

Application:	<b>2021/1339/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>Demolition of existing barn and erection of 2 no. new dwellings.</b>		
Address:	<b>Vine Farm, Back Lane, Morcott, Rutland, LE15 9DG</b>		
Applicant:	<b>Hereward Homes</b>	Parish	<b>Morcott</b>
Agent:		Ward	<b>Braunston &amp; Martinthorpe</b>
Reason for presenting to Committee:	<b>Policy</b>		
Date of Committee:	<b>19 April 2022</b>		
Determination Date:	<b>4 January 2022</b>		
Agreed Extension of Time Date:	<b>22 April 2022</b>		

## EXECUTIVE SUMMARY

The building has an extant approval to be converted to 3 dwellings under Class Q. This is a fallback position and hence a material consideration. The building stands on the edge of a farmstead where other buildings also have approval to convert to dwellings. Its replacement with 2 well designed dwellings in appropriate materials would enhance the character of the conservation area.

## RECOMMENDATION

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

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2058-10, 2058-30, 2058-31A, 2058-32, 2058-33, 2058-34C and 2058-35C.  
Reason – For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
Reason – To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
5. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to

be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason – To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

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

Reason – To ensure that the appearance of the development on the edge of the conservation area remains appropriate to its location and to allow the LPA to control any alternative proposals.

7. Before either dwelling is occupied, 1 x bat brick, 1 x sparrow terrace, 2 x house martin nests and 1 x group of 3 swift boxes shall be installed on each new dwelling. The locations of these should be marked on plans to be submitted for approval prior to installation and photographs submitted following their installation to demonstrate compliance.

Reason – To ensure that habitat for endangered species is provided in the interests of bio-diversity gain.

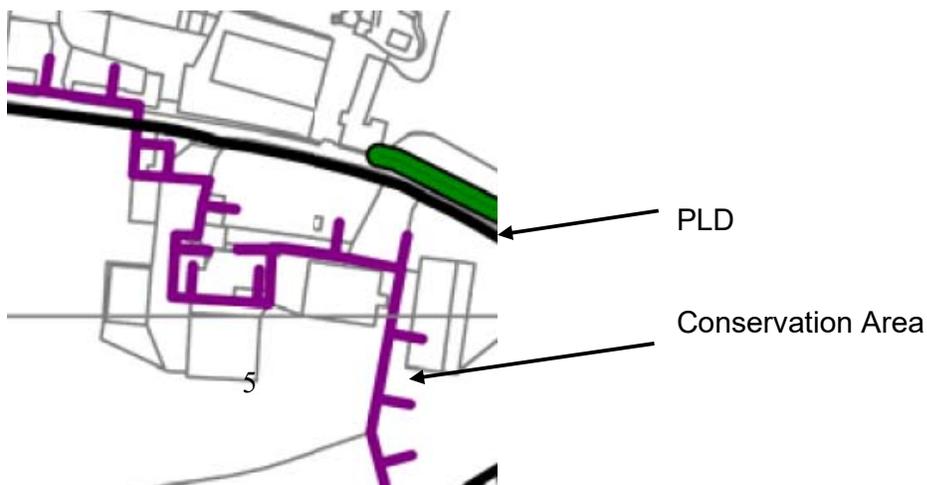
8. The development shall be carried out in accordance with recommendations in Chapter 8 in the Geo-Environmental Report by Obsidian Consulting (July 2021).

Reason – To ensure the health and safety of future occupants.

