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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/1111/MAF	ITEM 1	
Proposal:	Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.		
Address:	Pheasants Roost , Lyndon Road, Manton, Rutland, LE15 8RN		
Applicant	Mr Adam Wells	Parish	Manton
Agent:	Mr Richard Cooper	Ward	Braunston & Martinthorpe Ward
Reason for presenting to Committee:	Member Request from Cllr Clifton		
Date of Committee:	27 February 2024		
Determination Date:	23 February 2024		
Agreed Extension of Time Date:	23 February 2024		

EXECUTIVE SUMMARY

Based on the submitted information and consultation responses it is considered that subject to conditions the proposed development complies with all relevant national and local planning policies and would not have an adverse impact on the character and appearance of this countryside location or on the residential amenity of nearby neighbours. Natural England has raised no objections to the proposal and subject to conditions it is considered that the development will not have an adverse impact on the local wildlife or Rutland Water SPA, SSSI, Ramsar site. The development is therefore recommended for approval.

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:
8569 03 00 Location & Block Plan
8569_03_01 Rev P6 Site Plan
8569 03 10 Rev P5 Proposed Ground Floor Plan
8569 03 20 Rev 06 Proposed Elevations
Figure 4 Tree Protection Plan Revision: 01 dated 25 January 2023.
Design & Access Statement 8569 Rev P3
Drawing Ref Stamford -Assy- Stamford gate & Post Assembly
Specification Data Sheet – Burghley Estate Fencing B204256 Rev Aug 2020
Flood Risk Assessment & Drainage Strategy Ref PRLM-BSp-ZZ-XX-RP-C-001_Flood_Rick_Assessment
Extended Phase 1 Habitat Survey (C.B.E. Consulting) Reference P2641/0123/01 V2 dated 25 January 2023

Biodiversity Impact Assessment (C.B.E. Consulting) Reference P2641/0123-03 V2 dated 25 January 2023.

Transport Statement reference No PRLM-BSP-XX-XX-T-H-0001-P04_Transport_Statement dated 31 August 2023

Tree Survey (C.B.E. Consulting) Ref P2642/1222/02 V2 25 January 2023

Installation: LED Report (J Edstabrook) reference 70018 dated 18.08.2023

Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023

Reason: For the avoidance of doubt.

3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. Notwithstanding details shown on approved the drawings no development above ground level shall be commenced until precise details of the number, design and materials to be used in construction of the covered cycle store have been submitted to and agreed, in writing, by the Local Planning Authority. Such 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. Car parking including unloading and loading and turning areas shall be provided in accordance with the approved layout plans prior to the first occupation of the units and shall be provided and retained at all times for that sole purpose in perpetuity thereafter.
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 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
6. The access including off-site highway works shall be completed in full accordance with the details with the Transport Statement reference No PRLM-BSP-XX-XX-T-H-0001-P04_Transport_Statement dated 31 August 2023, shown on Plan PRLM-BSP_XX-XX-D- H-001 REVISION P05 ACCESS ARRANGEMENTS prior to first use of the development hereby approved.
Reason: In the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
7. 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 of a fully working jetted drive-thru bath type wheel wash system 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) Details of the site enclosure or part thereof and gated site security.
- j) 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 residential amenity and highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.

- 8. 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).
- 9. Prior to the first use of the development hereby approved the existing entrance gates shall be removed and any new gates provided at the vehicular access shall be inward opening only and shall comply with details shown on drawing No 8569_03_01 Rev P6 Site Plan
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)
- 10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 11. The design of the upgraded access should incorporate measures to ensure that no loose surfacing material or private surface water shall cross from the access onto the public highway.
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 development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, details (including location and timeframe for the installation) of the proposed new package treatment plant and location of the new drain leading to the drainage field. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/ SSI
13. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority the location of a drainage field ancillary to the package treatment plant. The design and installation of a drainage field must comply with: a) BS 6297:2007+A1:2008; b) Building regulations; c) Environmental Regulation.
Reason: All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/SSSI.
14. The package treatment plant, drain and drainage field shall be operational prior to first occupation and use of the proposed buildings.
Reason: To avoid on and off-site contamination and nutrients leaching into Rutland Water SPA/Ramsar/SSSI.
15. No development shall take place until an ecological and biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.
Reason: In the interests of the protection of wildlife and their habitat and to comply with NPPF guidance and Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.
16. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on PLAN REF: Figure 4 Tree Protection Plan REVISION 01 dated 25 January 2023 , have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
17. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and

hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837: 2012 Trees in Relation to Construction. Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

18. 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 and to accord with policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.
19. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority and thereafter fully implemented.
Reason: In the interests of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
20. The proposed new development shall be constructed from the existing concrete foundation and no new concrete foundations shall be excavated/dug and concrete poured without details first being submitted to and approved, in writing, by the Local Planning Authority. All works are to proceed strictly in accordance with the approved scheme.
Reason: The trees are important features on the site and the adjacent garden area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
21. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the development is first occupied.
Reason: The trees are important features on the site and the adjacent garden area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
22. No external lighting shall be installed until full details of the number and location of all different types of lighting units (including elevation details of any lighting units fitted to a building) and a report that demonstrates that all the lighting units in combination complies with E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note 01/21. has 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 night time illumination on the character of the area.

23. Prior to the first use of any external lighting/floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.
Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy SP15 of the Adopted Rutland Local Plan – Site Allocations and Policies Development Plan Document 2014.
24. 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.
25. The external lighting shall be switched off when the premises are closed.
Reason: In the interests of amenity and to conform with policy SP16 - Advertisements of the Site Allocations and Policies Development Plan Document Adopted October 2014.
26. 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 a full 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, and 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) an assessment of 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;
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.

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 (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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 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.

27. In accordance with details shown Drawing No 8569 03 01 P06 no extraction vents and/or mechanical ventilation equipment shall be installed and/or erected on eastern elevations of the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building, adjacent the boundary with the residential property known as Wellfield.

Reason: To protect the residential amenities of the neighbouring property.

28. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of the acoustic barrier to be erected between the woodworking, assembly and dispatch building and storage building. All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To protect the residential amenity and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023.

29. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority operating and elevation details of the dust extraction system and other mechanical equipment to be erected on the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building . All works are to proceed strictly in accordance with the approved scheme and thereafter retained in perpetuity. Reason: To protect the residential amenity and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023 and Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014
30. Prior to installation and operation, the full details of the make, model, location, sound power level and frequency spectrum data of any mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The information will demonstrate that the mechanical plant is in compliance with the noise levels specified in this condition. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity. Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
31. The proposed operations within the upholstery building, upholstery and storage building, woodworking, assembly and dispatch building and storage building shall comply with the recommendations and conclusions of the Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023. Reason: To protect the residential amenity and the amenities of the surrounding area and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023, Policy CS19 Core Strategy DPD Adopted 2011, Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
32. A maximum rating level of 41dBLA, 1hour shall not be exceeded at the nearest building used for residential purposes from noise emitted from industrial and manufacturing process; fixed plant and equipment (mechanical and electrical); loading and unloading of goods (industrial and/or commercial) located on this site. This rating level has been set so as not exceed the existing background level 41dBLA90 measured at the site when assessed in accordance with BS 4142:2014+A1(2019). Reason: To protect the residential amenity and the amenities of the surrounding area and to ensure compliance with Environmental Noise Assessment report bsp Consulting BIM Reference PRLM-BSP-ZZ-XX-RP-C-001 P03_Environmental_Noise_Assessment dated 13 November 2023 , Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014 and paragraph 191 (a) of the National Planning Policy Framework (2023).
33. Notwithstanding the Provisions of the Town and Country Planning (General permitted Development) Order 2015 (Amended)(or any order revoking and/or re-

enacting that order with or without modification the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Use Class E on the Schedule to the Town and Country Planning (Use Classes) order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: These uses are only permitted and other users, either within the same Use Class or permitted by the Town and Country Planning (GPD) Order 2015 (Amended) are not acceptable to the Local Planning Authority as the alternative users are likely to result in adverse impact upon residential amenity, increased traffic generation and increased demand for parking which cannot be accommodated within the site.

34. No goods, merchandise, materials waste and / or scrap shall at any time be stacked or stored in the open, on landscaped areas and or obstruct parking areas, loading and unloading and vehicle turning areas.
Reason: The external storage of goods and waste outside would cause harm because it would result in a harmful impact on the amenities of the surrounding area.
35. No retail sales shall take place on the site at any time.
Reason: To safeguard the amenities of the area
36. The external flues shall be painted matt black.
Reason: To ensure that the external finish to the materials are compatible with the surroundings in the interests of visual amenity
37. No equipment for the amplification of sound and/or the playing of music shall be operated from the site. Any music being played should be inaudible on the boundary of the premises.
Reason: To protect the residential amenity.
38. The manufacturing, storage activities, deliveries to and from the site shall not take place other than between the hours of:
7.30 – 19.00 Mondays – Friday
08.00- 14.00 Saturdays
And not at any time on Sundays or Public Holidays.
Reason: To protect the residential amenity
39. The office use shall not take place other than between the hours of:
07.30- 21.00, Mondays – Friday
08.00-14.00 Saturdays
And not at any time on Sundays or Public Holidays
Reason: To protect the residential amenity.
40. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of how all waste materials will be stored disposed of and managed. All works are to proceed strictly in accordance with the approved scheme and thereafter in perpetuity.
Reason: To safeguard the amenities of the area
41. This permission shall be personal to Willow Brook Education Ltd and shall not enure for the benefit of the land or future occupiers of the site.
Reason: In order to safeguard the residential amenities of the existing dwellings adjacent to the site and as permission is granted solely in recognition that the owner of Willow Brook Education Ltd resides in the existing property to the front of

the site. The use of the site for alternative forms of industrial / employment uses could have a detrimental impact on residential amenity and would need to be assessed independently in order to ensure that the development does not adversely impact on residential amenity.

42. The land forward of the estate railings along the northern boundary of the landscaped area adjacent to the carparking area shown on drawing No 8569_03_01 Rev P6 Site Plan shall remain open and shall not at any time form part of the curtilage of the employment site.

Reason: For the avoidance of doubt and in the interest the character and appearance of the surrounding area.

43. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of the proposed Ventilation and Dust Control to be used on the site. This should include the following:
Local Exhaust Ventilation (LEV): Install LEV systems at woodworking machines to capture dust at the source. Properly designed and maintained LEV helps prevent dust from becoming airborne. Ensure that hoses and connections are secure and leak-free.

Vacuum Cleaning Equipment: Use vacuum cleaners that meet at least the dust class M (medium hazard) classification. Regularly maintain and check the efficiency of these cleaning systems.

Process Optimization: Adopt work methods that minimize dust generation. For example, consider using tools with built-in dust collection features or modifying cutting techniques to reduce dust.

The development shall only be operated in full accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy CS19 Core Strategy DPD Adopted 2011 and Policy SP15 in the Site Allocations & Policies DPD 2014.

Informatives

Off-site Highway Works – Section 278 Highways Act 1980

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.

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.

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

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

The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

The ecology mitigation and enhancement strategy should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023) Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations.

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

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

Natural England recommend that the Package Treatment plant (PTP) used should use biological treatment only, as this requires less frequent maintenance, than chemical dosing plants, and so the treatment efficiency is less uncertain over the lifetime of the

development. We also recommend that the PTP should discharge to a drainage field, i.e. as shown on page 32 of the Building Regulations Document H, as opposed to a regular soakaway or discharge to watercourse. This is as phosphorous readily binds to soils, so where the PTP discharges to a drainage field (which by nature slowly introduces the P rich water over a large surface area of soil), it is likely that phosphorous within this discharge will be attenuated in the soil and will not reach Rutland Water, avoiding any potential worsening of Eutrophication at the SPA.

