

REPORT NO: 119/2014

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

29TH APRIL 2014

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

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

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

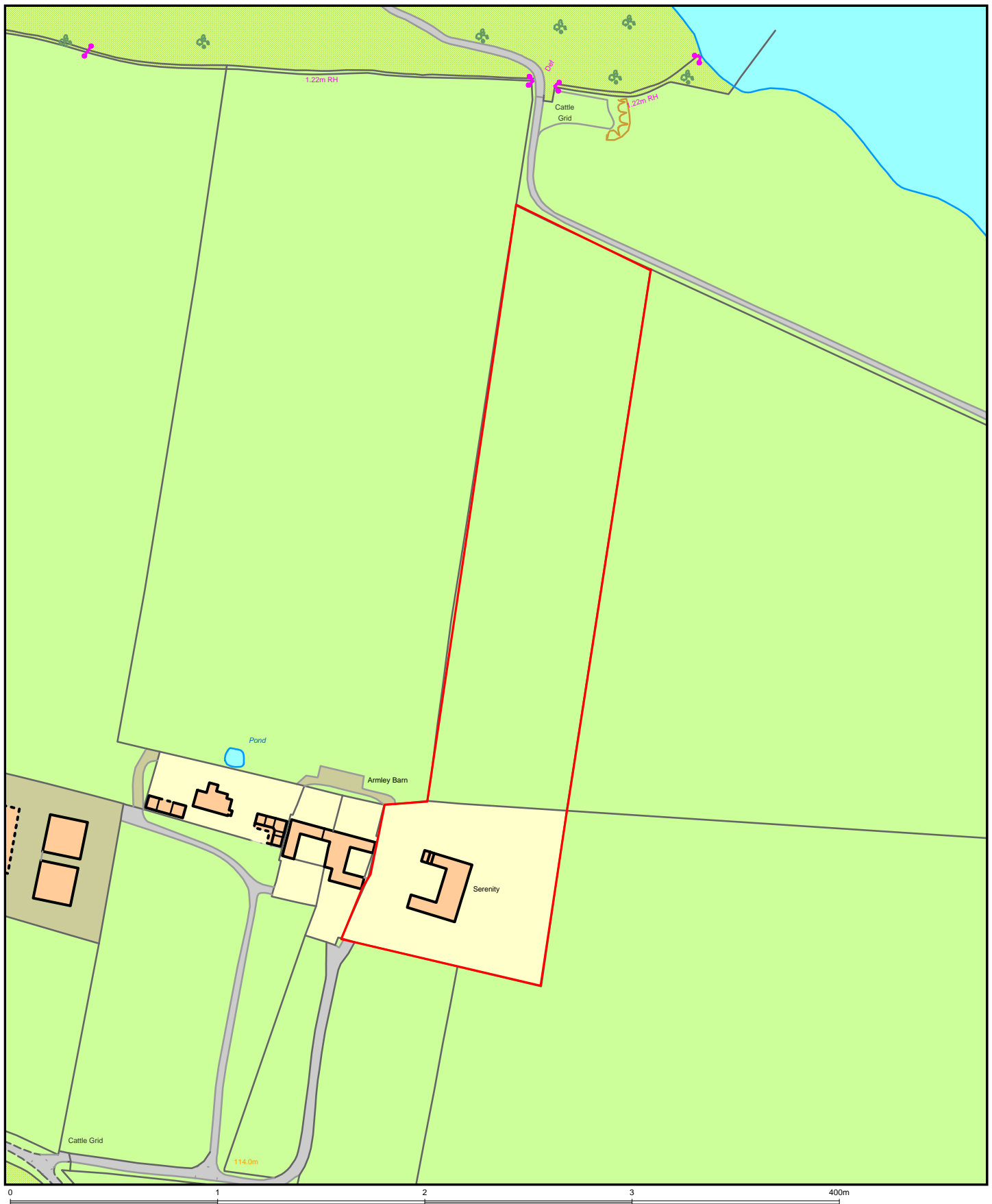
29TH APRIL 2014

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Ordnance Survey [100018056]

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2013/1065/FUL		ITEM 1
Proposal:	Change of use of paddock to domestic curtilage and construction of two new detached garage blocks for storage of private car collection in association with the occupation of the dwellinghouse, entrance gates with stone pillars, field shelter, 40 x 20 metre manege plus landscaping.		
Address:	Serenity, Ketton Road, HAMBLETON		
Applicant:	Mr P & Mrs S Bailey	Parish	HAMBLETON
Agent:	Miss Rachel Padfield, Sworders	Ward	Exton
Reason for presenting to Committee:		Referred back by Council	
Date of Committee:		29 April 2014	

Members will be aware that this application was referred back for reconsideration by Council on 14 April 2014.

Members may wish to note that if the use of the property is a concern, it would be possible to impose an additional condition that the garages should only be used for storage of the applicant's private vehicle collection. The proposed Unilateral Undertaking would then ensure that the structures were removed upon the sale of the property by the applicant.

The following is the report which was considered at the meeting of this Committee on 4 March 2014.

CHANGES SINCE LAST MEETING

- Members will recall deferring this item at the last meeting on 4 February for further information relating to the use of the premises in order that the overall impact of the proposal could be considered again at this meeting. The proposal has been revised since the last meeting with the extended curtilage being reduced significantly in size, to include the garages and a reasonable amount in front of the main house.
- The applicant has also offered to submit a Unilateral Undertaking under the provisions of S106 of the Act, to secure:
 - Removal of the garages as permitted by planning consent 2013/1065/FUL as shown on a plan.
 - Trigger date by which the garages must be removed to be on completion of a sale of Serenity
 - Associated tree planting to be retained
 - Earth bund to be removed
 - Garage site area to be reinstated as grass as shown on a plan

The land upon which the garages would sit would then be levelled and returned to grass. The applicant has also agreed to look at the tree species on the eastern boundary, confirming that he will use a mix of Birch (*Betula Pendula*) and (mostly) Field Maple (*Acer Campestre*), rather than Birch and Beech.

- Advice from Counsel on the use of the premises is attached as exempt information at **APPENDIX 3**. This clarifies issues about whether this is a hobby, an investment or a business.

4. The remainder of the report from the last meeting is reproduced below with the exception of the revised site plan at **APPENDIX 1** which now shows the reduced curtilage and a revised recommendation to include the Unilateral Undertaking.

EXECUTIVE SUMMARY

The proposal is a revised application following a previous refusal and is again in 3 parts, to change the use of land from paddock to residential, the erection of a manege, field shelter and a manure store and the erection of 2 garage blocks for 34 cars, the latter of which is lower and further from the boundary than before. The site is in open countryside on the edge of the Hambleton peninsula. No objections have been received this time and support has been received from adjacent residents. The scheme would be well landscaped and is not considered to detract from the appearance of the locality.

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 plans, numbers...(revised numbers to be confirmed).
Reason – For the avoidance of doubt and in the interests of proper planning.
3. All changes in ground levels, hard landscaping, tree, hedge and other planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (September - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason – To ensure that the built development assimilates into the wider landscape, in the interests of visual amenity, and to ensure that the planting scheme is properly maintained.
4. The external facing bricks to be used shall match in colour, texture and form of those used on the existing building.
Reason – This is a publicly visible building where matching materials are a visually essential requirement.

Notes to Applicant:

This permission only permits the erection of garaging for private personal use and does not grant or imply any approval for any commercial use of the site, which would require a separate planning permission.

Site & Surroundings

1. The site is at the far eastern end of Hambleton peninsula where a former farmhouse has been replaced by a large new house built in stone. The house includes an

extensive basement with gym, cinema and parking for 20-24 cars, accessed by a lift from the courtyard.

2. The site, with its new dwelling on a still bare curtilage is relatively prominent from the waterside at Whitwell car park although a new farmhouse at Armley Lodge Farm a little way to the west is higher in longer views.
3. The land in the applicants ownership slopes gently down from the house in a northerly direction towards the Rutland Water cycle path, although there is a small strip of intervening land owned by a neighbour between the boundary and the hedge to the cycle path.
4. Footpath E343 runs approximately 125m to the south of the property boundary.

Proposal

5. This is a revised application following a refusal of permission at the meeting in August 2013 (2013/0324). The proposal involves three main aspects:
 - Change of use of paddock to residential curtilage
 - Erection of field shelter, manege and manure store, and
 - Erection of two garage blocks, one to house 10 vehicles and one to house 24 vehicles, one above the other in 12 bays.
6. The field shelter, manege and manure store would be in paddocks to the north of the property. The application states that the field shelter is 'mobile' so would not normally require permission if it is not affixed to the ground. There would be a new track alongside the paddocks to access the manure store. This would be a 'cell' type structure but have a grass finish. The previous scheme indicated gravel.
7. The garages would still be in the former paddock area to the south east of the new house. They would have curved grass roofs and would now be cut into the ground by up to 1m. The southernmost garage has been shortened in length by 4.5m and both blocks have been moved in 6m from the eastern boundary, which they previously both abutted.
8. The garage roofs have been lowered by 0.7m due to specially commissioned vehicle lifts which require minimum clearance. The levels would mean that one grass roof would still appear as a continuation of the other from the north. Revised materials have been changed to brickwork (in Flemish bond) and timber boarding to match the existing stables on site. The adjacent dwellings are also constructed of red brick so this is considered to be acceptable.
9. From the south there would be a stone gabion retaining wall with a planted hedge behind. This is required as the garages have also been moved 1.5m from the southern boundary and are cut into the ground, hence the retaining wall. The applicant owns approximately 60 modern 'supercars', 45 of which are on site at present, leading to insurance and access difficulties for the remainder elsewhere.
10. A new gate and piers is proposed at the access and a hedge would be planted between the gate and the end of the new garages.
11. Other tree planting is proposed on mounded earth from the garage excavation to the north of the garages and in the now wider space along the eastern boundary to further assimilate the structure into the landscape. There is also a general landscaping

scheme for the area around the house. Some of the garden features in the previous scheme have been deleted.

