

REPORT NO: 182/2014

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

19TH AUGUST 2014

**PLANNING APPLICATIONS TO BE DETERMINED BY THE
DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

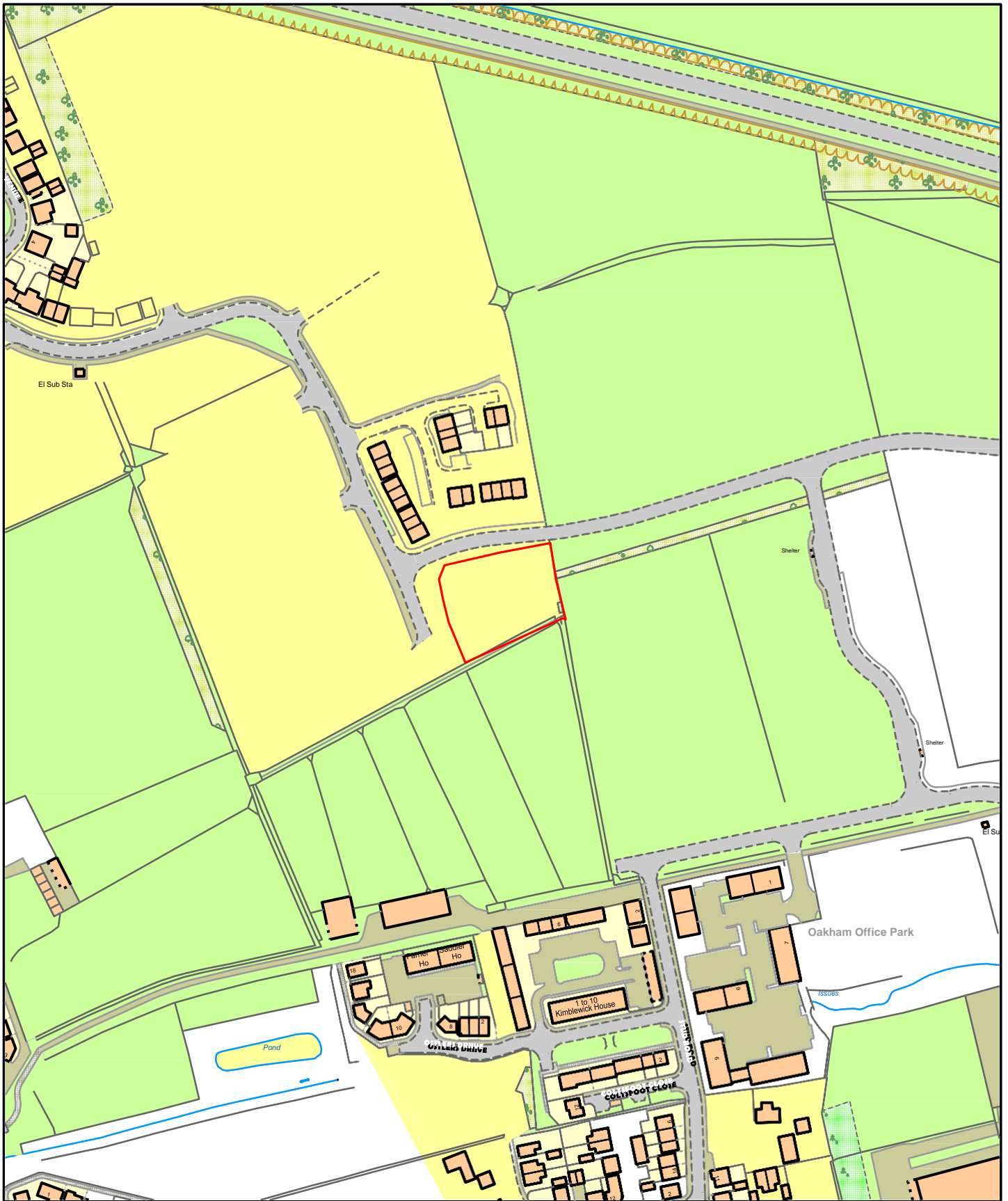
**REPORT OF THE DIRECTOR FOR PLACES
(ENVIRONMENT, PLANNING AND TRANSPORT)**

Rutland County Council

Development Control & Licensing Committee - 19th August 2014

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2	2014/0459/FUL	Mr Philip Parker. 2 London Road, Uppingham, Oakham, Rutland, LE15 9TJ. Change of use from doctors surgery (Use Class D1) to dwellinghouse (Use Class C3).	Approval	62
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 Ordnance Survey [100018056]

