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/haveyoursay](http://www.rutland.gov.uk/haveyoursay)

### **A G E N D A**

#### **APOLOGIES**

#### **APOLOGIES**

##### **1) MINUTES**

To confirm the minutes of the Development Control and Licensing Committee held on 7 July 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. 145/2015 DEVELOPMENT CONTROL APPLICATIONS**

To receive Report No. 145/2015 from the Director for Places (Environment, Planning and Transport)  
(Pages 5 - 54)

**6) REPORT NO. 146/2015 APPEALS REPORT**

To receive Report No. 146/2015 from the Director for Places (Environment, Planning and Transport)  
(Pages 55 - 58)

**7) ANY OTHER URGENT BUSINESS**

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

**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

REPORT NO: 145/2015

**DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**4<sup>TH</sup> AUGUST 2015**

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

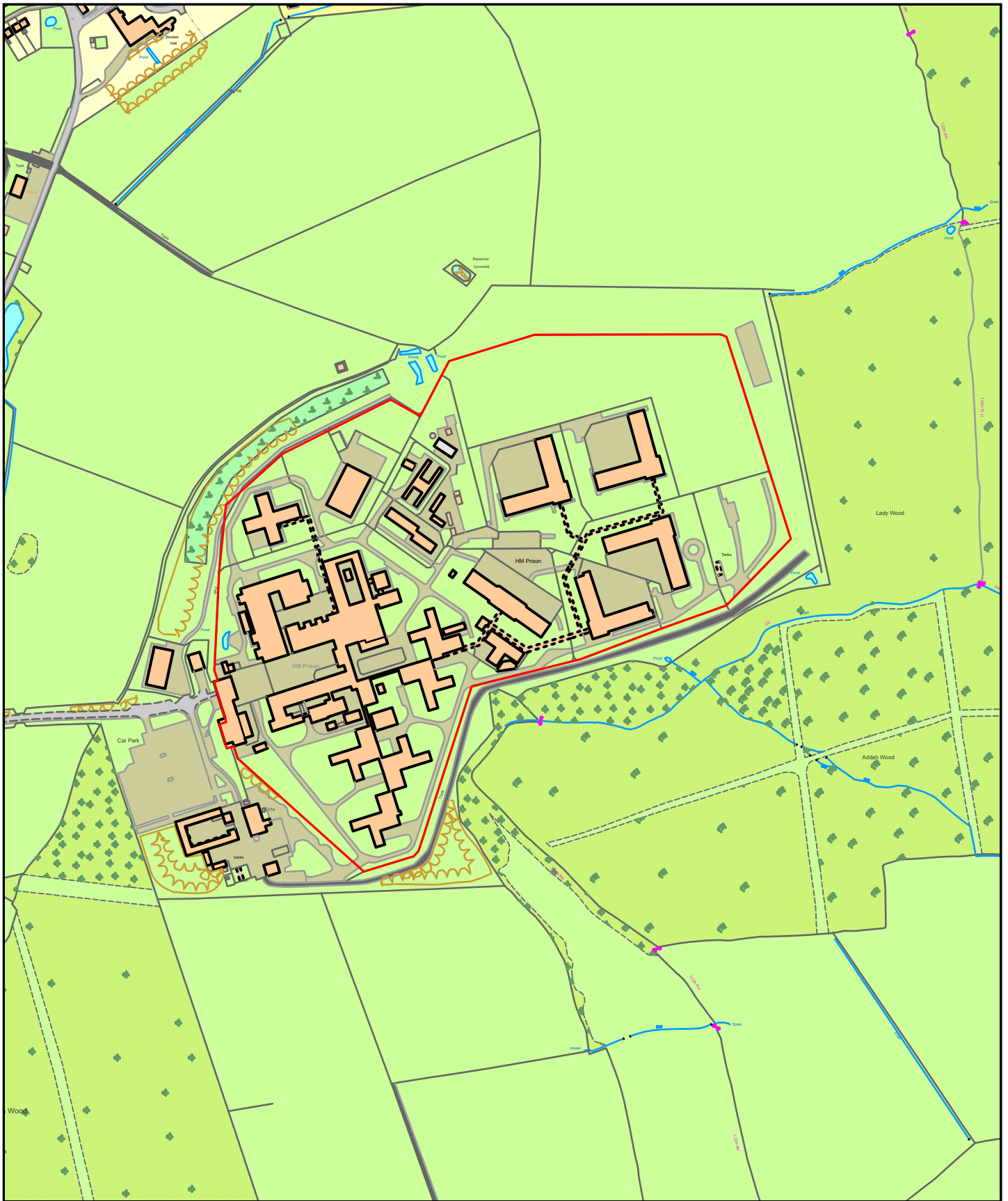
**REPORT OF THE DIRECTOR FOR PLACES  
(ENVIRONMENT, PLANNING AND TRANSPORT)**

## Rutland County Council

### Development Control & Licensing Committee – 4<sup>th</sup> August 2015

#### Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	APP/2010/0327	Ministry of Justice HM Prison, Stocken Hall Road, Stretton, Oakham, Rutland, LE15 7RD 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.	Approval
2	2015/0192/MAJ	Hazelton Homes (Midlands) Ltd Barleythorpe Hall, Main Road, Barleythorpe Conversion of Barleythorpe Hall from a vacant residential care home to 8 self contained houses with associated garaging and parking. Also 6 new build houses with private gardens and associated garaging and parking.	Approval



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Ordnance Survey [100018056]

Scale - 1:5000  
Time of plot: 12:57  
Date of plot: 21/07/2015



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>FUL/2010/0327</b>	<b>ITEM 1</b>	
Proposal:	<b>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.</b>		
Address:	<b>H M Prison, Stocken Hall Road, Stretton, Oakham, Rutland, LE15 7RD</b>		
Applicant:	<b>Ministry of Justice</b>	Parish	<b>Stretton</b>
Agent:	<b>Mr Matthew Kay, ACCOM</b>	Ward	<b>Greetham</b>
Reason for presenting to Committee:	<b>Previous resolution in 2011 to approve subject to S106 and Grampian conditions.</b>		
Date of Committee:	<b>4 August 2015</b>		

## 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 in writing 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.

5. No development shall be commenced on the superstructure of the building hereby approved 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 occupied.

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.

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

## Policy Considerations

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 Polices DPD in September 2014. The Rutland Core Strategy polices remain as before.

### National Planning Policy Framework

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

### Site Allocations and Polices 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

### **Neighbour Comments**

2. Neighbours that wrote in on the original consultation in 2010 have been re-notified. They have until 30 July to respond.
3. A resident has stated that he considers that the sewage infrastructure between the Prison and Cottesmore STW has not been satisfactorily resolved. The letter has been appended to this report at **Appendix 3**.

### **Consultation Responses**

4. Anglian Water  
  
Confirms that the sewage improvement works have been completed and that Cottesmore STW has capacity to cater for the development.
5. Comments are awaited from the Parish Council and the Environment Agency.