12. In support of the application the following points are made by the agent:

- The garages are necessary to provide adequate levels of security – they cannot be accommodated in the current restricted curtilage of the substantial house.
- They have been reduced in height and mass from before
- The curtilage extension represents ‘squaring off’ to create a logical curtilage, in accordance with the SPG. The revised curtilage is reasonably required for a house of this scale.
- There is no business activity here – it is purely a private collection, many cars never go on the road. An element of ‘non-domestic’ use has already been approved.
- The scheme will not be visible in the wider landscape
- There will be no harm to the character and appearance of the open countryside as the garages will be screened by landscape treatments and tree planting.
- The applicant considers that the scheme is in accordance with the relevant policies.
- The applicant is confident that the use is ancillary to his use of the dwelling and hence is prepared to accept conditions regarding the future use of the garages

13. Details are shown in the **APPENDIX**.

Relevant Planning History

Application	Description	Decision
2005/0652	Erection of replacement dwelling	Refused – Appeal Dismissed May 06
2006/0304	Erection of Replacement dwelling	Approved
2007/0802	Erection of replacement dwelling with basement (Revised scheme)	Approved Oct 07
2013/0324	Change of use of field from agricultural land to domestic curtilage. 2 no. detached garage blocks, entrance gates with stone pillars and various landscaping works. Field shelter to paddock and 800m ² manege. Construction of new access road and fencing to paddocks.	Refused Aug 13

Planning Guidance and Policy

National Planning Policy Framework

Presumption in favour of sustainable development
Requiring Good Design

The Rutland Core Strategy

CS19 – Promoting Good Design
CS24 – Rutland Water

Rutland Local Plan

EN17 – Landscaping of Development
EN26 – Development in Countryside
EN28 - APAC
EN29 - Amenity

Other Considerations

Site Allocations and Policies DPD (2013)

SP5 – Housing in the Countryside (Inc extensions to dwellings and curtilages)
SP14 – Design & Amenity
SP22 – Landscape Character in the Countryside

SPG - Garden Extensions - 2004

Consultations

See **APPENDIX 2**

Neighbour Representations

14. No objections have been received to this proposal. Letters of support have been received from the 2 nearest neighbours:

Armley Barn (the nearest property to Serenity):

The applicants have ensured that we are fully aware of their proposed developments. They are very thoughtful and courteous neighbours who throughout the building of their house have consulted and informed us about how the site will be developed. We have been given every opportunity to comment to them on their proposals as they have not wanted to do anything to their property that would have a negative impact on our enjoyment of this beautiful environment.

We have studied the plans and can see no reason to object to them. In fact we believe that it will enhance the general look of the site as cars will be kept in environmentally friendly garages. Therefore, we invite the council to approve these plans as we have no objections to them.

Mr Brennan:

The comments we made in respect of application number 2013/0324/FUL apply equally to this proposal and we support the application

Planning Assessment

15. For members information, the previous reason for refusal was as follows:

1. *The site is located in a prominent position on the end of the Hambleton Peninsula, well beyond the Planned Limit to Development for Hambleton, within the Rutland Water Area and open countryside which is also designated as Particularly Attractive Countryside in the Rutland Local Plan. The proposal for the new garaging and extended residential curtilage in particular is a large development, tantamount to a commercial scale, which would be prominent in*

longer views, out of character with the immediate residential setting and detrimental to the character of the wider attractive countryside.

The LPA considers that the extent of car storage on site is already beyond that associated with normal domestic activity and that the proposal would lead to a substantial increase in the non-residential part of this mixed use. The increase in the keeping of vehicles and additional structures to house them is of concern, particularly in the longer term when subsequent owners are unlikely to need this space, leading to unavoidable pressure for other uses.

The proposals would thereby be contrary to Core Strategy Policy CS24 (2011), saved Policies EN26 and EN29 of the Rutland Local Plan (2001), policies SP5, SP14 and SP22 of the Submission Site Allocations and Policies DPD (2013) and the adopted Supplementary Planning Guidance on Countryside Design (2004).

16. The main issues are Planning Policy, Visual impact, Residential Amenity and Ecology.

Policy and Visual Impact

17. The site is located in open countryside where a large new property has recently been constructed, replacing an original farmhouse. The permission for the new dwelling had a relatively small residential curtilage, and excluded the area immediately to the east of the new house, although a long established post and rail fence runs along the edge of that area with the field beyond. Policy SP5, in dealing with extensions to curtilages in the countryside states that:

'extensions to the existing curtilage of a residential property in the countryside will only be permitted if it is necessary to provide adequate levels of amenity for the occupancy of the dwellings and there is no adverse impact on the character of the area or on any adjacent built development, landscape, cultural heritage or wildlife'.

18. The adopted Supplementary Planning Guidance on garden extensions suggests that squaring off is acceptable but extending out on a limb is not. In this case the extension of the garden to original post and rail fence is not unreasonable and is better in terms of scale with the new dwelling. On that basis the change of use to residential curtilage is considered acceptable. Although the Councils Appeal statement made reference to the desirability of having a limited residential curtilage, the Inspector on the 2006 appeal did not make reference to the extent of a curtilage for the premises, solely concentrating on the merits of the then proposed 3 storey house.
19. The Countryside Design Guidance SPG identifies the site within the Rutland Water Basin character area, where the aims and objectives are:

Aim:

- To safeguard the distinctive landscape and settlement character of Rutland Water and protect its setting.

Objectives:

- To safeguard exposed locations particularly the shoreline, slopes and ridges surrounding Rutland Water from conspicuous development.
- To safeguard the setting of Hambletonin the Rutland Basin landscape from obtrusive development.

20. As before, the proposal to erect the garage block is an unusual one in such a location. However, the scheme has been reduced in scale and location to minimise visual impact and designed such that the buildings, assisted by the design and proposed landscaping, will not be prominent from further afield. The planting will help soften the overall appearance of this site from Whitwell car park, where the site is most visible, although the new farmhouse nearby is higher on the horizon. The scheme will also reduce the impact of vehicles stored in the open. The overall scheme including the landscaping has the potential to improve the overall site appearance. The applicant suggests that the use of cocoons for the vehicles might be used which again would be freestanding and thereby immune from control, and may be more prominent.

21. Members will recall resolving not to take Enforcement action over the storage of cars at the site at the meeting on 12 November 2013. This was on the basis that there is no commercial use taking place at the site. The storage of vehicles does remain a hobby, although unusual. The following is an extract of the report to that meeting:

Officers met with the owners on 30th October when it was established that the cars owned by them are part of a private collection, many of which do not go on the road, have zero miles and are held as long term investments. There are approximately 45 on site at present, mostly in the basement garage approved as part of the original permission for the house, which has established the principle of housing the collection on site. The capacity in this garage is being increased by 10 with the installation of 10 vehicle lifts, to enable additional vehicles to be accommodated beneath. The remainder of the collection is housed elsewhere at present, but the owner is keen to have them all on one site for security and insurance purposes. Approximately 10 vehicles are kept outside, some of which are regularly used by the family, including a motor home/recreational vehicle. A vehicle and single trailer are kept at the premises to enable the collection vehicles to be taken for servicing as required. It was confirmed that 'transporters' do not and will not visit the site. There was one visit by such a vehicle to deliver some cars when the owners first moved in.

The owners are retired, having recently sold a successful business, but still have income from investments and a renewable energy site elsewhere. The owner also has a hobby of racing cars, the team and vehicles for which are based in Gatwick and do not come to this site. There is no business use apparent at the premises.

Whilst most outside vehicles are in a semi-enclosed courtyard to the west of the house, the owners have undertaken to investigate the possibility of storing the other few outside vehicles to the south of the house where they will not be visible from longer views across the reservoir, especially from the north/north-east, until the principle as to whether additional garaging is likely to be acceptable has been established.

It was confirmed that the collection is unlikely to grow significantly larger. New additions are likely to be rare limited editions which are expensive and not an everyday occurrence.

22. On this basis it is accepted that the use of the site is for residential and hobby, a mixed use that was granted by the original permission in view of the extent of vehicle storage that was approved.

