

Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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

EXECUTIVE SUMMARY

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

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

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

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

Overall there are no sustainable reasons for refusing planning permission.

RECOMMENDATION

APPROVAL subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, EX000 REV 01, GA_000 REV 01, GA005 Rev 02, GA_100 REV 04, GA_101 REV 04, GA_102 REV 4, GA_110 REV 02, GA_200 REV 04, GA200.1 REV 01, GA_201 REV 04, GA_202 REV 04, GA_203 REV 04, GA_300 REV 04, HKH_DD_1.00.01 REV 00 'LANDSCAPE GENERAL ARRANGMENT PLAN', HKH_DD_1.00.02 REV 00 'MASTERPLAN', HKH_DD_4.00.01 REV 00 'SECTIONS A & B', HKH_DD_4.00.02 REV 00 'SECTIONS C &

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

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

4. No development above ground level shall be commenced until drawings including sections to a scale of not less than 1: 50 fully detailing the gate pillars and entrance gate at vehicular access fronting Hawkswell Road have been submitted to and agreed, in writing, by the Local Planning Authority. The design and materials as may be agreed shall be those used in the development.
Reason - To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

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

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

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

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

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

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

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

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

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

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

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

Reason: To enable vehicles using the access to stand clear of the public highway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021)

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

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

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

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

20. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person as defined by annex 2 of the National Planning Framework. The assessment shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) develop the conceptual site model to assess and evaluate the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

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

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria,

an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority. The validation report must clearly demonstrate through the provision of clear and unambiguous evidence that the approved remediation scheme has been completed as stated.

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary, a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following the completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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

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

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

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

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

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

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

23. There shall be no external lighting on the site, (including any exterior lighting on buildings or gate pillar) any external lighting required, either temporary lighting during building work, or permanent lighting post development, must be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat Conservation Trust, 2018) (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>)). Full details of any proposed external lightning shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. To reduce the impact of lighting on bats, lighting should consist of LED light sources fitted with downward deflectors (i.e. hoods, cowls, shields, louvres) at a low level, and, ideally, be on PIR sensors. No up-lighting should be used.

Reason: To ensure that any protected species which are legally protected under the Wildlife and Countryside Act 1981 are not compromised by the work hereby approved and the character and appearance of the surrounding area.

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

5837: 2012 Trees in Relation to Construction." A protective mesh guard fence to create a construction exclusion zone around the trees and in front of the existing boundary hedgerow fronting Hawkswell Road shall be erected in accordance with BS5837:2012. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the protected areas, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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

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

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

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

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

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

Reason - To ensure that the landscaping scheme is carried out at the appropriate time and is properly maintained.

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

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

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

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

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

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

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

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

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

Informatives:

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

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

2. Street Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>
Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and must be dealt with as a separate matter following planning approval

3. Utility Services - Section 50 NRSWA 1991

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

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

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

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

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

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

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

Site & Surroundings

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

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

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

Proposal

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

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

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

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

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

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

Relevant Planning History

There is no planning history for the site.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

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

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

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well designed places (Para 134)

Chapter 15 – Conserving and enhancing the natural environment

Site Allocations and Policies DPD (2014)

SP1- Presumption in favour of Sustainable Development

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP15 - Design and Amenity

SP19 - The Biodiversity and geodiversity conservation

SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS19 - Promoting Good Design

CS21 - The Natural Environment

Supplementary Planning Document

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

Neighbourhood Plan

There is no Neighbourhood Plan for Exton.

Main issues

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

Officer Evaluation

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

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

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

“Summary

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

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

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

“Conclusion

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

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

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

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

Principle of the Development

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

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

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

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

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

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

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

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

Impact of the use on the character of the area

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

Impact on the neighbouring properties

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

Heritage

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

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

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

Highway issues

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

Sustainability

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

Ecology

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

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

Environmental Protection

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

Archaeology

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

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

Parish Council

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

Section 106 Heads of Terms

73. Not applicable

Crime and Disorder

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

Human Rights Implications

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

Consultations

76. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

Exton & Horn Parish Council

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

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

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

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

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

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

3. The agricultural tie was removed in 2013.

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

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

Planning Policy Framework (NPPF 2021) paragraph 80.

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

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

Design Officer

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

RCC Highways

83. CONDITIONS:

Parking and Turning

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

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

Access

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

Reason: In the interests of highway safety in accordance with Policy SP15 in

the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Surface Water Drainage and Surfacing Materials

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

Reason: To prevent hazards caused by water or loose surfacing material flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety in accordance with Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Pedestrian Visibility Splays

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

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

Construction Management Plan

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

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

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

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

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

INFORMATIVES

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

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

Street Naming & Numbering - Section 17 - 18 Public Health Act 1925

The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-and-numbering/>

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

Utility Services - Section 50 NRSWA 1991

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

emailed to highways@rutland.gov.uk.

