

**REPORT NO: 151/2014**

**DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**24<sup>TH</sup> JUNE 2014**

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

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

## Rutland County Council

### Development Control & Licensing Committee – 24<sup>th</sup> June 2014

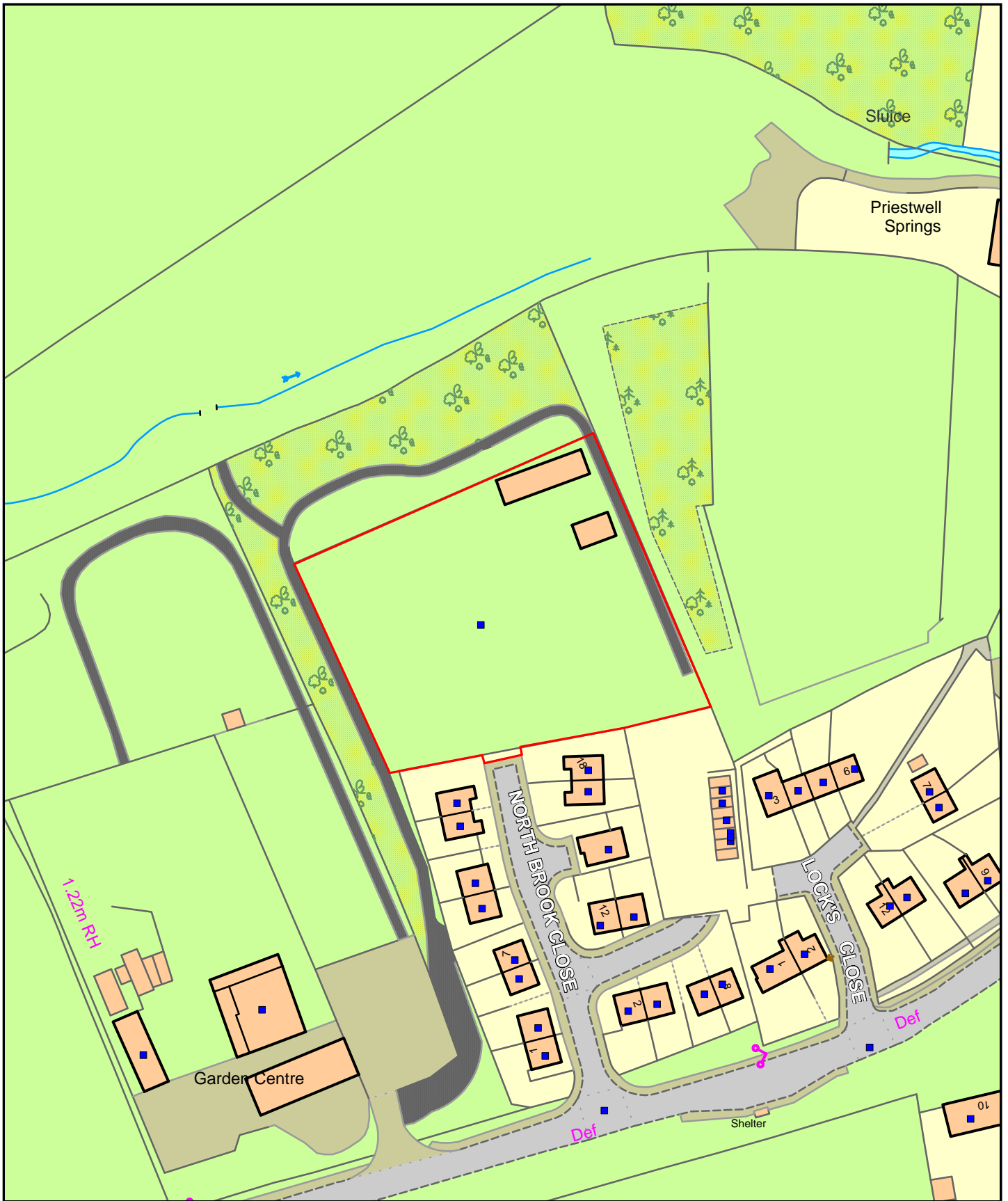
#### Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2013/1042/FUL	Larkfleet Homes Land to the rear of North Brook Close, Greetham  Construction of 19 residential dwellings including garages and associated infrastructure	Approval	43
2	2014/0201/FUL	Endurance Estates (Rutland) Ltd Old Constables 2a High Street West, Uppingham & Fives Cottage, 3 Orange Street, Uppingham  Old Constables, 2a High Street West - Change of use from Art Gallery (Use class A1) to residential (Use Class C3). Construction of extension to rear (north) elevation for staircase/lift  Fives Cottage, 3 Orange Street - Construction of a two storey and single storey extension. Conversion of outbuilding to ancillary accommodation. Construction of double garage with room over and vehicular access	Approval	59
3	2014/0393/RG3 & 2014/0395/LBA	Rutland County Council Oakham Castle, Castle Lane, Oakham  Regulation 3 application for the construction of single storey side extension to the west elevation following demolition of existing boiler room. Stepped access to top of motte and associated viewing platform. Stepped access over ramparts to the north east corner. New retaining wall to the south elevation of the motte. Replacement fencing to the west and south boundaries. External lighting  Construction of a single storey side extension to the west elevation following demolition of existing boiler room. Internal alterations to improve	Approval	68

access. Installation of new lighting and heating services. Installation of external lighting. Redecoration of court furniture. Construction of external bin store