Residential Amenity

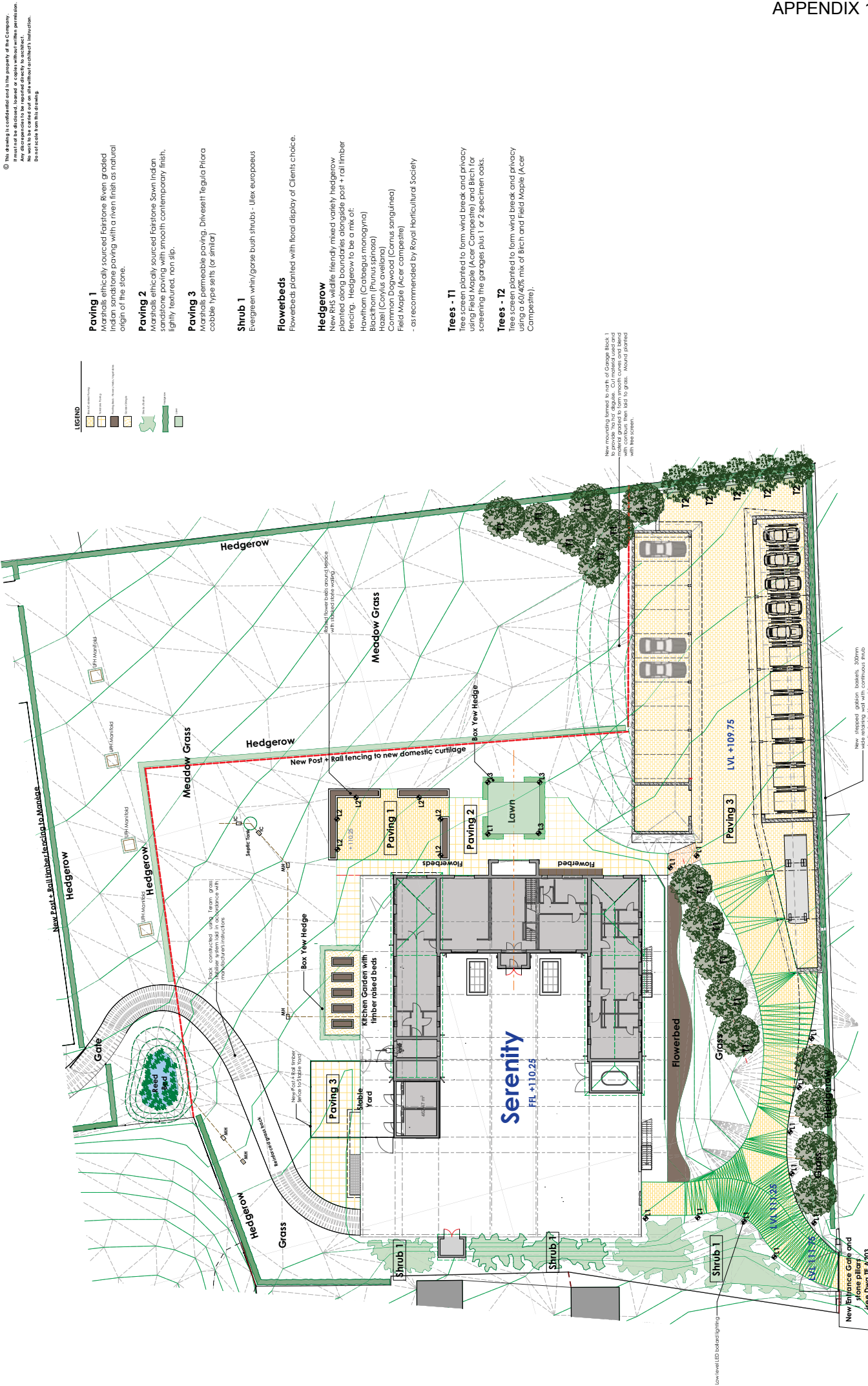
23. The proposals are some distance from the nearest neighbour and are not considered to pose a threat to residential amenity by reason of over-dominance, noise or visual impact. The actual nearest neighbours support the proposals.

Ecology

24. Members will see from **APPENDIX 2** that Natural England has no objections to the proposal in relation to its impact on Rutland Water or protected species. LCC Ecology notes that the ground is disturbed following construction of the house so no objections are raised. On that basis it is not considered that the proposal would have any harm on the Rutland Water SPA or any protected species in the locality of the site.

revision	date	revision	date
A	12.2.14	Domestic curtilage revised. Tree species revised and hedgerow added to domestic curtilage	

LANDSCAPE LAYOUT 1:200



APPENDIX 2

Consultation Responses

Hambleton Parish Council

This is the response on behalf of the Hambleton Parish Meeting.

Questions raised by the initial submission have been answered in respect of the use of the car collection. Improvements have been made in respect of visual impact and landscaping. As long as the RCC is happy that the change of use for the land is allowable the application for the garages is supported.

The additional landscaping works around the house will be welcomed by the village as it currently looks 'unfinished'.

Finally the proposals for horse management are supported

Natural England

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The proposed development does not include any foul drainage likely to cause pollution to Rutland Water, additionally the proposal does not appear to include any aspects likely to cause disturbance to birds which are the reason for Rutland Water being notified as a Special Protection Area (SPA)

SSSI No objection – no conditions requested

This application is in close proximity to Rutland Water Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development, due to its scale and nature and being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Environment Agency

Surface water management good practice principles and standards

For developments (other than changes of use) less than 1 hectare in Flood Zone 1, the main flood risk issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

Considering the application is for storage of vehicles, we also recommend study of the pollution prevention guidelines (PPG) found on our website.

In particular the Use and design of oil separators in surface water drainage systems: PPG 3 and Vehicle washing and cleaning: PPG 13.

Please note that this advice is given in good faith on the basis of the information supplied at the time of writing. This advice is given without prejudice to matters that may arise from further information, consultation or examination and is therefore not binding on any formal consultation reply or decision that may be made by the Environment Agency. The Local Planning Authority will, therefore, need to be satisfied that the proposed development is also in accordance with other requirements of NPPF.

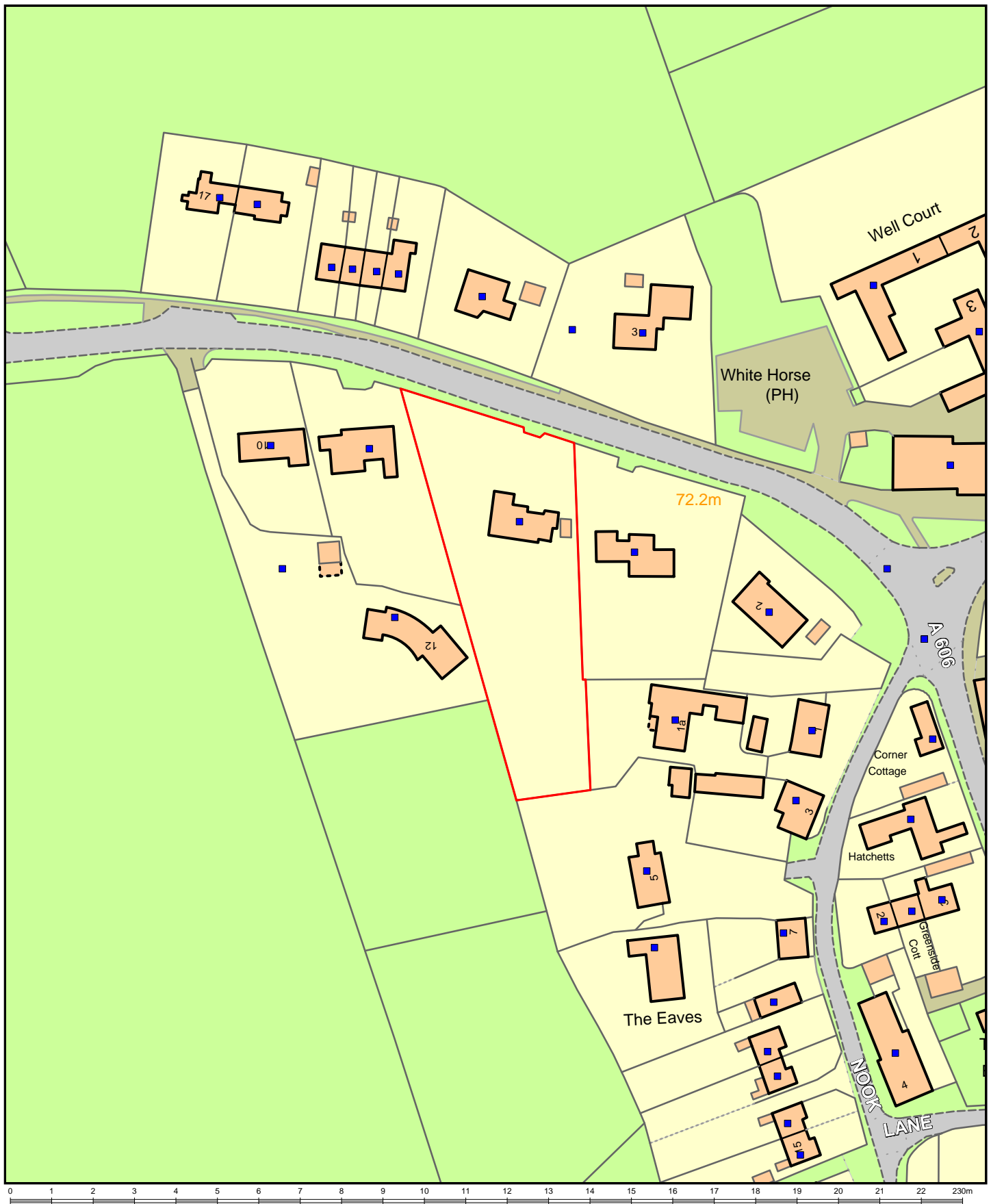
Please note that our advice has not considered the risk of flooding from other sources, such as groundwater, drainage systems, reservoirs, canals or ordinary watercourses. The Local Planning Authority will therefore need to be satisfied that the proposed development is also in accordance with other requirements of the National Planning Policy Framework.