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

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

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

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

Flood Risk

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

Ecology Unit

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

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

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

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

G) ongoing monitoring and remedial measures

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

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

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

Senior Planning Archaeologist

86. Updated response

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

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

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

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

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

87. Original response

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

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

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

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

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

This will require provision by the applicant for:

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

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

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

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

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

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

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

Environmental Protection

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

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

Condition:

1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person as defined by annex 2 of the National Planning Framework. The assessment shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) develop the conceptual site model to assess and evaluate the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments.

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

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority. The validation report must clearly demonstrate through the provision of clear and unambiguous evidence that the approved remediation scheme has been completed as stated.

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of

condition 1, and where remediation is necessary, a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following the completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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

Foul Drainage

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

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

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

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

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

Forestry Tree

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

Conservation area Officer

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

Neighbour Representations

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

93. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

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

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

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

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

In support

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

Conclusion

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

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

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

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



Residential Curtilage

PROPOSED SITE PLAN

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

Project Land at Hawkswell House, Exton
LE15 8BA

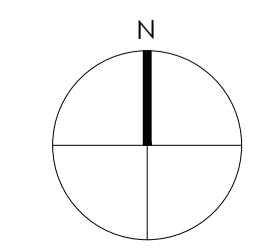
JONATHAN HENDRY ARCHITECTS LTD
10 Nickerson Way
Peacocks Business Park
Hollon-le-Clay
Lincolnshire
DN36 9HS
T: 01522458100
www.jonathanhendryarchitects.com

Subject Site Plan

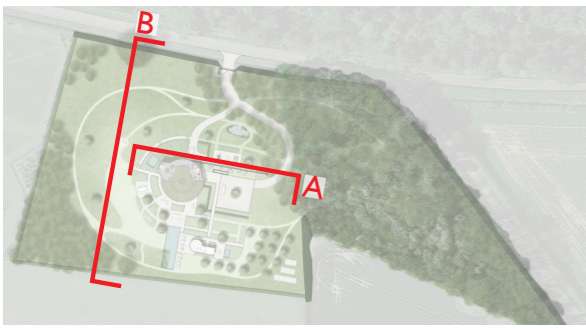
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Original Size A1

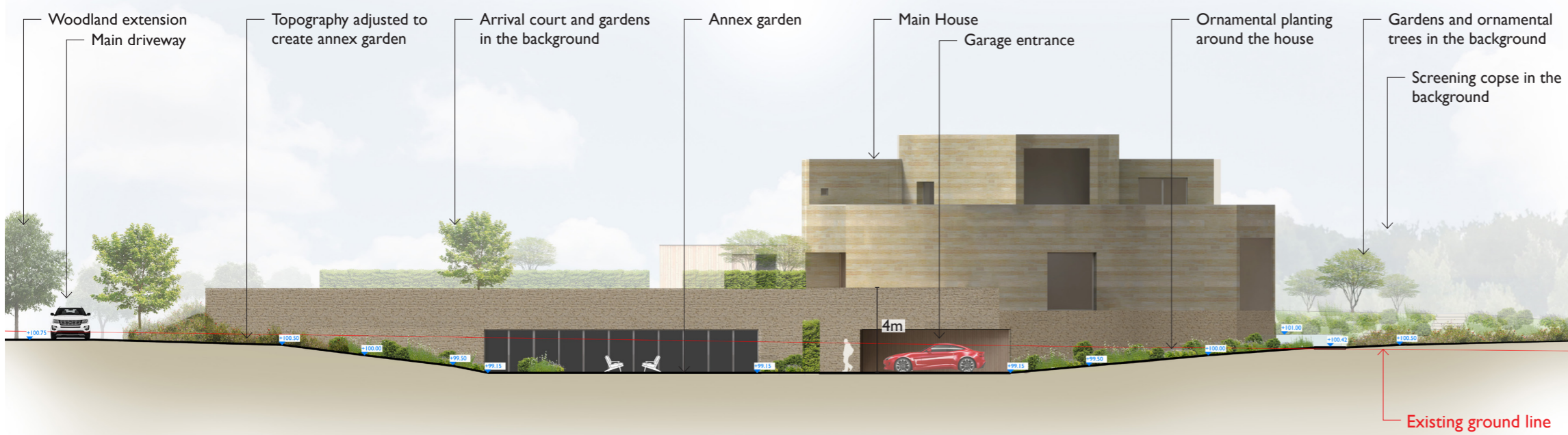
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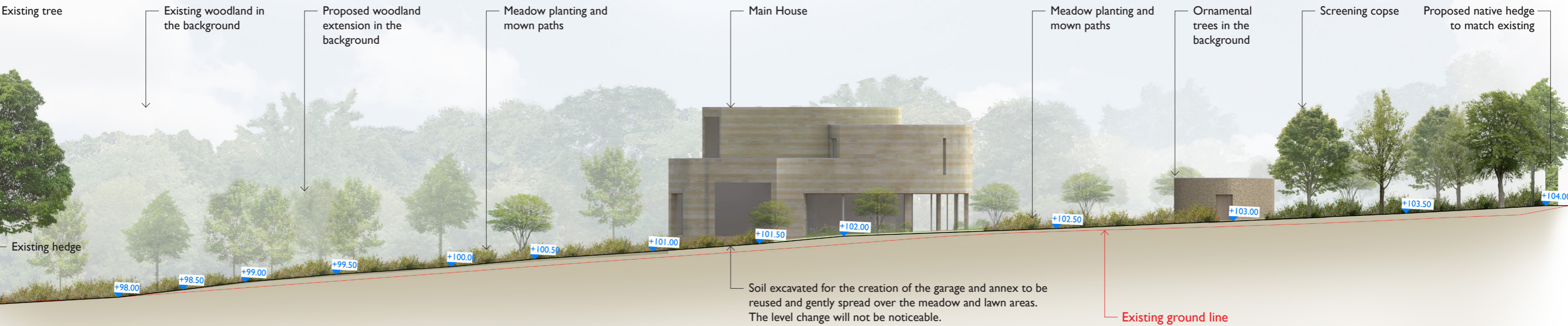
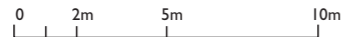
Appendix 2



