FREEDOM OF INFORMATION REQUEST – 1365/17

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request:

I request under the Freedom of Information Act 2000, all correspondence relating to planning application 2017/0233/FUL, this is to include the volume, date and transcripts of all emails, calls (including duration of calls) made to or from Mr Neil Pickwell, Oliver Neil Homes Limited and Liberty Homes Limited by Rutland County Council (Planning & Highways) and Mr Patrick Gear. The calls are to include all known fixed telephony lines and mobiles owned by Rutland County Council and used by Rutland County Council employees and all recorded numbers / email addresses for Mr Neil Pickwell and associated companies.

Response:

On 15 September 2014, planning permission (ref: 2013/0385/FUL) was granted, on appeal, for the construction of three dwellings on the site of 13 Chapel Lane, Barrowden.

Planning application 2017/0233/FUL, subject to this Freedom of Information Request (FOI), then proposed a variation to condition 2 of the earlier permission via new drawings for plots 1 and 2, intended to provide additional floorspace.

The FOI requests all correspondence related to this 2017 application, between the applicant, Rutland County Council (Planning and Highways) and Mr Patrick Gear.

This is made available via the attachments listed below. It includes correspondence between:

• the Planning Officer (Patrick Gear) and applicant
• the Highways Officer (Robyn Green) and applicant
• the Planning Officer and Highways Officer

The applicant's correspondence was undertaken by Mrs Julie Pickwell.

There are no records of telephone calls.
Attachments:

1. Email exchange with applicants regarding the description of development, after receipt of the application.

2. Formal consultation response from the Highway Authority.

3. Email exchange between the Planning Officer and Highways officer resulting in advice to the Council’s Director of Places in response to a question from Barrowden Parish Council.

4. File note of a meeting between the applicants and Planning Officer.

5. Email exchange between the Planning Officer and Highways Officer regarding a possible voluntary Construction Vehicles Management Plan.

6. Email from applicant to Planning Officer regarding landscaping and building materials.

7. Email exchange between the applicant, Planning Officer and Highways Officer, regarding traffic management.

8. Email exchange between Planning Officer and applicant regarding an extension of time for determination of the application, due to it being considered by committee on 13 June 2017.

9. Confirmation of the time extension.

10. Email exchange between the applicant and Planning Officer regarding building materials.

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If you are dissatisfied with the handling of your request please contact the Head of Corporate Governance, Rutland County Council, Catmose, Oakham, Rutland LE15 6HP
You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House, Water lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700
Yours faithfully

FOI Administrator
Corporate Support Team, Rutland County Council
From: Patrick Gear  
Sent: 04 April 2017 11:40  
To: ‘Julie Pickwell’  
Subject: RE: 13 Chapel Lane, Barrowden

Julie

If ok with you, I can amend the description of development on the basis of this email exchange, and then do my site visit late this afternoon. I could then call you on my return to discuss how to deal with the conditions via this application.

Would that be an acceptable way forward?

Thanks

Patrick Gear  
01572 758237

From: Julie Pickwell [mailto:juliepickwell@icloud.com]  
Sent: 04 April 2017 11:29  
To: Patrick Gear  
Subject: Re: 13 Chapel Lane, Barrowden

Hi Patrick,

Thank you for your email. I’m sorry I missed your call earlier, I did try phoning back but your line was busy.

I’m out until 3.45pm but I’ve read through your email and I’m happy with the revised description of the development. Should I submit a revision to the application with this wording and should I also omit the conditions that have already been addressed?

I look forward to catching up with you in due course.

Kind Regards,

Julie Pickwell

On 4 Apr 2017, at 11:02, Patrick Gear <PGear@rutland.gov.uk> wrote:

Julie

I endeavoured to call you this morning to talk through this, but you were unavailable. Having now studied your new application in some detail, I am of the view that the description can be
simplified. I've therefore offered a suggestion below. Please could you advise if you would be content to proceed on that basis. In particular, please could you confirm if I'm correct in assuming that there are no proposed changes to Plot 3.

"Demolition of existing dwelling and erection of three new properties. Variation of Condition 2 of planning permission 2013/0385/FUL, via new drawings for plots 1 and 2 indicating relocated garages with raised roof level to incorporate a first floor en-suite, and an enlarged ground floor at the rear."

It is also my view that the various conditions imposed on the earlier permission can be addressed via this new application without needing specific reference in the description of development. If you could call me when convenient, I can discuss my reasons for this.

However, in order for me to progress the application, including my site visit and site notice, please could you confirm if you are content with the suggested revised description of development.

