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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001 rev. E Site Location, 003 rev F Proposed Block Plan, 007 rev. C Proposed Landscaping Plan including sectional plan, 006 rev B Proposed Floor Plans and Elevations, and relevant information specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person as defined by annex 2 of the National Planning Framework. The assessment shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
 - (i) a survey of the extent, scale and nature of contamination.

(ii) develop the conceptual site model to assess and evaluate the potential risks to:

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

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

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

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

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

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

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

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

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

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

7. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.

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

8. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:-

- a) A scheme for the monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery.
- e) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- f) Details of site compounds, storage area and contractor and visitor parking.
- g) A scheme for dealing with complaints.

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

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

9. No external lights shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of nighttime illumination on the character of the area.

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

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

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

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

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

Informatives:

1. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition.
2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition.
3. Naming & Numbering - Section 17 - 18 Public Health Act 1925 The development will result in the creation of new street(s) and/or new dwelling(s) and/or allocate appropriate street names and property numbers. This procedure is applicable to the subdivision of premises, which will provide multiple occupancy for both residential and commercial buildings. Before development is commenced an application should be made, allowing 8 weeks to complete. Details are available on our website at the following link:- <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/street-name-andnumbering/> Should you require assistance please email snn@rutland.gov.uk. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority and must be dealt with as a separate matter following planning approval. Off-site Highway Works Section 278 Highways Act 1980 (potential shortform) The development involves minor works within the public highway. Such works must be the

subject of a legal agreement or licence under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement/licence. Works must not commence until the legal agreement/licence is in place and road space booked. Enquiries regarding an application should be sent to the Highway Control Team at highways@rutland.gov.uk.

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

Site & Surroundings

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

with the Conservation Area.

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

Proposal

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

Relevant Planning History

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

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development.

Chapter 5 – Delivering a sufficient supply of homes.

Chapter 11 – Making efficient use of land.

Chapter 12 – Achieving well designed places.

Site Allocations and Policies DPD (2014)

SP5 – Built Development in the Towns and Villages.

SP6 - Housing in the Countryside.

SP15 - Design and Amenity.

SP20 - The Historic Environment.

Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

Not applicable

Officer Evaluation

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

Principle of the use

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

Impact of the use on the character of the area

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

Impact on the neighbouring properties

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

Heritage

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

Highway issues

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

Noise

15. Not applicable

Dust

16. Not applicable

Section 106 Heads of Terms

17. Not applicable

Crime and Disorder

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

Human Rights Implications

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

Consultations

20. Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)
21. The Parish Council objects to increase of the dwelling size and creation of precedent for future developments.

Neighbour Representations

22. None

Conclusion

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

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