Appeals Report

75



© Crown copyright and database rights [2013]  
Ordnance Survey [100018056]

Scale - 1:1250  
Time of plot: 12:48  
Date of plot: 11/06/2014



### Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2013/1042/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Construction of 19 residential dwellings including garages and associated infrastructure.</b>		
Address:	<b>Land To The Rear Of, North Brook Close, Greetham, Rutland</b>		
Applicant:	<b>Larkfleet Homes</b>	Parish	<b>GREETHAM</b>
Agent:	<b>DLP Consultants</b>	Ward	<b>Greetham</b>
Reason for presenting to Committee:	<b>Objection received</b>		
Committee Date:	<b>24<sup>th</sup> June 2014</b>		

## EXECUTIVE SUMMARY

The site is allocated in the emerging Site Allocations and Policies Development Plan Document (DPD) as a housing site. Weight should be given to the DPD as it is in its final stages prior to adoption. The scheme offers a suitable mix of housing types, and would contribute towards the maintenance of the Council's five year land supply for new housing sites.

The proposal has been through a viability assessment relating to affordable housing provision on site, which has been verified and accepted. Heads of terms for a Planning Obligation have also been agreed.

The scheme would not have a detrimental impact upon residential amenity, highway safety or the surrounding area.

## 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 accordance with the details shown on the submitted plans, numbers 1:1250 Location Plan, PL01 Rev C, L00/GAR/01, 2427b/L00/DS, 2224/L00/DS, 2308/L00/DS, 2323/L00/DS, 2324/L00/DS  
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 materials of an acceptable quality appropriate to the area are used.
4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of hard and soft landscaping works for the site. The development shall then proceed in accordance with these agreed details.  
Reason: To ensure a satisfactory appearance of the completed development, in the interests of the character and appearance of the street scene.
5. All planting shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - 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 approved landscaping scheme is implemented and maintained, in the interests of the character of the area.

6. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority:

- (a) A site investigation scheme (based on the recommendations within the 'Phase 1 Site Appraisal' submitted with the application), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (b) The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy, giving full details of the remediation measures required, and how they are to be undertaken.
- (c) A verification plan, providing details of the data that will be collected in order to demonstrate that the works set out in any remediation strategy in (b) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall then proceed in accordance with the approved details.

Reason: The Phase 1 Site Appraisal has identified some potential sources of contamination, and a moderate risk of ground contamination as a result of the development. This condition is imposed to ensure that appropriate investigation, risk assessment and any remediation measures are undertaken, so that controlled waters are suitably protected

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority, detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the local planning authority. The remediation strategy shall be implemented in accordance with these approved details.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner, to ensure controlled waters are suitably protected.

8. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

9. No unbound material shall be used in the surface treatment of the vehicular accesses for each new dwelling within 5 metres of the highway boundary, but the construction details used must be porous.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.

10. No surface water from the access drive of any dwelling shall discharge onto the public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

11. The carriageway of the proposed road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety and pedestrian access

12. No dwelling shall be occupied until their car parking provision has been laid out within the site, in accordance with drawing no. PL-01 Rev C.
- Reason: To ensure that adequate off-street parking is provided for the properties prior to their occupation.

#### Notes to applicant

1. You are advised to obtain a technical approval for all estate street details from the Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Conditions within this consent. This will ensure that the further detailed assessment of the scheme ensures functionality and covers S38, S278 and private development.
2. Measures should be undertaken to ensure sufficient turning and off loading facilities for delivery vehicles within the limits of the site together with an adequate parking area for those employed in developing the site.
3. A road of this type would normally be lit, usually by freestanding lighting columns which have to be sited clear of the carriageway but within areas adopted as part of the highway. The columns would normally be located in the footway or within a 1 metre x 1.5 metre concrete base which may have to be attached to the back of an overhang strip so that the base often has the appearance of being within private property. To avoid later difficulties, it will be essential to ensure that any lighting columns and the associated concrete areas are made known in advance and not subsequently sold to house purchasers.
4. Road Cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.
5. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
6. For advice on the archaeological impact of your proposals please contact the Historic and Natural Environment Team at Leicestershire County Council, who, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
7. The applicant's attention is drawn to the recommendations within the submitted protected species survey.
8. With regard to condition 3, the materials submitted for approval should reflect the

Greetham vernacular, which is limestone, with predominantly grey roofing material and some red pantiles.

## Site & Surroundings

1. The site is a 0.49 hectare field located on the western edge of Greetham. It has been allocated for residential development (identified as 'H7') in the emerging Site Allocations and Policies Development Plan Document – Proposed Submission Document (April 2013) (DPD). The DPD proposes an extension of the Planned Limits of Development (PLD) to accommodate the site.
2. The site is situated on predominantly flat ground. Residential properties are to the south and south-east, on North Brook Close. Immediately to the east is a belt of trees that screens the site from an adjacent paddock and the village beyond. To the north are open fields. To the west is the Cottesmore Sewage Treatment Works and a now vacant garden centre.

## Proposal

3. This application proposes 19 dwellings. These are a mix of 5no. 2 beds, 12no. 3 beds, and 2no. 4 beds. Of these, 3 of the 2 bed properties are proposed as affordable rented, and 1 of the 3 beds would be shared ownership.
4. Access would be achieved through North Brook Close, currently ending directly south of the site. There is a drainage easement that runs north to south through the site: no built development can be located over or directly adjacent to this.
5. Final materials would be subject to samples via a planning condition, however stone is proposed for the exterior, with slate and tiles used for the roofs.
6. The proposed plans are attached at **Appendix 1**.