Scale - 1:2500
 Time of plot: 16:18
 Date of plot: 06/08/2014



Rutland County Council

Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2014/0386/RES	ITEM 1	
Proposal:	Reserved matters application for the erection of apartment block comprising 12 x 1 bedroom and 18 x 2 bedroom apartments, associated parking and infrastructure following planning application APP/2011/0832.		
Address:	Land To The South Of, Burley Park Way, Barleythorpe, Rutland		
Applicant:	Larkfleet Homes	Parish	Barleythorpe
Agent:	Alison Lea, Larkfleet Homes	Ward	Oakham North West
Reason for presenting to Committee:	Local objections		
Date of Committee:	19 August 2014		

EXECUTIVE SUMMARY

The scheme has objections related to scale and parking requirements. The scale is similar to elsewhere on the Hawksmead site and is acceptable. Parking provides 1 space per unit with 2 spare. This is in accordance with the Design Code that calls for an average of 1.5 spaces per unit across the development.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers MH/L74/DS/01A, 02A, 03A, 04B, 05B, SK01 and Materials schedule.
REASON: For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

2. The site is located in the centre of the wider Hawksmead development site, immediately to the north of land identified as a Local Centre.
3. Opposite the site to the north are a row of affordable properties on the Bellway site which is being developed by Larkfleet.
4. To the east is the boundary of the employment land which has the benefit of outline permission but has not yet been developed. The site is bounded to the west by the new spine road through the development beyond which is partly open space and partly the Continuing Care/Retirement site.
5. The site comprises mainly self set saplings and was identified as a site for the Community Hall in the Master Plan. That development will not now go ahead on this site and an alternative financial contribution has been agreed by Cabinet and Council.

Proposal

6. The proposal is for a 3 storey apartment block comprising 30 apartments, 12 x 1 bed and 18 x 2 bed units. There are no affordable units in this scheme, the applicant has chosen to incorporate the provision in the adjacent 'Local Centre' where there is a pending application for a further 30 units above retail.

7. The building would be sited on the frontage of the site with parking behind for 32 vehicles.
8. The design is similar to the apartment block under construction on Phase 1. Materials would be red brick on buff brick plinth, render, reconstituted stone, horizontal boarding and flat grey concrete tiles. Details are shown in the **Appendix**.

Relevant Planning History

Application	Description	Decision
2011/0832	Outline permission for Hawksmead Development	Approved

Planning Guidance and Policy

National Planning Policy Framework

Para's 56 – 66 – Requiring Good Design

The Rutland Core Strategy

CS19 – Good Design

Rutland Local Plan

HT4 – Permission will not be granted for development which would be likely to result in an increase in ...parking on roads unsuited for such use, if it would cause a road safety hazard or be detrimental to amenity.

HT5 – Adequate and Safe Access

Other considerations

Site Allocations and Policies DPD – (Submission Draft, April 2013)

Policy SP14 – Design & Amenity – Adequate vehicle parking must be provided to serve the needs of the development, with provision for vehicles and cycle parking. Provision should meet the standards in Appendix 2. In exceptional circumstances in town centres the standards maybe varied to reflect the accessibility of the site by non car methods.

Appendix 2 – Parking Standards

There are no specified standards for 1 bed units. For 2 bed units the standard specifies 1 allocated space and 1 share/communal space per unit.