Essential work that cannot be taken during the above stated hours should be notified to the LPA for prior approval in writing.

Waste Control and Management

The waste management scheme to be submitted should include

Sufficient Bins, Skips, or Cages: Ensure that adequate bins, skips, or cages are available for waste, refuse, and rubbish. Regularly empty these containers to prevent overflow and maintain cleanliness.

Designated Containment Area: Any refuse or waste that cannot go into bins, skips, or cages should be contained in a designated area. This area can be fenced off to prevent unauthorized access and ensure proper waste management.

Secure Containment for Specific Materials:

Flammable Materials: Store flammable materials away from other items and protect them from accidental ignition.

Storage at Height: If materials are stored at height (e.g., on top of a container), ensure necessary guardrails are in place to prevent falls during stacking or collection.

Tidiness: Keep all storage areas tidy, both within the main compound and on the site itself.

Deliveries: Plan deliveries to minimize the amount of materials on site at any given time.

Secondary Containment (Bunds): Prevent run-off from waste storage areas entering surface waters or drains by: Storing waste under cover on an impermeable surface with a bund. A bund acts as a secondary containment area that holds liquids if the main containers leak or break.

Ensuring that the site is secure with functioning locks, gates, and perimeter fences.

Control of Obtrusive Light Pollution from External Lighting

The lighting scheme should meet the E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note 01/21. This requires a lighting professional to assess the whole lighting scheme for the entire development and confirm it meets the E2 standard on obtrusive light once installed.

This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Site & Surroundings

1. The application site is located approximately 400m to the east of Manton Village. The site is currently used as a farm known as Pheasant Roost Farm, Lyndon Road, Manton.

2. The site currently comprises rare breeds farm, farm shop, bed and breakfast accommodation and a campsite with 8 pitches. The site has a number of existing agricultural buildings located to the rear of the existing farm house.
3. The site has good access link via Lyndon Road to the A6003 and then on north to Oakham or south towards Uppingham and the A47.
4. The site is surrounded by open countryside on three sides with a residential property known as Wellfield located to the east of the site.

Proposal

5. The application seeks approval for the change of use of the site from agricultural to use class E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. The works include conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.
6. Willowbrook are involved in the design, manufacture assembly and delivery of educational furniture throughout the UK. They are a Rutland based manufacturing company currently based at Quarry Farm Industrial Estate, Ketton Road, North Luffenham.
7. They currently lease their business premises from the farm owner. Recent growth & projected orders has resulted in the need for expansion & investment – their current location will not facilitate growth and the existing farm owners are not interested in sale of the premises to them.
8. Willowbrook Educational have engaged extensively with local estate agents in their search for a new site, however allocated business growth sites in Rutland 's main sustainable settlements are not available.
9. The company employs 45 staff from the local area which will now be split across their 2 operating sites. 60% of the companies existing staff will relocate to the Pheasants Roost site under these proposals.
10. The proposed buildings on the site include:
 - Proposed Upholstery (Ex Building): 203.3sqm
 - Proposed Upholstery Store (Ex Building): 272.3sqm
 - Proposed Assembly & Dispatch (New Building) 446.5sqm
 - Proposed Storage (Ex Building): 208.4sqm
 - Total: 1130.5sqm
11. The two existing single storey buildings to the north of the site will be used for the Upholstery and Upholstery Store. Part of an existing building located at the southern end of the site will be demolished to accommodate the assembly and dispatch building and the remaining southern section of the building will be retained and redeveloped to provide a storage building.

12. The eastern wall of the existing building at the southern end of the site will be retained to form the boundary treatment with the neighbouring residential property (Wellfield).
13. Overall the ridge height of the new build element on the site will be approximately 0.8m higher than the existing building it replaces.
14. The total floor area of buildings on the site will reduce from 1144.6sqm to 1130.5sqm.

Relevant Planning History

15. 1980/0354/HIST - Erection of agricultural buildings, Gene Lyndon Road Manton – Approved 08.09.1980.
16. 1987/0181/HIST - Erection of agricultural buildings – Approved 16.09.1987.
17. 1987/0175/HIST - Tipping of inert waste materials – Approved 14.07.1987.
18. 1980/0186/HIST - Erection of an agricultural building – Application Not Required 21.04.1980.
19. F/1997/0288 - Erection of dwelling house. – Approved 24.03.1999.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 6 - Building a strong, competitive economy

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places and beautiful places

Chapter 14 – Meeting the challenges of Climate Change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development

SP7 - Non-residential development in the countryside

SP17 - Outdoor Lighting

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP23 - Landscape Character in the Countryside

SP20 - The Historic Environment

SP23 – Landscape character in the countryside

Core Strategy DPD (2011)

CS01 – Sustainable Development Principles

CS02 – The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 – The Location of Development

CS13 - Employment & Economic Development

CS14 – New provision for industrial and office development and related areas

CS16 - The Rural Economy

CS18 – Sustainable transport and accessibility

CS19 - Promoting Good Design

CS21 - The Natural Environment

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

Officer Evaluation

Principle of the use

20. This proposal is for change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.
21. Core Strategy policy CS4 - Location of Development seeks to direct development to the most sustainable locations and states that, in the countryside, development will be strictly limited to that which has an essential need to be located there and restricted to particular types of development which support the rural economy.
22. Policy CS16 - The Rural Economy sets out the Councils approach to considering applications relating to employment development in rural locations. The proposal accords with proviso f) which supports the conversion and re-use of appropriately located rural buildings in the countryside for employment-generating uses.
23. Policy SP7 - Non-residential Development in the Countryside of the Site Allocations and Policies DPD develops on, the broad guidance of Core Strategy Policy CS16. To accord with Policy SP7 the Council will need to be satisfied that new employment growth that comprises small scale new employment growth that supports the local economy or communities. The policy is clear that any proposed use should be appropriate to its location and in particular should not generate significant traffic movements in unsustainable locations.
24. Policy CS16 strategy aim is to support the economy of rural areas, economic development in the countryside should be of a scale and type that reflects its

surroundings. This is reinforced by Policy SP7, non-residential development in the countryside. This Council will need to be satisfied that the conversion and re-use of the buildings are appropriately located.

25. This proposal is for the change of use from agricultural to E(g)(iii) with the conversion of existing buildings and new build outside the planned limits of development for Manton. This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy 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.
26. Policy SP7 also states that the conversion and re-use of vacant rural buildings for employment uses will be permitted if the building is a permanent structure capable of being converted without major reconstruction and the proposal respects the form and character of the existing building. The replacement of a rural building with a new building for employment use will only be permitted where the building to be replaced is of permanent design and construction and there would be significant environmental gain from the replacement of the building in terms of improvements to visual amenity, landscape impact, sustainability or pollution prevention, or the replacement building would significantly improve the setting of a listed building or an area of high landscape or conservation value.
27. Proposals for the replacement of a rural building in the countryside will only be permitted provided the existing building is completely removed. A replacement building must be similar in size and scale to the building that is being replaced and of a design that would be appropriate to the character or appearance of the surrounding area. The replacement building must occupy the site of the original building unless an acceptable significantly less visually intrusive alternative site is available. In both cases the type and scale of the proposed use must be appropriate to its location; in particular the use should not generate significant traffic movements in unsustainable locations and should not conflict with neighbouring uses. Any associated external storage, parking and other associated paraphernalia must not appear visually intrusive in the landscape
28. Overall the proposed development will result in a modest reduction of 14.1sqm in the total built floor space on the site. The new build element of the scheme is no higher than the existing buildings on site. Overall it is therefore considered that the new build and refurbishment of the existing buildings will enhance the visual amenity of the site and bring new life into the existing farm buildings on the site.
29. The Local Highway authority has raised no objections to the scheme and it is considered that the proposals will not result in a significant increase in traffic in the area.
30. It is considered that the proposed development would develop on the original farm layout and that the scale of the proposal and the amount of new build is acceptable in principle and complies with the relevant policies of the adopted Development Plan.

Impact of the use on the character of the area

31. The proposed scheme seeks to retain and convert a number of the existing buildings and construct a new workshop to replace part of an existing building. Overall there will be a modest reduction on the total amount of floor space on the site. The ridge height of the proposed new building is proposed to be approximately 0.8m higher than that of the existing building to be replaced. It is therefore considered that there will not be any significant adverse visual effects from the proposed development when considered against the existing buildings on site.
32. Conditions have been proposed to require details of additional landscaping and to secure details of any lighting scheme for the site to ensure that the development does not have a detrimental impact on this rural countryside location.
33. It is considered that the refurbishment of the existing buildings and the new workshop will enhance the appearance of the site and will not result in the site being any more prominent in that landscape than it already is.

Impact on the neighbouring properties

34. The application site shares its eastern boundary with a neighbouring residential property. Concern has been raised about the impact of the development on this property and those further afield.
35. It is considered that the proposed conditions will ensure that the proposed development does not result in any adverse impact on the occupiers of the neighbouring property. The proposed conditions will provide more control over the site than if it were to remain in its existing agricultural use.

Highway issues

36. The local highway authority has been consulted on the proposed development and subject to the attached conditions has raised no objections to the proposed development. The proposed access and parking provisions comply with the Council's adopted policies and are therefore acceptable in planning terms.

Levels

37. It is proposed to reduce part of the southern section of the site around the location of the new build element and the area shown for car parking. Conditions requiring full details of the levels change are proposed to be attached to any permission. A slight reduction in the levels in this location will have no adverse impact on the visual amenity of the area, drainage or residential amenity.

Noise / Dust / Pollution

38. Conditions have been proposed in order to control and mitigate any potential impacts from noise or dust from the proposed operations at the site. The Council's Environmental Health Officer has raised no objections but included conditions relating to hours of operation, sound limits, control over light pollution, dust and ventilation controls and waste management controls. There are also controls attached in relation to contaminated land and the detailed design of the drainage field.

39. All of the above controls will ensure that the development does not adversely impact the character of this countryside location or adversely impact residential amenity of nearby neighbours.
40. In addition to the above controls it is also proposed to make any permission personal to Willowbrook Education Ltd in order to ensure that there are no future changes of use without the planning authority having the opportunity to consider the impacts of such changes.
41. Concerns have also been raised with regard to the accuracy and validity of the supporting noise assessment. The Council's Environmental Health Officer has considered the objections and advised that the criticisms are flawed as they are based on the extract system been located on the façade of the building facing the adjacent garden rather than its proposed location on the side protected by the roof line that would act as a barrier and the reflection of the sound that would cause. The EHO has advised that having visited the current site, the sound is inaudible on the façade away from the extract system and would not be audible near the neighbouring house.

Ecology

42. Concern has been raised about the impact of the development on the local wildlife and ecology and Rutland Water. The Council's Consultant Ecologist has reviewed the Extended Phase 1 Habitat Survey produced by CBE Consulting. They have advised that the habitats within the site have minimal ecological value with the majority of the area consisting of hardstanding, and the rest of the areas amenity grassland and introduced shrubs. There is evidence of nesting birds on site (sparrows and swallows), and there is potential for reptiles in the site boundaries. There is a record of a great crested newt within 500m of the site boundary; however, given the habitats on site, it is unlikely that they will be present. They have therefore raised no objections to the proposed development subject to a mitigation and enhancement strategy being agreed before the development takes place.
43. Natural England has raised no objections to the proposed development where the foul discharge is drained to a biological treatment plant and drainage field. Securing this by condition as suggested by the applicant would be suitable. Natural England have further advised that where a drainage field is implemented and maintained for the life of the development there will not be an adverse effect on the integrity of Rutland Water SSSI and Ramsar site.