## Planning Guidance and Policy

### (i) Development Plan

#### **The Rutland Core Strategy (2011)**

- CS1 – Sustainable Development Principles
- CS2 – The Spatial Strategy
- CS3 - The Settlement hierarchy.
- CS4 – The location of development
- CS8 - Developer Contributions
- CS9 – Provision and distribution of new housing
- CS10 – Housing Density and Mix
- CS11 – Affordable Housing
- CS19 – Promoting Good Design
- CS20 – Energy efficiency and low carbon energy generation
- CS21 – The Natural Environment

#### **Rutland Local Plan (2001)**

- EN1 – Location of Development
- EN18 – Trees and Hedgerows
- EN26 – Development in the Countryside
- EN29 – Amenity
- HT4 – Development likely to increase traffic



HT5 – Road access and Design

## (ii) Other Material Considerations

### Site Allocations and Policies DPD – Submission Document (2013)

SP1 – Sites for residential development  
SP4 – Built development in the towns and villages  
SP8 – Affordable Housing  
SP14 – Design & Amenity  
SP18 – Biodiversity and geodiversity conservation  
SP21 – Provision of new open space

### National Planning Policy Framework

Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities

Supplementary Planning Document – Developer Contributions  
Supplementary Planning Document – Affordable Housing

## Consultations

7. Greetham Parish Council - 'Demand shows 1 and 2 bedroom houses are needed. Local needs also show 3 bedrooms are needed. The PC feels this should be reflected in the mix of housing The PC feels the density of the development is too high and also not in keeping with the adjacent housing. The PC suggests that the same criteria apply to the affordable housing for tenants as in other developments in Greetham, namely that first choice should be for Greetham residents or those with close connections with Greetham. Second choice should be people from the surrounding parishes. The PC would like to see a play area incorporated into the design as there are no nearby facilities for children at this end of the village.'
8. Cottesmore Parish Council – 'appreciates being kept informed of developments in a neighbouring Parish, but are not in a position to comment, save to say the question of increased traffic onto the B668 is a matter of concern when taking into account the second application outstanding for 35 dwellings adjacent to this site.'
9. Planning Policy – Full comments are attached as **Appendix 2**. However the key points are as follows;
  - Greetham is identified in the adopted Core Strategy (2011) as a Local Service Centre (Policy CS3). Policy CS9 identifies that about 390 dwellings (approximately 20% of the overall provision) will be located within and adjoining the Local Service Centres, therefore the site is within an area which is potentially suitable for residential development.
  - The proposal does not fall within one of the essential uses in the countryside permitted under saved policy EN26 and therefore appears contrary to the Rutland Local Plan 2001.
  - However, the Rutland Local Plan is somewhat out of date in terms of strategic housing needs and allocations.
  - The Site Allocations and Policies DPD identifies allocations for residential development, and when adopted will replace all remaining policies within the saved Rutland Local Plan.
  - Policy SP1 of the DPD includes the application site as a residential allocation and the planned limits of development have been amended to include this site within Greetham.
  - Weight can be given to this emerging policy as the DPD is in the final stages of

assessment prior to being adopted.

- Policy SP1 originally included phasing, and the application site was within the later phase (2018-2026), however the Inspector suggested the removal of this phasing, allowing sites within the later phase to be developed earlier in the plan period. The Council has agreed to this change which is now included in the Council's proposed modifications to the plan.
- Greater weight should be given to Policy SP1 of the emerging DPD due to its advanced stage in the DPD process and the degree of consistency of the relevant policies in the SAP DPD with the NPPF.
- The issue of prematurity for the DPD is acknowledged, however due to the small scale of the development, and its contribution to the housing figures set by the Core Strategy, this would not classify as 'exceptional circumstances' and could not be used as a reason for refusal for this application.
- It is recognised that this site is a preferred location for development in the DPD and its expedient delivery will contribute towards the maintenance of the Council's five year land supply for new housing sites.
- It is noted that a viability report has been submitted regarding the shortfall of affordable housing figures for the site.
- Subject to the resolution of the affordable housing issue, in principle the scheme would be acceptable.

10. LCC Ecology – No objection, note to applicant drawing attention to recommendations within the ecology report regarding nesting birds.
11. Highway Authority – No objection, subject to conditions
12. Environmental Health Officer – No objection
13. Environment Agency – No objection, subject to condition
14. Anglian Water – No objection. Note to applicant requested.
15. Archaeology – No objection, subject to condition requiring pre-commencement investigation

## **Neighbour Representations**

16. One letter received from neighbouring property. No objection to proposal, however feels that more 3 bed properties are needed, and more properties available for rent via a housing association.
17. A letter has been received from Agents acting on behalf of Hanover Developments Ltd. While they don't object in principle to the application itself, they do object to the planning policy comments for this application (and how this proposal might proceed in preference to the recently refused housing development on the adjacent garden centre land).

## **Planning Assessment**

18. The main issues are:
  - Principle of development
  - Design and layout
  - Highway safety
  - Residential Amenity
  - Developer contributions / Affordable Housing

### **Principle of development**

19. The site has been allocated for housing in the DPD, with the Planned Limits of Development adjusted accordingly, as Greetham is classed as a local service centre that can accommodate this level of development.
20. While the scheme is not an essential use under saved policy EN26, it is recognised that the 2001 Local Plan is out of date in terms of the strategic housing needs and allocations. Furthermore, the DPD does carry significant weight as it is its final stages prior to being formally adopted.
21. The proposal would comply with Policy SP1 of the Site Allocations and Policies DPD and is consistent with the National Planning Policy Framework. The Planning Policy team have offered detailed comments on the application and have not objected to the scheme. Given all this, the principle of development is acceptable.

