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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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Application:	APP/2011/0355 & APP/2011/0357	ITEM 1	
Proposal:	Erection of two storey dwellinghouse, following demolition of existing dwelling		
Address:	Beech House Ketton Road Hambleton		
Applicant:	Mr A White	Parish:	HAMBLETON
Agent:	Mr T Ansell Rutland Planning	Ward:	Exton
Reason for presenting to Committee:	Previous Committee Decision		
Date of Committee:	3 February 2015		

EXECUTIVE SUMMARY

It was previously resolved to grant permission by this Committee subject to the preparation of a Section 106 agreement to secure developer contributions.

On 28 November 2014, the Government amended the National Planning Practice Guidance (NPPG) to specify that Local Planning Authorities should not seek developer contributions from smaller residential developments.

On 6 January 2015, Cabinet resolved that this amended government policy be implemented with immediate effect.

It is no longer appropriate to seek a Planning Obligation to secure developer contributions on this site. The application is therefore being reported to committee to seek resolution to grant permission without a Section 106 agreement securing developer contributions.

The original report is attached as Appendix 1 and its content and conclusions remain valid except in relation to the matter of Developer Contributions.

RECOMMENDATION

APP/2011/0355

APPROVAL, subject to the conditions specified in the report attached at **APPENDIX 1**.

APP/2011/0357

APPROVAL, subject to the conditions specified in the report attached at **APPENDIX 1**.

Planning Guidance and Policy

This section identifies the changes in policy since this application was considered on 28th May 2013

National Planning Policy Framework

No changes have been made to the policies contained within the National Planning Policy Framework since the previous report; however the revision to the National Planning Practice Guidance now states that planning authorities should not seek tariff-style S106 contributions.

National Planning Practice Guidance

Paragraph: 012 (Reference ID 23b-012-20141128) – Circumstances where infrastructure contributions through planning obligations should not be sought from developers.

The Rutland Core Strategy

The wording of Policy CS8, regarding developer contributions, remains in its original form. Other policies remain as identified in the original report (Appendix 1)

Rutland Local Plan

The Rutland Local Plan has now been completely replaced and is no longer of any relevance.

Rutland Site Allocations and Policies Development Plan Document

This document was still under preparation at the time of the original report to the Development Control and Licensing Committee. Its policies now carry full weight.

Policy SP1 – Presumption in favour of sustainable development
Policy SP5 – Built development in the towns and villages
Policy SP15 – Design and amenity
Policy SP19 – Biodiversity and geodiversity conservation
Policy SP20 – The historic environment

Supplementary Planning Documents

The Planning Obligations and Developer Contributions Supplementary Planning Document (July 2010) and the Developer Contributions to Of-site Affordable Housing Supplementary Planning Document (June 2012) remain in force until they are replaced. However the weight that can now be given to them in this case has been outweighed by the material changes in policy this report has identified.

Planning Assessment

1. The main issue for consideration is the impact of subsequent policy changes on the committee resolution of May 2013. The report to that committee meeting is attached as Appendix 1.

Policy Changes

2. Adoption of the Site Allocations and Policies DPD introduces new policies to replace the former Rutland Local Plan of 2001.
3. More specifically, the change to the NPPG means that Local Planning Authorities should no longer require developer contributions (including affordable housing contributions) from small residential developments of 10 dwellings or less. The only exceptions are that:
 - a lower threshold of 5 dwellings may be applied in designated rural areas
 - contributions can still be sought from developments of 10 or less dwellings, where the total floorspace is greater than 1000 square metres.
4. This was reported to Cabinet on 6 January 2015, with a recommendation that:

- the Council's own policies be amended to ensure consistency with the revised NPPG, including the lower threshold of five dwellings in the designated rural areas,
 - the revised government policy be implemented with immediate effect, and that any planning obligation currently under negotiation be amended or nullified.
5. Cabinet decided to accept these recommendations. This does not require changes to the Council's policies in the Rutland Core Strategy or the Site Allocations and Policies DPD, but the necessary changes to the relevant SPDs are now underway:
- Planning Obligations and Developer Contributions Supplementary Planning Document SPD of July 2010
 - Developer Contributions to Off-site Affordable Housing SPD of June 2012

Implications for current application

6. At the DC&L committee meeting on 28th May 2013, members had resolved to approve the current application, subject to a Planning Obligation to secure developer contributions. The Obligation was still under negotiation when the Site Allocations and Policies DPD was adopted and when the NPPG was amended. Consequently, it must now be reconsidered in the light of these events and the subsequent cabinet decision of 6 January 2015.
7. Adoption of the Site Allocations and Policies DPD in August 2014 does not affect the recommendation to approve the current application. However, as the replacement dwelling is a housing scheme of less than five new dwellings in a rural area, the amended NPPG and Cabinet Decision now dictate that developer contributions should not be sought. These are key material considerations, even though amendments to the Council's SPDs on developer contributions are still under preparation, particularly as cabinet resolved on 6 January 2015 that the amended government policy be implemented with immediate effect.
8. In the context of the updated Guidance and Policy, and the Cabinet Decision, members are recommended to approve the current scheme again, but without any planning obligation to secure developer contributions.