LCC Archaeology (from previous application)

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 12, para. 128-129).

LCC Ecology

It appears from aerial photographs that the application site has recently been disturbed during the construction of the dwelling (it appears as bare ground). We therefore have no comments on this application.



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Scale - 1:1250
Time of plot: 12:19
Date of plot: 16/04/2014



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0118/FUL	ITEM 2	
Proposal:	Construction of 1 No. detached dwellinghouse following demolition of existing bungalow. Alterations to access.		
Address:	Limetrees, 6, Whitwell Road, EMPINGHAM		
Applicant:	Mr L Pollard	Parish	EMPINGHAM
Agent:	Mr Andrew Pile A + D Studio Ltd	Ward	Normanton
Reason for presenting to Committee:		Objections	
Date of Committee:		29 April 2014	

EXECUTIVE SUMMARY

This is an application for a new 2 storey dwelling to replace a bungalow on a site within the Planned Limit to Development. It involves a new safer access which also involves the loss of a tree subject to a Preservation Order. Some concerns have been expressed by the immediate neighbours. The design is modern but overall the scheme is considered to be satisfactory.

RECOMMENDATION

APPROVAL, subject to the satisfactory completion of a S106 agreement 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 0557-0200, 0201E, 0202K, 0203J, 0300E, 0301E, 0400A. and the submitted Arboricultural method statement and Tree Survey and Arboricultural Impact Assessment Report.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the east facing full length window in Bedroom 4 shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.
Reason - To protect the privacy and amenities of the occupiers of the adjoining property.

Note to Applicant: Your attention is drawn to the recommendations in the Ecology Report submitted with the application. It is your responsibility to ensure that protected species are dealt with in accordance with the law.

Site & Surroundings

1. The site is located on the southern side of Whitwell Road. It is flanked by other dwellings on either side; a 2 storey house at No.10 and a bungalow at No 6.
2. There is a hedge and deep tree screen to the front of the site comprising a group of preserved trees. The site is bounded to the sides by substantial hedges and a row of conifers separates a more distant part of the garden beyond to the rear. A new dwelling is located to the south west of the site, but has its main aspect to the south west, being largely blank to the application site.

3. The access onto Whitwell Road is very narrow and has less than standard visibility. It is on an incline and there is a sloping bank approximately 1m high beyond the front hedge.
4. The existing dwelling on site is a bungalow located centrally from the side boundaries, approximately 16m back from the highway.
5. The site is within the Planned Limit to Development (PLD) but outside the Conservation Area.

Proposal

6. It is proposed to replace the bungalow with a new 2 storey dwelling in a modern style. It would be located on a similar footprint to the existing but have a larger floor area. A flat roofed element would project out to the front containing a double garage. The main part of the building is 2 storeys with a pitched roof. The building would be cut into the ground by 850mm at the front and 100mm at the rear.
7. Materials are a mix of stone, render, hardwood panelling with fibre cement slates on the pitched roof and a high performance membrane on the flat elements.
8. It is also proposed to create a new access some 14m to the west of the existing. This would involve the loss of a preserved tree. An arboricultural report is submitted with the application. This suggests that the removal of the tree to facilitate the new access would be to the advantage of the nearby trees. The new access would involve the levelling off of the highway bank in front of the boundary hedges to the properties concerned, similar to that further to the west.
9. Details are shown in the **APPENDIX**.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework

Presumption in favour of sustainable development
 Delivering a wide choice of high quality homes
 Requiring good design

The Rutland Core Strategy (2011)

CS2 – Spatial Strategy
 CS4 – Location of Development
 CS8 – Developer Contributions
 CS19 – Promoting Good Design

Rutland Local Plan (2001)

EN1 – Location of Development
 EN29 – Amenity
 HT5 - Safe access

Other Considerations

Submission Site Allocations and Policies DPD (2013)

SP4 – Development in Towns and Villages

SP8 –Affordable Housing

SP14 Design & Amenity

SP18 - Biodiversity

Developer Contributions SPD (2010)

Affordable Housing SPD (2011)

Consultations

10. Highways
No objections subject to conditions including visibility from the new access achieving 2.4m x 40m with nothing above 0.9m within the splays.
11. Ecology Unit
The ecology report submitted in support of this application is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants attention to the recommendations in the report.
12. Empingham Parish Council
Empingham Parish Council WELCOMES this proposal and in particular, the related access improvements. We OBJECT to the applicants request for removal of the application details from public access, as expressed in their covering letter.

Neighbour Representations

13. No. 12 Whitwell Road
Applicant has not discussed plans with us as nearest neighbour as stated in the application. We do not oppose in principle plans for a two storey house but we do have several concerns about the proposed development..
14. At twice the floor area of No 12 or No 10. the proposal is over large in the context of nearby homes.
15. With five large bedrooms and as many bath/shower rooms upstairs alone it is difficult to see how the load on utilities and local services will not be increased.
16. Our main concern regards the potential for disturbance to our privacy. By moving the house away from the road the proposal will be much nearer to ours than the existing. The depth of the house exacerbates this situation. The large patio proposed increases the likelihood of unwelcome noise whilst the height and proximity of the building to our house also increases the problem of our garden being overlooked. We would clearly prefer that the proposed house were smaller and set back to the existing building line of the bungalow. With these factors in mind we therefore ask that planning permission should be refused for the current proposal and approval of any application should be made conditional on the new home being used solely for residential purposes by a single family.
17. It is also noted that the proposed development suffers from very poor vehicle access and though this would be improved were it to be amended as proposed it would still be unsuitable for more cars than would be associated with single family use.

18. We are concerned that the applicant has asked that details of the application should be removed once it has been determined. Whilst we accept that he might prefer that it be removed at a later date we suggest that any successful application should remain available for public access until all building work is completed and, at the very least, the building has been fully signed off by Building Inspectors and the Planning Authority.
19. No. 8 Whitwell Road
Although in principle we are not opposed to the erection of a two storey dwelling next to our house we wish to raise the following objections:-
1. The design statement mentions that 'positive responses' were given to the plans. This is factually incorrect. Only the external drawings were viewed some 9 months ago. We have had no discussions with the applicant since then to enable us to comment one way or the other.
 2. The site plan shows details of a proposed house to be built on our property at no 8 Whitwell Road (FUL/2010/0360). We request that this is removed before any other planning applications are considered. As our home at no 8 Whitwell Road has been fully renovated and there are no plans to knock it down, this should not be shown on the site plan.
 3. The plans for no. 6 indicate that the boundary in front of our property is to be brought back to improve the sight line for access. While we can see the benefit of this we are nevertheless concerned about the impact on our front garden. We believe that the measurements shown on the plan encroach on our property. We therefore request a site meeting to discuss this and what arrangements are to be made to retain the bank that supports our front garden.
 4. Due to the size of the proposed property the privacy of our home would be affected by the close proximity to our boundary and the very large windows overlooking our garden. Windows should be repositioned or frosted.
 5. Existing hedge will be insufficient given the close proximity to our boundary. We request that some assurance will be given as to how this will be achieved when the current hedging is in such a poor state.
 6. The applicant told us he intended the house to be built lower than the existing property so that the garden would be level. Is this still the plan? Can we be assured that the height of the house will be no more than nos. 4 and 10?
 7. We are concerned about the size of the proposed development, twice the floor area of both nos. 10 and 12 Whitwell Road. With 5 bath/shower rooms and extensive ground and first floor accommodation it would seem to more likely be appropriate for a guest house than a residential home. We ask that planning permission should be made conditional on the new home being used for residential purposes only.
 8. While there are a number of different types of houses along Whitwell Road they all blend in with the character of a Rutland village. We would ask that the authority seriously considers if the size and style of the proposed property does this.
 9. Although there are plans to improve vehicle access this would still be unsuitable for more cars than would be associated with single family use. In addition a house of this size would most certainly put additional strain on the utilities and local services.
 10. We are concerned that the applicant has asked that details be removed from the website once planning application has been agreed. We request that they should be made available for public access until the building has been signed off by the Building Inspectors and the Planning Authority

20. No. 5 Whitwell Road
I welcome the development as it will tidy up the village and provide another excellent property for the area.

Planning Assessment

21. The main issues are the principle of development, design and appearance, loss of a preserved tree, residential amenity, highway safety and developer contributions.

Principle of Development

22. The site is within the PLD for Empingham where residential development, including replacement dwellings, is acceptable in principle subject to the normal criteria, particularly set out in saved policy EN1 of the Rutland Local Plan and SP4 of the Site Allocations and Policies DPD. The development should be appropriate in scale and design to its location and the scale and character of the settlement, not adversely impact on environmental or local amenity, not have a detrimental impact on the form and character of the village or to features and spaces which contribute to the important character of the settlement or locality.

