
Appeal Decision

Site visit made on 7 June 2017

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2017

Appeal Ref: APP/A2470/W/17/3169676

The Recreation Ground, Stamford Road, South Luffenham, Oakham, Rutland LE15 8NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Carolyn Welch against the decision of Rutland County Council.
 - The application Ref 2016/0835/FUL, dated 24 August 2016, was refused by notice dated 9 November 2016.
 - The development proposed is a pavilion and hall.
-

Decision

1. The appeal is allowed and planning permission is granted for a pavilion and hall at the Recreation Ground, Stamford Road, South Luffenham, Oakham, Rutland LE15 8NT in accordance with the terms of the application, Ref 2016/0835/FUL, dated 24 August 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the countryside; and (ii) whether or not adequate arrangements are made for the disposal of foul and surface water from the site.

Reasons

Character and appearance

3. The recreation ground lies to the north-east of South Luffenham. While the village is visible and accessible by various modes of transport, the appeal site is in the countryside and it has been designated as a village green. Mature trees and or shrubs line each of the site's boundaries, with the south-eastern and north-eastern boundaries especially providing a very dense deciduous screen of the site when viewed on approach from either direction on Stamford Road. A hard surfaced basketball court is next to the landscaping on the south-eastern boundary, while much of the remaining site is open and grassed, except for a group of mature trees towards the centre of the site.
4. The Council has worked with the appellant with the view to finding a solution in respect of the pavilion's design by suggesting exemplar schemes¹ after the refusal of planning permission². In terms of the pavilion's design it would be uncomplicated. Nonetheless, high quality and inclusive design does also go beyond the visual appearance of the building which is important to the environment. Notably the Council considers the materials to be inappropriate.

¹ Ringshall, Waltham on the Wolds and Old Woodhouse

² Council Application Ref: 2015/0705/FUL

However, the appellant confirms that they would build the pavilion in materials found in the county consisting of a mixture of brick, timber boarding and a concrete tile roof. Locally, I noted a mixture of brick colours and roof tiles.

5. The recreation ground slopes gently away from Stamford Road which typifies the undulating landscape surrounding the site. Long range views of the proposal would be obtained from Station Road, however, from this vantage point the proposed development would be, despite its elongated bulk, viewed in the context of the dense row of mature trees on the south-eastern and north-eastern boundaries. The bulk of the pavilion would be far less visible from Stamford Road due to the subordinate parts of the pavilion closest to the road and the dense vegetation screen. Overall, the bulk of the pavilion would be considerably softened by the mature trees and shrubs, especially during the summer months when the trees are in leaf. While this coverage may not be year round, timber panels would help blend the building into its surroundings.
6. While I do not attach great weight to the design as it is not outstanding or innovative as sought by paragraph 63 of the National Planning Policy Framework (the Framework), it would not, despite its stand-alone position be very prominent or out of sync with the areas character and appearance. The proposal would function well and add to the areas overall quality as paragraph 58 of the Framework explains.
7. Even though a new building and car park would be built, the majority of the wider site would remain undeveloped and available for play and recreation. Also, a planning condition would enable details of the external materials to be agreed with the Council, so that the development would successfully integrate into the area, in tune with paragraph 58 of the Framework. Thus, with regard to paragraph 64 of the Framework, I do not consider the scheme represents poor design and hence it should not be refused.
8. For these reasons, on this issue, I conclude that the proposal would comply with Policy CS19 of the Core Strategy Development Plan Document (Core Strategy), SP7 and SP15 of the Site Allocations and Policies Development Plan Document and paragraph 58 of the Framework. Together these seek to, among other things, ensure the scale, bulk, design and materials of development are high quality so that it functions well and is not detrimental to the character and appearance of the landscape, visual amenity and it reinforces the distinctiveness of the wider setting.

Foul and surface water

9. The appeal scheme proposes a split method of disposing of foul and surface waters. Precise details of these are limited in the evidence before me, however the Council does not dispute the appellant's point which suggests that connection to a public sewer is not feasible. As such, it would not be possible to treat the sewage at a public sewage treatment works. I have no reason to arrive at a contrary view. Given this, alternative arrangements would be needed.
10. Accordingly, having regard to the evidence before me, especially in terms of the septic tank³, further details are necessary to make sure the appeal scheme does not result in pollution to the water environment⁴. Although the details before me are insufficient, two conditions are suggested by the Council to secure further details and arrangements for their long-term maintenance. The latter part of

³ Planning Practice Guidance Paragraph 020 Reference ID: 34-020-20140306

⁴ National Planning Policy Framework, Paragraph 109

each condition is crucial to prevent any issues in the future. Having regard to paragraph 206 of the Framework I consider that this otherwise unacceptable development could be made acceptable, on this issue, by using the two suggested conditions.

11. On this basis, I conclude, on this issue that the proposal would comply with Core Strategy Policy CS19, paragraph 109 of the Framework and paragraph 020 of the Planning Practice Guidance; which jointly seek to, among other things, ensure development minimises the risk of flooding and prevent the pollution of the water environment.

Other Matters

12. It appears to me that the proposed development would lie outside of the conservation area (CA) covering South Luffenham. The proposal would be different to nearby buildings. However, the proposal's scale, form, design and use of materials leads me to consider that it would have a neutral effect on the character and appearance of the CA. As such, it would preserve the CA.
13. Although the local cricket team ended in 2011 and there is no sign of any formal use of the playing field in the event that the appeal is allowed, the appeal scheme would offer a multi-functional space for indoor and outdoor sports and recreation along with social functions and community meetings. This could, as Sports England explain, revive interest in sports and recreation which would help support the communities' health and well-being.
14. Despite the Council's concerns with the Design and Access Statement, evidence suggests that the design of the proposal has, through discussions between the parties, evolved. While the appellant raises concerns insofar as delays to the development through planning conditions, there are statutory time periods to determine such applications and a right of appeal in the event that an application is either refused or not determined in time.

Conclusion and Conditions

15. I have had regard to the planning conditions suggested by the Council. I have imposed a plans condition in the interests of certainty and highway safety. I have also imposed conditions, with some changes, to secure details of a sustainable urban drainage scheme and foul drainage scheme, including details of their installation and long-term maintenance responsibilities, in the interests of preventing pollution to the water environment. In the interests of ensuring the development integrates into the character and appearance of the area, I have imposed a condition to secure details of the external materials.
16. Given the consultation response in respect of archaeology, I have imposed a condition to secure a scheme of investigation to safeguard any remains found in the interests of preserving the significance of any heritage assets. As no access gates are indicated on the plans, I have not imposed such a condition.
17. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLVH/01/PLANNING/2016; SLVH/01/2016 and the Visibility Splay Plan.
- 3) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 4) No work on the development above ground level shall commence until such time as a foul drainage scheme to include details of a package treatment plant, a timetable for its installation and long term management and maintenance responsibilities for the lifetime of the development have been submitted to and approved by the local planning authority. The approved scheme shall be implemented before the building is first brought into use.
- 5) No development shall be commenced until precise details of the external facing, roofing and fenestration materials to be used in the building's construction have been submitted to and approved in writing by the local planning authority. The details submitted shall include the manufacturer, type and colour of each material to be used and the development shall be carried out in accordance with the approved details.
- 6) No development shall be brought into use until the first 5 metres of the surface treatment of the vehicular access from Stamford Road is constructed of a porous bound material. The access as constructed shall be retained thereafter.
- 7) No development shall take place until a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions-and:
 - a) the programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - f) the nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.