Community Infrastructure Levy

42. Notwithstanding any specific requests from consultees for contributions to be paid towards infrastructure provision, should permission be granted for this development payments made towards provision of infrastructure from the Community Infrastructure Levy must be approved separately by the Council as CIL collecting authority.

Section 106 Heads of Terms

43. Not applicable

Crime and Disorder

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

Human Rights Implications

45. 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.
46. It is considered that no relevant Article of that act will be breached.

Consultations

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)

47. Archaeology Thank you for your consultation on the above planning application.

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).
48. CPRE Submitted on behalf of
CPRE RUTLAND BRANCH
It is noted that the application site is located immediately adjacent to the boundary of the designated Rutland Water Area and beyond the planned limits of the village of Manton in open countryside. Rutland Water is an internationally important area for nature conservation. Rutland Local Plan, in the section relating to Rutland Water, states that the existing policy approach has been largely successful in protecting the nature conservation interests of the reservoir and retaining the unspoilt and tranquil nature of the area. It is accepted that Policy CS16 of the Rutland Core Strategy DPD supports conversions and re-use of appropriately located and suitably constructed rural buildings in the countryside for employment generation uses where they would assist in the retention of existing rural businesses, but the proviso is that they should have little adverse environmental impact. Similarly, support is given in the Site Allocations and Policies DPD for a rural enterprise which comprises small scale alterations or extensions. Although it is proposed to incorporate materials sympathetic to a rural location, it would appear from the submitted plans that this proposal, requiring over 1000 square metres of new floor area, cannot be considered small in scale and, consequently, would impact on local amenity by reason of noise, dust, light and traffic movements.
Whilst the current proposal is just beyond the designated boundary of the Rutland Water Area, the activity within the site has the potential to disrupt the tranquillity of a wider area adversely impacting on wildlife and the appearance of the countryside. The need for lighting until late at night and the warning noise of reversing commercial vehicles can be particularly intrusive.
For these reasons CPRE considers that the proposed scheme is not in accordance with planning policy relating to development in the

countryside and would have an adverse impact in this sensitive rural location so close to Rutland Water SSSI, SPA and Ramsar site.

49. Design Officer
Policy

Existing buildings on site already and on adjacent site. Impact of new buildings limited when compared to what is there now. Existing hedges should be enhanced where possible and new hedges and trees should be added to the plans to help soften the scheme within this rural setting. A clearer landscape plan would be helpful in communicating this - and illustrating existing and new landscape.

The Design and Access Statement is successful in illustrating that the design process has been followed. Further study and illustration of the key views towards the site and the changes within these views would help further in demonstrating before and after changes / impacts.

50. Ecology Unit

Comments 10.11.2022

Apologies for the delay in the response. I have reviewed the Extended Phase 1 Habitat Survey produced by CBE Consulting. The habitats within the site have minimal ecological value with the majority of the area consisting of hardstanding, and the rest of the areas amenity grassland and introduced shrubs. There is evidence of nesting birds on site (sparrows and swallows), and there is potential for reptiles in the site boundaries. There is a record of a great crested newt within 500m of the site boundary; however, given the habitats on site, it is unlikely that they will be present.

I therefore recommend that the following Condition is attached to any permission:

o No development shall take place until a mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. This should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023). Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Comments 7.2.2023

I have reviewed the revised plans and ecology reports and there are not many changes from an ecology perspective.

I recommend that the condition is changed to the following:

o No development shall take place until a mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. This should expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, V2 January 2023). Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Comments 19.10.2023

As only measurable biodiversity net gain is required at this time (as per the NPPF requirements) in theory only 1% biodiversity net gain is necessary which gives some flexibility on the 9% already proposed.

I'm not massively concerned about the buildings as they were assessed as having negligible bat roosting potential around 15 months ago (and I believe a site visit was carried out about 10 months ago). The applicants legal obligations for bat remains regardless of planning decisions. To alleviate concerns the ecologist could update the report to state when they feel that the bat data is valid until and when an updated survey is required.

51. Forestry Officer
(Arbortrack)

No objections

52. Highways

Comments 21.09.2023

The LHA note the considerable reduction in GIA and associated parking, of which is in accordance with local plan policy. There are no changes to the previously accepted access arrangements and adequate turning is still provided. As such, the LHA raise no objection subject to the previously recommended conditions and informatives provided on the 6th April 2023.

No Objections if built in accordance with Drawing 8569_03_01 - REV 2 and subject to conditions.

The proposed development subject to the end user being limited to Willowbrook Education Ltd. Willow Education Ltd, is an established business and has provide existing/predicted trip rates and HGV movements from the site. These are acceptable to the LHA and will not have an impact on the adopted highway.

Conditions;

Parking and Turning

Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the units

S278 Highways Works

Prior to occupation the offsite highway works need to be completed in full. This includes widening off the access, a small section of footpath and informal pedestrian crossing facilities.

Construction Management Plan

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 of a fully working

jettied drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, 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) Details of the site enclosure or part thereof and gated site security.

j) A scheme for dealing with complaints.

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

Informative:

Off-site Highway Works ' Section 278 Highways Act 1980

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.

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.

53. Manton Parish Council

Comments 19.10.2022

Manton Parish Council is very concerned about several aspects of this application to change the use of this property in open country from agricultural to industrial use and wish to object to this Planning Application. A summary of the Parish Council's concerns is set out below:

1. Real danger of accidents on this stretch of road (60mph) by both HGVs, and associated new business traffic, including entrance to proposed new business, roundabout at Lyndon Road/ Chater Close, continuing on Lyndon road through village, and exit onto junction on A6003. A number of accidents have occurred in these locations including a collision with a vehicle driven by the former owner of the Pheasants' Roost while turning into his entrance.
2. MPC seek clarification of numbers of vehicles, both day and evening, using proposed business to give an accurate assessment of new traffic volumes which appear to be understated in the documentation on the portal.
3. No on-site lighting has been identified, both security and commercial, to facilitate requirement to operate the business in compliance with legislation; its impact on residents and wildlife locally and in neighbouring areas including Rutland Water has not been assessed.
4. Concern about noise levels including HGVs, industrial equipment and extraction facilities from workshops and the impact on residents, tourism and wildlife.
5. Recommendation that other agencies be consulted (if not already done) including Natural England, Leicestershire and Rutland Wildlife and Anglia Water.

In addition to the above the Parish Council also indicated that there were local concerns raised by residents relating to - problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

In summary the following concerns, which were strongly felt, were raised by residents if this Application were granted:- problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

The Parish Council also provided a copy of the Ward Members request for the application to come to the planning committee. The reasons for the request are set out below:

Material planning considerations:

The site is a designated agricultural site adjacent to the designated Rutland Water Area in open countryside. The site is adjacent to one of the most popular tourist attractions: the Rutland Water multi-use track. The site is located between the Lyndon and Egleton visitor centres in the internationally famous SSSI, SPA and RAMSAR nature reserve. There are many material planning considerations with this application. These are:

A) The application contravenes many of RCC's core strategies and planning policies:

1. RCC Policies CS4, CS19 and SP15: a. The conclusion of RCC's Planning Policy Officer as shown in the documents on the Planning Portal (Dated 5 April 2023) is that "Overall, this proposal is contrary to Countryside policies of the Local Plan". She cites that the application contravenes policies CS4, CS19 and SP15.

2. RCC Policy CS4: a. The proposal contravenes policy CS4 ("Development in the Countryside will be strictly limited to that which has 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 housing needs.")

b. This business has operated very successfully on an industrial estate for many years so it is difficult to see how it now has an essential need to be in the countryside which is the first and over-riding test in CS4.

c. The site is not located adjacent or close to a town or local service centre and would rely solely on car use generating additional traffic in the villages of Manton and Edith Weston. The resultant increased commercial vehicle movements including HGV deliveries and large delivery vans to transport finished items are contrary to CS4.

3. RCC Policies CS19, SP15, CS16 (f), CS16 (d), CS16 (e): a. The scale of the site is large. The majority of the existing farm buildings will be demolished and replaced with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16 (f).

a. The scale of the site is large. The majority of the existing farm buildings will be demolished with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16(f)

b. The application doesn't meet CS16 (d) as it is introducing a new use in the countryside rather than expanding and safeguarding an existing use.

C It is contrary to CS16 (e) as it is outside the planned limits of development for Manton and is not considered appropriate development in the open countryside.

4. RCC Policy CS24:

a. CS24 states that "Outside the five defined recreation areas, new development will be restricted to small scale development for

recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape." The proposal does not appear to fit into any of the defined categories nor meet the requirement in terms of scale and impact on the landscape.

b. In para 3.16 of the 2019 Landscape Review of the Rutland Water Area commissioned by RCC and undertaken by Bayou Blue Environment it is noted that the RCC has developed policies (CS24) for the Rutland Water area and adjoining land.

c. In para 3.19 of the 2019 Landscape Review of the Rutland Water Area it notes that any development "will need to respect the character of this sensitive countryside location".

5. RCC Policy SP15:

a. The operating hours proposed, 0700 to 2300, are contrary to SP15 (c) in that they do not protect the amenity of the wider environment in respect of emissions and the disturbance of increased commercial traffic which according to the application will be early in the morning for the HGV deliveries and in the evening to late at night for the fleet of large delivery vans.

b. RCC Environmental Health have recommended Monday to Friday operating hours for manufacturing and deliveries of 7:30 - 19:00, Saturday 8:00 - 14:00 with no Sunday or Bank Holiday working. It is not clear whether these conditions will be imposed if the application is accepted and that the term deliveries should include delivery vans leaving the premises as well as HGV's delivering to the premises.

c. Emissions are defined in (SP15 (c)). No extractor manufacturer will claim 100% efficiency for the removal of particulates from the air. It is likely that the processes involved in furniture manufacture will generate volumes of visible dust but also "inhalable particulates" and "fine inhalable particulates" which can get deep into the lungs and bloodstream leading to heart attacks and lung problems. With the prevailing South Westerly wind, the spread of particulates will affect the Round Rutland Water track adjacent to the site, the newly opened Garden Centre including the restaurant with outdoor seating and the designated Rutland Water Area and SSSI. With an East wind it will blow across Manton with the first point of contact being the newly refurbished children's playgrounds and the allotments. There appears to be nothing in the public documents examining emissions from the current factory or the specification of the extractors proposed.

d. The immediate next-door neighbour whose house and land ("Wellfield") closely adjoins the proposed site will suffer a loss of amenity in respect of noise, light pollution and emissions contrary to SP15. They will suffer significant loss of light as a result of tall buildings erected close to their boundary contrary to SP15.

6. RCC Policy SP17: a. SP17 deals with outdoor lighting. The proposed development includes staff parking, HGV parking and turning and a loading area for the fleet of large vans. Whilst not fully specified it is clear that health and safety considerations will dictate the inclusion of outdoor lighting.

b. It is likely that this will be contrary to SP17(a): detracting from the character of the countryside at night and polluting the night sky.

c. SP17 (f) and (h) are also likely to be infringed.