Thanks

Patrick Gear
01572 758237
Internal Memorandum

To: Patrick Gear
From: RCC Highways
Your Ref: 2017/0233/FUL
Date: 06/04/2017

Re: Full Planning Application

Proposal:
Demolition of existing dwelling and erection of three new properties. Variation of Condition 2 of planning permission 2013/0385/FUL, via new drawings for plots 1 and 2 indicating relocated garages with raised roof level to incorporate a first floor en-suite, and an enlarged ground floor at the rear.

Site: 13, Chapel Lane, Barrowden, OAKHAM, Rutland, LE15 8EB

Comments: No Objections subject to the following conditions;

SWHI01 Provision and retention of visibility splays

SWHI07 Surface Material
No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

SWIN24 Site Workers
Steps should be taken to ensure sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

SWIN34 New access
You will need to obtain a Highways Licence from Rutland County Council Highways department before any work can commence on the new access. This will require that the access is built to a standard specification and that contractors are sufficiently insured against public liability whilst operating in the highway.

SWIN35 Road Cleaning
Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.
Patrick Gear

From: Patrick Gear  
Sent: 21 April 2017 10:34  
To: Dave Brown  
Cc: Robyn Green  
Subject: RE: 13 Chapel Lane, Barrowden

Dave

I agree with Robyn’s comments, below. We had wrongly imposed such conditions in the past, but have not done so for some years.

In appropriate cases we now add advisory Notes, as stated by Robyn. These ask the developer to liaise with the Highway Authority and then prepare a Traffic Management Plan. This would not be binding, but has been successful in locations such as the Hermitage at Hambleton (the very large house on Lyndon Lane).

In the case of 13 Chapel Lane, Barrowden, we initially refused planning permission for the three dwellings but this was overturned at appeal. The Inspector then imposed nine conditions via her Decision. The current (Section 73) application is for a variation of Condition 2, whereby amended plans would replace the current approved plans. The amendments are on two of the three plots:
- relocation of the garages and raising of their ridge heights
- a small increase in floorspace (ground floor only) at the rear of the dwellings.

The principle of development and all other details are established by the earlier appeal decision.

A S73 application does allow us to amend/add conditions but, if we can’t provide a good reason for such changes, the developer could argue against us by referring back to the appeal decision. However, the addition of an advisory note about traffic management would, in my view, be a justifiable change. I have a good rapport with the developer and would be happy to discuss this with them in advance, to ensure they appreciate where we’re coming from, but:
- it may be difficult to justify all the detail suggested by the Parish Council
- it can only be a voluntary arrangement, unless the Highway Authority have any additional powers.

Please let me know if you need me to progress this, or to take any other actions.

Patrick
Ext 8237

From: Robyn Green  
Sent: 21 April 2017 08:56  
To: Dave Brown  
Cc: Patrick Gear  
Subject: FW: 13 Chapel Lane, Barrowden

Hello Dave,

Patrick please correct me if I am wrong, but we cannot condition a traffic management plan in terms of planning. The traffic management plan does not stand up against the 6 tests in the National Planning Policy Framework Policy.

On other sites in Rutland where there is a narrow access road, we have made a note to applicant to produce a traffic management plan and worked with the developers to produce an appropriate plan. Prior to approval we can liaise with the developer and propose the Parish’s CLP. I can’t think of a reason as to why the developer would object to the Parish’s proposal, as it makes their vehicle movements around the site/village easier.
From: Dave Brown  
Sent: 20 April 2017 23:29  
To: Patrick Gear; Robyn Green  
Subject: Fwd: 13 Chapel Lane, Barrowden

Patrick/Robyn,

Please can you give me a view in this. Would it be legally possible to condition?

Dave

Begin forwarded message:

From: "clerk@barrowdenpc.org.uk" <clerk@barrowdenpc.org.uk>  
Date: 20 April 2017 at 23:04:00 BST  
To: Dave Brown <DBrown@rutland.gov.uk>  
Cc: "council@barrowdenpc.org.uk" <council@barrowdenpc.org.uk>  
Subject: 13 Chapel Lane, Barrowden

Dave,

Barrowden PC is currently considering an amended planning application to develop 3 houses at 13 Chapel Lane. There is much concern in the village about traffic and parking issues which this development might cause. It also has a direct bearing on the problem area of the Wheel Lane triangle.

The PC has put together the attached plan for dealing with these issues, and I would be grateful if you could let me have a Highways view on the plan in time for the PC meeting on 27 April, at which this application is scheduled for discussion.