### **Design and layout**

22. The layout has been amended during the lifetime of the application. The final revision is currently out to re-consultation, and members will be updated on any further comments in the addendum report.
23. The site is constricted by the drainage easement that runs through it. Notwithstanding this, the final layout offers a strong line of development along the top north of the site. The access road into the site is angled so that the eye is drawn to the plot next to the easement, rather than towards this gap in the street scene, and a shared surface minimises the amount of hard surfacing.
24. The comments from the Parish are noted and have been given due consideration. The density of the development is 38 dwellings per hectare (15 dwellings per acre). The proposed variety of house types includes 4 bed detached properties, but also 2 and 3 bed terraces units.
25. Supporting text in the Core Strategy states that in order to make the most efficient use of land and minimise development of green field sites, higher densities of more than 40 dwellings per hectare may be appropriate in the built up areas of Oakham and Uppingham, and conversely, densities of 30 dwellings or less may be appropriate in some of the smaller villages. Greetham is a larger village, classed as a Local Service Centre and, while the resultant density would be inappropriate in other parts of the village, the application site is on the edge of the settlement, and accessed via North Brook Close which itself has a density of 30 dwellings to a hectare. Therefore while the density would be high for some village locations, it would not cause detriment on this site.
26. The use of stone for the external walls is welcome, as is slate. While Greetham roofs are predominantly slate, there are examples of red pantiles within the village, and their selective use here will help to create a varied and interesting development. A condition for samples of the materials is recommended.

### **Highway safety**

27. The Highway Authority has offered comments during the lifetime of the application, and these have been incorporated into the layout where possible. There is adequate parking provision for all the dwellings. The proposal would not adversely impact upon highway safety.

## Residential Amenity

28. There would not be an unacceptable impact upon residential amenity as a result of this application. The houses have been positioned so as to comply with the 45 degree code, and there are no windows or areas within the site that would result in loss of perceived or actual loss of privacy to the existing dwellings of North Brook Close.

## Developer contributions / Affordable Housing

29. Policy CS11 of the adopted core strategy requires a minimum of 35% affordable housing (AF) provision within the scheme. The current proposal has 21%, with 3no. affordable rented properties, and 1no. shared ownership.
29. To justify this, the applicant submitted a viability assessment that has been independently assessed on behalf of the Council. This has concluded that a policy compliant scheme of 35% AF provision would not be viable, and that a 21% AF provision is marginally viable. Developer contributions have been accepted, and a Planning Obligation for this and to secure the affordable housing provision, is recommended.

## Other Issues

30. The comments from the Parish regarding a play area within the site are acknowledged. Given the size of the site, and scale of any proposed play area within it, (including buffer zones from the properties), a substantial section of the site would be lost. Notwithstanding this, contributions have been sought as part of the Planning Obligation for commensurate recreation, sport and leisure, which would be focused primarily towards local facilities at Greetham Community Centre, and secondly towards other central facilities for the county.
31. An ecological survey has been completed for the site, with no protected species identified.
32. The Environment Agency has classified the underlying strata (Limestone) as a principal aquifer, and the Grantham Formation as a secondary aquifer. The applicant has submitted a Phase 1 Site Appraisal, which identified some potential sources of contamination, and a moderate risk of ground contamination as a result of the development. The Environment Agency have no objection to the development, provided that conditions are imposed for appropriate investigation, risk assessment and any remediation measures, to ensure that controlled waters are suitably protected.
33. The letter from Walker Morris (acting on behalf of Hanover Developments) is noted, however their comments do not directly relate to the current proposal, but rather to a wider issue of site allocations. Notwithstanding this, their comments are attached as **Appendix 3**. Furthermore, the Planning Policy Manager has offered some comments on this for clarification, and these are attached as **Appendix 4**.
34. For clarification, and with regard to the comments from Cottesmore Parish, the adjacent application for 35 dwellings has been refused.
35. Finally, some of the conditions requested by the Highway Authority are covered by the final plans (e.g. access width, garage dimensions) or have been combined with other conditions.

House Type	Ft <sup>2</sup>	Stores	Bedrooms	No.
2224	642.0	2	2	5
2308	921.0	2	3	6
2323	901.0	2	3	5
2324	984.0	2	3	1
2427	1258.0	2	4	2
				<b>19</b>