B) The application contravenes the National Policy Planning Framework where it states:

1. NPPF Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

2. NPPF Para 190: Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a. the desirability of new development making a positive contribution to local character and distinctiveness,
b. The site on land adjoining the designated Rutland Water Area falls into the category of "valued landscape" in the 2019 Landscape Review of the Rutland Water Area (see next paragraph). The proposal does not protect and enhance the landscape nor recognise the character and beauty of the countryside. This is contrary to SP23.

3. NPPF Para 174: a. Natural England (noting NPPF para 174) states that where the impacts of development are likely to be significant a Landscape and Visual Impact Assessment should be provided. Contrary to this requirement there does not appear to be any such assessment included in the public documents.

C) Other considerations:

1. 1. Highways Assessment - Speed of Traffic: a. The road on which Pheasants' Roost is situated is prone to frequent excessive speeding and has been the scene of a number of accidents and near misses.
2. b. In discussion with RCC Highways we discovered that at least one of these (at the entrance to Pheasants' Roost involving the previous owner of the property) has not been recorded in the Police Database used by highways. This accident was attended by the police and ambulance/air ambulance and involved serious injury. We have recently contacted the Police and Crime Commissioner who has escalated the matter to the Neighbourhood Policing Area Commander of Leicestershire Police.
3. c. The highways assessment will therefore have been undertaken with incomplete data.

Why does the application need to be debated by the Planning Committee?

1. As has been demonstrated the application is contrary to many of the planning policies adopted and utilised by RCC. The contravention of these policies should be sufficient reason for the application to be decided by the Committee.

2. The application has received a very large number of objections, particularly from Manton, Wing and Hambleton but also from regular

tourists who are familiar with the area and are concerned at the prospect of a factory development. The application is massively unpopular with Manton residents. For such a high profile issue the planning process would not be sufficiently transparent and democratic if it was decided by officers "behind closed doors".

3. RCC should be applauded for initiating the "Future Rutland Vision". One conclusion of this strategic vision was that: "Rutland is a special place because of the people who live here and a rural charm that goes right to the heart of the county's identity. The relationship that people in Rutland have with each other and the countryside around them has created tight-knit communities that value peace, security and togetherness. This is a source of real pride for those who call the county home, as well as something to be celebrated and preserved for current and future generations." The Future Rutland Vision also states: "The overriding aim is to make the Future Rutland Vision central to every plan and big decision that's made in the county, to bring about positive change. Everything that is done to achieve the goals set out in the Vision will also help to create a strong and distinctive brand for the county. An identity that puts Rutland on the map, gains national recognition and helps to generate investment that benefits businesses and communities." These statements need to be fulfilled by RCC and lived by the residents of Rutland.

4. The applicant has reportedly not made any efforts to engage with the residents of Wellfield (next-door neighbour), nor the residents of Manton, nor Manton Parish Council. Accordingly, no attempt has been made to mitigate the issues raised concerning the application. This is a lost opportunity which should be corrected.

For this application not to be decided by the Planning & Licensing Committee would be a demonstration that the published policies and strategies of RCC can be disregarded without public debate whenever it is convenient to do so.

Comments 20.1.2023

MPC once again strongly object to this Planning Application notwithstanding the "revised" plans which we believe do not change the basis of our objections to the previous two Applications. This application is of County-wide significance as the granting of planning permission in this case could create a precedent which would open the door to further industrial development on agricultural land in Rutland's open countryside. Therefore our previous comments objecting to both previous Applications still stand. We note that CPRE have concluded that "the proposed scheme is not in accordance with planning policy relating to development in the countryside and would have an adverse impact in this sensitive rural location so close to Rutland Water SSSI, SPA and Ramsar site." We also note that despite Natural England's requirement (NPPF para 174) for a Landscape and Visual Impact Assessment no such assessment appears to have been undertaken.

At an Extraordinary Parish Council Meeting on 16th October many

residents addressed Council and an extract from our "Public Participation" Agenda Item is minuted as follows:-

In summary the following concerns, which were strongly felt, were raised by residents if this Application were granted:- problem with dust extraction and dealing with solvents, road safety issues from significant traffic increase, site vehicular access for HGVs, intrusive lighting system, sewage disposal for employees, lack of evidential data on noise assessment. It was also strongly felt that there had been no consultation either with residents or the Parish Council and the whole Application appears to contravene many RCC core strategies and Planning Policies. A resident asked if a site visit by RCC Planning Committee could be requested.

In addition, the minutes of the meeting record supporting comments from Parish Councillors on the objection to this Application:-

A Councillor questioned the assertion that no other suitable premises are available for commercial development in Rutland at the time of this latest application. Also felt that a manufacturer of furniture for the national market could not be considered a benefit to the rural economy. The fact that the furniture is used in schools does not seem relevant in the context of core strategy CS4.

A Councillor highlighted adverse effect on tourism (NPPF para 174), higher traffic volumes (SP15), site lighting issues (SP17), dealing with waste products (SP15) and lack of engagement with residents.

A Councillor endorsed all the above comments and questioned the validity of the data presented in the application as accurate evidence as highlighted by the objection lodged by the immediate neighbour to the site.

In August document requesting this Application should be determined by the Planning and Licensing Committee was sent by our Ward Councillors to RCC's Development Control Manager and the Chair, Planning & Licensing Committee. Please find below a copy of this document which highlights the many RCC Strategies and Policies contravened by this Application and concludes that, if not heard in public, RCC would not be allowing proper public scrutiny of the decision making process on such a contentious issue. The request was granted.

To:

- Development Control Manager, RCC
- Chair, Planning & Licensing Committee, RCC

28th August 2023

MEMBER REFERRAL SCHEME:

PLANNING APPLICATION REF: 2022/1111/MAF

Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements.

Manton Parish Council, Wing Parish Council and many residents of Manton object to this application and have made strong representations to the Ward Councillors.

Accordingly, the Ward Councillors for Braunston & Martinsthorpe Ward wish to reflect this local opinion and request that this application is determined by the Planning & Licensing Committee for the following reasons:

Material planning considerations:

The site is a designated agricultural site adjacent to the designated Rutland Water Area in open countryside. The site is adjacent to one of the most popular tourist attractions: the Rutland Water multi-use track. The site is located between the Lyndon and Egleton visitor centres in the internationally famous SSSI, SPA and RAMSAR nature reserve. There are many material planning considerations with this application. These are:

A) The application contravenes many of RCC's core strategies and planning policies:

1. RCC Policies CS4, CS19 and SP15: a. The conclusion of RCC's Planning Policy Officer as shown in the documents on the Planning Portal (Dated 5 April 2023) is that "Overall, this proposal is contrary to Countryside policies of the Local Plan". She cites that the application contravenes policies CS4, CS19 and SP15.

2. RCC Policy CS4: a. The proposal contravenes policy CS4 ("Development in the Countryside will be strictly limited to that which has 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 housing needs.")

b. This business has operated very successfully on an industrial estate for many years so it is difficult to see how it now has an essential need to be in the countryside which is the first and over-riding test in CS4.

c. The site is not located adjacent or close to a town or local service centre and would rely solely on car use generating additional traffic in the villages of Manton and Edith Weston. The resultant increased commercial vehicle movements including HGV deliveries and large delivery vans to transport finished items are contrary to CS4.

3. RCC Policies CS19, SP15, CS16 (f), CS16 (d), CS16 (e): a. The scale of the site is large. The majority of the existing farm buildings will be demolished and replaced with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16 (f).

a. The scale of the site is large. The majority of the existing farm buildings will be demolished with larger and taller buildings which will be much more prominent in the landscape contrary to CS19 and SP15 and not materially complying with CS16(f)

b. The application doesn't meet CS16 (d) as it is introducing a new use in the countryside rather than expanding and safeguarding and existing use.

C It is contrary to CS16 (e) as it is outside the planned limits of development for Manton and is not considered appropriate development in the open countryside.

4. RCC Policy CS24:

a. CS24 states that "Outside the five defined recreation areas, new development will be restricted to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact

on the landscape." The proposal does not appear to fit into any of the defined categories nor meet the requirement in terms of scale and impact on the landscape.

b. In para 3.16 of the 2019 Landscape Review of the Rutland Water Area commissioned by RCC and undertaken by Bayou Blue Environment it is noted that the RCC has developed policies (CS24) for the Rutland Water area and adjoining land.

c. In para 3.19 of the 2019 Landscape Review of the Rutland Water Area it notes that any development "will need to respect the character of this sensitive countryside location".

5. RCC Policy SP15:

a. The operating hours proposed, 0700 to 2300, are contrary to SP15 (c) in that they do not protect the amenity of the wider environment in respect of emissions and the disturbance of increased commercial traffic which according to the application will be early in the morning for the HGV deliveries and in the evening to late at night for the fleet of large delivery vans.

b. RCC Environmental Health have recommended Monday to Friday operating hours for manufacturing and deliveries of 7:30 - 19:00, Saturday 8:00 - 14:00 with no Sunday or Bank Holiday working. It is not clear whether these conditions will be imposed if the application is accepted and that the term deliveries should include delivery vans leaving the premises as well as HGV's delivering to the premises.

c. Emissions are defined in (SP15 (c)). No extractor manufacturer will claim 100% efficiency for the removal of particulates from the air. It is likely that the processes involved in furniture manufacture will generate volumes of visible dust but also "inhalable particulates" and "fine inhalable particulates" which can get deep into the lungs and bloodstream leading to heart attacks and lung problems. With the prevailing South Westerly wind, the spread of particulates will affect the Round Rutland Water track adjacent to the site, the newly opened Garden Centre including the restaurant with outdoor seating and the designated Rutland Water Area and SSSI. With an East wind it will blow across Manton with the first point of contact being the newly refurbished children's playgrounds and the allotments. There appears to be nothing in the public documents examining emissions from the current factory or the specification of the extractors proposed.

d. The immediate next-door neighbour whose house and land ("Wellfield") closely adjoins the proposed site will suffer a loss of amenity in respect of noise, light pollution and emissions contrary to SP15. They will suffer significant loss of light as a result of tall buildings erected close to their boundary contrary to SP15.

6. RCC Policy SP17: a. SP17 deals with outdoor lighting. The proposed development includes staff parking, HGV parking and turning and a loading area for the fleet of large vans. Whilst not fully specified it is clear that health and safety considerations will dictate the inclusion of outdoor lighting.

b. It is likely that this will be contrary to SP17(a): detracting from the character of the countryside at night and polluting the night sky.

c. SP17 (f) and (h) are also likely to be infringed.

B) The application contravenes the National Policy Planning Framework

where it states:

1. NPPF Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

2. NPPF Para 190: Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a. the desirability of new development making a positive contribution to local character and distinctiveness,
b. The site on land adjoining the designated Rutland Water Area falls into the category of "valued landscape" in the 2019 Landscape Review of the Rutland Water Area (see next paragraph). The proposal does not protect and enhance the landscape nor recognise the character and beauty of the countryside. This is contrary to SP23.

3. NPPF Para 174: a. Natural England (noting NPPF para 174) states that where the impacts of development are likely to be significant a Landscape and Visual Impact Assessment should be provided. Contrary to this requirement there does not appear to be any such assessment included in the public documents.

C) Other considerations:

1. 1. Highways Assessment - Speed of Traffic: a. The road on which Pheasants' Roost is situated is prone to frequent excessive speeding and has been the scene of a number of accidents and near misses.
2. b. In discussion with RCC Highways we discovered that at least one of these (at the entrance to Pheasants' Roost involving the previous owner of the property) has not been recorded in the Police Database used by highways. This accident was attended by the police and ambulance/air ambulance and involved serious injury. We have recently contacted the Police and Crime Commissioner who has escalated the matter to the Neighbourhood Policing Area Commander of Leicestershire Police.
3. c. The highways assessment will therefore have been undertaken with incomplete data.