Application:	APP/2011/0355 & APP/2011/0357	Item 2	
Proposal:	Erection of two storey dwellinghouse, following demolition of existing dwelling		
Address:	Beech House Lyndon Road Hambleton Oakham		
Applicant:	Mr A White	Parish:	HAMBLETON
Agent:	Mr T Ansell Rutland Planning	Ward:	Exton
Reason for presenting to Committee:	Neighbour/parish objections		

EXECUTIVE SUMMARY

The proposal is for the demolition of the existing dwelling and its replacement with a large two-storey property. The existing dwelling has an extant permission for its extension to both the north and south elevations.

Objections have been received from several of the neighbouring properties, relating to loss of privacy and light, impact on the setting of the adjacent listed building and the overall scale of the dwelling. There are limited public views possible of the proposed dwelling, and revised plans have been submitted that limit the areas of concern with regard to the adjacent dwelling to the north.

RECOMMENDATION

APP/2011/0355

APPROVAL, subject to the completion of a Section 106 agreement regarding developer contributions, 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 plans, numbers WHI/01B/PLANNING/2011, WHI/02B/PLANNING/2011, WHI/03A/PLANNING/2011 and WHI/10A/PLANNING/2011. Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development 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 used in the construction of the property do not adversely affect the setting of the neighbouring listed building.
4. No demolition shall take place until the existing trees on the site shown to be retained on the approved plan, 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.

APP/2011/0357

APPROVAL, subject to the following conditions:

1. The works shall begin before the expiration of 3 years from the date of this consent.
Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

The Site and its Surroundings

1. The site is located within the village of Hambleton, on its southern side looking out over Rutland Water and at the end of a private drive.
2. To the east of the application site is Hambleton Hall, a 19th Century Grade II listed property now in use as a hotel and restaurant.
3. The land to the west and south is the site of a dwelling and its garden, also a modern property, having been granted consent in the mid 1980's. This dwelling has been granted consent for replacement by this committee.
4. Immediately to the north of the site lies a relatively recently constructed dwelling, Lakeside House, which was granted permission in 2003.
5. The existing property is of poor architectural quality, having been constructed in the early 1960's, and is suffering from cracking visible in several places around the external structure. The site of the existing dwelling is the only flat part of the site however, with an increase in land level of approximately 1m to the north of the dwelling, and a drop of 4.5 – 5m to the southern border.
6. There are several mature trees within the site, the most notable being a mature copper beech in the north-east quarter that is the subject of a tree preservation order. A second tree (Lime) on the site that was subject to a preservation order was granted consent for removal in 2006 on the basis that it was so close to the bungalow that it was resulting in structural damage to the property.
7. The site is located in such a way that there are extremely limited public views of the proposal.

Relevant Planning History

Planning Number	Description	Decision
59/57	Land to be used as a site for the erection of a dwellinghouse	Permission
50/58	The erection of a dwellinghouse	Permission

800/73	The erection of an extension to existing dwelling	Permission
FUL/2005/0271	Construction of ground, first floor and two-storey extensions. Increase in roof height to form additional accommodation. Conservatory to rear (South) elevation.	Permission
FUL/2010/0607	Erection of two storey dwellinghouse, following demolition of existing dwelling	Withdrawn
APP/2010/1020	Extension of time for implementation of FUL/2005/0271 - Construction of ground, first floor and two storey extensions. Increase in roof height to form additional accommodation. Conservatory to rear (south) elevation.	Permission

Planning Guidance and Policy

Rutland Core Strategy

CS4 – The Location of Development

CS8 – Developer Contributions

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

Rutland Local Plan

EN1 – Location of development

EN5 – Development in Conservation Areas

EN29 - Amenity

Consultations

8. Village meeting: Scale and impact of the proposed property causes concern, and seems disproportionate to the plot.

Neighbour Representations

9. 8 notifications were sent, 4 responses have been received raising the following points.
 - Incorrect, inconsistent and incomplete application details.
 - The proposal is an overdevelopment of the site and out of scale with the site and village.
 - The design requires refinement both internally and externally.
 - The proposal would have a serious adverse impact on the neighbouring properties.
 - Loss of privacy and enjoyment from the garden of the Old Vicarage.
 - Loss of privacy and light pollution to the Old Vicarage dwelling from upper windows on the north side of the dwelling.
 - Ridge height is greater than approved and also greater than the withdrawn scheme.
 - Proposal would compete with Hambleton Hall, a world renowned hotel and listed building.
 - Rear section would overshadow a large portion of the neighbouring properties.

- North facing first floor rooms would have direct views into the property to the north.