Keymap



01 SECTION A
4.00.01 Scale 1:250



02 SECTION B
4.00.01 Scale 1:250



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REV	REV DATE	DESCRIPTION

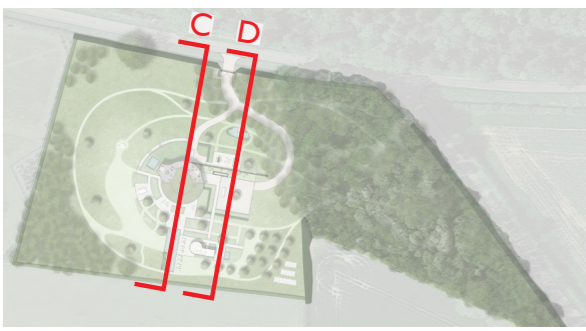
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CHECKED BY FF	ISSUE STATUS Planning	REVISED BY -
SCALE 1:250 @ A3	REV DATE -	

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

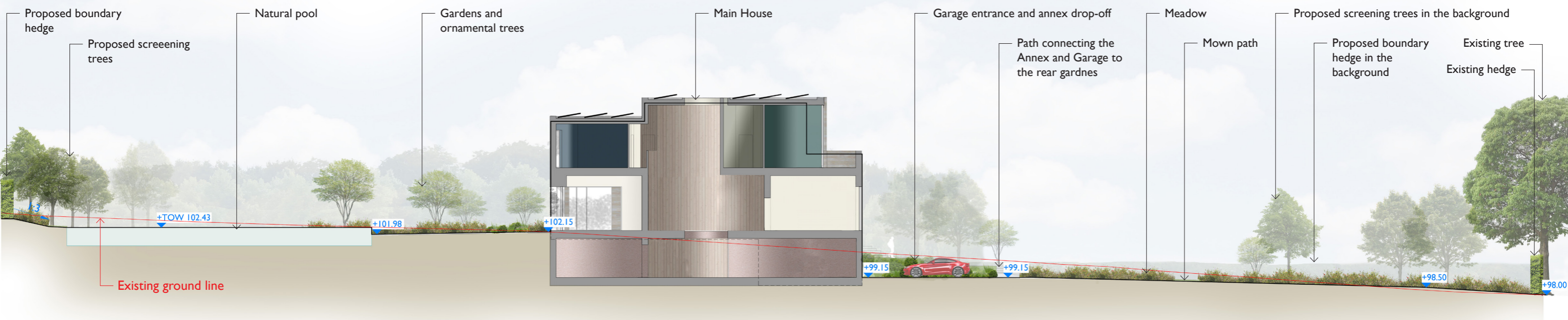
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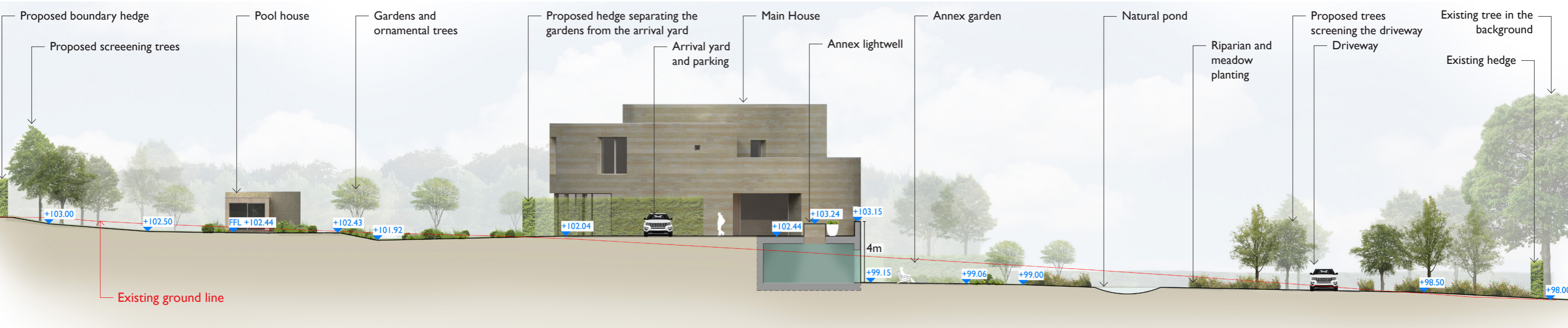
Appendix 3



