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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0459/FUL	ITEM 4	
Proposal:	Change of use from doctors surgery (Use Class D1) to dwellinghouse (Use Class C3).		
Address:	2, London Road, Uppingham		
Applicant:	Mr Philip Parker	Parish	UPPINGHAM
Agent:	Philip Dowse Interiors	Ward	Uppingham
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

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 plan LPA1.
Reason – For the avoidance of doubt and in the interests of proper planning.

Planning Guidance and Policy

This section identifies the changes in policy since this application was considered on 19th August 2014.

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.

Rutland Core Strategy (July 2011)

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.

Site Allocations and Policies Development Plan Document (DPD) (October 2014)

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 Towns & Villages

Policy SP15 – Design and Amenity

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 August 2014. 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 19 August 2014, 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 conversion of the former surgery into a single dwelling is a housing scheme of less than ten new dwellings in an urban 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:	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 have 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:

3. 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.
4. 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 object 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 contacted to obtain which part of the NP the application does not accord with, the parish 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. Therefore this application is not 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.