### **Planning Assessment**

6. 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.
7. For the benefit of new members, the following is an extract from the Governments on-line Planning Practice Guidance to explain what a Grampian Condition is for:  
  
*Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.*
8. *Where the land or specified action in question is within the control of the local authority determining the application (for example, as highway authority where supporting infrastructure is required) the authority should be able to present clear evidence that this test will be met before the condition is imposed.*
9. 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

10. 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. There is already a bus shelter at the prison, located on the approach to the car park.
11. In terms of current public transport provision, there is no regular service to Stretton. Rutland County Council used to operate a bus service to pick up released prisoners but this was stopped some time ago due to low demand.
12. Call Connect does run a service that includes Stretton but only picks up from Stamford to cover that area so anyone arriving at a railway station other than Stamford would first have to make their way there. Adult fares are £5.80 return. The service is subsidised by Lincolnshire County Council and by Rutland County Council.
13. The prison has been asked if they can provide evidence of actual visitor numbers over a period of time but they are unlikely to have information on modes of travel.
14. The bottom line is that a S106 request could only be made on the basis of the impact of the actual development proposed and could not require contributions for the entire prison. On that basis, in the light of the evidence above, 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.

## Lighting

15. 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

16. Since the meeting on 7 July, consultation has taken place with those who responded in 2010. One resident has stated that sewage problems in the villages and en-route to Cottesmore STW still exist. Anglian Water has been asked for a final authoritative comment on that which will be reported in the Addendum.
17. 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 confirmed that the CSTW has the capacity to deal with the discharge from the proposal. The need for a Grampian type condition therefore no longer exists.

Application:	<b>FUL/2010/0327</b>	<b>Item 1</b>	
Proposal:	<b>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.</b>		
Address:	<b>H M Prison Stocken Hall Road Stretton Oakham Rutland</b>		
Applicant:	<b>National Offender Management Service</b>	Parish	<b>STRETTON</b>
Agent:	<b>Lambert Smith Hampton Mr Stephen Brooke</b>	Ward	<b>Greetham</b>
Reason for presenting to Committee:	<b>Local interest</b>		
Recommendation:	<b>APPROVAL, subject to conditions</b>		

## 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 18<sup>TH</sup> 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 Sewerage 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 Sewerage 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](mailto: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](mailto:planningkettering@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://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

10<sup>th</sup> 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 18<sup>th</sup> 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 none-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.

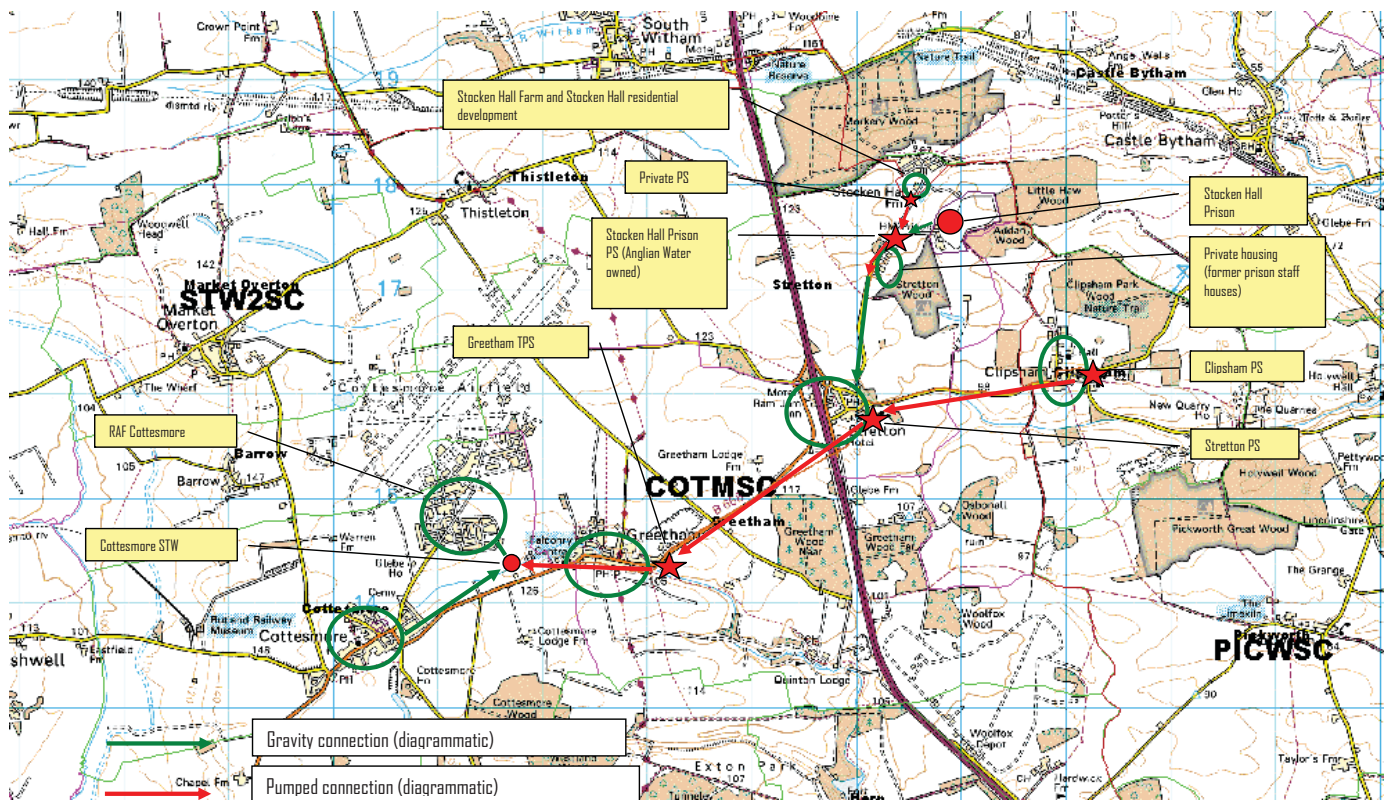
As the Government have 'ring fenced' the money for the Prison to provide its own effluent treatment system this seems the obvious way forward in alleviating not only the present pumping/storage and odour problems at Stretton and Greetham but also the lack of capacity currently effecting the Cottesmore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

<b>OFFICERS PRESENT:</b>	Mrs C Cartwright	Development Control Manager
	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 ATTENDANCE:** Mr R B Begy  
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 11<sup>th</sup> 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 11<sup>th</sup> 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 website<sup>1</sup>, 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.

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<sup>1</sup> <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

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[matthew.smedley@aecom.com](mailto:matthew.smedley@aecom.com)

ROOKERY LANE  
STRETTON  
RUTLAND  
LE15 7 RA

16<sup>th</sup> July 2015

Dear Mr. Hodgett,

**Reference FUL/2010/0327**

I realise it is 5 years since I wrote to you in regards to the above application and this has given the local residents plenty of time to assess what has been done to mitigate the problems the Prisons Development has had on their lives.

Firstly the sewage problem has not been satisfactorily addressed. There are still incidents of the Stretton pump house overflowing into the nearby stream and malodorous odours are still detected.

Stretton are luckier than Greetham because its holding capacity is relatively small and the macerated sewage is pumped up to Greetham before it becomes too 'septic', that is if it has not already started to decompose because of its retention in the Prisons compound. I further understand that properties in Stocken Woods still regularly have malodours invading their houses from the sewage system and this has been ongoing ever since the new storage and pumping systems were installed.