Design & Appearance

23. The design is modern but utilises a traditional form and some traditional materials. The gable profile is deep and it has a relatively shallow roof pitch to keep the ridge height to a minimum.
24. The site is well screened from the road and does not have an impact on the character and appearance of the conservation area. The height is considered to be acceptable in relation to nearby properties. Overall it is not considered that the design is such that it could be refused in this location.

Loss of Preserved Tree

25. There is some uncertainty over the accuracy of the tree plotting on the Arboricultural report. This is being investigated and will be finalised in the Addendum. The Council's Arboricultural advisor states that these trees are all Limes which are more resilient to disturbance. The claim in the submitted Arboricultural report that the loss of the tree for the access will benefit others adjacent is unfounded and this is not the worst tree in the group. Assuming the trees are plotted accurately and therefore the Root Protection Zones are accurate, it comes down to a straightforward planning issue as to whether the loss of the tree is acceptable to facilitate a new, safer access.
26. The loss of the tree will not have a major visual impact as there are several others in the area fronting the road. The current access is certainly dangerous and lacks adequate visibility, especially to the right (east) when leaving the site. Indeed, it is difficult to cross the road on foot from the existing access as there is no footpath on this southern side of the road. The Arboricultural advice is that the works could not be carried out in accordance with the British Standard, particularly if the root protection zones are incorrect. However, the principle of providing a safer access is considered to be acceptable and the loss of the tree, whilst unfortunate, would have minimal visual impact.

Residential Amenity

27. The scheme is a comfortable distance from both side boundaries so there is no impact in terms of overshadowing or overdominance. 4 Whitwell Road has a single storey garage range to the boundary with this site and there is approximately 14m

between the side elevations of the now 2 storey elements and the 2 storey element at No.4.

28. The new building would be set back 9m behind the rearmost line of No.8 and would be 18m away at the nearest corner. There is a significant hedge along the boundary with No.8 which provides a good privacy screen even in early April.
29. The ridge height is shown on a street view elevation as being marginally lower than 10 Whitwell Road. There are full length first floor windows in bedrooms 2 and 4, in the side elevations which could lead to overlooking of adjacent property. These are not the main windows, which face the front, so could be obscure glazed to just let in light. This would be more of an issue in the window facing No.4 Whitwell Road as the screening to No. 6 is considered adequate. As such a condition is recommended that requires only that one window to be obscure glazed.
30. There is a new dwelling to the rear of Nos 8/10 Whitwell Road which is essentially single aspect, to the south east. Its rear elevation does not have any windows that would be overlooked from the new property and is 11m away from the new rear elevation. Again there is vegetation on the boundary providing additional screening.
31. Planning permission has been granted for a replacement dwelling on the adjacent plot at 8 Whitwell Road but the owner of that property has confirmed that it will not be implemented and that the impact on his existing bungalow should be taken into account.

Highway Safety

32. As discussed above, the existing access is very poor in terms of width and visibility, even for the existing dwelling. The new proposal will improve both aspects. The required visibility splay is shown on the submitted site plan and does not appear to cut into the neighbour's property as suggested above. The splay is wholly within the highway verge (i.e. the bank fronting the site).
33. On this basis highway safety would be improved by the new access.

Developer Contributions

34. The applicant has agreed to pay the requested contributions.

Do not scale from this drawing. The contractor is to check all dimensions on site and report any discrepancies to the architect.
All rights described in chapter IV of the copyright, designs and patents act 1988 have been generally asserted



Rev	Date	Revision note	Drawn by
E	21/11/14	Layout revised, boundary added	EW
D	12/05/13	Minor revision	EW
C	10/05/13	Revised house layout	AP
B	10/05/13	Revised house layout	AP
A	10/05/13	Revised house layout	AP
-	01/05/2015	1:400 Scale	-

a+d studio
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Sussex, LE15 6UG
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web: www.aplaidstudio.co.uk

Project	New dwelling 6 Whitwell Road Eppingham		
Drawing title	Site Plan		
Scale	1:200@A1	Date	27.02.2013
Project no.	0557	Drawn by	BP
Revision	0201	Check	EW