Consultations

Consultation Responses

9. Planning Ecology LCC

Our records indicate that badgers have previously been recorded close to the application site. We would therefore recommend that an updated badger survey (completed within the last two years i.e. since May 2012) is completed and submitted in support of the application. As badgers are mobile and regularly move their setts, there is a chance that badgers have moved into the current application site, particularly with the disturbance in

the wider area. It is therefore important that any badgers on site are identified and mitigated for as appropriate.

10. Environment Agency

No objection.

11. RCC Highways

Parking is insufficient and will cause obstruction and congestion on the surrounding highway. Cycle or two wheeled vehicular parking has not been supplied.

12. Housing Strategy

There is no reference in the application to the provision of affordable housing. I am seeking further information from the applicant but in the meantime requested that an objection be raised to the application on this basis.

13. Langham Parish Council

Access: Access to the site is acceptable. Appearance: Some effort has been made to include different building materials in the construction of these apartments, but it is difficult to agree that the design is of a high order as claimed in the application. Large apartment blocks are not typical of this rural area and proposed large L shaped block will be particularly intrusive and more suited to an urban area. A more imaginative design, able to blend in more easily with this development, would be acceptable to both new and existing residents and to prospective purchasers. We acknowledge that single bedroom and small two bedroom apartments are now a priority housing need, but do not agree that this should absolve the need for good spatial and visual environment for these smaller units. Layout. The proposed large block of apartments, of considerable height and close to the road, will have considerable visual impact and an overbearing effect on the adjacent roads and dwellings situated directly opposite. The proximity to the low cost two storey homes, will create an unacceptable local environment for these homes with their outlook upon a large building with windows above and overlooking them. Some additional tree planting may lessen the impact to some extent but it is difficult to see how the building, as planned, can blend in easily with the rest of the development. It would be better to exchange the position of the L shaped block with that of the proposed carparking so that the tree and shrub planted block is positioned in front of the L shaped block, thus alleviating the proximity of the block and the low cost housing, and also the awkward dominance of the block to the corner of the road. The proposed car parking provision of one space per dwelling is totally inadequate. There is no provision for visitor parking or for those apartments where there are two car owners, particularly as 18 of the apartments are two bedroomed. This is unrealistic and will surely lead to parking on roads and perhaps pavements. The space allocated for bin storage is also totally inadequate. If the same system is used as for the rest of the county and assuming no green bins are provided, this still equates to a total of 60 bins, which requires more space than is shown on the plans. Landscaping. The proposed landscaping is generally good, but some additional tree planting within the parking area would be welcome in order to lessen the impact of so many parked cars on the area. Scale The proposed large, L shaped block of apartments is completely out of scale for this development. It may possibly be acceptable within a large city, but even urban areas are choosing to develop several smaller units rather than large 1960s type blocks. Flood Risk. The flood risk assessment for the proposed area has been thorough and makes good sense in present times. Although the point is made that it is a very low risk location, there are three points noted where flooding may be triggered. Details may need to be more secure if it is finally to be effective. A commercial company and the Environment Agency are named as overseers Formal responsibility for actual regular works need to be more

locally based, considering the thousand homes in the vicinity of the Barleythorpe Brook, in the event of blockage at the bridge or culvert. Oakham Town Council may wish to see that the named responsible bodies have undertaken their works. Access - Recommend Approval.

Appearance - Recommend Refusal

Layout - Recommend Refusal

Landscaping - Recommend Approval.

Scale - Recommend Refusal

14. Oakham Town Council

Recommend Refusal, on the grounds of inadequate parking.

15. Archaeology

I've checked the scheme against the previous archaeological investigation and the site has a low potential. Consequently, no further archaeological involvement is required

Neighbour Representations

16. None.

Planning Assessment

17. The main issues for this Reserved Matters submission are those set out in the outline condition. These are layout, scale, appearance and landscaping.

Layout, Scale and Appearance

18. There are no particular planning policy issues to raise on this application provided that it meets the requirements of Core Strategy Policy CS5 in terms of scale and design, phasing, affordable housing, density and other matters. The proposed density is 116 dwellings per hectare (dph), which is well above the 40 dph required in the policy. However, there was always going to be a range of densities across the development, the Design Code stating up to 55 dph. It is necessary to incorporate some of these apartment schemes into the overall development to give a mix of house types, to add to the affordable housing provision for 1 and 2 bed units and to enable the overall numbers to be maintained.