The Greetham pumping and handling system regularly smells and this is almost certainly because of the stinking macerated sewage it has to handle.

As the Prison is yet again only operating at part capacity, following the recent riot and fire, I find it incredulous to read that the existing system is of a sufficient capacity to cope. The Cottismore treatment works still tankers effluent 'off site' as does the prison on occasions.

I therefore do not feel the sewage issue has been properly resolved.

As for the lighting issues, the last five years has shown how much of a dismal failing the approved tree planting scheme; both the original and the second attempt, have been. The Prison lighting can still be seen at night whilst driving on the A1 and at the Hall. As for the additional trees that were planted on Mr. Boswells pastures to form a break in the visual scene, when exiting and entering the Halls access road and drive, I do not think even my Grandchildrens children will see any benefit from them in their lifetimes.

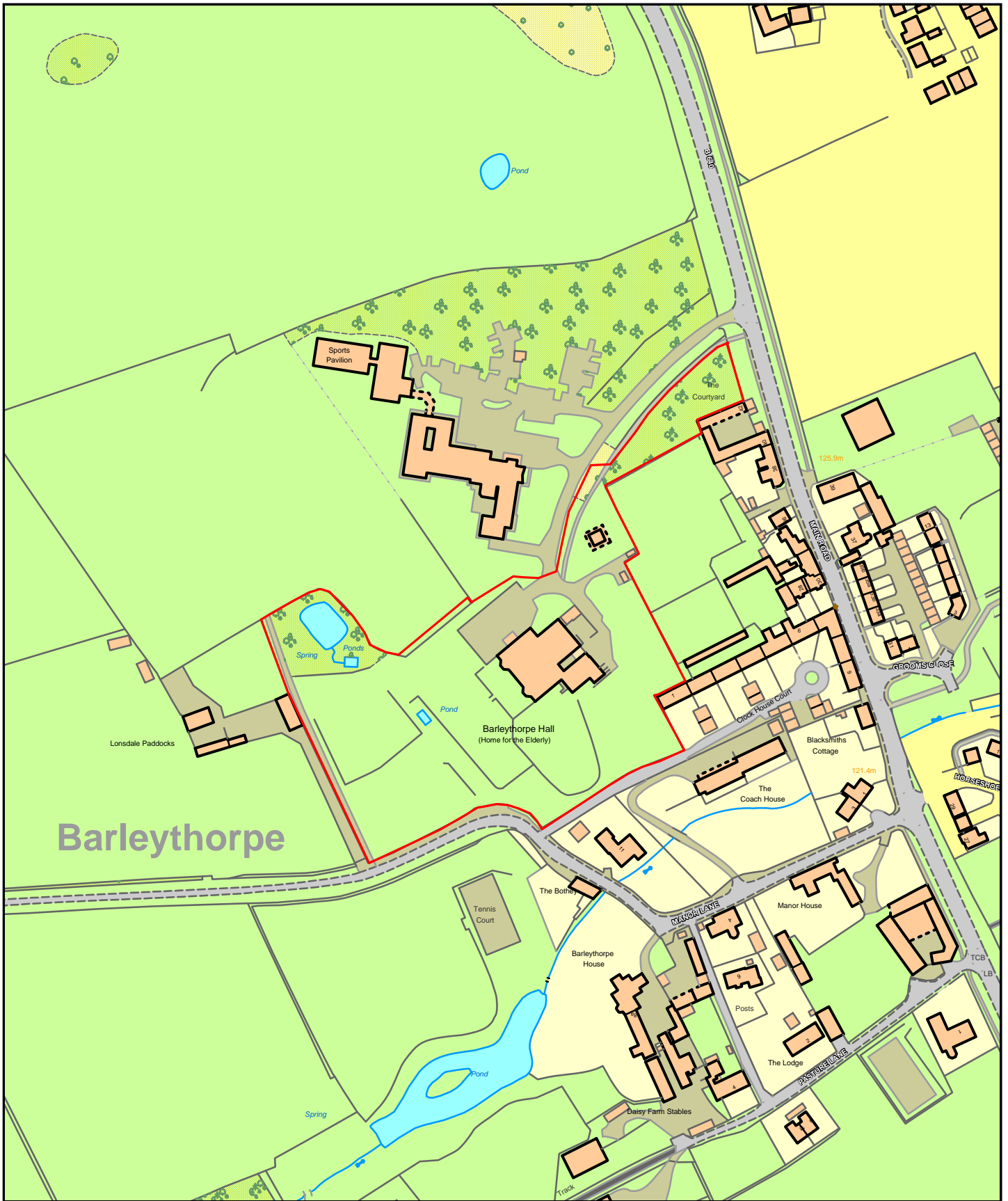
It is interesting to note the MOJ's observations on visiting numbers. As the majority of prisoners are not local residents, it therefore follows that the small amount who are incarcerated from Leicester and Peterborough their visitors could be bussed in, but the remainder will have to come by car as there is no bus service from Oakham, Stamford or Grantham train stations. There are however many Taxis from these areas which because they do not wait for the visitors whilst they are in the Prison have to come back again which doubles the number of traffic movements for those visitors.

It is my contention that the matters above have not been fully resolved and that the Planning Application cannot be approved.

Yours sincerely,

Mr. R. Harrison.





Scale - 1:2500  
Time of plot: 12:54  
Date of plot: 21/07/2015

40

**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP



Application:	2015/0192/MAJ	Item 2	
Proposal:	Conversion of Barleythorpe Hall from a vacant residential care home to 8 self contained houses with associated garaging and parking. Also 6 new build houses with private gardens and associated garaging and parking.		
Address:	Barleythorpe Hall, Main Road, Barleythorpe, OAKHAM, LE15 7EF		
Applicant:	Mr Tom Hazelton, Hazelton Homes (Midlands) Ltd	Parish	Barleythorpe
Agent:	Mr Kevin Twigger, KRT Associates	Ward	Oakham North West
Reason for presenting to Committee:	RCC owns the site, neighbour objections and policy considerations		

## EXECUTIVE SUMMARY

The proposal for new build in a Restraint Village is contrary to Core Strategy Policy CS4 but there is an extant resolution to approve new development on this site from 2007 and it is clear that to fulfil local wishes to renovate the Hall and bring it back into use will require some subsidising development in the form of new dwellings. The impacts of the scheme on amenity and highway safety are considered to be acceptable. Also, the Government's stated desire to develop sustainable housing schemes combined with the need to subsidise the restoration of the Hall, means that there is sufficient ground for allowing the development to proceed.

## RECOMMENDATIONS

**A. APPROVAL**, subject to the following conditions:

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

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

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1268-33A, 1268-34A, 1268-35A, 1268-39D, 1268-40B, 1268-41C, 1268-42B, 1268-43B, 1268-44B, and 1268-45A.

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

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: To ensure that the material used are appropriate to the locality n the interests of visual amenity and because no details have been submitted with the application.