Why does the application need to be debated by the Planning Committee?

1. As has been demonstrated the application is contrary to many of the planning policies adopted and utilised by RCC. The contravention of these policies should be sufficient reason for the application to be decided by the Committee.

2. The application has received a very large number of objections, particularly from Manton, Wing and Hambleton but also from regular tourists who are familiar with the area and are concerned at the prospect of a factory development. The application is massively unpopular with Manton

residents. For such a high profile issue the planning process would not be sufficiently transparent and democratic if it was decided by officers "behind closed doors".

3. RCC should be applauded for initiating the "Future Rutland Vision". One conclusion of this strategic vision was that: "Rutland is a special place because of the people who live here and a rural charm that goes right to the heart of the county's identity. The relationship that people in Rutland have with each other and the countryside around them has created tight-knit communities that value peace, security and togetherness. This is a source of real pride for those who call the county home, as well as something to be celebrated and preserved for current and future generations." The Future Rutland Vision also states: "The overriding aim is to make the Future Rutland Vision central to every plan and big decision that's made in the county, to bring about positive change. Everything that is done to achieve the goals set out in the Vision will also help to create a strong and distinctive brand for the county. An identity that puts Rutland on the map, gains national recognition and helps to generate investment that benefits businesses and communities." These statements need to be fulfilled by RCC and lived by the residents of Rutland.

4. The applicant has reportedly not made any efforts to engage with the residents of Wellfield (next-door neighbour), nor the residents of Manton, nor Manton Parish Council. Accordingly, no attempt has been made to mitigate the issues raised concerning the application. This is a lost opportunity which should be corrected.

For this application not to be decided by the Planning & Licensing Committee would be a demonstration that the published policies and strategies of RCC can be disregarded without public debate whenever it is convenient to do so.

Thank you,

Ward Councillors, Braunston & Martinsthorpe Ward

54. Natural England

Has no objection where the Foul discharge is drained to a biological treatment plant and drainage field. Securing this by condition as suggested by the applicant would be suitable.

We also welcome the inclusion of a Biodiversity Net Gain assessment, but have no specific comments on this.

55. NHS Leicester,
Leicestershire &
Rutland CCG

No Objections

56. Public
Protection

Removed holding objection:

2022/1111/MAF | Change of use from agricultural to E(g)(iii) business to facilitate relocation of Willowbrook Education Ltd. Conversion of existing buildings, adaption and new build elements including new yard and parking areas with access improvements. | Pheasants Roost Lyndon Road Manton Rutland LE15 8RN

The 3 main controls of adverse impact of noise on the amenity will be the design and layout of the site; the hours of operation and the setting of sound limits. There should be also be an additional condition to control amplified music on site.

Design and Layout of the Site

I am satisfied if the development is undertaken in accordance with latest acoustic report November 2023 PRLM -BSP-ZZ-XX-RP-C-001-P03 Environmental Noise Assessment, which includes drawings of the acoustic screen, position of extractors and location of the various manufacturing processes then the development will not significantly impact on the adjacent premises. The applicant will need to demonstrate that the extract equipment and associated sound proofing meets the sound limits within the noise report, unless agreed with Local Planning Authority.

Hours of Operation

I would recommend that the planning officer condition operating hours to control the impact of noise which should include: the times of delivery, manufacturing and site operation to safeguard the amenity of the area.

I would set different times for potentially noisier activities like manufacture and deliveries from the operation of the offices, which are unlikely to cause a disturbance. For manufacturing in the premises, storage and deliveries to and from it, I would recommend 07:30-19:00 Mondays to Friday inclusive; with offices from 07:30 to 21:00 Monday to Friday. On Saturday I would set operating times of 08:00-14:00 for manufacturing; storage; deliveries and offices. I would recommend the premises are closed during Sundays and Bank Holidays.

Sound Limits Condition

A maximum rating level of $41\text{dB}_{\text{LA}, 1\text{hour}}$ shall not be exceeded at the nearest building used for residential purposes from noise emitted from industrial and manufacturing process; fixed plant and equipment (mechanical and electrical); loading and unloading of goods (industrial and/or commercial) located on this site. This rating level has been set so as not exceed the existing background level $41\text{dB}_{\text{LA90}}$ measured at the site when assessed in accordance with BS 4142:2014+A1(2019). Prior to installation and operation, the full details of the make, model, location, sound power level and frequency spectrum data of any mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The information will demonstrate that the mechanical plant is in compliance with the noise levels specified in this condition. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents in accordance with Policy Rutland Local Plan and paragraph 191 (a) of the National Planning Policy Framework (2023).

Amplified Music. Any amplified music being played should be inaudible on the boundary of the premises.

Control of Obtrusive Light Pollution from External Lighting

The lighting scheme should meet the E2 environmental zone as prescribed by the Institute of Lighting Professionals: Guidance Note

01/21. This requires a lighting professional to assess the whole lighting scheme for the entire development and confirm it meets the E2 standard on obtrusive light once installed.

Ventilation and Dust Control

Local Exhaust Ventilation (LEV): Install LEV systems at woodworking machines to capture dust at the source. Properly designed and maintained LEV helps prevent dust from becoming airborne. Ensure that hoses and connections are secure and leak-free.

Vacuum Cleaning Equipment: Use vacuum cleaners that meet at least the dust class M (medium hazard) classification. Regularly maintain and check the efficiency of these cleaning systems.

Process Optimization: Adopt work methods that minimize dust generation. For example, consider using tools with built-in dust collection features or modifying cutting techniques to reduce dust.

Waste Control and Management

Sufficient Bins, Skips, or Cages: Ensure that adequate bins, skips, or cages are available for waste, refuse, and rubbish. Regularly empty these containers to prevent overflow and maintain cleanliness.

Designated Containment Area: Any refuse or waste that cannot go into bins, skips, or cages should be contained in a designated area. This area can be fenced off to prevent unauthorized access and ensure proper waste management.

Secure Containment for Specific Materials:

Flammable Materials: Store flammable materials away from other items and protect them from accidental ignition.

Storage at Height: If materials are stored at height (e.g., on top of a container), ensure necessary guardrails are in place to prevent falls during stacking or collection.

Tidiness: Keep all storage areas tidy, both within the main compound and on the site itself.

Deliveries: Plan deliveries to minimize the amount of materials on site at any given time.

Secondary Containment (Bunds): Prevent run-off from waste storage areas entering surface waters or drains by: Storing waste under cover on an impermeable surface with a bund. A bund acts as a secondary containment area that holds liquids if the main containers leak or break. Ensuring that the site is secure with functioning locks, gates, and perimeter fences.

Phased Contaminated Site Investigation.

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.

The Design of Drainage Field for Foul Water

The design and installation of a drainage field must comply with:

- a) BS 6297:2007+A1:2008;
- b) Building regulations;
- c) Environmental regulation

57. Wing Parish Meeting

Comments 29.08.2023

Wing Parish Council has reviewed the amended application and OBJECTS. The previous reasons given for objection have not changed.

Comments 9.10.2023

Wing Parish Council have reviewed the revised application and reiterate the points we made in our original objection. In addition Wing Parish Council makes the further following objections:

The application states that there are currently 45 employees and only 37 parking spaces so car parking is already over subscribed, and that is before an future potential expansion at the site (noting 50% reduction in build from pre-app)

This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy 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 it is not essential for this relocating business.

This proposal is outside the permitted development area of Manton

With all this in mind Wing Parish Council still strongly OBJECT to the proposed development

Comments 20.10.2023

Wing Parish Council OBJECTS to the planning application 2022/1111/MAF on the following grounds:-

- Visual impact to the north of Wing and intrusion into the Chater valley which is counter to the ambition of Wing Neighbourhood plan, together with the impact on the number of historically significant houses in Wing which face north. These views are considered to be worthy of protection following consultation with Wing Residents in the preparation of the Wing Neighbourhood Plan. These views will be significantly compromised by the size and scale of the proposed development in a very prominent position on the ridge of the North side of the Chater Valley. This is contrary to Planning Policy SP23. Additionally, whilst there may not be a Neighbourhood Plan applicable to the area of the proposed site, it DOES impact an adjoining Neighbourhood Plan (which is about to be submitted to the examiner) - that of Wing Parish. This proposal also contravenes Planning Policy SP7 as it is clearly detrimental to the appearance and character of the area, visual amenity and setting of nearby villages.

- Noise to the neighbours and across the valley to Wing - especially with dust extraction and wood cutting machinery.

- There are a number of industrial estates across Rutland that are more suitable, rather than building on this significant scale and impact in a rural setting. They would be far more suitable in terms of accommodation, brown field site use, less impact on the surroundings and better transport links. The argument that extensive searches for suitable land for this development have occurred and been fruitless is flawed as there is currently extensive industrial development occurring in Oakham off Land's End road and elsewhere.

- The transport assessment is noted. However, it is commissioned by the applicant and therefore considered to be biased in favour of the application. It is an extremely fast stretch of road with the high potential for serious collisions with LGV, cars and vans turning in and out of the site. A serious collision occurred approximately four years ago at the entrance to this site leaving a person with life changing injuries. The transport assessment also overstates the public transport infrastructure and cycling and walking to the site - inevitably most workers will use private vehicles. There will be many large vehicles accessing the site to supply raw materials and distribute finished goods. Given the intention of the company to expand - it is likely that the site will be even more extensive in the future with greater traffic volumes. The pre-app consultation resulted in a 50% reduction in new build.

- Light pollution across the Valley will be a significant issue as the drawings appear to have roof lights as well as other external lighting required for safe site operations. This is an area of outstanding natural beauty with currently low levels of light pollution - this will be significantly compromised by any development on this site, let alone significant industrial development.

- How are the proposed buildings being constructed in terms of sustainability or carbon zero? There is little information provided to reassure the public that no harm will be done to the environment by the construction and utilisation of the proposed buildings.

- This application does not meet policy CS16 section f - the reuse or conversion of suitably located and constructed rural buildings as the location is not adjacent to a town, large or small service centre -

Manton (as Wing) is not described in this way by RCC, and the buildings are clearly not suitably constructed or the application would not be for their demolition and construction of new buildings.

With all this in mind Wing Parish Council strongly OBJECT to the proposed development.

Wing Parish Council have reviewed the revised application and reiterate the points we made in our original objection. In addition Wing Paish Council makes the further following objections:
The application states that there are currently 45 employees and only 37 parking spaces so car parking is already over subscribed, and that is before an future potential expansion at the site (noting 50% reduction in build from pre-app)
This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy 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 it is not essential for this relocating business.
This proposal is outside the permitted development area of Manton

With all this in mind Wing Parish Council still strongly OBJECT to the proposed development

58. Mr Andrew Lunn

Edith Weston Parish Council strongly object to this application on the following grounds:

Increase in traffic along the Edith Weston to Manton Road, particularly with light and heavy good vehicles. These vehicles will be passing through our village if coming from the direction of the A1. The road is not suitable for HGV traffic, it forms part of the Rutland water cycle route, some of which is on this road and not a cycle path. Also we have seen an increase in traffic movement around the new garden centre on the same section of road as this proposal.

Its not a suitable site for an industrial unit of this size and will spoil the rural aspect of Manton and the surrounding countryside. Its not shown but we assume there will be night time lighting which will cause substantial light pollution to the area. This proposal should be considered as development in the countryside and subject to Core Strategy Policy CS4. This policy 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 it is not essential for this relocating business.