01 Marley Eternit Natura panel



02 Alumatic through-coloured render



03 Local Natural stone



04 Hardwood panelling





01 Marley Eternit Natura panel



02 Alumasc through-coloured render



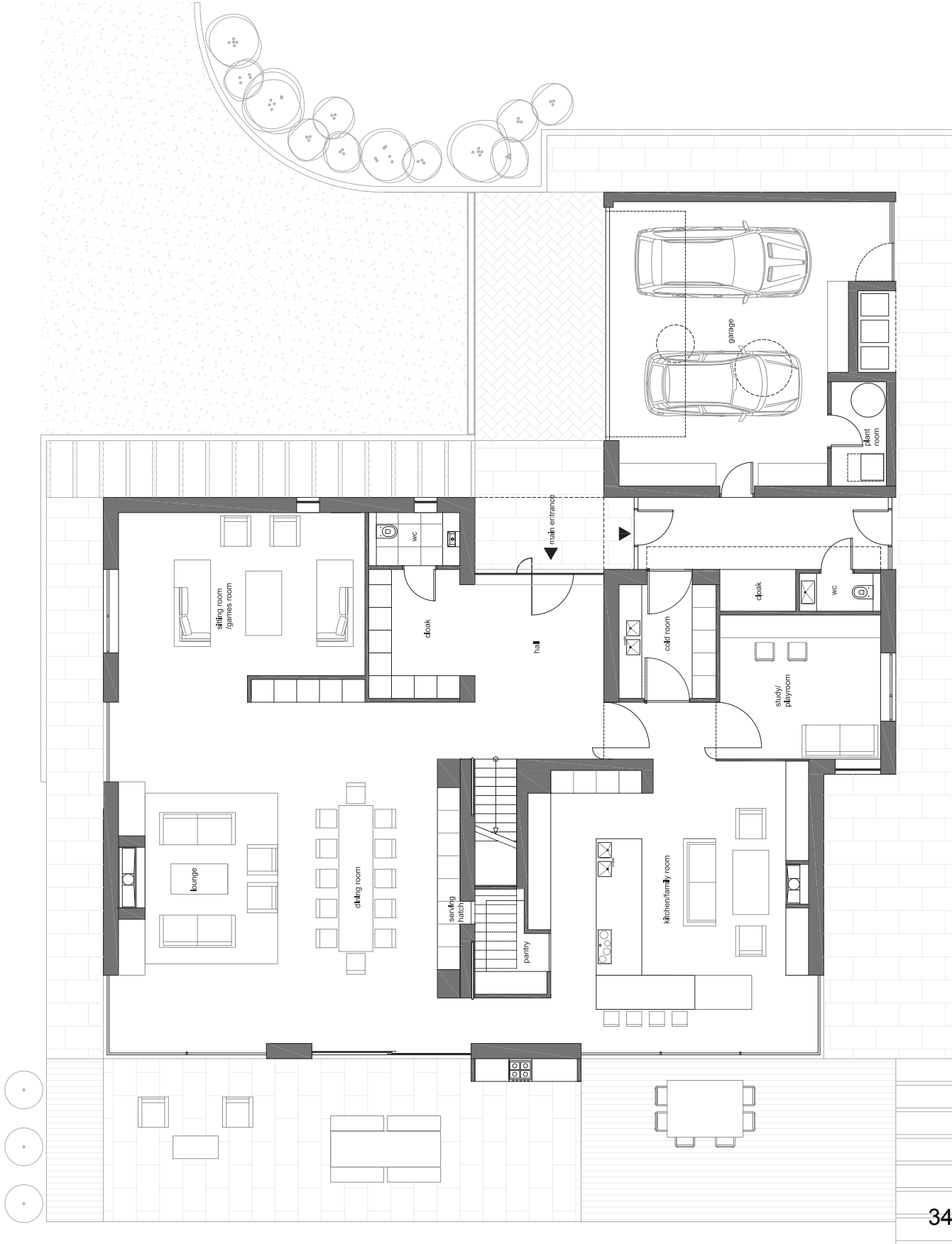
03 Local Natural stone



04 Hardwood panelling



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34

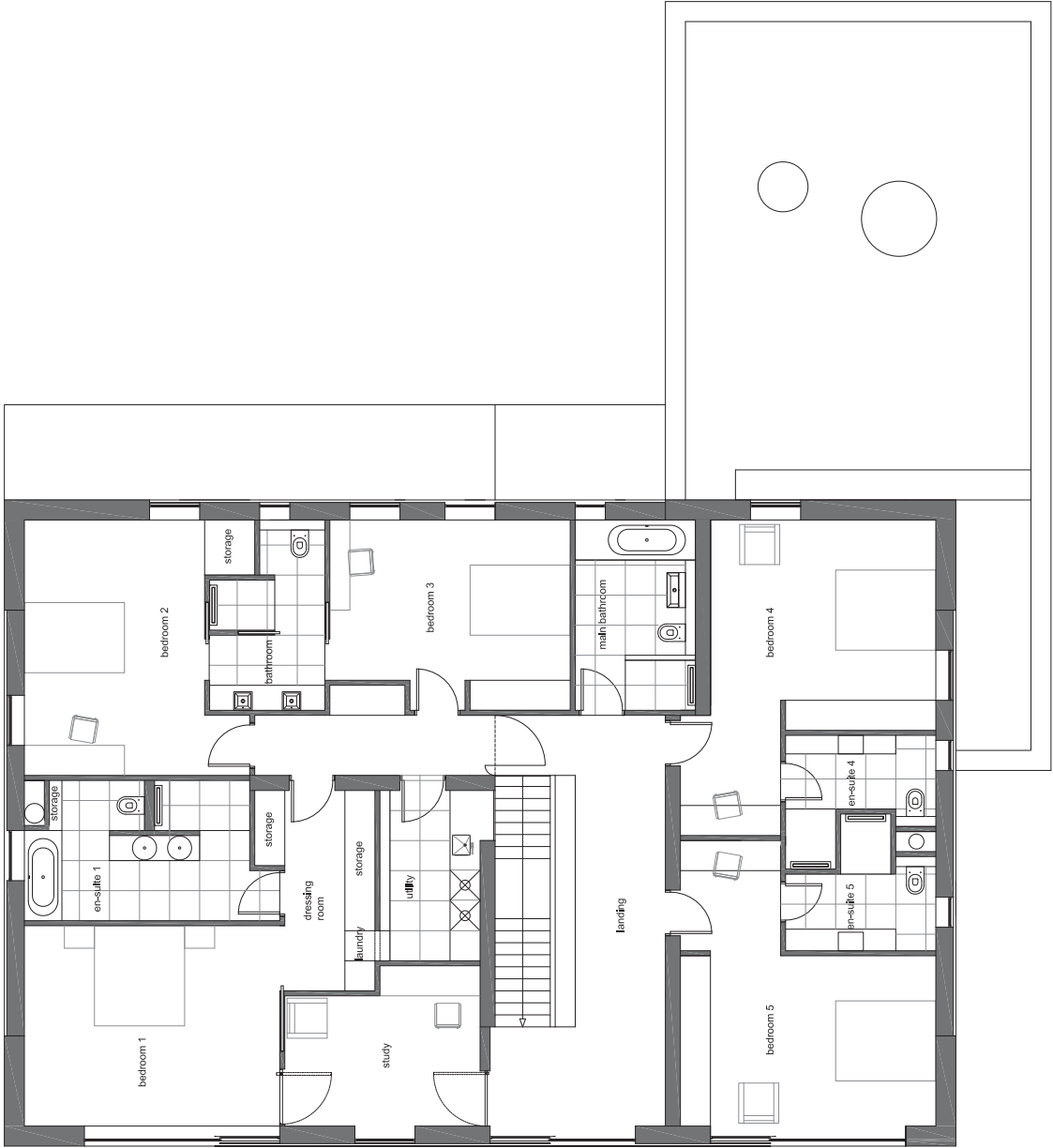
Rev	Date	Revision notes	Drawn by
K	31/03/2014	Layout revised for parking and 4 cars	EW
J	03/03/2014	Layout revised	EW
I	15/02/2013	Layout revised	EW
H	10/02/2013	Layout revised	EW
G	10/02/2013	Layout revised	EW
F	10/02/2013	Layout revised	EW
E	04/02/2013	Layout revised	EW
D	15/02/2013	Layout revised	EW
C	20/01/2013	Layout revised to include two bedrooms	EW
B	14/01/2013	Layout revised	EW
A	14/01/2013	Layout revised to include rear terrace	EW
-	03/02/2013	100% final	-

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Project
New Dwelling
Whitwell Road, Empingham, Rutland
Drawing title
Proposed Ground Floor Plan

Scale	Date	Drawn	Checked
1:500@A1	03.01.2013	EW	EW
Project no.	Drawing no.	Revision	
0557	0202	K	

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Rev	Date	Revision notes	Drawn by
J	24/02/2014	Layout marked for planning submission	EW
H	07/02/2014	Layout marked	EW
G	10/02/2013	Layout marked	EW
F	10/02/2013	Layout marked	EW
E	10/02/2013	Layout marked	EW
D	10/02/2013	Layout marked, layout marked	EW
C	20/02/2013	Layout marked, layout marked	EW
B	14/02/2013	Layout marked, layout marked	EW
A	14/02/2013	Layout marked, layout marked	EW
-	02/02/2013	100% final	-

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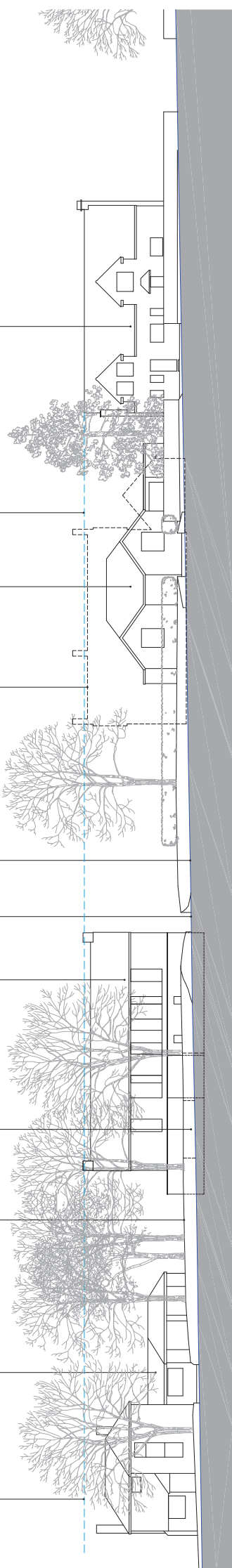


Project
New Dwelling
6 Whitwell Road, Empingham, Rutland
Drawing title
Proposed First Floor Plan
VAR 3

Scale	Date	Drawn	Checked
1:50 @ A1	03.01.2013	EW	EW
Project no.	Drawing no.	Revision	
0557	0203	J	

Do not scale from this drawing. The contractor is to check all dimensions on site and report any discrepancies to the architect.
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Height of ridge of No. 10 Whitwell Road No. 4 Whitwell Road Existing bank Existing access to be closed off Proposed No. 6 Whitwell Road Proposed new access Whitwell Road Outline of proposed new dwelling to replace existing bungalow, 8 Whitwell Road Existing bungalow No 8 Whitwell Road Height of ridge of No. 10 Whitwell Road No. 10 Whitwell Road



STREET SCENE 1:150

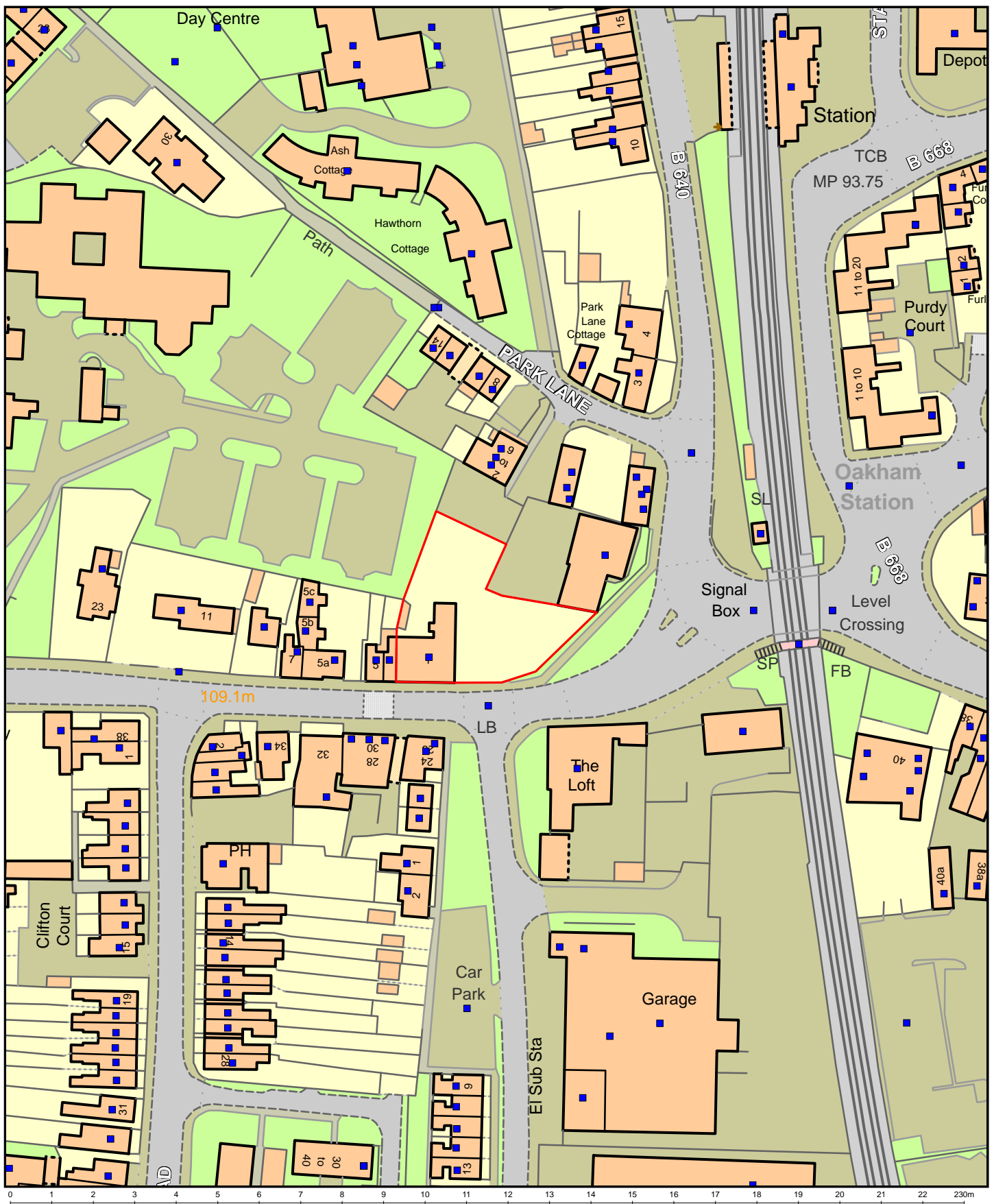
A				Drawn by	
15/03/2014	15/03/2015	15/03/2015	15/03/2015	15/03/2015	15/03/2015
Rev	Date	Rev	Date	Rev	Date