No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing

ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

Reason:

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

Reason: To ensure that the landscaping is carried out at an appropriate time and is thereafter properly maintained.

No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the first dwelling is occupied.

Reason: The site is subject to changes in levels and also contains important trees. It is important to assess details of proposed levels so that the impact on the overall appearance of the development, and its impact on residential amenity and trees can be properly assessed, and because no levels details have been included in the application.

There shall be no vehicular access to or from the site onto Manor Lane other than for Plot 1 as indicated on the approved layout plan.

Reason: Manor Lane is inadequate in width, geometry and construction to cater for additional units from this development, the condition is therefore imposed in the interests of highway safety.

- B.** No planning permission shall be issued until the Council has completed a unilateral undertaking for the necessary infrastructure contributions.

## Site & Surroundings

1. The site is located in the village of Barleythorpe and is accessed off the road which also serves Rutland 6th Form College and the football pitches behind.
2. The Hall itself was previously used as a local authority care home and has been closed since about 2006. The building is 2 storey, a third floor having been removed some time ago. The original part of the building is constructed of ironstone and buff brick with moulded stone cills and other decorations. The building has been extended in a less well matching

brick. The entire building has a flat roof behind a parapet. The original Hall was the home of the Earl of Lonsdale, who donated the original Lonsdale Belts in 1909 for the boxing championship trophy. He sold the Hall in 1926 but that building was destroyed by fire in the early 1930's (see photo below) and, according to dates on the rainwater hoppers, the current building dates from 1935. There is therefore no historic connection between Earl Lonsdale and the existing building.



Original Barleythorpe Hall destroyed by fire in the early 1930's

## Proposal

3. The proposal is to convert the Hall into 8 self contained units of varying sizes, from Plot 1 covering 560m<sup>2</sup> with its own garage court and annexe, to smaller units of 106m<sup>2</sup>.
4. It is also proposed to erect 6 new dwellings in the grounds of the Hall, all 2 storey, generally with garages. The revised layout plan is shown in the **Appendix**.
5. Plots 8-11 would be a mews type terrace of properties facing the south east side of the Hall, separated from the gable end of Clockhouse Court, an adjoining row of listed cottages by 11.2m. Plot 12 would be 16.8m from Clockhouse Court which has rooflights and a very small window on the boundary of the site at ground floor level.
6. Plot 13 would be at the entrance to the site from Main Road and would generally face the College. There would be a garage block for Plots in the Hall on the northern side.
7. Plot 1 in the Hall would have exclusive access to Manor Lane, all other properties would gain access from Main Road.
8. Most of the trees on site would be retained, in particular 2 Cedar Trees and a Wellingtonia which is in front of the Hall has resulted in the layout having to be re-designed to allow for their retention. The trees are not currently protected as they are not in a Conservation Area but as the site is currently owned by the Local Authority it is not possible to serve a Tree Preservation Order although it is intended to do so when the site changes hands. The

developer has been made aware of this.

9. The application as originally submitted included a separate driveway running parallel to the main driveway to exclusively serve this development. The loss of trees as a result of that proposal resulted in a revised plan showing the use of the existing main driveway retained. This would be shared with the College.

## Relevant Planning History

<b>Application</b>	<b>Description</b>	<b>Decision</b>
2006/1117	Conversion of Barleythorpe Hall into 11 self contained apartments and erection of 5 new dwellings	Resolved to approve subject to a S106 agreement – May 2007
2007/0263	Erection of 5 new dwellings	Resolved to approve subject to a S106 agreement – May 2007

The decisions on these 2 applications have not been issued as the Council cannot enter into a S106 agreement with itself. The decisions have therefore been left in abeyance until the site could be sold and the developer contributions dealt with then. The resolutions therefore remain extant as a material consideration in considering the current application, although of limited weight.

## Planning Guidance and Policy

### National Planning Policy Framework

Para 14: Presumption in favour of Sustainable development.

Para 55:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New homes in rural areas should be avoided unless there are special circumstances such as where the development would represent the viable use of a heritage asset or would be appropriate to enable the secure future of heritage assets.

### The Rutland Core Strategy

CS3 – Settlement Hierarchy (Restraint Village)

CS4 – Location of Development

CS8 – Developer Contributions

CS11 – Affordable Housing

CS19 – Promoting good design

### Site Allocations and Policies DPD (2014)

SP5 – Built development in towns and villages

SP9 – Affordable housing

SP15 – Design & Amenity

## Consultations

### Consultation Responses

10. RCC Highways No Objections subject to the following conditions and informatives;  
Pedestrian Visibility Splays.  
Surface Material.  
Gates set back  
Surface Water Drainage.  
Estate Road Layout.  
Estate Carriageway Construction.  
New access. Highways Licence  
Road Cleaning.
11. Ecology Unit The ecological survey (Skilled Ecology, August 2014) indicates that the site was until recently a maintained garden, which is now overgrown. Subsequently, many of the plant species present are those found in a garden. However, the ecologist does identify the existing orchard on site to have some ecological value. We note from the plans that this area is to be retained and we welcome this. We would request that it is managed for its biodiversity value.
- This survey identifies one pond as being present on site. This was considered to have a low potential to support great crested newts (based on standard methodology) and no further work is required with regard to this pond. However, our maps indicate that there is another pond on site (grid ref 484702 309744) to the west of Barleythorpe Hall. I can find no reference to this within the ecology survey and it may be that the pond is no longer present; it would be useful if this could be confirmed.
- We are in agreement with the recommendations of the Phase 1 Habitat Survey and would request that the applicants attention is drawn to these.
- We note that further bat and reptile surveys have also been completed in support of the application (Skilled Ecology, November 2014). This found a small population of grass snake on site and we are in agreement with the recommendations detailed in section 4.1 of the report.
- The bat emergence surveys were completed very late in the season. However, the results of the surveys are comparable with the evidence found in the earlier daytime surveys. A Brown long-eared bat feeding perch was discovered in the stairwell in the eastern elevation and 2 Common Pipistrelle bats and 1 Soprano Pipistrelle bat was recorded roosting behind and around the security boarding over windows. The proposed mitigation does appear to be proportional to the findings of the survey and we would request that compliance with this strategy is required as a condition of the development. Additionally, the applicant must be aware that the replacement of any windows in the building may require a bat survey; the applicants ecologist would be able to advise further on this. It is also not clear from the report if a European Protected Species Licence is required for these works. The applicant is therefore advised to liaise with their ecologist to ensure that all appropriate licences are in place prior to the commencement of works. As the mitigation requires a licensed ecologist to be present in the works, the coordination between the ecologist and contractors on site must be incorporated into the development programme.

- |     |                                      |   |
|-----|--------------------------------------|---|
| 12. | Anglian Water                        | No objection.   |
| 13. | Rutland 6 <sup>th</sup> Form College | Concern about access and conflict with pedestrians (c 300 per day).   |
| 14. | The Environment Agency               | Originally required a condition relating to sewage disposal but, having received the additional information regarding foul drainage, is now satisfied with the drainage scheme as proposed. Accordingly, it no longer requires a foul drainage condition to be included on any planning approval. |

## Neighbour Representations

15. Representations have been received from 10 local residents on Clock House Court and Manor Lane. There is some support for the scheme but some concerns.