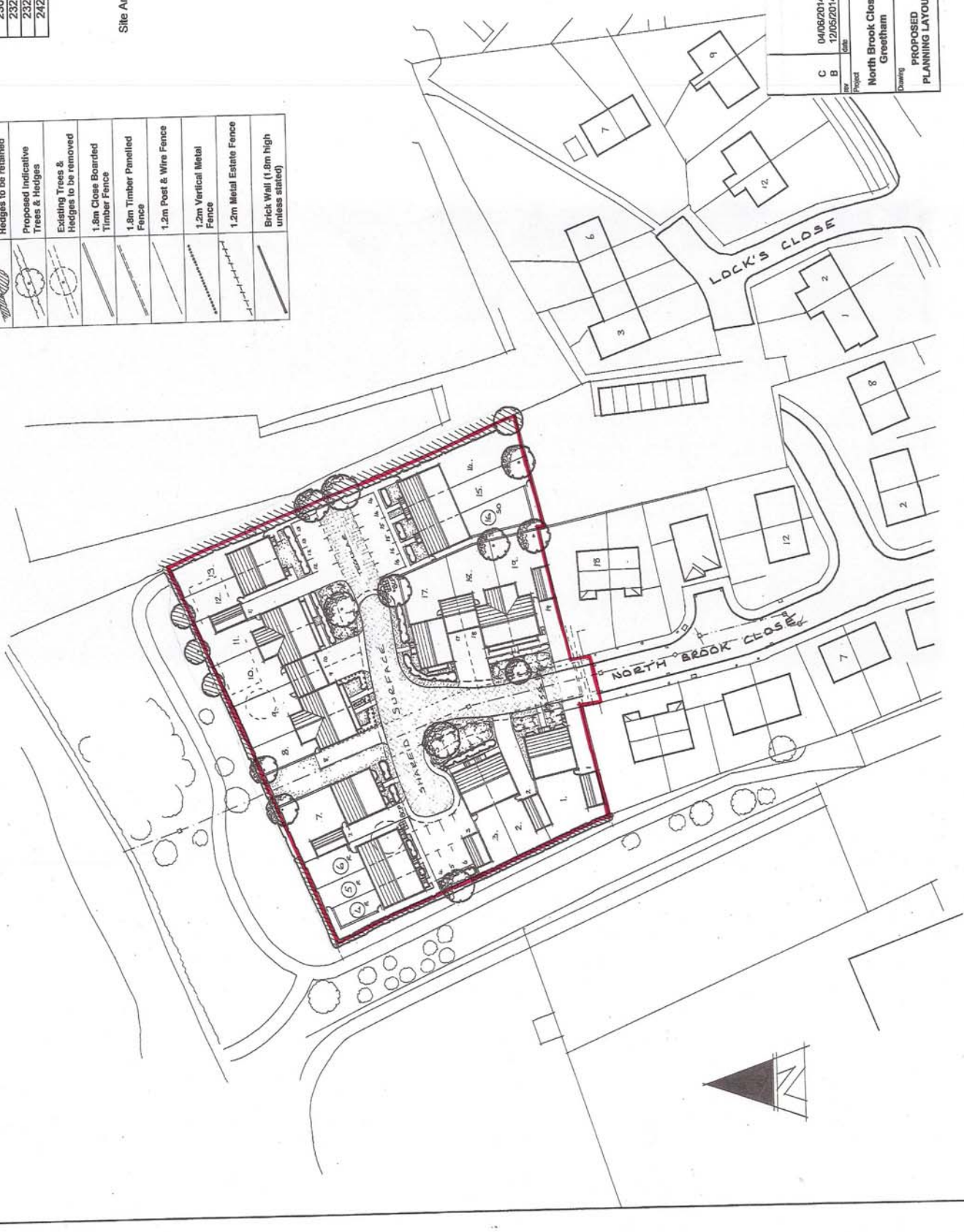
3210  
5526  
4505  
984  
2518  
**16743**

Site Area = 0.49ha/1.214acres  
= 13791ft<sup>2</sup>/acre

Plot No.	House Type
1	2427
2	2323
3	2323
4	2224
5	2224
6	2224
7	2427
8	2308
9	2308
10	2308
11	2308
12	2224
13	2224
14	2323
15	2323
16	2323
17	2324
18	2308
19	2308

Rented  
Shared Ownership

LEGEND	Description
	Existing Trees & Hedges to be retained
	Proposed Indicative Trees & Hedges
	Existing Trees & Hedges to be removed
	1.8m Close Boarded Timber Fence
	1.8m Timber Panelled Fence
	1.2m Post & Wire Fence
	1.2m Vertical Metal Fence
	1.2m Metal Estate Fence
	Brick Wall (1.8m high unless stated)



Issue	C	04/06/2014	Layout amended to planners comments
Issue	B	12/05/2014	Layout amended to planners comments
Copyright reserved. Do not scale. All dimensions to be checked on site.			
Project	North Brook Close Groetham		
Drawing	PROPOSED PLANNING LAYOUT		
Date	18/10/13	By	IMAC
Draw No.	PL-01	Rev	C
Larkfleet Homes, Falcon Way, Bourne, Lincs PE10 0FF Tel: 01778 391500 Fax: 01778 391507			



## Rutland County Council District Council

### INTERNAL MEMORANDUM

---

To: Andrew Burt

From: Helen Wilson, Planning Policy Officer

Ref: 2013/1042/FUL

Date: 13<sup>th</sup> February 2014

---

**RE: 2013/1042/FUL – CONSTRUCTION OF 19 RESIDENTIAL DWELLINGS INCLUDING GARAGES AND ASSOCIATED INFRASTRUCTURE - LAND TO THE REAR OF NORTH BROOK CLOSE, GREETHAM, RUTLAND**

Greetham is identified in the adopted Core Strategy (2011) as a Local Service Centre (Policy CS3). Policy CS9 identifies that about 390 dwellings (approximately 20% of the overall provision) will be located within and adjoining the Local Service Centres, therefore the site is within an area which is potentially suitable for residential development.