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web: www.aplusstudio.co.uk



Project
6 Whitwell Road
Empingham
Drawing title
Site sections





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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 12:21
Date of plot: 16/04/2014



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0239/RG3	ITEM 3	
Proposal:	Change of use from office accommodation to ground floor office accommodation, staff bedroom, kitchen and youth club facility. Provision of 5 No. bedrooms, communal kitchen, bathroom and laundry facility on first floor. (Regulation 3 Application)		
Address:	Pinewood, 1 Cold Overton Road, OAKHAM		
Applicant:	Pritesh Parmar – RCC	Parish	OAKHAM
Agent:		Ward	Oakham North West
Reason for presenting to Committee:		RCC application	
Date of Committee:		29 April 2014	

EXECUTIVE SUMMARY

The proposal is to use the building for offices and youth centre on the ground floor and assisted living bedrooms for young people on the first floor. Some concerns have been expressed about the use and the access but the proposal is considered to be acceptable.

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 plans, numbers PS/RCC/ph.0001, 0010, 0011, 0006, 0007 and 0008 and the Design & Access Statement.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. The parking spaces shown on approved plan 0010 shall be retained for parking purposes in perpetuity so long as the approved uses operate at the premises.
Reason: To ensure that adequate off street parking is available, in the interests of highway safety.

Note to Applicant: Road cleaning.

Site & Surroundings

1. The site is located on the corner of Cold Overton Road and Main Road Barleythorpe, opposite the junction with Long Row and Oakham level crossing. To the west of the car park and grounds is the car park to Rutland Memorial Hospital.
2. The building is two storeys and is currently used for offices, latterly being the offices of Spire Homes.

3. Vehicular access is off Park Lane and there is a large curtilage which includes 4 spaces plus 1 disabled space which would all remain unaltered. Pedestrian access is via a front door on Cold Overton Road. There is a good tree screen around the eastern side of the curtilage. The Oakham Conservation Area just runs into the mouth of Cold Overton Road adjoining the front boundary wall of the site but the site itself is outside the Conservation Area.

Proposal

4. This is an application submitted under Regulation 3 of the Town & Country Planning General Regulations 1992, whereby the County Council is the applicant and would carry out the development itself if approved.
5. The alterations to the ground floor involve the provision of; Kitchen, Staff Bedroom and En-Suite, Wet Room/WC, activity and Interview Rooms, Office Area and Youth Club facility. These will partly replace the facility previously provided at Jules. A new, level, disabled pedestrian entrance would be formed in an existing side door with the main door on Cold Overton Road sealed. This new entrance would be accessible from both Cold Overton Road and the rear car park. A conservatory extension at the rear would be remodeled to have masonry walls and a hipped tiled roof.
6. The first floor alterations involve the provision of; Kitchen/Dining Room, communal Bath and Shower Room, laundry facility, five Bedrooms three with En-Suites, two without and a Multi-Purpose Room.
7. The project is to provide compliant wheelchair access into the grounds and building. The new layout within the building will provide a single integrated solution for young people who have been identified as homeless and in need of supported accommodation as they cannot live on their own and the provision of services for young people aged predominantly 11 – 19 years old.
8. The ground floor of the project will be a shared space with 50% occupied by staff and 50% services for young people. This will include a youth club area, a group work room to run learning sessions and a confidential room providing one to one services and for carrying out interviews, counselling and mentoring.
9. Opening hours will be Monday to Friday, office hours with the Youth Club running for a maximum of up to 3 evenings per week up until 10pm where young people will take part in both formal and informal learning activities.
10. The first floor area will consist of a 5 bedroom facility to promote independent living with shared facilities such as a kitchen / dining area. As part of the youth housing project young people will learn life skills and be supported to undertake a permanent tenancy of their own.
11. Young people will be allocated a “Keyworker” each with staff providing 24 hour cover for the building and project with the exception of 8am – 2pm at weekends. See detailed plans in the **APPENDIX**.

Relevant Planning History

Application	Description	Decision
79/0507	Change of use to care of handicapped persons, new car park and vehicular access	Approved Jan 1980
97/0525	Construction of conservatory	Approved Nov 1997
2005/0385	Change of use from residential care (D1) to offices (B1), first floor extension.	Approved July 2005

Planning Guidance and Policy

National Planning Policy Framework

Promoting Healthy Communities

The Rutland Core Strategy

CS2 – The Spatial Strategy

CS7 – Delivering socially inclusive communities

Rutland Local Plan

EN1 – Location of Development

EN29 – Amenity

HT5 – Safe Access

Other Considerations

Site Allocations and Policies DPD

SP4 – Built Development in Towns

SP14 – Design & Amenity

Consultations

12. RCC Highways

No objection subject to the following:

- The parking area to the rear of the property off Park Lane must be maintained at the numbers stated as a minimum.
- During re-development care must be taken to ensure that the public highway be maintained clear of deleterious material and that vehicles do not cause congestion or an obstruction

13. Network Rail
With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Level Crossings

The nearby Oakham level crossing is manned and equipped with signal box controlled barriers. It is a lawful requirement that the crossing is supplied with flashing road lights and audible warning units, and these can be considerably noisy. Adequate soundproofing may be required for the occupants as NR cannot be held responsible as a statutory nuisance where safety and operation of the railway is concerned.

Network Rail is required to recover all reasonable costs associated with facilitating these works. I would advise that in particular the soundproofing, should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

14. Conservation Officer
No objection. The building is outside of the boundary of Oakham Conservation Area and the proposed use is unlikely to impact on its character or appearance.
15. Oakham Town Council
Recommends approval

Neighbour Representations

16. Mr Hunt
I have recently noticed the application for "change of use" on the gates at the rear of Pinewood. I would like to know if the rear Pinewood gates will remain closed and not be used on a regular basis as additional entrance for foot traffic plus the parking of cars etc? Living opposite Abacus Hire we find that the area is always congested with traffic to and from Abacus, not to mention daily rail traffic using our area as an overflow car park, plus staff, workmen and visitors to the two bungalows that replaced Pinewood, making our Cul-De-Sac very busy every day

If it is a staff car park, why would it need to be left open for foot traffic? Surely once the staff have arrived there is no need for the gates to be left open 24/7? More concerning is that we read it is going to be a "youth club" as well, if this is the case our privacy will be severely affected (we are opposite the gates) its noisy enough when the school children go to and from the school (at least they are only there twice a day) Has anyone considered the effect on our homes or does the saying apply "its alright what you do as long as long as it does not effect me"?

We strongly object to the gates/access being available at all times particularly to a "youth club"

17. Abacus Hire
Thank you for your time on Monday regarding the planning application for the conversion of Pinewood House. There are two questions that I would appreciate some clarification on, although neither should have any effect on the general passage of the application through the system. Firstly: Are there any plans by the applicant to change/repair/replace the part of the party fence between the garden and Abacus Hire Centre? We are planning to concrete our side of the yard which ends at the fence. Secondly: The shared entrance: Is the intention to have the rear entrance open as a thoroughfare all the time. Although our vehicles have been parking there whilst the house was unoccupied, we do understand that it is a shared entrance. The proposed amount of use would be useful to know so that we can work together to hopefully avoid any chance of conflict of interest.