19. One such block has already been approved and there will be several more on Phases 9 and 10 on the former showground and rugby pitches at the southern end of the development. All of these are along the main central spine road through the development. The 3 storey height is also in accordance with the approved Design Code storey height plan.

20. The design is similar to that approved elsewhere on the site. The applicant has been requested to consider a better quality roof material and has indicated that this will be possible. An update will be included in the Addendum.

Landscaping

21. An indicative landscaping scheme has been submitted but further information has been requested. A separate Reserved Matters application could be submitted to deal with this.

Parking Provision

22. The applicant points out that the Design Code requires an average of 1.5 spaces per dwelling across the overall development with additional on street parking where appropriate. A revised plan is awaited showing cycle parking and a better location/detail for the bin stores.
23. Whilst there is an 'under provision' on this site, the scheme would meet the overall average parking figure set out in the Design Code. The only way to achieve a higher parking ratio would be a dramatic reduction in the number of units on the site which is not desirable. To date the average provision over the Larkfleet, Bellway and Charles Church phases is approximately 2.69 spaces per unit.
24. In addition, a lower figure on this site would ensure that more parking is provided for the 3 or 4 bed family dwellings elsewhere on site.
25. The approved apartment block on Phase 1 was for 24 units with 24 spaces plus bin stores, so this scheme is not materially different.