Keymap



01 SECTION C
4.00.02 Scale 1:250



02 SECTION D
4.00.02 Scale 1:250

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REV	REV DATE	DESCRIPTION

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

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

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Appendix 4



- LEGEND**
- Contours
Contours every 0.50m
- SOFT LANDSCAPE**
- Existing Tree to be retained
Refer to Arborist and Report
 - Proposed Standard Tree
Woodland and screening trees. Min girth 25-30cm
 - Proposed Ornamental Tree
Multi-trunk ornamental garden trees. Height 4m
 - Proposed Orchard Tree
Fruit Standard Tree. Height 4m
 - Existing Hedging
 - Proposed Hedging
Native hedge to match existing (streamers)
 - Mown Lawn
Species rich lawn
 - Meadow Planting
Species rich meadow
 - Ornamental Planting
Perennial and ornamental grasses plantings
 - Algebraic Planting
Water plants to natural pool and wildlife pond
 - Existing Hedge proposed for removal
- PAVING TYPES**
- Paving Type 1 - Birch Board Gravel Paving
Resin Bound Gravel on permeable sub-up
 - Paving Type 2 - Natural Stone Paving
Local stone to match house cladding. On permeable sub-up
 - Paving Type 3 - Timber Decking
Natural Timber Decking
 - Paving Type 4 - Natural Stone Paving Band
Stone different to local stone to match house cladding. On permeable sub-up
- STEP TYPES**
- Step type 1 - Natural Stone Steps
Local stone to match house cladding
- BOUNDARY TYPES**
- Gate Type 1 - Slane Entrance Gate
Decorative metal entrance gate with stone-clad pillars
- FURNITURE & FEATURES**
- Water Feature
Single or double water feature to specialist design
 - Natural Flood
Natural swimming pool to specialist design
 - Wildlife Pond
Natural wildlife pond to specialist design
 - Ornamental Ponds
Off the-pool ponds
 - Lounge Seating
Off the-pool furniture
 - Dining Table & Chairs
Off the-pool furniture
 - Pool Loungers
Off the-pool furniture
 - Solar Panels
To specialist design
 - Bin Storage
enclosed bin enclosure to specialist design
- LEVELS**
- +0.00 Existing Level
 - FFL Finish Floor Level
 - +0.05 Proposed Level
 - T.O.S. Top of Step Level
 - B.O.S. Bottom of Step Level
 - 1:X Fall

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NOTES

WATERPROOFING & DRAINAGE: To Engineer's details and specifications.

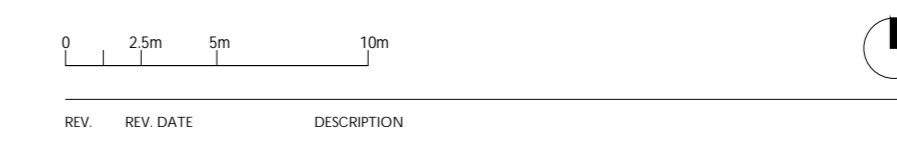
SIZE AND PROPORTION TO FIT: To be corrected to size prior to planting and made suitable for forwarding to Marcus Barnett Studio as noted on schedule.

LOAD WARNING: This should be carried out after necessary and to Engineer's specification and approval.

ROCK OR AGGREGATE: This should be approved by Marcus Barnett Studio and Client approval prior to commencing construction.

LANDSCAPE SETTING OUT: To be marked on site by contractor to Marcus Barnett Studio approval.

LANDWORKS: To be reviewed by Geotechnical and Civil Engineers.