The site lies outside, but is adjacent to the planned limits of development for Greetham within the adopted Rutland Local Plan 2001. Rutland Local Plan saved policy EN26 is therefore relevant to the determination of this application. The proposal does not fall within one of the essential uses in the countryside permitted under saved policy EN26 and therefore appears contrary to the Rutland Local Plan 2001. The Rutland Local Plan 2001 is somewhat out of date in terms of strategic housing needs and allocations. The Site Allocations and Policies DPD (submission document) (April 2013) identifies allocations for residential development and when adopted will replace all remaining policies within the saved Rutland Local Plan. It is important to understand the weight to be given to these policies as material considerations.

Policy SP1 of the Site Allocations and Policies DPD (submission document) includes the application site as a residential allocation (H7 - Rear of Northbrook Close, Oakham Road, Greetham) and the planned limits of development have been amended to include this site within Greetham. It is important to assess the weight to be given to this policy when determining the application.

Guidance from the former Office of the Deputy Prime Minister (ODPM) 'The Planning System: General Principles' (2005) states that 'account can also be taken of policies in

emerging DPD's, the weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached'.

The Site Allocations and Policies DPD has been submitted for examination by the secretary of state and an examination in public was held in November 2013. Following the examination and correspondence received from the Inspector the council has drafted both minor and main modifications for consultation; it is anticipated that the Inspector's report will be issued in April. The plan is therefore at a late stage in the process, which provides some weight to the policies.

The guidance also discusses when a plan has been submitted for examination and identifies that the weight given to a policy is dependent upon the nature of the representations received and if they are representations of support or objection, for example policies with no objection can be given considerable weight due to the strong possibility that they will be adopted.

During the submission consultation no objections were received in regards to the site, support was received from both the owner and the developer of the application site. A response was received from developers for the land to the west of the site (Greetham Garden Centre) which stated that their land is more sustainable and should be developed in conjunction with site H7 (application site).

The inspector did not raise any significant concerns in regards to the sites allocated within SP1 during the examination in public of the Site Allocations and Policies DPD held in November 2013. Policy SP1 originally included phasing and the application site (H7 in the DPD) was within the later phase (2018-2026), however the Inspector has suggested the removal of this phasing, allowing sites within the later phase to be developed earlier in the plan period. The Council has agreed to this change which is now included in the Council's proposed modifications to the plan currently subject to public consultation.

Due to the stage reached with the document, no major concerns raised by the Inspector in regards to the site and lack of opposition, greater weight can be given to policy SP1 (with the phasing removed) of the Site Allocations and Policies DPD (submission document).

As the Site Allocations and Policies DPD is not yet adopted, it is important to discuss the issue of prematurity. ODPM guidance, referred to above, states that 'In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but has not yet been adopted' and indicates that it may be appropriate 'where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of a new development which are being addressed in the policy in the DPD'. However, it also states that 'A proposal for development which has an impact on only a small area would rarely come into this category'.

Recent draft National Planning Practice Guidance published in August 2013 also states 'arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances'. Exceptional circumstances are identified as 'the development proposed is so substantial, or its cumulative effect would

be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan and the emerging plan is at an advanced stage but has not yet been adopted'. Due to the small scale of the development and its contribution to the housing figures set by the Core Strategy, this would not classify as 'exceptional circumstances' and it is considered that the issue of prematurity could not be used as a reason for refusal for this application.

Paragraph 49 of the National Planning Policy Framework (NPPF) (March 2012) states that 'relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year land supply of deliverable housing sites'. The council has published a 'five year housing supply update' (December 2013) following the recent examination in public of the Site Allocations and Policies DPD which identifies the council has a 5.03 year housing land supply, including the 20% buffer (due to the councils persistent under delivery of housing sites, as required by para. 47 of the NPPF). The five year land supply is calculated using the Sedgefield Approach allowing for the delivery of the shortfall within the first 5 years; it is the preferred approach identified in several appeal decisions and is in line with the draft National Planning Policy Guidance. Therefore relevant policies for the supply of housing should be considered up-to date. It is, however, recognised that this site is a preferred location for development in the Site Allocations and Policies DPD and its expedient delivery will contribute towards the maintenance of the five year land supply.

Core Strategy policy CS11 requires a minimum target of 35% affordable housing. To reach this requirement 7 affordable homes are required on site, however the application only identifies 5 affordable homes. A viability report has been submitted and being assessed, further comments will be provided in due course.

When determining this application consideration will need to be given to the current adopted/saved planning policy and other material considerations, such as the weight to be given to the emerging Site Allocations and Policies DPD, the support given to the Northbrook Close housing allocation (H7) through the SAP DPD consultation process and the contribution to the Council's 5 year land supply. From a planning policy perspective it is considered that on balance this application is acceptable, subject to the resolution of the affordable housing requirement issue.





Kings Court, 12 King Street, Leeds LS1 2HL. Tel 0113 283 2500  
 Fax 0113 245 9412 Document Exchange 12051 Leeds 24  
 Email [stephen.sadler@walkermorris.co.uk](mailto:stephen.sadler@walkermorris.co.uk) Web: [www.walkermorris.co.uk](http://www.walkermorris.co.uk)

Rutland County Council Planning Services Catmose Oakham Rutland LE15 6HP FAO Mr A Waskett-Burt (DC Case Officer)	Our ref  Your ref  17 March 2014	SSS/JUC/BAR3692-5  2013/1042/FUL
--	--	--

Dear Sirs

**PA Ref No 2013/1042/FUL  
 Larkfleet Homes (Larkfleet) - 19 Dwellings Etc  
 Land to the Rear of North Brook Close, Greetham, Rutland**

We are instructed in this matter by Hanover Developments Ltd (HDL) and would ask that you draw Chair and Members attention to the matters listed below which are regarded as highly pertinent to the proper consideration of the proposals submitted under the terms of 2013/1042/FUL.