Other Issues

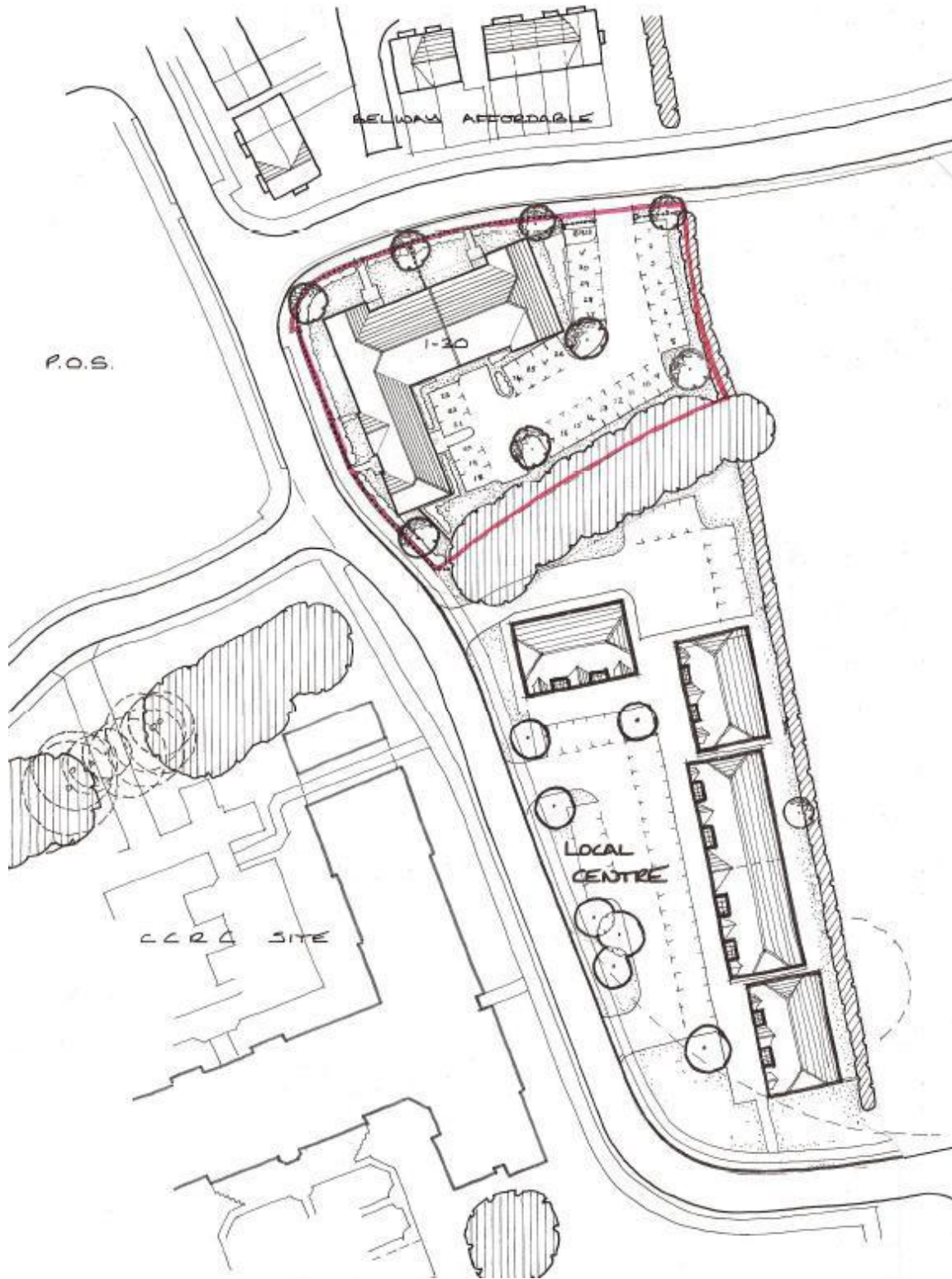
Ecology

26. The badger issue has been raised with the applicant; however, ecology is not a Reserved Matter issue so the developer will need to make a Statement of Conformity as required by other outline conditions. It need not hold up a decision on this submission.

Affordable Housing

27. It is not possible to insist on affordable housing provision in the scheme as it is not specified Reserved Matter and the S106 agreement requires an overall percentage to be provided across the development and the developer is able to choose where they go to some extent. Affordable units have been swapped around the development to some could still be provided in this block in the future.