The main issues identified are:

- Too much development in Barleythorpe – impact on local infrastructure.
- Recent developments have added to recent earthquake frequency
- Concern about traffic on Manor Lane and the proposed new access thereto.
- Increased traffic onto Main Road with the college and football ground
- Some support for restoring the Hall plans are sympathetic with the local character, and maintains the fabric of the Hall
- Concern about new build setting a precedent especially for an appeal decision on the adjacent site where permission has been refused for new build (greenfield site)
- Contrary to Core Strategy as a Restraint Village.
- Drainage impacts on Clock House Court
- Noise and dust from construction
- Pleasantly surprised by the scheme but request mirrors on Manor Lane to aid visibility especially from Clock House Court.
- Impact on listed buildings on Manor Lane
- Concern about disposal of sewage

## Planning Assessment

16. The main issues are planning policy, design and appearance, residential amenity, impact on trees and highway safety.

### Planning Policy

17. The planning system is plan-led and planning law requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The NPPF also states that in assessing development proposals local planning authorities should apply the presumption in favour of sustainable development.
18. Para 7 of the NPPF states that there are 3 dimensions to sustainability. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by

creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

19. It goes on to say that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
20. In the case of this site, the provision of new houses, contributions to local infrastructure and the re-use of a non-designated heritage asset all contribute towards this thrust of Government Policy.
21. Policy CS3 in the adopted Core Strategy identifies Barleythorpe as a Restraint Village, which means it is one of the smallest villages with few services and facilities. Policy CS4 states Restraint Villages are not considered sustainable locations for further development, unless it is development normally acceptable in the countryside. However, the Policy does allow for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside. Paragraph 2.20 of the Core Strategy indicates the conversion of traditional buildings to dwellings in Restraint Villages will continue to be permitted where they are in accordance with planning policy and guidance. This is consistent with advice contained in paragraph 55 of the National Planning Policy Framework in particular where it states where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy CS22 of the Core Strategy seeks to conserve and enhance the historic and cultural environment. The policy requires that developments where possible enhance historic assets and their settings. It also supports the adaptive re-use of redundant or functionally obsolete listed buildings or important buildings where this does not harm their essential character. Although Barleythorpe Hall is not a Listed Building and does not fall within a Conservation Area, the policy is still relevant in its purpose to protect and enhance this non-designated heritage asset of local importance.
22. Looking at Barleythorpe purely as a sustainable location, it is located very close to the amenities of Oakham, in particular schools and the railway station. The town centre is also accessible on foot from Barleythorpe so it is considered to be a highly sustainable location, even though it lacks its own facilities in the traditional old part of the village. There is a new public house now open on the Hawksmead site which is within Barleythorpe Parish and a local centre with shops has now also been approved on the wider site.
23. Policy CS11 requires a minimum target of 35% affordable housing provision will apply to all new housing development. This is to be provided on site with the exceptions of developments of 5 dwellings or less, where an equivalent commuted sum payment may be made, or, in exceptional circumstances, a commuted sum payment may also be made where the provision of affordable housing is considered by the Council to be detrimental for environmental, demographic or other reasons. Policy CS8 Developer Contributions. states developer contributions will be sought to meet infrastructure requirements and refers to the Councils adopted Planning and Developer Contributions Supplementary Planning Document.

## Site Allocations & Policies DPD

24. Policy SP5 deals with Built Development in the towns and villages. Barleythorpe is a Restraint Village, which are not normally considered suitable locations for further development in accordance with Policy CS4, the new build element of the proposal does not therefore accord with this policy but reference to the sustainability of this particular site is set out above.
25. Policy SP6 - Housing in the Countryside. Barleythorpe is a Restraint Village where residential development is only acceptable to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. The Policy allows for the re-use or adaptation of buildings for residential use, the conversion of the Hall to dwellings is acceptable in principle where it meets the criteria set out in Policy SP6.
26. In light of the above, the proposal to convert Barleythorpe Hall into residential dwellings is considered acceptable in principle, providing it accords with other planning policy. However, the new build element of the proposal would not be supported unless it is to meet affordable housing needs, and/or other material considerations indicate otherwise.
27. The development would contribute to the provision of affordable housing locally (see Developer Contributions below), albeit not on this particular site. It is considered in this case that an off-site contribution would be more appropriate.
28. It is noted that there is some local support for the retention of the Hall and bringing it back into use would ensure its long term future. The developer considers that it is not viable solely to convert the Hall back to residential use so an element of subsidy from new housing is therefore proposed. This is a further material consideration in favour of the development because it assists in the preservation of a non-designated heritage asset.
29. In the light of Government guidance to promote sustainable development, it is considered that it would be difficult to defend a refusal of planning permission on this site on the grounds that this particular restraint village is not sustainable. This is considered to be a material consideration that would weigh against a decision in (at least part) accordance with the development plan. However, other matters also need to be considered.

## Design & Appearance

30. Core Strategy Policy CS19 and Policy SP15 of the Site Allocations and Policies DPD set out the local policy on design. The conversion of the Hall retains all the best elements, although a small section would be demolished. This is part of the later extension and is not particularly attractive.
31. The design of the new dwellings is bespoke to this site and they have been designed to reflect subsidiary buildings, e.g. a lodge and mews cottages in the grounds. The layout has taken account of the best trees on site. The original submission included a parallel access road from just inside the main access but this has since been deleted as it involved the wholesale loss of trees alongside the access road.
32. The Council has a statutory duty to protect (inter alia) listed buildings. The design and layout is considered to be acceptable in terms of its relationship with the listed buildings at Clockhouse Court. The revised layout moves dwellings further away from those buildings than was the case in the original submission.



## Residential Amenity

33. The development as a whole will have limited impact on the amenities of nearby residents. The layout has been re-designed to minimise impact on privacy/overdominance on dwellings at Clockhouse Court. Members will be aware that disruption during construction is not a planning consideration as it is relatively short lived. Additional traffic on Manor Lane would be minimal from 1 unit and would not be sufficient to demonstrate any harm to amenity.

## Impact on Trees

34. The revised layout seeks to retain all important trees on site, including many alongside the main driveway that would have been lost by the original proposal to introduce a parallel driveway to serve this development. The only remaining concern from the Councils Arboricultural advisor is that the dwelling on Plot 13 would be in shadow of a large Cedar tree which may put pressure on its long term survival. The boundary wall at the front of the plot would also impact on the root protection area. The applicant has agreed to alter the wall to a hedge but has not been able to re-design the layout to deal with the potential shading issue. However, the impact on the rear garden is not considered to be such that the plot is unacceptable.

## Highway Safety

35. The highway authority has no objections to the scheme and the access onto Main Road is considered to have sufficient visibility onto a 30mph road to cater for the development as well as the existing uses on the access drive.
36. Additional traffic on Manor Lane would be minimal from 1 unit and would not be sufficient to demonstrate any harm to highway safety.
37. The concerns of the college are noted but the highway authority considers that the use of the driveway is safe. The College has not responded to re-consultation on the revised driveway.