All the best

Richard Littlejohns
Meeting at Catmose with Mr & Mrs Pickwell 17-05-2017

PG 17/5

Current Application
1. Mrs P confirmed that no changes proposed to Plot 3
2. Mrs P confirmed that land at the SW of the site is within their ownership but outside the
development site. PG therefore confirmed that –
   o It must remain outside the site of the S73 application, or it can’t be a S73.
   o The landscaping scheme also needs to incorporate a 1.2 metre fence to prevent
     encroachment into this area prior to the hedge being established

Conditions
PG explained that amendments required if conditions are to be addressed via the current
application:
C3 – Materials Agreed that these would be delivered to site for PG to
    assess
C4 – Archaeology See below
C6 - Landscaping & C9 – Boundaries PG requested an extension of the hedge on the eastern
    boundary, fencing to support the hedge on the SW corner, retention/reuse of the existing outbuilding on the site
    frontage (as a reference point to the past), and that the
    hedge protection fencing be installed.

Archaeology
- PG agreed to speak to R Clark at LCC to hurry this along
- PG also advised that this condition may still be outstanding on any S73 approval

Objections/Process
Given the extent of objections, PG advised on the available processes for determining the
application (Delegated / Chairman / Committee). Committee date of 13 June has a report target
date of 30 May.

Others
- PG requested withdrawal of the old NMA application
- PG advised that a voluntary Construction Management Plan, with the Highway Authority
  would be beneficial.
- PG is in receipt of complaints re: condition of site. Therefore will visit on 18-05-17 and advise
  if a S215 Notice is justified, or if some tidying up would be advised
Hello Patrick

Yes that is fine

Thank you

Robyn Green | Assistant Engineer (Development Control)
Rutland County Council
Catmose, Oakham, Rutland LE15 6HP
t: 01572 722 577 (Ext: 8280) | e: rgreen@rutland.gov.uk
www.rutland.gov.uk

From: Patrick Gear
Sent: 19 May 2017 13:23
To: Robyn Green
Subject: 13 Chapel Lane, Barrowden (2017/0233/FUL)

Robyn

This is a current application to vary a previous planning permission for three dwellings, by making a slight increase in the footprint of two of the new houses. Construction access will be quite difficult given that the site is on a narrow lane.

Would it be ok with you if I invited the developer to call you to discuss a Construction Vehicles Management Plan?

Thanks

Patrick
Ext. 8237
Patrick Gear

From: Julie Pickwell <juliepickwell@icloud.com>
Sent: 24 May 2017 18:10
To: Patrick Gear
Subject: Fwd: 13 Chapel Lane Barrowden
Attachments: Drg No LS1A Landscape.pdf; ATT00005.htm; Conversion of Outbuilding 13 Chapel Lane, Barrowden.docx; ATT00006.htm; landscape scheme LS1A.docx; ATT00007.htm; Drg LS1.pdf; ATT00008.htm

Good Afternoon Patrick,

Please find attached the Landscape Plan, Drg No LS1A and the photograph showing the superimposed alterations to the existing outbuilding at the front of the development site.

After looking again at the samples we brought in, we think you're entirely right about the Hoskins Flemish Antique brick having too much variation in the mix. We think the Wienerberger Reclaimed Shire Sovereign brick that was suggested in the appeal documents would be more suitable. We'd be happy to arrange to obtain samples if you so wished?

If there's anything else you require, please let me know.

Kind Regards,

Julie
Hi Robyn,

I’ve just spoken to Patrick about the forthcoming planning meeting in which it’ll be decided if our plans will be approved.

I wanted to make sure with you that the scheme I’ve attached is ok? We altered the direction the vehicles will approach the site - i.e. we thought it would be tighter for them to come from Tippings Lane and therefore we’ve proposed they approach from and along Chapel Lane. We’re happy to go back to our original thoughts but this way seems a better option.

Perhaps you can let me know your thoughts as I don’t want to submit a scheme that you’re unhappy with?

Many Thanks,

Julie

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Begin forwarded message:

From: Julie Pickwell <juliepickwell@icloud.com>
Subject: 2017/0233/FUL 13 Chapel Lane Barrowden
Date: 6 June 2017 10:39:53 BST
To: Patrick Gear <pgear@rutland.gov.uk>
Cc: rgreen@rutland.gov.uk

Good Morning Patrick,

We met with Robyn Green from the Highways Department last week and agreed a Traffic Management Plan. Please see the attached for your information.