This proposal is outside the permitted development area of Manton.

Neighbour Representations

59. 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)

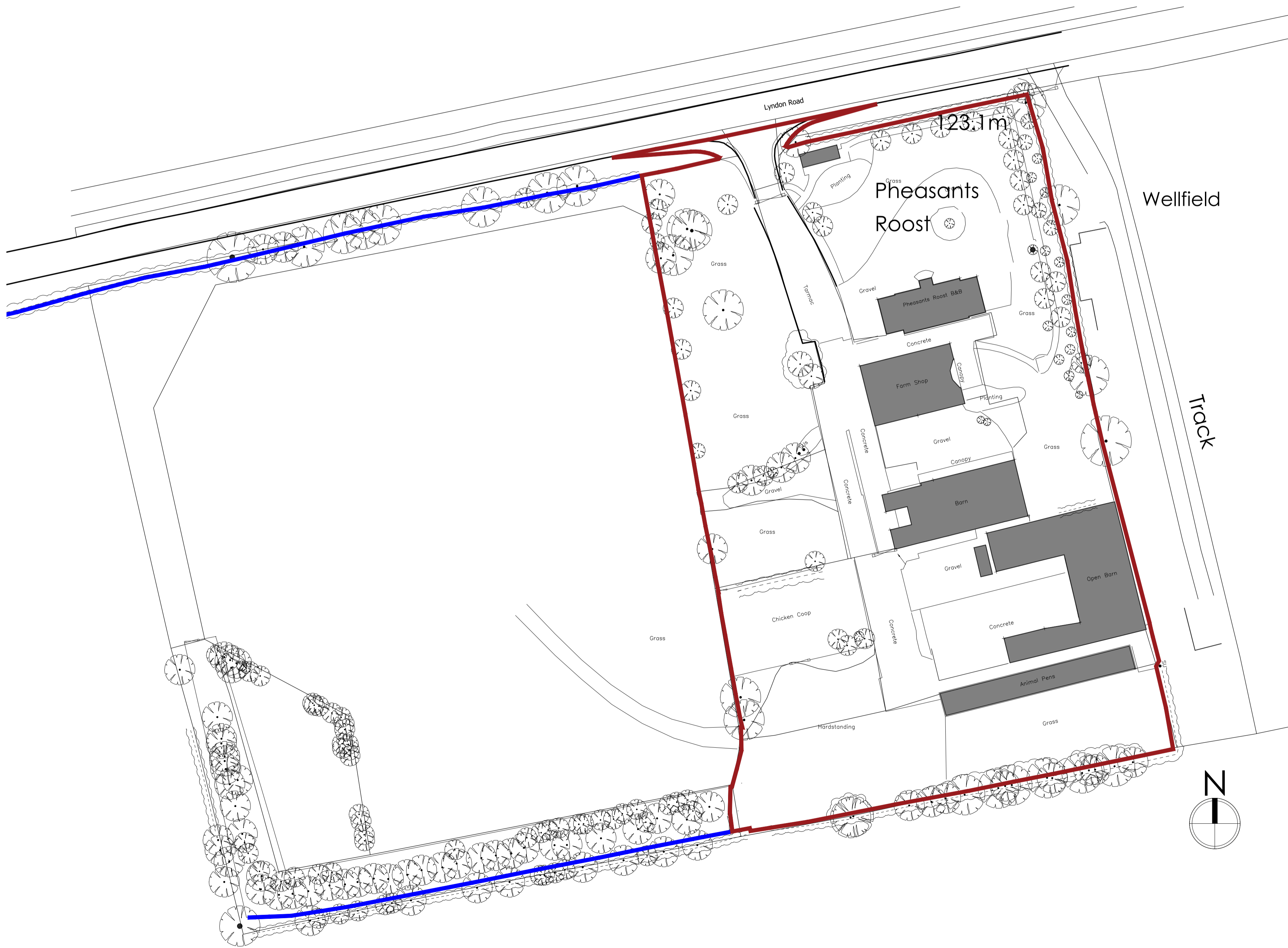
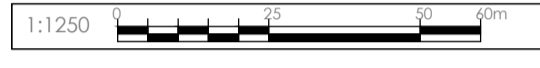
60. 42 Letters of objection were received from local residents and can be summarised as follows: (several people have sent in more than one letter)
- Brownfield land is land that has been previously developed; a definition of Brownfield Land can be found in Annex 2 of the National Planning Policy Framework. It is important to note that this definition excludes land and buildings in agricultural/forestry use and residential gardens.
 - Impact on wildlife and local environment,
 - Noise and light pollution,
 - Concerns about accuracy of noise assessment,
 - Visual impact in this countryside location,
 - Out of keeping with agricultural use of the area,
 - Highway safety including increase in traffic and adverse impact on cyclists,
 - Excessive scale of the development,
 - The application states it wishes to retain the caravan facility of 8 pitches. (There is currently only planning permission for 5 caravan/motor homes?) It further claims no loss to Manton tourism despite the loss of the b&b facility. If the proposed development went ahead would this really be a suitable place for campers to stay in such close proximity of a noisy factory with extensive operating hours and HGV's moving around the site?
 - Impact on tourism,
 - Concerns about impact on dark sky,
 - Lack of public transport,
 - To allow an industrial and manufacturing development on this scale on this site would be an appalling decision. Manton (and Wing) already have three nearby industrial sites (Manton Station, Lyndon, Anglian Water Treatment plants) serviced by many vans and large vehicles,
 - Potential surface water pollution,
 - Adverse impact on views across the Chater Valley,
 - Adverse visual impact on users of the public footpaths and bridleways,
 - Adverse impact on the setting of Rutland Water,
 - Oakham has a perfect area for businesses to locate and grow near business amenities - the area around Screwfix and M&S has been developed for this,
 - Concerns about scale and ridge height of proposed buildings,
 - Concerns about air pollution,
 - Detrimental impact on residential amenity,
 - Industrial development in this area will appear incongruous,
 - Contrary to policy and the Rutland Landscape Character Assessment,
 - Impact on water supply,
 - safety during construction,
 - Electricity supply,
 - Concerns about new landscaping and planting,
 - Refuse storage and sanitation and location of bin storage,
 - Adverse impact on tranquil countryside location,
 - This proposal is immediately next to the internationally famous Rutland Water SSSI, SPA and RAMSAR site, a sensitive location on which this proposal will have an adverse impact.
 - Adverse impact on trees in the garden of the neighbouring property

Conclusion

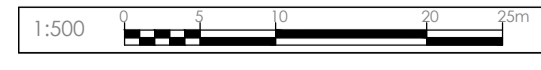
61. Based on the above information and subject to the proposed conditions it is considered that the proposed development complies with all relevant national and local planning policies and would not have an adverse impact on the character and appearance of this countryside location or on the residential amenity of nearby neighbours. Natural England has raised no objections to the proposal and subject to conditions it is considered that the development will not have an adverse impact on the local wildlife or Rutland Water SPA, SSSI, Ramsar site. The development is therefore recommended for approval.



LOCATION PLAN 1:1250



BLOCK PLAN 1:500



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Revision Notes:
Drawing Status:

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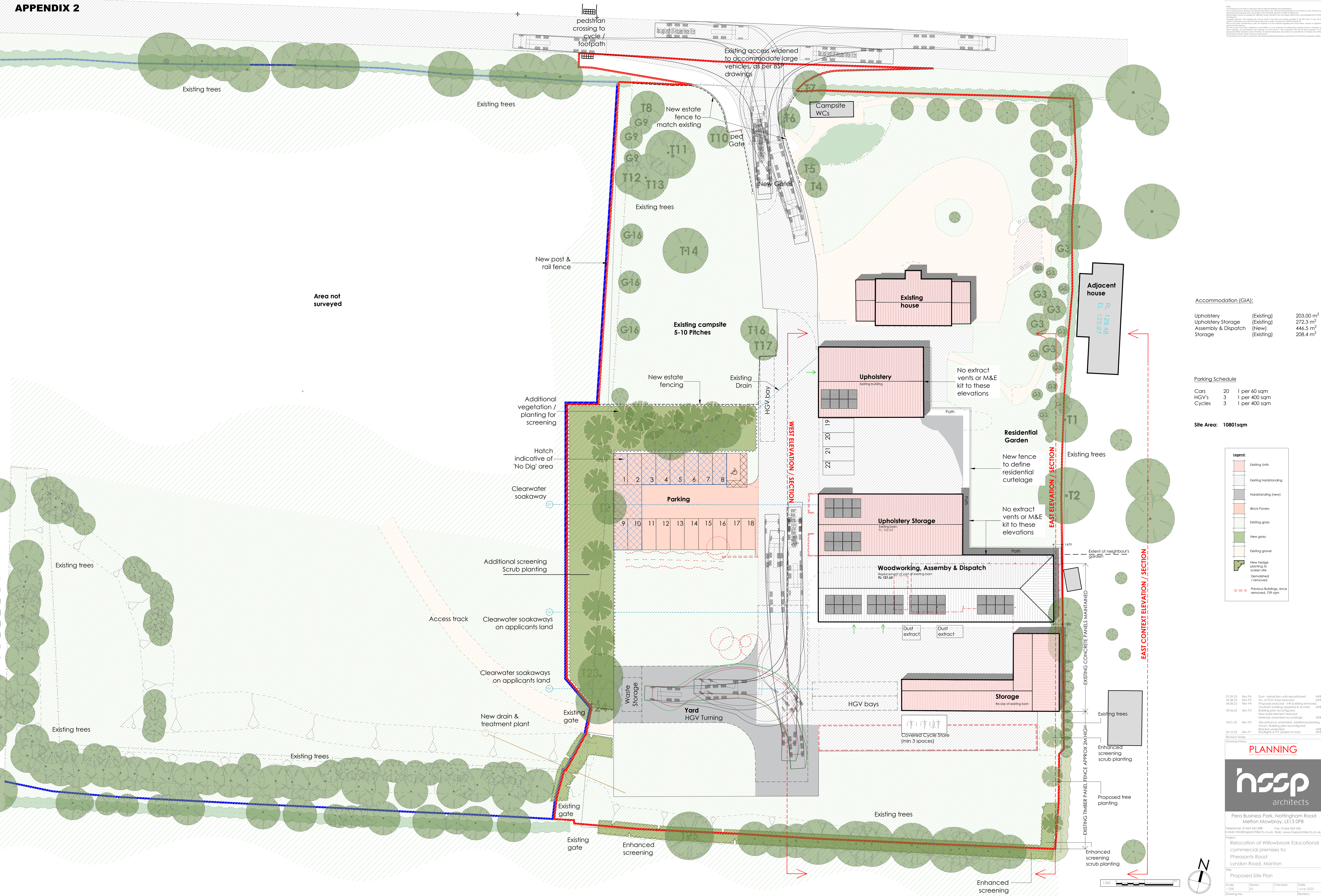
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Project:
Relocation of Willowbrook Educational
Commercial premises to:
Pheasants Roost
Lyndon Road, Manton

Title:
Existing Location & Block Plan

Scale: 1:1250 + 1:500	Drawn: MFB	Checked: RC	Date: 16.09.22
Drawing No: 8569 D3 00	Revision:		

HSSP A1



Accommodation (GIA):

Upholstery	(Existing)	203.00 m ²
Upholstery Storage	(Existing)	272.3 m ²
Assembly & Dispatch	(New)	446.5 m ²
Storage	(Existing)	208.4 m ²