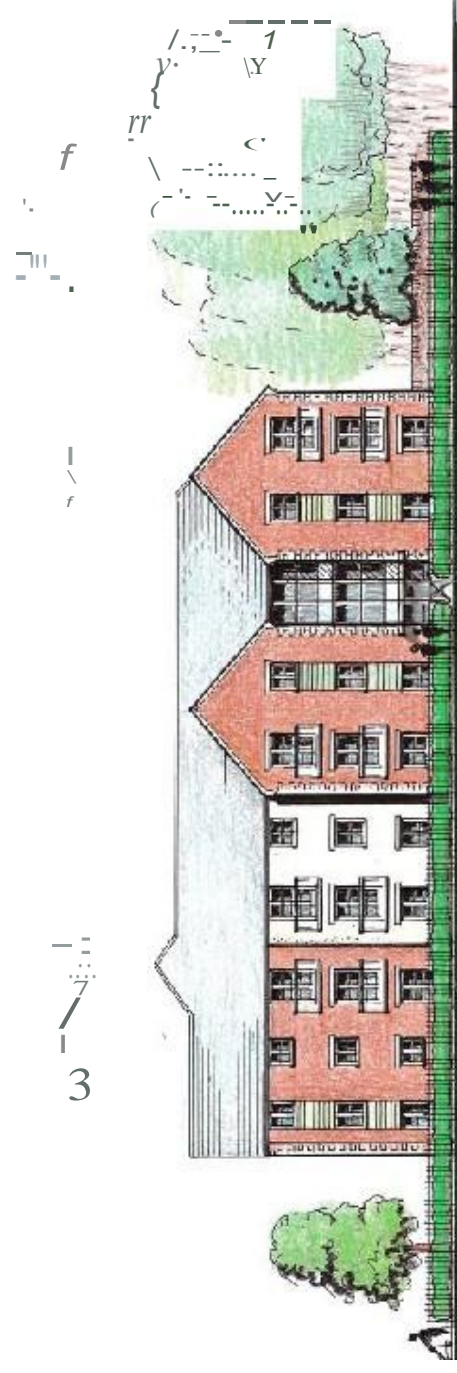
APPENDIX



Site Layout

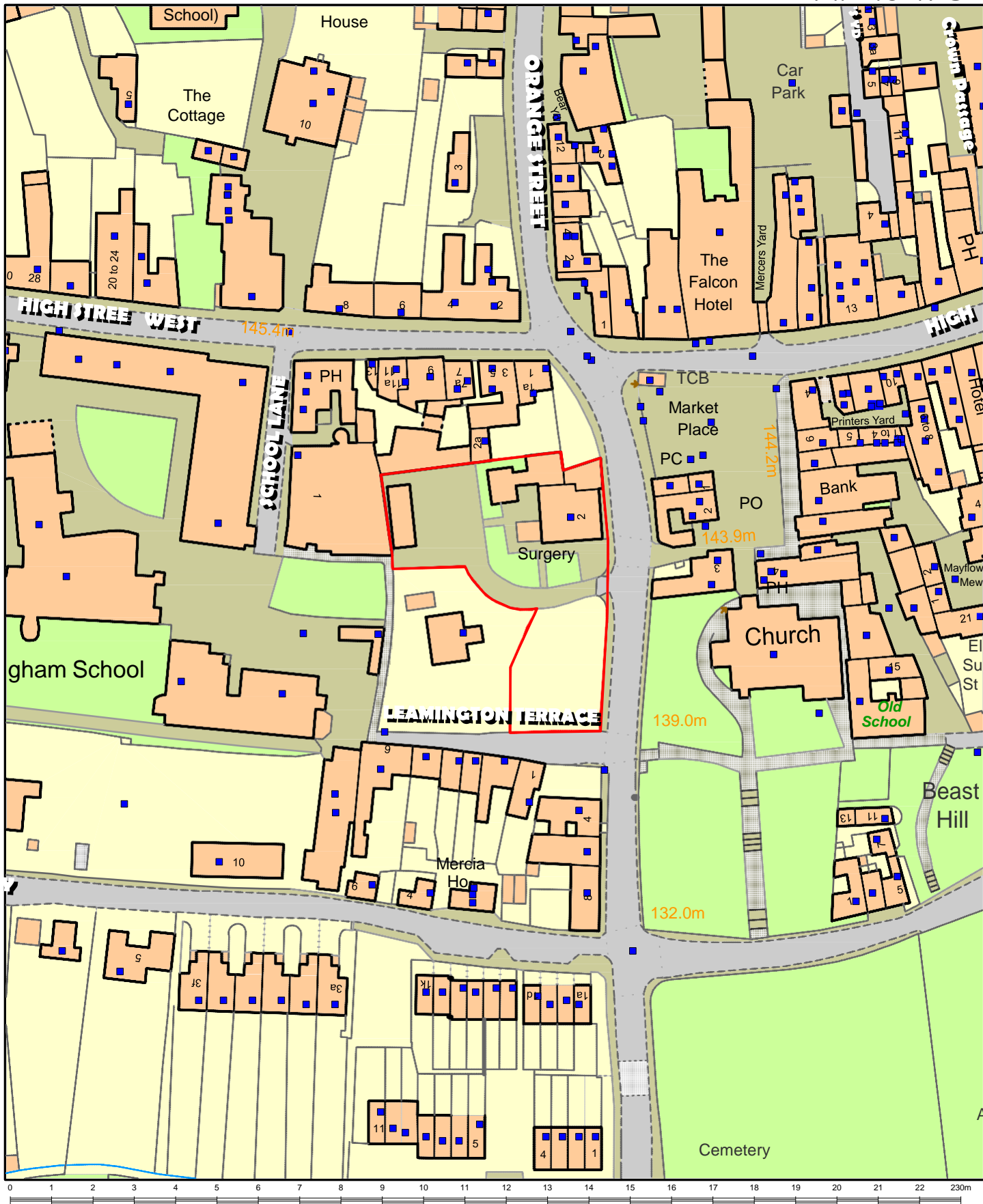


NORTHERN ELEVATION



WESTERN ELEVATION

Scale	1/8" = 1'-0"	DATE	01/15/2014
Project	DASHAM NORTH LAND MARKS OF LOCAL CENTRE	Client	Lark/feethomes
Drawn by	ETIHEET SCHEIN	Location	East Hwy. Durrus, Dhaka, BANGLADESH
Date	2-01-14	By	MAC
		Scale	1/8" = 1'-0"