Kind Regards,

Julie Pickwell
Traffic for the development site shall be managed as follows:-

1. All delivery personnel shall be advised of the traffic route as per the Traffic Management plans 1A and 1B.
2. Traffic should flow into the village from Barrowden Road, along Main Street turning right onto Chapel Lane where it shall enter Wheel Lane in a forward direction before reversing into the development site.
3. Loads shall be alighted here and traffic shall move away in a forward direction along Chapel lane, turning right onto Wakerley Road and then out of the village on Barrowden Road towards the A47.
4. Lorries will be guided in by site personnel.
5. Roads shall be swept and kept clean and tidy during the development process.
Julie

Thanks; that’s ok with me. I’ll proceed on the understanding that we have an agreement to 23 June
However, it would be better to either post or email the signed copy tomorrow, rather than hand it to me tonight. In
the interests of impartiality, I prefer not to be seen to be in discussion with either an applicant or an objector whilst
at committee.

Thanks

Patrick Gear
01572 758237.

From: Julie Pickwell [mailto: juliepickwell@icloud.com]
Sent: 13 June 2017 15:18
To: Patrick Gear
Subject: Re: 13 Chapel Lane, Barrowden

Good afternoon Patrick. I’m afraid I’m away from my office. It please accept this email as my agreement to extend
the timeframe for determining our application. I will bring a signed copy of the attachment to the meeting tonight.
Kind regards. Julie pickwell

Sent from my iPhone

On 13 Jun 2017, at 12:47, Patrick Gear <PGear@rutland.gov.uk> wrote:

Julie

Further to my telephone conversation with your husband, earlier today, I’ve now attached the
required time extension request.
Please could you complete and return this afternoon.

Thanks

Patrick Gear
01572 758237
Ref: 2017/0233/FUL
Case Officer: Patrick Gear
Tel: 01572 758237
Date: 13-Jun-2017

Mrs J Pickwell
Liberty Homes Ltd.
7A Barrowden Road
Ketton
Rutland
PE6 7RJ

TOWN AND COUNTRY PLANNING ACT 1990
EXTENSION OF TIME FOR DETERMINATION OF PLANNING APPLICATION

PROPOSAL: Demolition of existing dwelling and erection of three new properties. Variation of Condition 2 of planning permission 2013/0385/FUL, via new drawings for plots 1 and 2 indicating relocated garages with raised roof level to incorporate a first floor en-suite, and an enlarged ground floor at the rear.
ADDRESS: 13 Chapel Lane, Barrowden, OAKHAM, Rutland

Dear Mrs Pickwell

In acknowledging receipt of the above application, the Council informed you that the target date for determination was 30-May-2017. Unfortunately this was not possible because of the need to report the application to the Council’s Planning and Licensing Committee.

Given this, I am writing to ask you to formally agree to extend the period for deciding your application until Friday 23 June 2017. This is to allow sufficient time for any necessary actions after the committee meeting.

Please indicate your agreement by signing and dating in the box on the next page and returning it to me. Please also retain a copy for your records.

Yours sincerely

Patrick Gear
Senior Planning Officer
Response:
I agree to an extension of time until 23 June 2017 to determine planning application 2017/0233/FUL.

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<thead>
<tr>
<th>Name (Please Print)</th>
<th>Signature (electronic will be acceptable)</th>
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<tbody>
<tr>
<td>Julie Pickwell</td>
<td>J Pickwell</td>
</tr>
<tr>
<td><strong>Date</strong></td>
<td><strong>13th June 2017</strong></td>
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</tbody>
</table>
From: Patrick Gear
Sent: 16 June 2017 18:40
To: 'Julie Pickwell'
Subject: RE: Roof Tiles etc

Julie

Thanks for your comments. I'm unlikely to be in the office very often during Monday and Tuesday of next week, so I won't be able to release the planning decision notice until Wednesday.

Most of the conditions imposed on the planning permission will require you to undertake certain actions within a specified time period, for example, complete the archaeological investigation before undertaking any further development on site. The only one that requires a formal submission of details for approval is Condition 2 (materials). I'm pleased to note your intention to use welsh slate, so I suggest that you prepare an application for discharge of the condition (including samples of the stone and slates) and then submit it. If you could email me when its been submitted, I'll make sure that I get on to it as quickly as possible.

Thanks

Patrick Gear
01572 758237

-----Original Message-----
From: Julie Pickwell [mailto:juleepickwell@icloud.com]
Sent: 15 June 2017 09:35
To: Patrick Gear
Subject: Roof Tiles etc

Good Morning Patrick,

Thank you for presenting our case on Tuesday evening and for your support and advice throughout this process, we're very pleased the committee decided the alterations weren't too significant and granted permission in our favour.

Looking forward, we're happy to use the reclaimed welsh slate and take responsibility for them rather than they be covered by the NHBC warranty.

I'm not sure when you're next available but perhaps we could touch base to finalise building materials and any other business relating to the application.

Kind Regards,

Julie