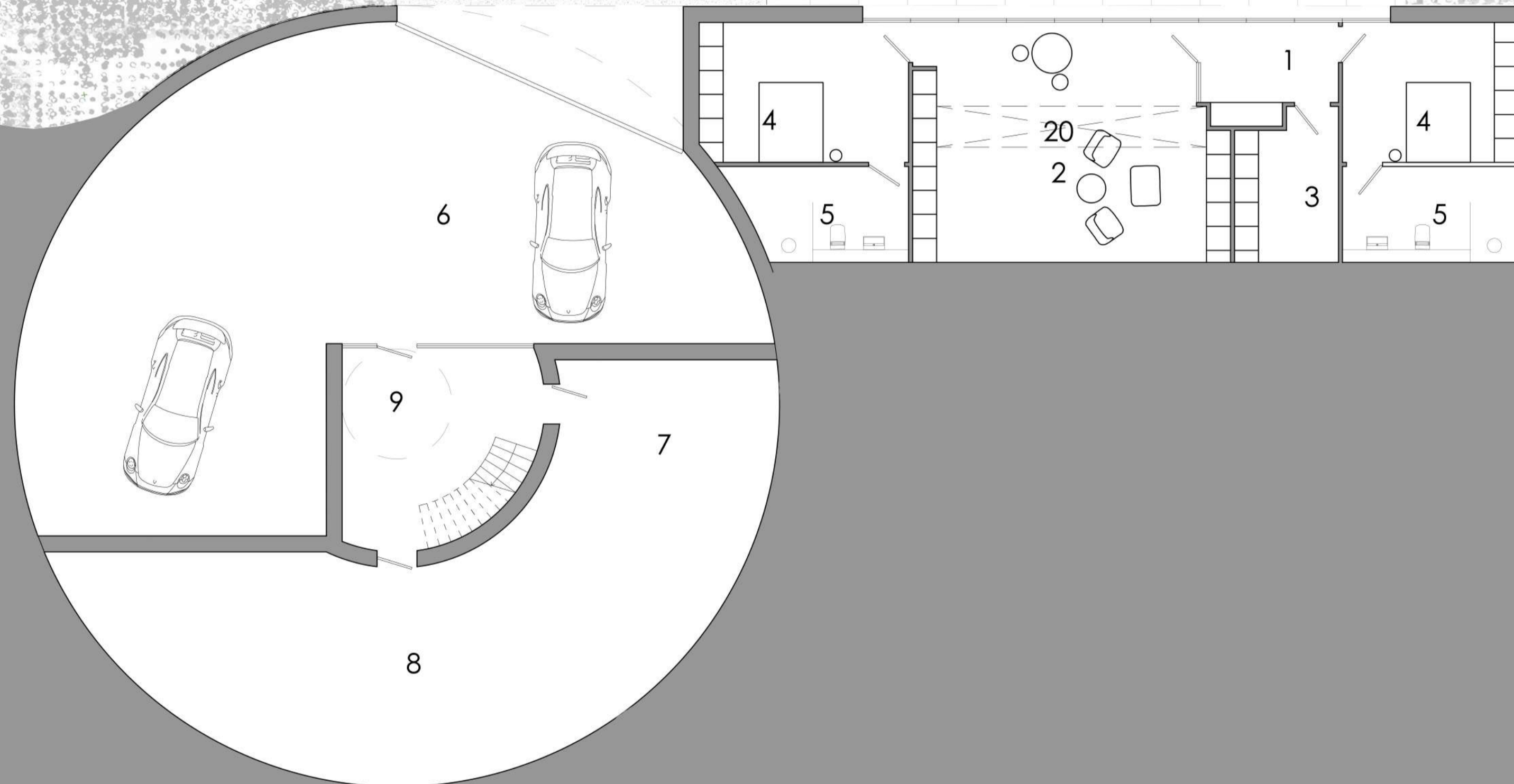
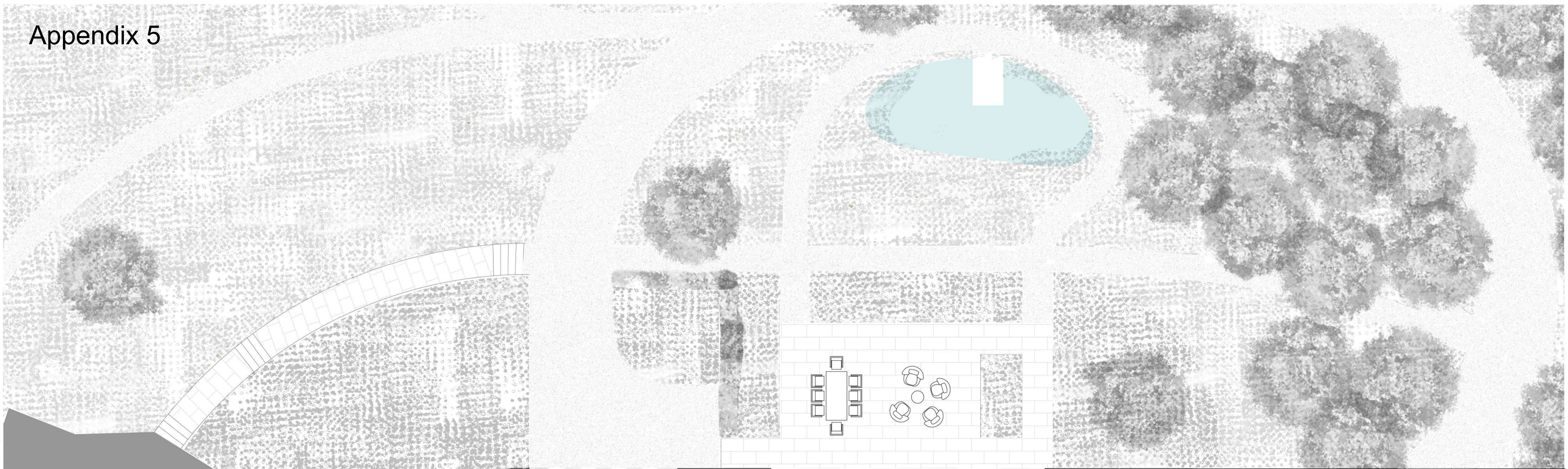