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Date of plot: 06/08/2014



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0459/FUL	ITEM 2	
Proposal:	Change of use from doctors surgery (Use Class D1) to dwellinghouse (Use Class C3).		
Address:	2, London Road, Uppingham, OAKHAM, Rutland, LE15 9TJ		
Applicant:	Mr Philip Parker	Parish	Uppingham
Agent:	Philip Dowse Interiors	Ward	Uppingham
Reason for presenting to Committee:	Parish objection		
Date of Committee:	19 th August 2014		

EXECUTIVE SUMMARY

The application does not conflict with the policies of the adopted Core Strategy (2011) as it will not result in the net loss of community facilities, due to the relocation of the doctor's surgery. Uppingham Town Council has undertaken further work to identify that the application building would not be a suitable site for further additional community service facilities, due to its internal layout and price of purchase and have now discounted it from further feasibility work. Therefore the application is not contrary to either adopted local plan policies or emerging Uppingham Neighbourhood Plan policies and is recommended for approval.

RECOMMENDATION

APPROVAL, subject to the completion of a Unilateral Undertaking and 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 plan LPA1.
Reason – For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

1. The application site is on London Road, within Uppingham Conservation Area in the centre of Uppingham. The building was used as a doctor's surgery until March of this year when the surgery was moved to a larger premise at Uppingham Gate in the north of Uppingham.
2. The site is accessed off London Road, by a shared drive serving the application site and The New Rectory. The access road leads to a parking area for over 10 cars to the rear of the property.
3. The site includes two buildings, the main building and a smaller two storey building to the rear. Both buildings are constructed from stone, with painted timber windows and a slate roof. The site includes a large amount of grounds with mature tree planting and historic stone walls.
4. It is noted that internal renovations have already begun and the applicant has been made aware that these works are undertaken at their own risk.

Proposal

5. This proposal is for the change of use from a doctor's surgery (class D1) to a residential dwelling (class C3). No external alterations are proposed to the existing building or access arrangements. The small building to the rear of the site is also included within this application and would be ancillary accommodation to the main dwelling.

Planning Guidance and Policy

National Planning Policy Framework

Presumption in favour of sustainable development
Requiring Good Design

The Rutland Core Strategy

CS1 Sustainable Development Principles
CS2 The Spatial Strategy
CS3 The Settlement Hierarchy
CS4 The location of development
CS7 Delivering socially inclusive communities
CS8 Developer contributions
CS9 Provision and distribution of new housing
CS11 Affordable Housing
CS22 The historic and cultural environment

Rutland Local Plan

EN1 Location of Development
EN5 Development in Conservation Areas
EN29 Amenity

Other Material Considerations

Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) (July 2010)

Developer Contributions to Off-site Affordable Housing SPD (June 2012)

Site Allocations and Policies Development Plan Document (submission document April 2013)

Uppingham Neighbourhood Plan (referendum edition 2014)

Consultations

6. Highways Department
No objections.
7. Uppingham Town Council
Recommend refusal of this planning application as it does not meet with the aspirations of Neighbourhood Plan.

Neighbour Representations

8. None received.

Planning Assessment

9. There are two main issues in regards to this application. Those are:
- the principle of development
 - developer and affordable housing contributions