Before doing so perhaps we might explain that HDL does not object to the proposed development by Larkfleet in principle but rather to the way in which the LPA appears to be coming to the conclusion that it might proceed in preference to the adjacent previously developed land (PDL) at the former Greetham Garden Centre (the GGC), which was recently refused planning permission.

In this context we would make the following points;

- If the LPA considers there is a need to allow additional housing development in Greetham a decision to grant planning permission for the Larkfleet scheme at North Brook Close in preference to the GGC would be inconsistent with adopted Core Strategy Policy CS4, which says that "new development will be prioritised in favour of the allocation and release of previously developed land within or adjoining the planned limits of development where it can support sustainable patterns of development and provide access to services by foot, public transport and cycling".
- The adjacent PDL site at the GGC has not been soundly tested as a reasonable alternative to this site
- The Local Plan Inspector's findings are awaited. In this context we are alarmed with the Planning Policy Officer's comments in the consultation reply dated 13 February to the Larkfleet application which says that "The inspector (sic) did not raise any significant concerns in regards to the sites allocated within SP1 during the examination in public of the Site Allocations and Policies DPD held in November 2013." Given that the Inspector has yet to make his recommendations Members would be misdirecting themselves were they to rely on the implication made by the Officer in this regard. Indeed, we are unsure why such a comment might be made given that the Inspector would not reach determinations on individual sites during the EIP process and may choose to make different "conclusions" in his report to that inferred by the Officer.

- HDL is also most concerned that the Officer suggests that "Due to the stage reached with the document, no major concerns raised by the Inspector in regards to the site and lack of opposition, greater weight can be given to Policy SP1 (with the phasing removed) of the Site Allocations and Policies DPD (submission document)." This is misleading and we suggest that it would be unsafe to rely on such advice as it is again premature pending the Inspector's report.
- HDL notes that there is no mention of Core Strategy CS4 in the Officer's reply, which together with the comments referred to above, is of serious concern.

Should any immediate matters arise please do not hesitate to contact our Head of Planning, Stephen Sadler, here at Kings Court.

Yours faithfully

  
**WALKER MORRIS LLP**

Cc HDL  
WM Internal S78 Team

## 2013/1042/FUL – Appendix 4 – Planning Policy Manager's comments

'In response to the letter from Walker Morris, I would make the following comments:

1. The consultation response of 13rd February 2014 from the planning policy officer relate specifically to the above planning application. It is not the purpose of the response to assess the merit of the alternative sites, such as the former Greetham Garden Centre site. This work has been undertaken through the Site Allocations and Policies DPD (SAP DPD) process, where all of the reasonable alternative sites in Greetham have been assessed in the context of the national and local planning policies, including Policies CS3, CS4 and CS9 of the Rutland Core Strategy.
2. The consultation response from the planning policy officer is considered to provide sufficient context of the national and local planning policies relevant to this planning application on a proposed greenfield allocation site in Greetham . Again as it not the role of this consultation response to deal with the merits of the alternative brownfield sites in Greetham. This work has been undertaken through the SAP DPD process. Policies CS3 and CS9 of the Rutland Core Strategy, which are covered in the policy officer response, support the principle of the proposed development in a Local Service Centre. The locational strategy in Policy CS4 supports this principle as well. It also emphasis the general underlying principle when using the Local Plan that it must be read as a whole as a number of different policies may apply to a particular site. The policies of the plan should not be read in isolation from each other, as it is the case in this instance.
3. The planning policy officer comments made about the Inspector on the SAP DPD relate to the officers observations arising from the specific examination hearing session on the Northbrook Close Housing allocation (H7) on Wednesday 20<sup>th</sup> November 2013, when the Inspector considered this site. The Inspector raised no specific concerns during the examination hearing session about the site. It is noted that no one from Walker Morris or any other parties representing the former Greetham Garden Centre site were present at this hearing session.
4. Subsequently, on the proposed modifications of the SAP DPD, the Inspector's comments have focused on the recommendation to remove the phasing from Policy SP1 of the SAP DPD. This has resulted in the application site being removed from Phase 2 (Housing Sites 2018-2026) of this policy. This modification has been the subject of public consultation until 4<sup>th</sup> April 2014 and the Inspector is currently considering the submission received the proposed modifications to the SAP DPD.
5. The consultation response from the planning policy officer's that greater weight should be given to Policy SP1 of the emerging SAP DPD due to advanced reached in the DPD process, limited unresolved objections to the proposed housing allocation (H7) and the degree of consistency of the relevant policies in the SAP DPD with the NPPF is in accordance with government advice contained in Paragraph 216 of the NPPF.