Parking Schedule

Cars	20	1 per 60 sqm
HGV's	3	1 per 400 sqm
Cycles	3	1 per 400 sqm

Site Area: 10801sqm

Legend:

- Existing Units
- Existing handstanding
- Handstanding (new)
- Block Pavers
- Existing grass
- New grass
- Existing gravel
- New hedge planting to screen site
- Demolished / removed
- Previous Buildings, since removed. 739 sqm

Revision Notes:

07.08.23	Rev P6	Dust extraction units repositioned	MFB
22.08.23	Rev P5	Use of HGV bays reduced	MFB
04.08.23	Rev P4	Process reduced - with building removed	MFB
29.06.23	Rev P3	Southern building proposed & re-clad	MFB
		New back element reduced	MFB
		Enhanced screening accordingly	MFB
18.01.23	Rev P2	Site entrance overhauled. Additional planting shown. Building site reorganised.	MFB
05.10.22	Rev P1	Road line amended	MFB
		Footpath & P1 added to roads	MFB

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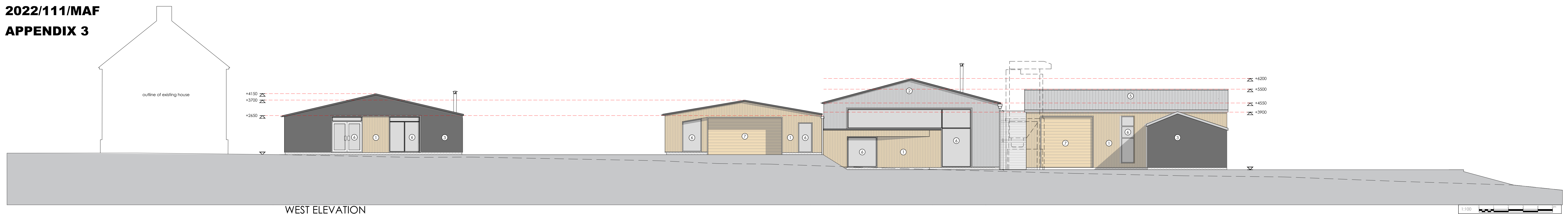
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Project:
Relocation of Willowbrook Educational commercial premises to:
Pheasants Road
Lyndon Road, Manton

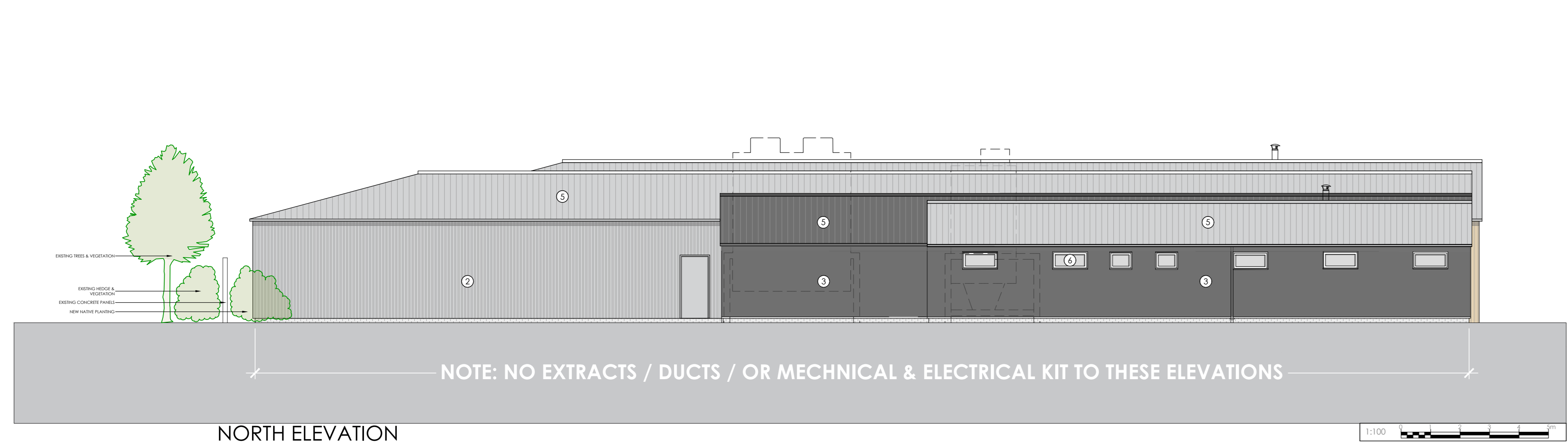
Proposed Site Plan

Scale:	1:200	Drawn:	K3	Checked:	-	Date:	June 2022
Drawing No:	8589_03_01	Revision:	P6	Author:	-	Date:	-

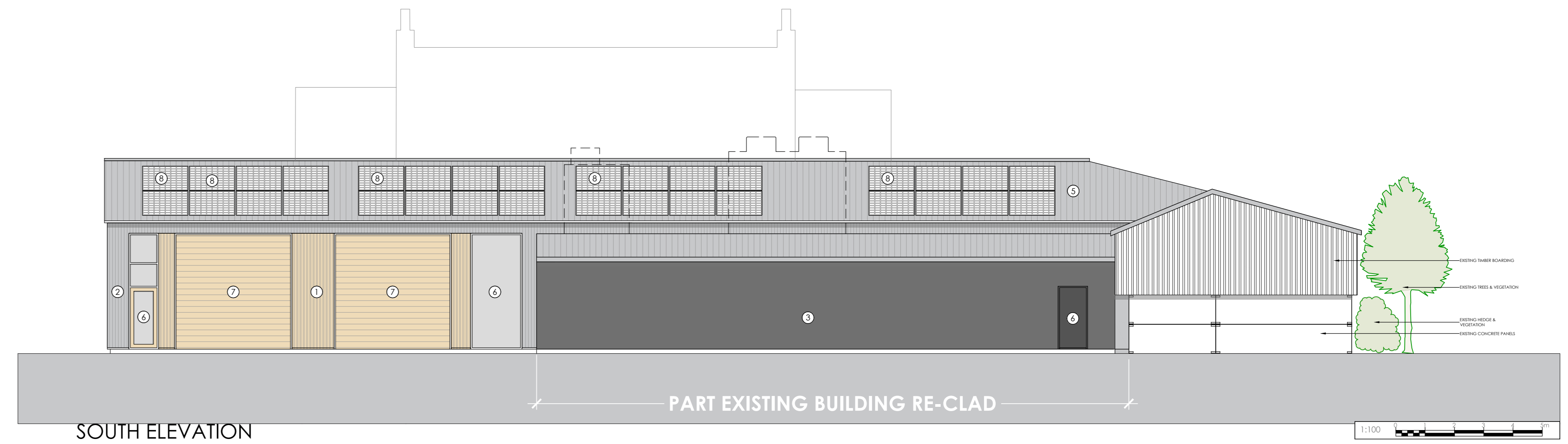
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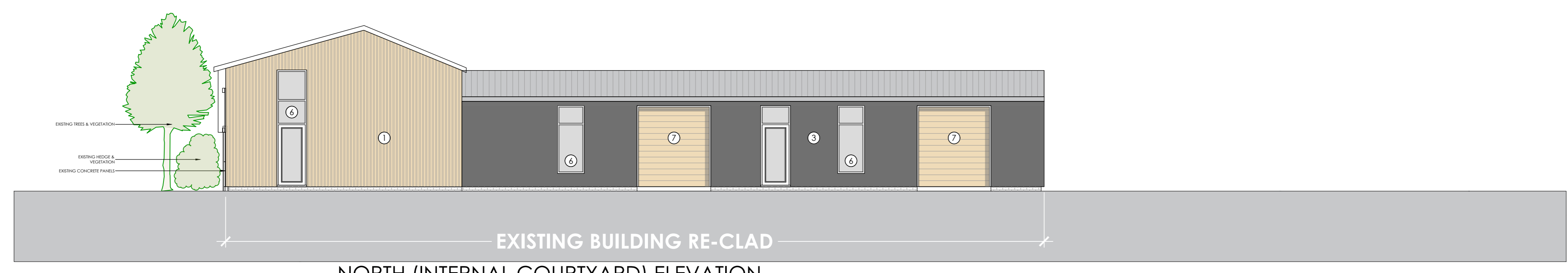
WEST ELEVATION