DRAWN BY FF	DRAWING DATE 14/04/2023	REVISION 00	PROJECT TITLE Hawkswell House
CHECKED BY JM	ISSUE STATUS Planning	REVISED BY -	SHEET TITLE Landscape General Arrangement Plan
SCALE 1:250@ A0	REV DATE -	SHEET NUMBER HWL_DD_100.01	10-11 Gresham House, London W6 8JL +44 (0)20 7736 9760 marcusbarnett.com

MARCUS BARNETT STUDIO

Appendix 5

Unless indicated otherwise, this drawing is for information only.
Do not scale from this drawing. Use figured dimensions only. All dimensions to be checked on site.
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LEGEND

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

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

TOTAL 958M²

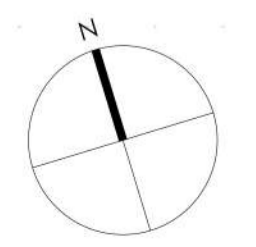
Issue - Amendment	Date	Rev
Issued for information	13.04.2023	04
Issued for information	25.01.2023	03
Issued for information	14.10.2022	02
Issued for information	11.08.2022	01
Issued for information	09.06.2022	00

Project Land at Hawkswell House, Exton LE15 8BA

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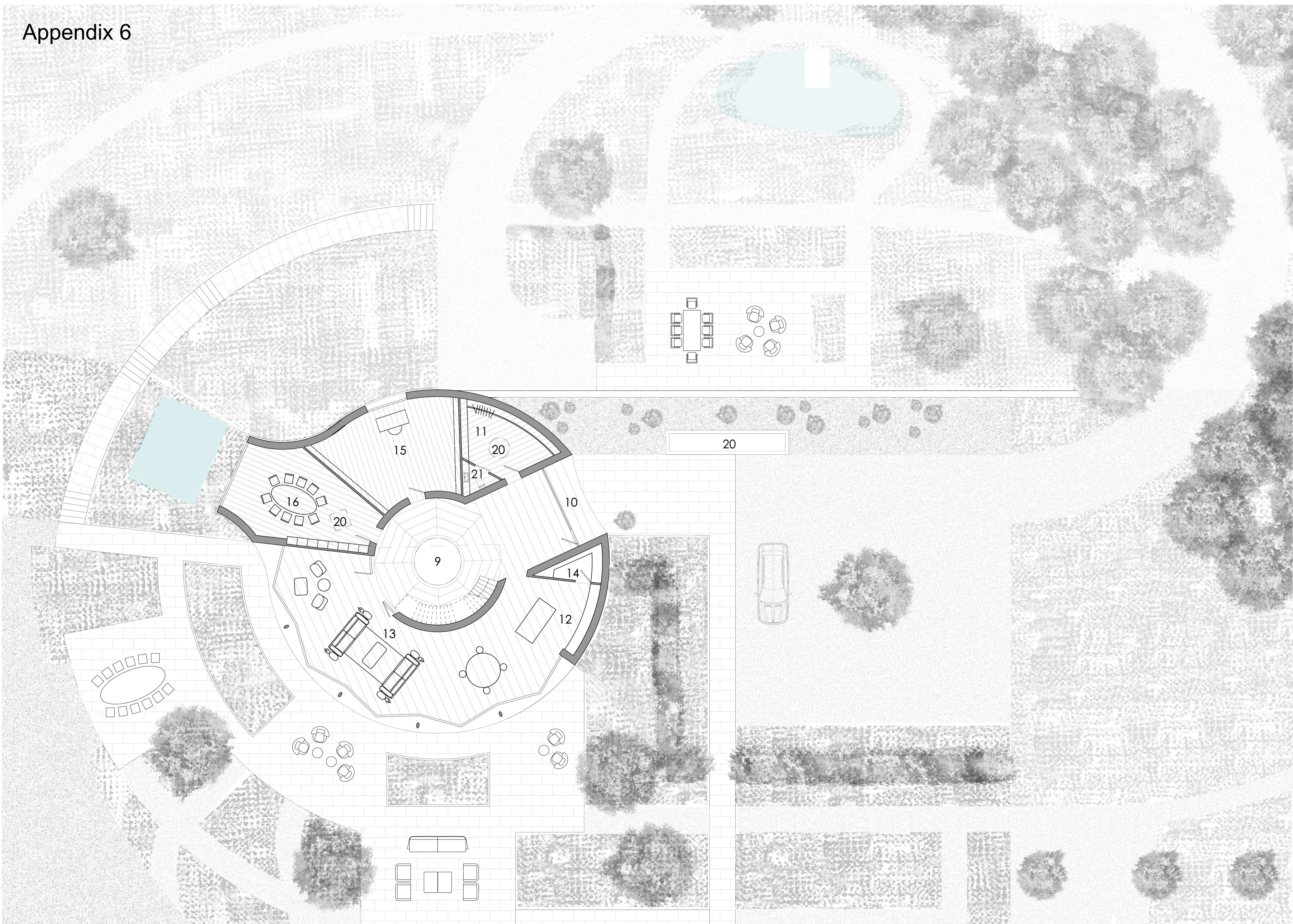
Subject Lower Ground Floor Plan