Planning Assessment

18. The main issues are policy, residential amenity and highway safety.

Policy

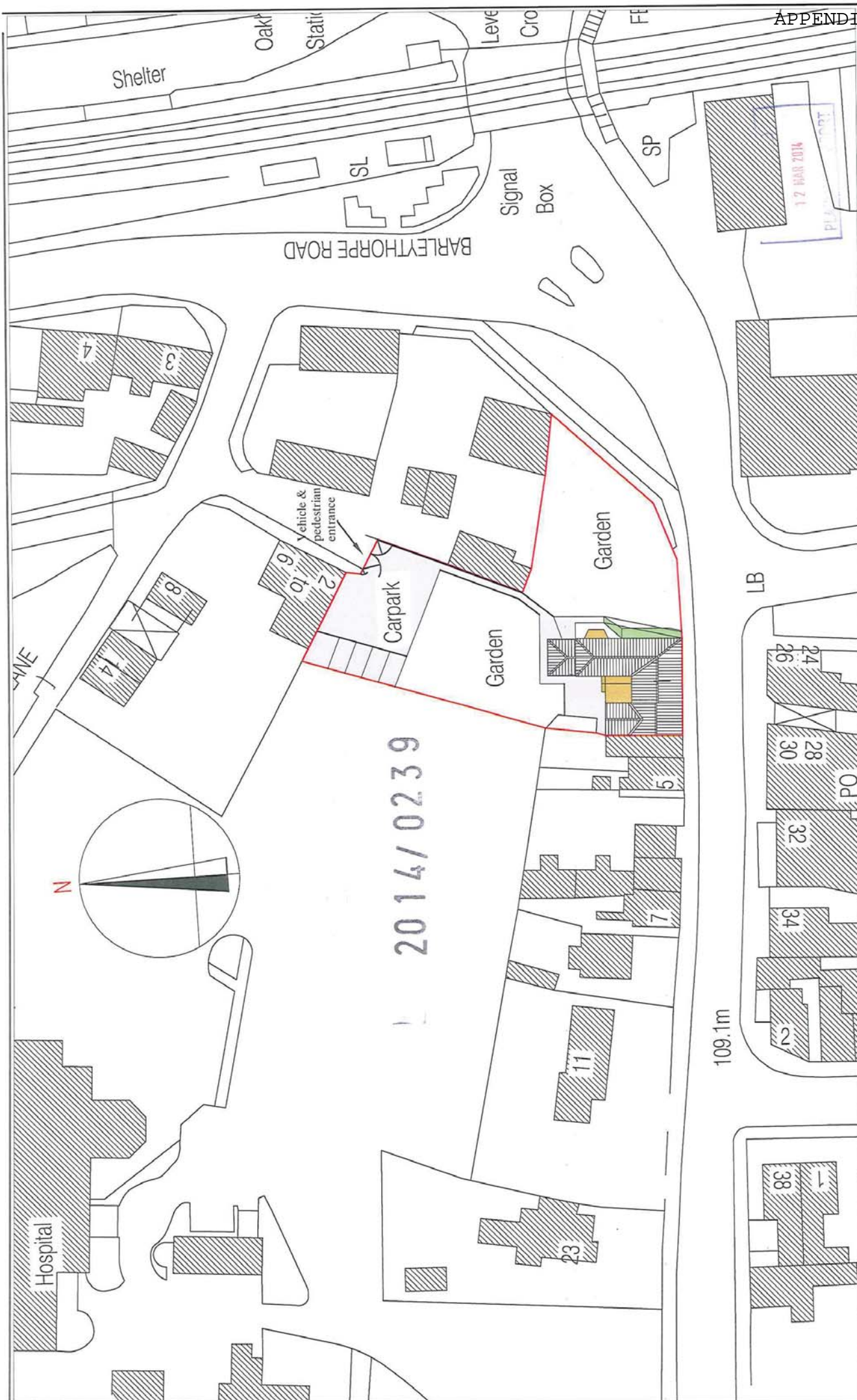
19. The site is outside the Conservation Area and the defined Town Centre. The area has a range of mixed uses, including residential, offices, retail and commercial. The premises have benefitted from a previous use for purposes falling within Class C2 (residential institution) and latterly for office use. There is no objection in principle to the use of the premises now proposed.

Residential Amenity

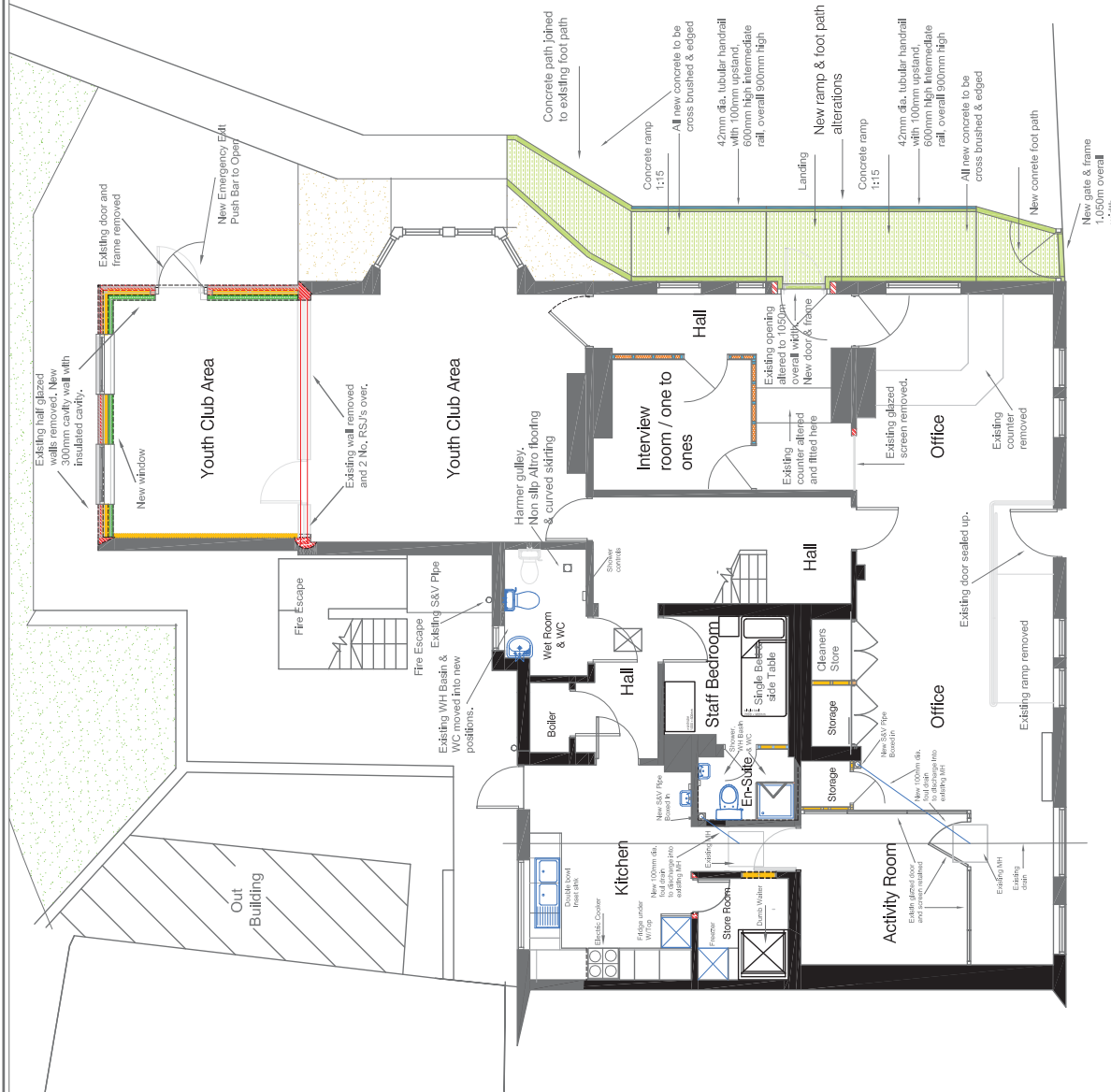
20. There is some concern from a local resident that the youth club element of this proposal may give rise to noise disturbance. It is indicated that there will always be a member of staff on the premises other than between 0800 and 1400 at weekends. The youth club activity is to take place 3 evenings per week up until 2200. There would be a member of staff on site during the night to supervise the occupiers of the 5 first floor bedrooms.
21. There is a pedestrian access from Cold Overton Road where most visitors would access the site. The vehicular access to the site off Park Lane would also be open for use.
22. Provided the premises are well managed there should be minimal risk of disturbance to residential amenity.

Highway Safety

23. There is an existing vehicular access to the site and its parking spaces. The only users of the site likely to have a car are the staff so there is considered to be adequate provision for the proposed use.
24. The planning permission that was granted for use as offices in 2005 had a condition that prevented any parking on site as the access onto Main Road from Park Lane was considered to be inadequate. Parking for staff was to be by an allocated permit in Westgate car park. No such facilities are available now so parking on site is considered to be a reasonable requirement.



PROJECT: Pinewood House - Supported Youth Housing Project		Date: 27 Jan. '14	Scale: 1:500	1
Title Drawing: Site Plan				
RUTLAND COUNTY COUNCIL PROPERTY SERVICES SECTION CATMOSOT COTTAGE, OAKHAM RUTLAND LE15 6HP		DWG No : PS/RCC/ph.0010		
		Rev:	Drawn By: CDS	



Ground Floor Plan (Proposed).



First Floor Plan (Proposed).

PROJECT:	Pinewood House - Supported Youth Housing Project		
	Title Drawing:	G. Floor & F. Floor Proposal 'C'	
	RUTLAND COUNTY COUNCIL PROPERTY SERVICES SECTION CATMIST COTTAGE, OAKHAM RUTLAND LE15 6HP		
Date: 27 Jan. '14		Scale: 1:100	2
DWG No : PS/RCC/ph.0008		Drawn By: CDS	
Rev:		Wet Km. 11/02/14	
Tel: 01572 722577			
Fax: 01572 758307			