## Developer Contributions

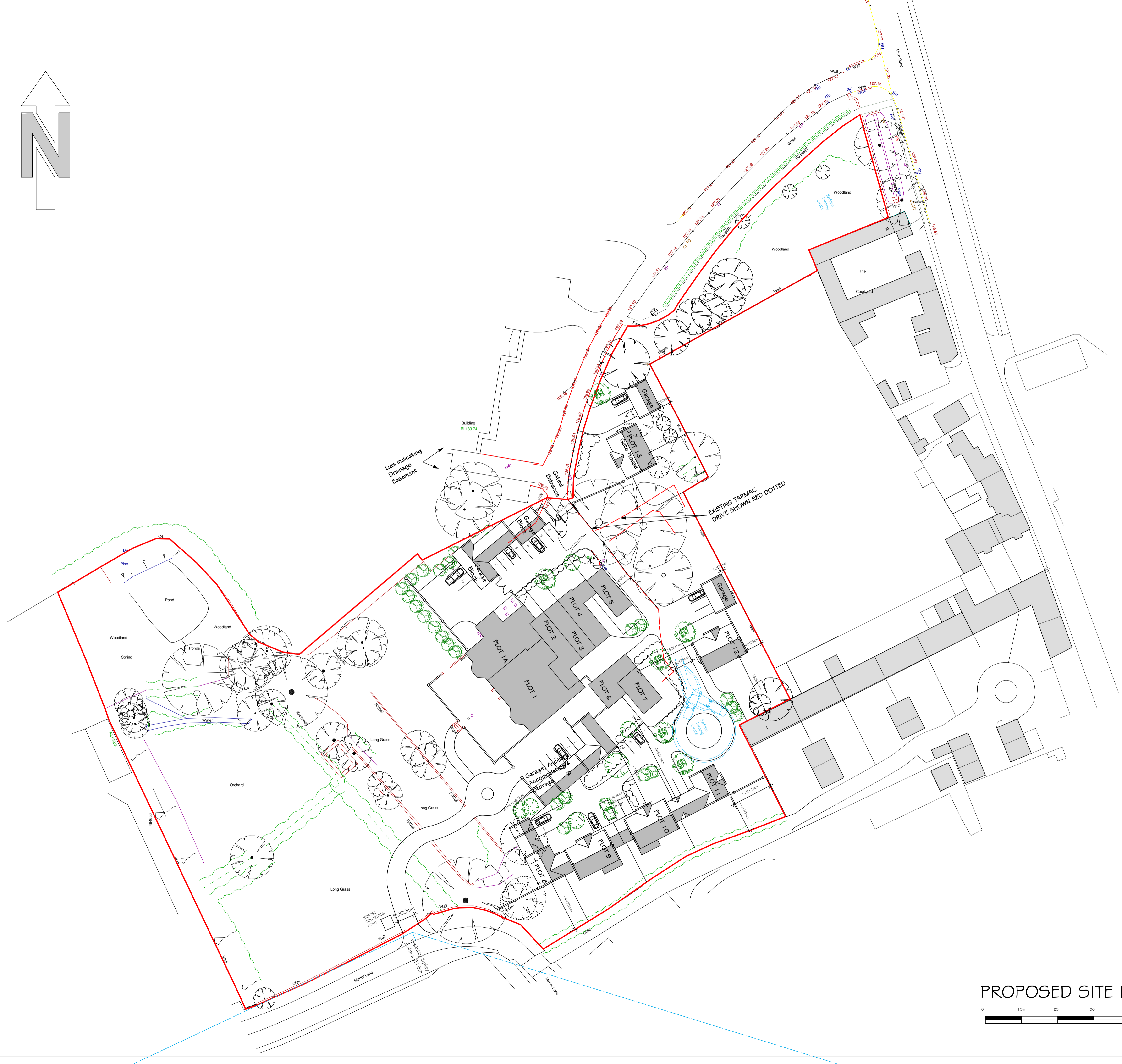
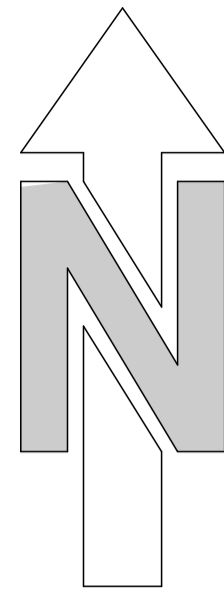
38. Contributions will be required for this development in line with Development plan policy and the adopted SPD on Developer Contributions and Affordable Housing. The site is owned by the Local Authority which cannot enter into a S106 agreement with itself.
39. The disposal of the land to the developer has been agreed at a price that will include the required developer contributions. For the purposes of transparency, these will be delivered by the Local Authority completing a Unilateral Undertaking under S106 to allocate the identified contributions to the appropriate infrastructure. This is being dealt with in parallel by Legal officers and no permission can be issued until that Undertaking is completed.
40. As part of this, the affordable housing contribution would be used off-site in this case as recommended by the Housing Strategy Officer.

## Conclusion

41. Whilst new development in a restraint village is contrary to development plan policy, the material considerations set out above, in particular the Government's desire to develop sustainable housing schemes combined with the need to subsidise the restoration of the Hall, means that there is sufficient ground for allowing the development to proceed,. In view of recent appeal decisions elsewhere it is considered that an appeal on this site would be

likely to succeed if permission was refused on restraint grounds.





**Schedule of Accommodation**  
Barleythorpe Hall, Oakham

Refurb Dwellings					
House		Bed No	Approx	No.	Total Sq.ft
Plot 1	Extg Building	4 bed	6,050	1	6,050
Ancillary	New Build	2 bed	640	1	640
Plot 1A	Extg Building	3 bed	4,400	1	4,400
Plot 2	Extg Building	3 bed	1,950	1	1,950
Plot 3	Extg Building	2 bed	1,450	1	1,450
Plot 4	Extg Building	3 bed	1,900	1	1,900
Plot 5	Extg Building	3 bed	1,250	1	1,250
Plot 6	Extg Building	3 bed	1,600	1	1,600
Plot 7	Extg Building	3 bed	1,300	1	1,300
<b>Sub-Total</b>				<b>9</b>	<b>20,540</b>
New Build Dwellings					
House		Bed No	Size	No.	Total Sq.ft
Plot 8	Detached	4/5 bed	2,110	1	2,110
Plot 9	Detached	5 bed	2,142	1	2,142
Plot 10	Detached	4 bed	2,142	1	2,142
Plot 11	Detached	5 Bed	1,938	1	1,938
Plot 12	Detached	5 Bed	2,303	1	2,303
Plot 13	Detached	5 Bed	2,303	1	2,303
<b>Sub-Total</b>				<b>6</b>	<b>12,938</b>
<b>Grand Total</b>				<b>0</b>	<b>33,478</b>

Rev D	Existing tarmac drive shown red dotted and retained	03.07.15	SH
Rev C	Garage Block 1A - 5 relocated to suit drainage assessment	29.05.15	SH
Rev B	Redesigned to suit client meeting with planners	20.04.15	SH
Rev A	Plot 11 & 12 relocated and retention of Trees - T15	18.03.15	SH
Rev	Amendment	Date	DM/CH