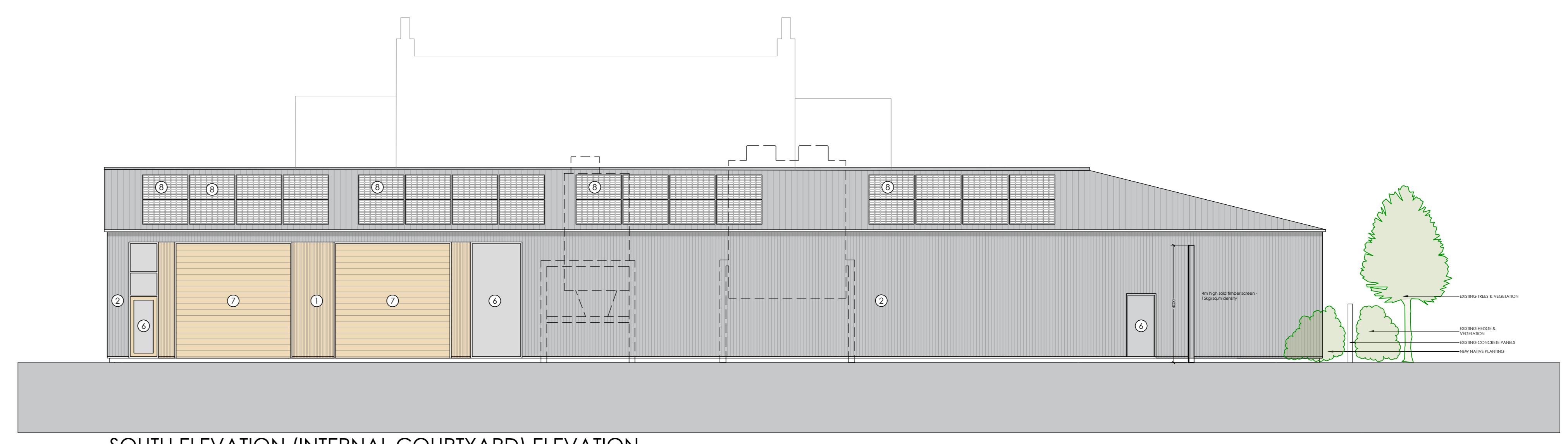
NORTH ELEVATION



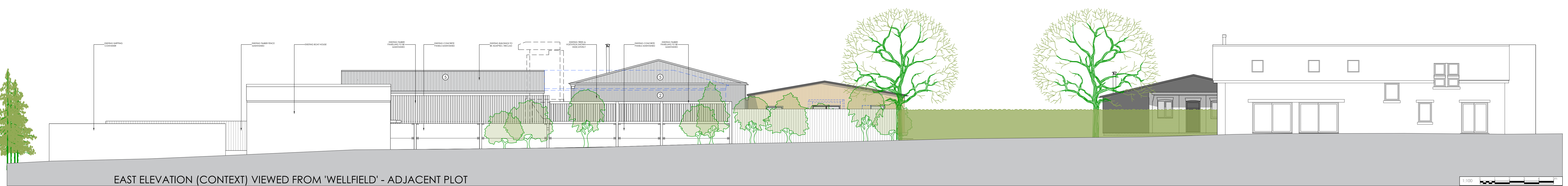
SOUTH ELEVATION



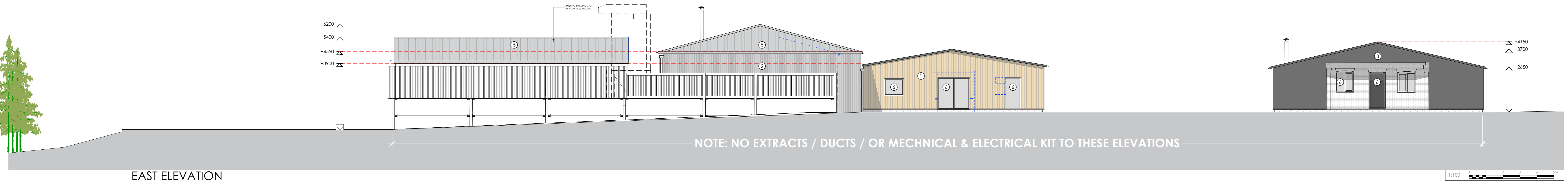
NORTH (INTERNAL COURTYARD) ELEVATION



SOUTH ELEVATION (INTERNAL COURTYARD) ELEVATION



EAST ELEVATION (CONTEXT) VIEWED FROM 'WELLFIELD' - ADJACENT PLOT



EAST ELEVATION

- Materials (see also dwg ref.): #
1. Vertical timber cladding (Cedar)
 2. Light Grey Profiled Metal Cladding
 3. Dark Grey Profiled Metal Cladding
 4. Dark Grey Pressed Metal Trim / Fascia
 5. Profile Metal Roofing
 6. Dark Grey Aluminium Windows & Doors
 7. Roller Shutter Doors
 8. Photo Voltaic Array
 9. Rooflight
- — — outline of existing units to be demolished

Revision Notes:

02.11.23	Rev F4	Timber cladding fill between buildings	AFB
07.09.23	Rev F5	Dark extraction units repositioned	AFB
04.08.23	Rev F4	Proposed reduction in building removed	AFB
18.01.23	Rev F3	Southern building adapted & re-clad	AFB
		Proposed roof panels & ridges lowered	
		Additional glazing added	
25.10.22	Rev P2	Darkened line of existing units added to east elevation. Outline of existing house added	AFB
05.10.22	Rev P1	Rooflights, PV & Windows amended	KES
		Internal courtyard elevations added	AFB

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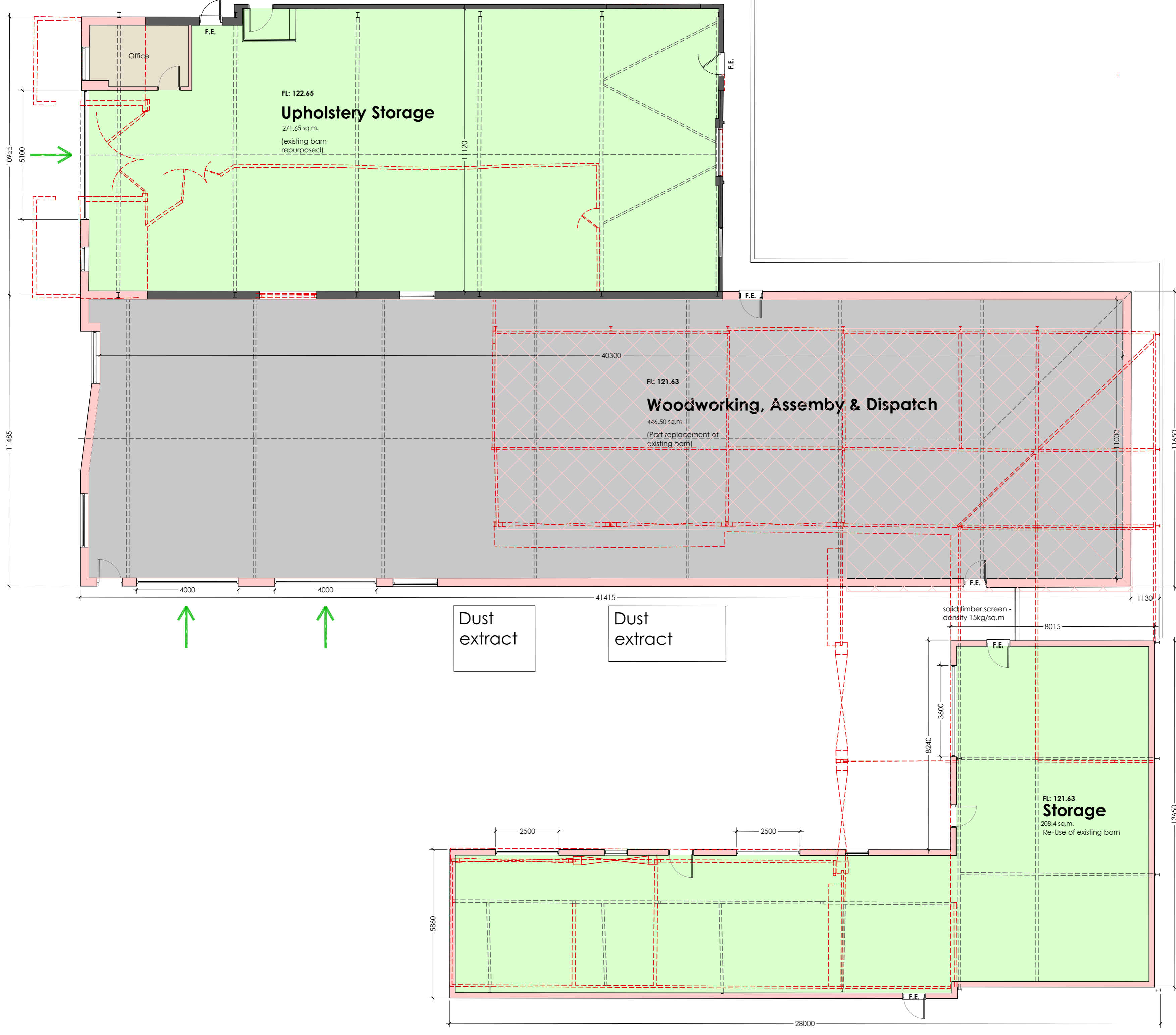
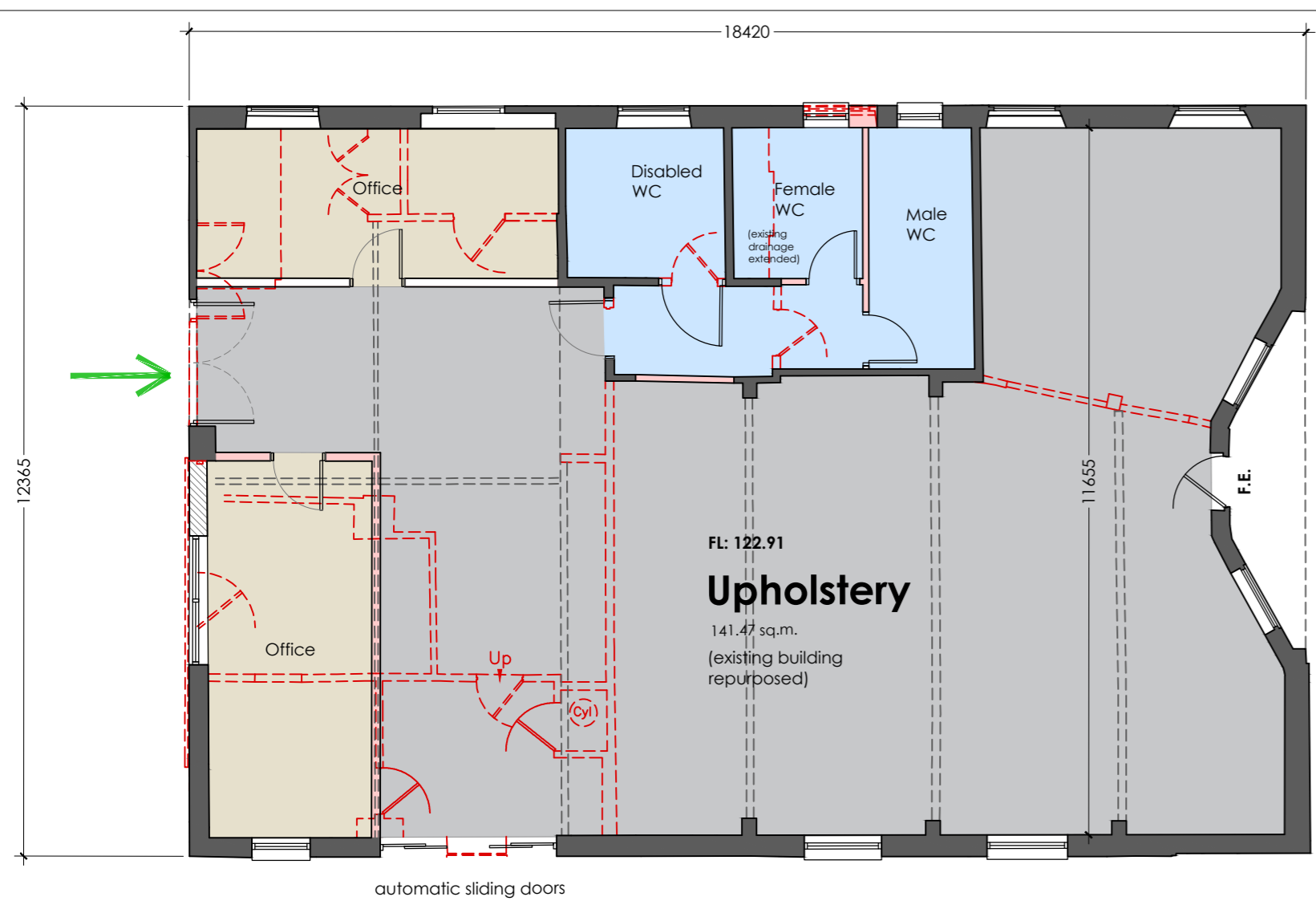
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Project:
Relocation of Willowbrook Educational
Commercial Premises to:
Pheasants Road
Lyndon Road, Manton

Title:
Proposed Elevations

Scale:	1:100	Drawn:	KS / AFB	Checked:	RC	Date:	16.09.22
Drawing No.:	8569 03 20	Revision:	P6	Revision:		Date:	

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**2022/1111/MAF
APPENDIX 4**

Key:

- Kitchens & bathrooms
- Offices
- Production processes
- Storage / dispatch
- Existing walls
- New walls
- Principal entrances
- Demolished
- Structure Overhead

Revision Notes:

02.11.23	Rev P5	timber acoustic infill between buildings	MFB
07.09.23	Rev P4	Dust - extraction units repositioned, Office spaces added	MFB
04.08.23	Rev P3	Proposals reduced - infill building removed, Southern building adapted & re-clad.	MFB
18.01.23	Rev P2	Rooflights omitted, Plan form stepped adjacent neighbour boundary.	MFB
05.10.22	Rev P1	Rooflights & PV added to roofs.	MFB

Drawing Status:

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Project:
Relocation of Willowbrook Educational commercial premises to:
Pheasants Roost
Lyndon Road, Manton

Title:
Proposed Ground Floor Plan

Scale:	Drawn:	Checked:	Date:
1:100	KS	-	June 2022
Drawing No.:	Revision:		
8569 03 10	P5		

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