Scale 1:100 Date 10.05.2022
Original Size A1
Drawing No. GA_100 Revision 04



Appendix 6

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Do not scale from this drawing. Use figured dimensions only. All dimensions to be checked on site.
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LEGEND

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

FLOOR AREAS

BASEMENT 447m²
GROUND 320m²
1ST FLOOR 191m²

TOTAL 958m²

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

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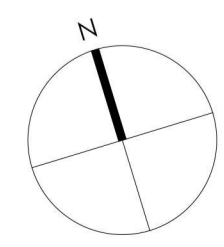
T. 01522458100
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Subject Ground Floor Plan

Scale 1:100 Date 10.05.2022

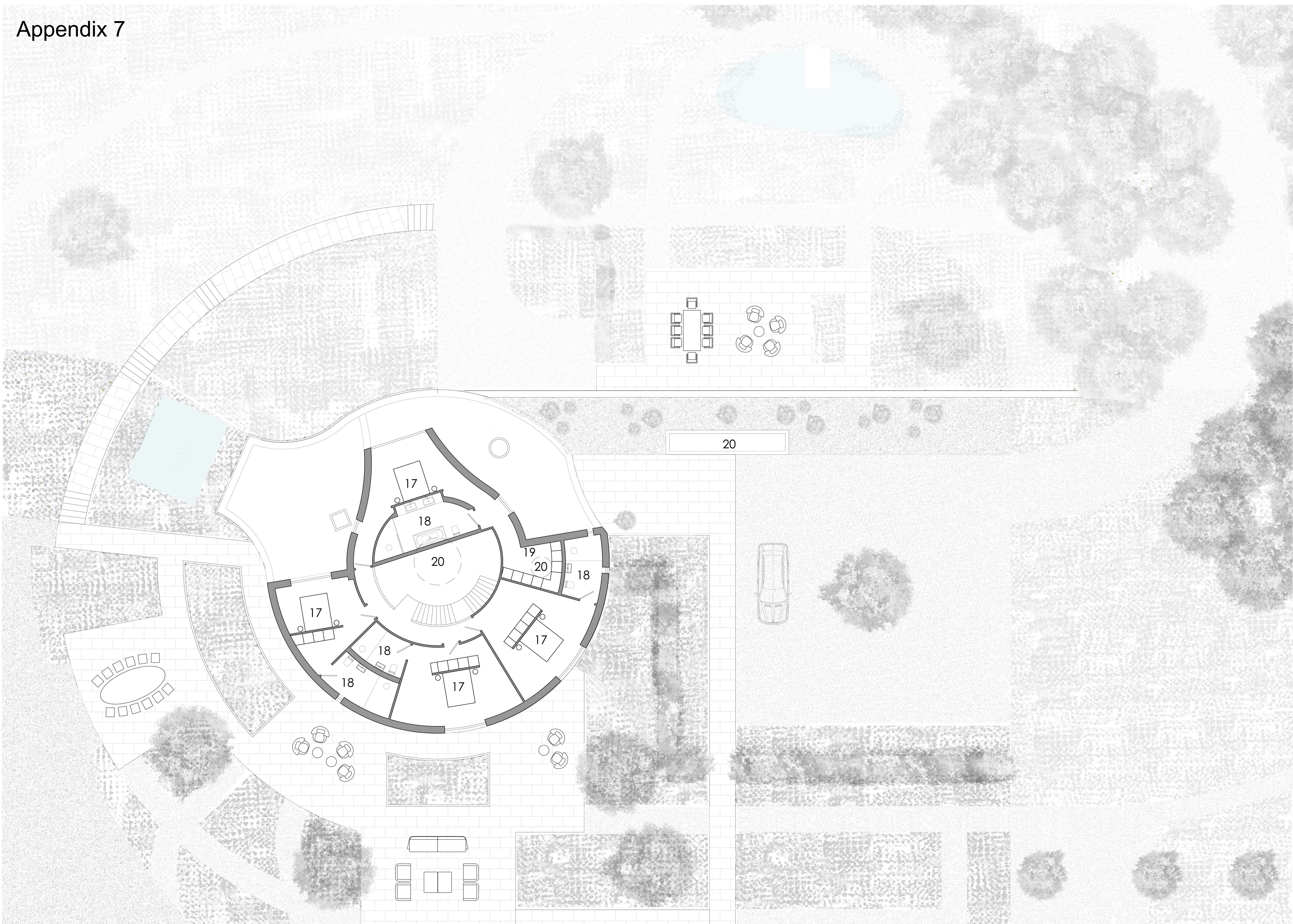
Original Size A1

Drawing No. GA_101 Revision 04



Appendix 7

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LEGEND

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

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

TOTAL 958m²

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

Project Land at Hawkswell House, Exton LE15 8BA

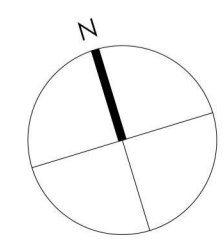
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Subject First Floor Plan