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Site:  
**DEVELOPMENT AT BARLEYTHORPE HALL, MAIN ROAD BARLEYTHORPE, OAKHAM**  
 Title:  
**PROPOSED SITE PLAN**  
 Scale:  
 1:500 @ A1  
 Date:  
 JAN 2015  
 Orig No:  
 1268-39  
 Rev:  
 Rev D  
 DWG File Ref: K:\Hazelton Homes\1268\Barleythorpe Hall Current  
 DRAWN: SH

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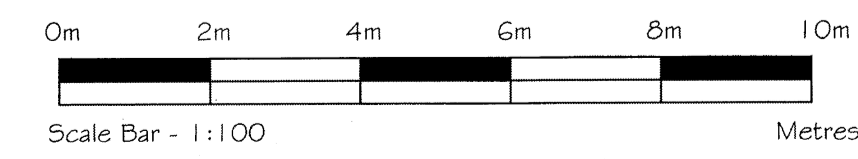
**PROPOSED SITE PLAN**

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PROPOSED FIRST FLOOR PLAN



Rev A	Revised to suit clients comments	16.03.14	
Rev	Approved		

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DEVELOPMENT AT  
 BARLEYTHORPE HALL, MAIN ROAD  
 BARLEYTHORPE, OAKHAM

PROPOSED FIRST FLOOR

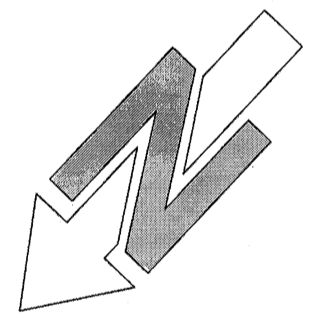
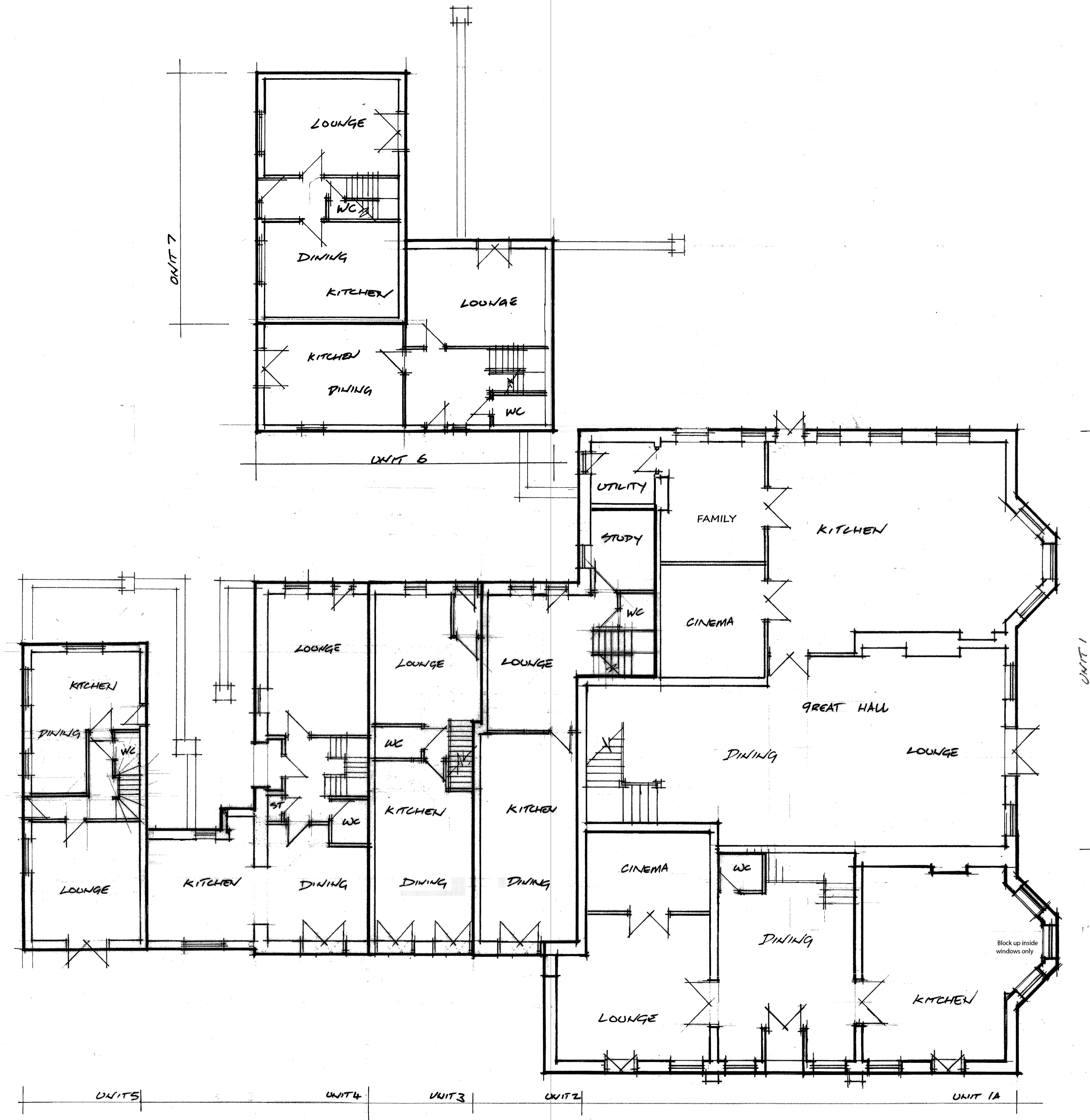
Scale: 1:100 @ A1  
 Date: Sept 2014  
 Project: 1268-34  
 Revision: Rev A

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Rev A	Revised to suit clients comments	18.09.15
Rev	Revised	18.09.15
Rev	Revised	18.09.15

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Site: **DEVELOPMENT AT BARLEYTHORPE HALL, MAIN ROAD BARLEYTHORPE, OAKHAM**

Title: **PROPOSED GROUND FLOOR**

Date: **1:100 @ A1**      Date: **Sept 2014**  
 Drawing No: **1268-33**      Rev: **Rev A**

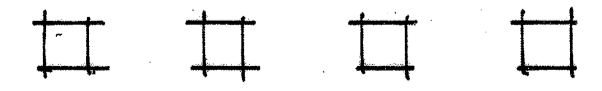
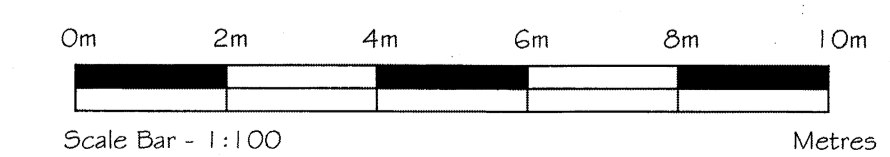
DO NOT SCALE FROM DRAWING. MINOR INACCURACIES MAY OCCUR DUE TO PRINTING PROCESSES. ALL WRITTEN / SCALED DIMENSIONS & FLOOR AREAS ARE SUBJECT TO VERIFICATION BY CONTRACTOR(S) ON SITE.