Principle of Development

10. The application site is within the planned limits to development (PLD) for Uppingham, which is identified as a small town in the adopted Core Strategy (2011). Housing development within the PLD of Uppingham is supported by policy CS4 of the adopted Core Strategy (2011).
11. The adopted Core Strategy policy CS7 – Delivering socially inclusive communities states that proposals involving the loss of services and facilities, including health services will not be supported unless an alternative facility to meet local needs is available that is both equally accessible and of benefit to the community is provided. The doctor's surgery has moved to another larger premises within Uppingham which is accessible to the community, therefore the proposal will not result in a net loss of facilities and would not be contrary to this policy.
12. Uppingham Town Council objects to the application and it is stated that the application 'does not meet with the aspirations of the Neighbourhood Plan' (NP). The Town Council has been asked to clarify which part of the NP the application does not accord with, the Town Clerk has clarified it is the Development of Community Facilities & Services Section and Proposal 2 – Create additional community service facilities. Proposal 2 of the Neighbourhood Plan identifies that a feasibility study of four possible locations for additional community service facilities was undertaken, one of the sites being the application site, and that the plan supports that the Town's Council and its voluntary sector work together to achieve additional community facilities in Uppingham. This section or proposal does not allocate the site for community development and only suggests the site will be explored for its potential to become an additional community service facility.
13. The Uppingham Neighbourhood Plan is not an adopted plan. The plan has passed examination and has recently been supported at a local referendum on the 10th July 2014. High court action has been taken by Larkfleet Homes and is currently ongoing which has delayed the progress of the plan and at present no date is made to 'make' the plan. Paragraph 216 of the NPPF sets out the relevant guidance relating to the weight that may be given to relevant policies in emerging plans. Whilst this guidance is primarily aimed at policies in emerging local plans, it is clear from the legislation and guidance relating to Neighbourhood Plan (NPs) that once the Uppingham Neighbourhood Plan is made it will form part of the development plan for the area and attain the same legal status as the Local Plan (para 006 PPG March 2014).
14. Para. 216 of the NPPF outlines that the weight that that may be given to relevant policies in emerging plans should take account of the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency with the policies in the NPPF. The NP is at an advanced stage having recently been supported at a local referendum in Uppingham on 10th July 2014. There are no unresolved objections relating to the particular section in the NP on community facilities and services and the approach taken is consistent with the policies in the NPPF. It is noted that the community facilities and services section includes 'Proposal 2' to create additional community facilities and therefore is an aspiration of the plan rather than a specific policy on this issue. As the section the Town Council identified the application is in conflict with does not contain a policy only text and a proposal, this should be afforded limited weight in the decision.

15. The Town Council was contacted to identify if any further work has been undertaken other than that identified in the Neighbourhood Plan. The Town Clerk confirmed that the old Doctor's surgery (application site) has been discounted for use as a further community facility. The reason for this being the purchase cost of the building and that the building has many small rooms and does not have the floor space big enough for dance classes or to hold a library. This application is not thereby contrary to the aspirations of the Neighbourhood Plan as further work has been undertaken by the Town Council, which discounted this site for use as a further community facility.

Developer and Affordable Housing Contributions

16. This development would result in the creation of a new dwelling and will therefore have an impact upon local services and infrastructure and as such would be required to make contributions in line with the adopted Core Strategy (2011) policy CS7, Planning Obligations and Developer Contributions (SPD) (July 2010) and Developer Contributions to Off-site Affordable Housing SPD (June 2012).
17. On the 6th May the council made changes to the developer contributions policy, to ensure it is brought into line with the recent reforms to the Community Infrastructure Levy and national planning practice guidance. This policy has made residential extensions and annexes and self-build housing exempt from developer contributions (not including affordable housing contributions). However, there are three points applicants must be aware of:
1. Applicants must own the property and occupy it as their principle residence for a minimum of three years after the work is completed. A legal agreement must be signed in regards to this and the developer contributions to be paid if these requirements are not met.
 2. Where applicable contributions will be required towards the provision of off-site affordable housing, subject to viability.
 3. There may be circumstances where certain investments in physical infrastructure are required to make the development acceptable.
18. It has been confirmed that the development can be classed as 'self-build'. An off-site affordable housing contribution remains and will be required through a Section 106/unilateral undertaking. Work towards this is currently ongoing and an agreement has not yet been signed. It is recommended that this application is approved subject to the signing of a Section 106/unilateral undertaking to ensure the application is in accordance with the policies identified above.