Scale 1:100 Date 10.05.2022

Original Size A1

Drawing No. GA_102 Revision 04





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

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

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

Project Land at Hawkswell House, Exton
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Subject Proposed East Elevation

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



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

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

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

Project Land at Hawkswell House, Exton
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Subject Proposed South Elevation

Scale 1:100 Date 10.05.2022
Original Size A1
Drawing No. GA_202 Revision 04



WEST ELEVATION

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

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

Project Land at Hawkswell House, Exton
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Subject Proposed West Elevation

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



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



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

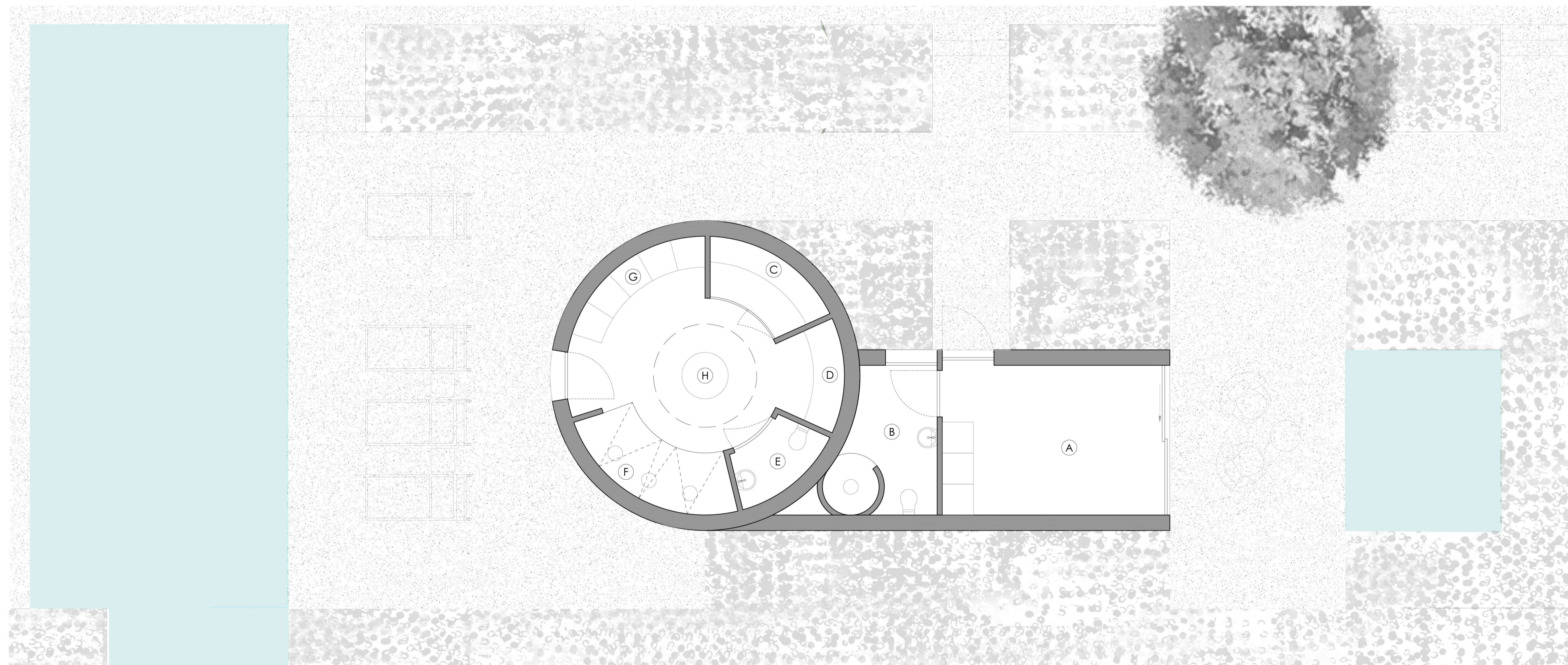


S O U T H E L E V A T I O N



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

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



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

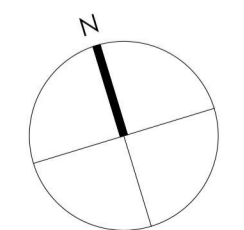
- LAYOUT LEGEND**
- A. Entertaining
 - B. Shower room
 - C. Sauna
 - D. Meditation Bed
 - E. WC
 - F. Shower
 - G. Refreshments
 - H. Changing Bench
 - I. N/A
 - J. Rooflight

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

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Subject Proposed Elevations
Pool House
Scale 1:50 Date 10.05.2022
Original Size A1
Drawing No. GA_110 Revision 02





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

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

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

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Subject Proposed North Elevation

Scale 1:100 Date 10.05.2022
Original Size A1

Drawing No. GA_200 Revision 04