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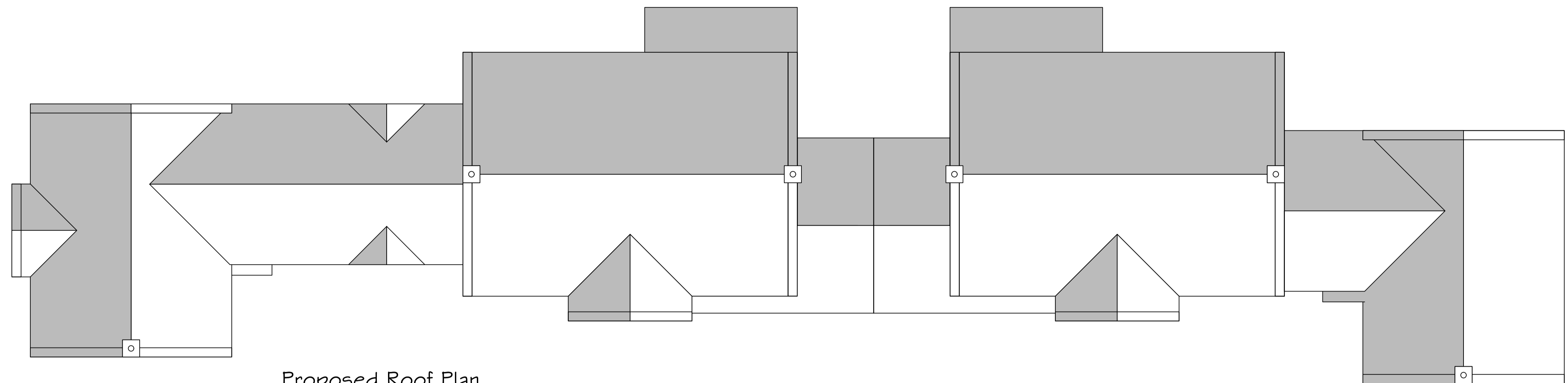
PROPOSED GROUND FLOOR PLAN







Proposed Side Elevation, Plot 11



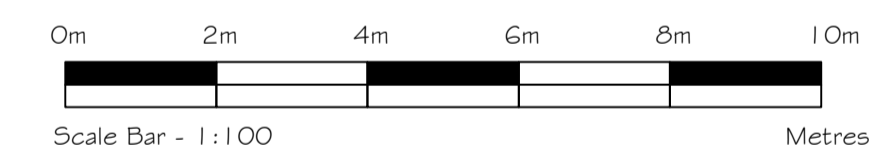
Proposed Roof Plan



Proposed Side Elevation, Plot 8



Proposed Rear Elevation, Plot 8



Rev B	Redesigned to suit client meeting with planners	20.04.15	SH
Rev A	Plot 11 & 12 relocated and retention of Trees - T15	18.03.15	SH
Rev	Amendment	Date	DM/CM

Revisions:

  
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Site:  
**DEVELOPMENT AT  
 BARLEYTHORPE HALL, MAIN ROAD  
 BARLEYTHORPE, OAKHAM**

Title:  
**PROPOSED HOUSE TYPES  
 PLOT 8, 9, 10 & 11**

Scale:  
 1:100 @ A1  
 Date: JAN 2015  
 Draw No: 1268-43  
 Rev B  
 DWG File Ref: K:\Hazelton Homes\1268\Barleythorpe Hall\Current  
 DRAWN: SH

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Proposed Rear Elevation, Plots 8, 9, 10 & 11

PROPOSED HOUSE TYPES

## DEVELOPMENT CONTROL AND LICENSING COMMITTEE

4<sup>th</sup> August 2015

### 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	

#### DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

#### 1. PURPOSE OF THE REPORT

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

#### 2. APPEALS LODGED SINCE LAST MEETING

2.1 **APP/A2470/D/15/3022031 – Mr and Mrs A Mann – 2014/1125/FUL**  
Chestnut Cottage, 10 Wood Lane, Braunston in Rutland, Oakham, LE15 8QZ  
Single Garage extension

2.2 **APP/A2470/W/15/3062100 – Mr and Mrs Turley – 2015/0109/FUL**  
Land rear of Stone Cottage, 27 Church Street, North Luffenham, LE15 8JR  
Erection of a new dwelling

- 2.3 **APP/A2470/Z/15/3067591 – Marstons PLC – 2015/0130/ADV**  
The Old Buttercross, Panniers Way, Barleythorpe, Oakham, LE15 7US  
2 x externally illuminated individual letters with rounded edges. 1x externally illuminated individual letters with rounded edges fitted directly on rails to match background. 3 x externally illuminated Marston's logos. 1x internally illuminated built up wall logo with red acrylic. 2 x externally illuminated double sided twin post signs.

### **3. DECISIONS**

- 3.1 **APP/A2470/D/15/3006243 – Mrs Claire Ashton-Johnson – 2014/1085/FUL**  
7 Church Street, Wing, Oakham, Rutland, LE15 8RS  
Extension above existing garage  
**Delegated Decision**  
**Appeal Dismissed**
- 3.2 **APP/A2470/W/15/3002256 – Mrs Jean Gill – 2014/0954/OUT**  
5 Littleworth Lane, Belton in Rutland, Oakham, LE15 9JZ  
Demolition of existing bungalow and outbuildings and replacement with two Four bedroom detached dwellings with associated hardstanding and garage. A new access is proposed to Plot 1.  
**Delegated Decision**  
**Appeal Dismissed and Award of Costs Refused – 2 July 2015**
- 3.3 **APP/A2470/W/15/3002295 – Mr J Stevenson (Imprezaco Limited) – APP/2013/0221**  
Former Rose of England Hotel, Old Great North Road, Little Casterton, Stamford, Rutland, PE9 4DE  
Erection of 15 employment units (use Classes B1, B2 and B8).  
**Delegated Decision**  
**Appeal Allowed - Amended – 25<sup>th</sup> June 2015**  
(This decision has already been reported. The amended decision is due to an error by the Inspector and simply changes a reference date from 2014 to 2013.)
- 3.4 **APP/A2470/W/15/3005928 – Mr and Mrs Wakely – 2014/0918/FUL**  
Hortons Lane, Whissendine, Oakham, Rutland LE15 7EP  
Proposed dwellinghouse (Re-submission)  
**Delegated Decision**  
**Appeal Dismissed**

### **4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**

- 4.1 None

### **5. ENFORCEMENT DECISIONS**

- 5.1 None



**6. CONSULTATION**

6.1 None.

**7. ALTERNATIVE OPTIONS**

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

**8. FINANCIAL IMPLICATIONS**

8.1 None

**9. LEGAL AND GOVERNANCE CONSIDERATIONS**

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

**10. EQUALITY IMPACT ASSESSMENT**

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

**11. COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications.

**12. HEALTH AND WELLBEING IMPLICATIONS**

12.1 There are no such implications

**13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

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

**14. BACKGROUND PAPERS**

14.1 None

**15. APPENDICES**

15.1 None

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