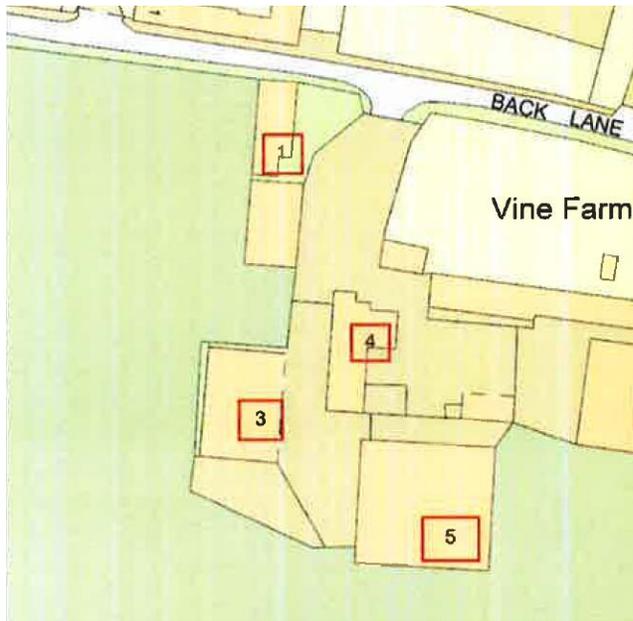
Notes to Applicant:  
CIL Informative

## Site & Surroundings

1. This application relates to Building No.5 on the farm layout plan below. The site is outside the Planned Limit to Development for Morcott, which runs along Back Lane, and just on the edge of the Conservation Area, the boundary of which runs through the farmyard.



2. The overall site comprises a farmhouse, a stone barn (No.4), a modern barn (No.1), a large modern barn (No.3) and this concrete portal frame building with external cladding.



3. The building is a modern portal frame barn on the southern edge of the farmstead.

## Proposal

4. The proposal is to replace the barn with 2 new build dwellings, 2 storey in stone and slate.

## Relevant Planning History

2019/1330/PAD – Convert Barn to 3 dwellings (Class Q) – Approved Jan 2020

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF) 2019

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

Chapter 5 – Delivering a sufficient supply of homes

### Site Allocations and Policies DPD (2014)

SP6 Housing in the Countryside

SP15 – Design & Amenity

SP20 – The Historic Environment

### Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 – Good Design

CS22 – The Historic Environment

### Neighbourhood Plan

There is no NP for Morcott

## Officer Evaluation

5. As the site lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
6. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

### Principle of the use

7. The principle of providing 3 dwellings on this site has been established by the Class Q approval. This thereby constitutes a fallback position.
8. In past cases, applications such as this have been considered on their merits as to whether the proposal would have a better relationship with, for example, an historic asset than the Class Q scheme. So, whilst this is technically contrary to the development plan, in accordance with which decisions should normally be taken unless material considerations indicate otherwise, it is concluded here that the material consideration of the fallback position would result in a better overall long term development in the interests of the conservation area.
9. In addition in the cases where the Local Planning Authority cannot demonstrate a 5 year housing land supply, the policies relating to the location of housing are considered out of date so the location of the PLD in this instance carries limited weight and it is the overall impact of the proposal and its sustainability that needs to be considered.

### Impact of the use on the character of the area

10. This is key to the weight to be given to the fallback position of the Class Q conversion. The erection of 2 traditional dwellings in stone and slate would have a better relationship with the edge of the Conservation Area than the approved scheme and would thereby meet the statutory tests and relevant policies set out above. The permission would also secure a suitable rural boundary to the edge of the farmstead.

### Impact on the neighbouring properties

11. None

### Heritage

12. As set out above, this development would enhance the conservation area more so than the approved Class Q scheme so weight can be lent to that fallback position in pursuit of fulfilling the statutory requirement and policies set out above.
13. In reaching its conclusion and recommendation the local authority has considered the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

14. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the streetscene and surrounding context in accordance with Sections 12 and 16 of the NPPF (2021), Policy CS19 and CS2 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations DPD.

#### Highway issues

15. None – the site is well off the main road into the village and the proposal would have less impact than the 3 dwellings already approved.

#### Noise

16. Minor noise during demolition and construction but other conversion and/or new works are imminent across the whole site by the same developer.

#### Crime and Disorder

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

#### Human Rights Implications

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

## **Consultations**

### 20. **Ecology**

The Preliminary Roost Assessment report (Hillier Ecology, August 2021) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required.

The recommendations in the report should be followed, this includes lighting. As a condition of any planning permission granted, and as recommended in the report, 1 x bat brick, 1 x sparrow terrace, 2 x house martin nests and 1 x group 3 swift boxes should be installed on each new dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

### 21. **Archaeology**

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

### 22. **Public Protection**

No objection providing the recommendations of chapter 8 in the Geo-Environmental Report are conditioned as part of the approval and on the understanding the farming activities/housing are to be removed and relocated as agreed.

## **Neighbour Representations**

23. None

## **Conclusion**

24. The proposal would lead to a better relationship with the Morcott Conservation Area than the approved Class Q development. On that basis it is recommended for approval.