Planning Assessment

10. There are 5 main issues that relate to the proposal, these are:

- **Principle of the development**
- **Design of the proposal**
- **Impact on trees within the site**
- **Impact on neighbouring properties**
- **Impact on the Conservation Area and setting of the adjacent Listed Building**

Principle of the development

11. The application site is located within the village of Hambleton, which is classified within the Rutland Core Strategy as a Restraint Village. Policy CS4 of the Rutland Core Strategy states that development in such villages will only be acceptable if it is normally acceptable in the countryside.
12. Consent exists for the extension of the existing dwelling, which was 'renewed' in 2010 and allows commencement of the scheme up until November 2013.
13. As noted earlier however, the existing property is architecturally poor and provides no positive contribution to the village or the conservation area. It is therefore considered that replacement, rather than extension, would be a preferable solution on the site providing an appropriately designed property is proposed.
14. The Countryside Design Guidance currently gives the most detailed adopted guidance on replacement dwellings, and states that where replacement is acceptable, the impact of the replacement dwelling and its curtilage should not result in the replacement dwelling being more visually prominent or intrusive in the landscape than the existing dwelling.
15. The guidance then goes on to advise applicants how to achieve this objective, including suggesting that the new dwelling should occupy a similar footprint to the existing dwelling, being of similar scale, roof height, proportion and character to the main dwelling whilst being appropriate for the plot size.
16. In this instance however, and as noted above, the location of the proposal is such that the replacement dwelling is not likely to be significantly more visually prominent or intrusive in the landscape than the existing dwelling from a public perspective.

Design of the proposal

17. In its broadest terms, the proposal is for the replacement of a single dwelling, with a single dwelling. The existing dwelling on the site is what is commonly referred to as a 1.5 storey dwelling however, due to the use of the roof space, first floor accommodation is provided. The proposed dwelling would be a full 2-storey property.

18. The property is, as noted above, a two-storey dwelling, which is centred around a two-storey body running east-west across the site. This main element of the structure has a two-storey wing projecting to the north, to the east of centre of the main building, and a single-storey swimming pool, with a flat roof projecting to the south. The swimming pool is set down from the ground floor level of the main house.
19. Following the original submission and the receipt of the representations on the application, revised plans have been received making alterations to the proposed design. These include the replacement of the windows on the north elevation of the projecting element with high level windows only, preventing them from being capable of causing an unacceptable privacy impact, reduction of the overall height of the northern part of the dwelling proposed to 9m, and the reduction of the slab level of the dwelling so that the rear projecting element is at the same height as the existing approved 8m high extension.
20. The scheme has removed from the dwelling the turrets that were proposed under the withdrawn scheme, and this has significantly improved the appearance of the property to a point where the design is now acceptable in planning terms.

Impact on trees within the site

21. One existing tree within the site is noted as being removed; this is the evergreen oak to the eastern boundary, approximately 9m tall at the time of the tree report provided with the application, although this was undertaken in May of 2008. The tree was indicated as having a 'C' class retention category, which identifies a tree of low value and quality. This is due to the tree being multi-stemmed at ground level.
22. The copper beech at the north eastern corner of the site is protected by a tree preservation order, as it provides significant amenity value to both the site and the adjacent surroundings. The proposed dwelling has been positioned so that its foundations lie further from the root protection area of this tree than those of the existing property. Several windows within the new dwelling would be placed looking out onto this tree, particularly one of the windows in the first floor north western bedroom and the north facing windows of the gallery landing and en-suite bathroom. The impact on the tree is considered to be acceptable however.

Impact on neighbouring properties

23. The dwelling is situated in the northern portion of the application site, on the level ground where the existing property is located. It is to be positioned 6.5m to 7.5m from this northern boundary, which is delineated by a 1.8m solid fence. The land levels to the north of the site rise up from the level of the existing property, being approximately 1m higher and as such the impact of the north elevation of the proposed dwelling would be lessened by this.
24. The nearest point to the boundary is the north projecting bedroom wing of the property, and the elevation facing the north boundary comprises two gables linked by a flat roofed element. The ridges of the gables are 9m (but as noted earlier would be dropped by 1m due to the proposed slab height) and the flat roofed element is 6m. The approved extension also has two gable elevations presented to the north, one at 7.4m and one at 8m. It results in bedroom windows potentially overlooking parts of the dwelling and garden to the north.

25. The revised plans received in relation to the application confirm that the dwelling is to be 4m from the east and west boundaries of the site. Hambleton Hall is a commercial property and the land immediately adjoining the application site is given over to a croquet lawn. Whilst there will undoubtedly be a visual impact from the scheme on the grounds of the building, use of appropriate materials will ensure such an impact is minimised, and a commercial premises such as this does not require the same standards of privacy that may be expected of a residential dwelling. Additionally, the two windows that are most likely to be visible from the grounds of the hall are located within the en-suite bathrooms and are therefore likely to be obscure-glazed.
26. The siting of the proposed dwelling is such that the property will not impact significantly on the dwelling to the west, which has also been granted consent for replacement

Impact on the Conservation Area and the setting of the adjacent Listed Building

27. This point is briefly touched upon above, in terms of the impact in particular of the eastern elevation on the setting of the adjacent hotel, Hambleton Hall. The revisions to the design have removed the inappropriate turret elements from the proposal, and the impact of the proposed building on the setting of the hall is not sufficiently detrimental to require a recommendation of refusal on these grounds.
28. The site is well hidden from general view, with only views from the access road immediately to the west of the site, and long-distance views from across Rutland Water available from public areas, and should the neighbouring replacement dwelling be constructed, its approved garage building would screen parts of the proposed house that are currently visible from the approach drive to the property.