The above points provide the context for the planning policy officer's comments of 13rd February 2014 on the above application. However, it is important to remind the Members that the officer's observations from the examination hearing session and the examination process do not constitute the Inspector's final decision on the allocation of this site for housing. This will be set out in the Inspector's final report following the examination process that is anticipated in the coming months. '



© Crown copyright and database rights [2013]  
Ordnance Survey [100018056]

Scale - 1:1250  
Time of plot: 12:51  
Date of plot: 11/06/2014



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2014/0201/FUL	ITEM 2	
Proposal:	<p><b>Old Constables - Change of use from Art Gallery (Use class A1) to residential (Use Class C3). Construction of extension to rear (north) elevation for staircase/lift. Provision of hard and soft landscaping; provision of dustbin store, parking and turning areas and alterations to existing boundary wall along Orange Street.</b></p> <p><b>Fives Cottage - Construction of a two storey and single storey side extension. Conversion of outbuilding to ancillary accommodation. Construction of double garage with room over and vehicular access.</b></p>		
Address:	<b>Old Constables, 2A, High Street West, Uppingham, OAKHAM, Rutland, LE15 9QD</b>		
Applicant:	<b>Endurance Estates (Rutland) Ltd</b>	Parish	<b>UPPINGHAM</b>
Agent:	<b>Harris McCormack Architects</b>	Ward	<b>Uppingham</b>
Reason for presenting to Committee:	<b>Member request</b>		
Committee Date:	<b>24<sup>th</sup> June 2014</b>		

## EXECUTIVE SUMMARY

The works to Old Constables would enable the site to be brought back into viable use after a prolonged period of disrepair and dilapidation.

The applicant has amended the scheme to set back the boundary wall, but maintain its height. This would have an acceptable impact upon the character and appearance of Uppingham Conservation Area, and comply with Highway Authority requirements.

The extension to Fives Cottage would adversely affect the balance and symmetry of the cottage, to the detriment of the character and appearance of Uppingham Conservation Area.

**A split decision is proposed.**

## RECOMMENDATION

**APPROVAL**, for the following development, and subject to the below conditions;

Old Constables - Change of use from Art Gallery (Use class A1) to residential (Use Class C3). Construction of extension to rear (north) elevation for staircase/lift. Provision of hard and soft landscaping; provision of dustbin store, parking and turning areas and alterations to existing boundary wall along Orange Street.

Fives Cottage - Conversion of outbuilding to ancillary accommodation. Construction of double garage with room over and provision of vehicular access.

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 accordance with

the details shown on the submitted plans, numbers 13-218 01-PB, 13-218 50-P3, 13-218 51-P3, 13-218 52-P3, 13-218 54-P3, 13-218 55-P3, 13-218 56-P3 13-218 57-P3, and 28994/001 Rev B.

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 materials of an acceptable quality appropriate to the area are used.

4. Prior to occupation of the development, the two vehicular accesses at their centre lines shall be provided with clear visibility splays with dimensions of 2.4 metres by 40 metres to the left and right, as measured from and along the nearside edge of the carriageway, and no structure or erection exceeding 0.9 metres in height shall be placed within the above sight lines.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, in the interest of highway safety.

5. Prior to occupation of the development, the two vehicular accesses at their centre lines shall be provided with a 2 metre by 2 metre pedestrian visibility splay, as measured from and along the highway boundary, on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.

7. No surface water from the site shall discharge onto the public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

8. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

9. The development must be carried out in accordance with sections 7 and 8 of the submitted Bat Survey (Hillier Ecology, October 2013) including the installation of three new bat boxes, location details of which must be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. These three bat boxes shall be installed in accordance with these approved details prior to occupation of the development, and then be retained in perpetuity.

Reason – To ensure that bats are still able to use the building as a roost.

10. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of hard and soft landscaping works for the site. The development shall then proceed in accordance with these agreed details.

Reason: To ensure a satisfactory appearance of the completed development, in the interests of the character and appearance of the street scene.

11. All planting shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - 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 approved landscaping scheme is implemented and maintained, in the interests of the character of the area.

12. No development shall take place until details showing the materials and method of construction of the re-aligned site boundary wall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall only proceed in accordance with these agreed details.

Reason: To ensure a satisfactory appearance of the completed development, in the interests of the character and appearance of the street scene.

#### **Notes to applicant**

1. Please note that this decision notice does not grant approval for the two storey side extension to Fives Cottage. Please refer to the separate refusal notice for this extension.
2. You will need to obtain a Highways Licence from Rutland Council Highways department before any work can commence on the new access. This will require that the access is built to a standard specification and that contractors are sufficiently insured against public liability whilst operating in the highway.
3. The strip of land adjacent to the footpath created by relocating the boundary wall will be needed to be formally adopted by the Highway Authority via a Section 38 Agreement. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. An application for the necessary works should be made to Highway Authority.
4. Road Cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.
5. Care is to be taken that site deliveries and workers do not park in such a way that obstructs or congests the highway.
6. With regard to condition 12, the existing boundary wall bricks should be reused for the reconstructed wall where possible, with bonding to match existing. If there is a shortfall of bricks, these should be used primarily for the road side elevation of the wall.

**REFUSAL** of the two storey and single storey side extension to Fives Cottage, for the following reason;

1. The proposed two storey and single storey side extension to Fives Cottage would adversely affect its symmetry, balance, appearance and character as a small cottage, to the detriment of the character and appearance of the Uppingham Conservation Area. As such, the proposal is contrary to saved policy EN5 of the Rutland Local Plan (2001), and policies CS19 and CS22 of the adopted Core Strategy (2011).

## **Site & Surroundings**

1. The site is a large three storey building (Old Constables) and grounds, located in central Uppingham, within the conservation area. The building (originally a school boarding house) is currently used as flats, however a room on the ground floor has been previously used as an art gallery till 2008 (now vacant).

2. Next to Old Constables is an unoccupied 2 bedroom cottage (Fives Cottage). In the north-west corner of the site are the remains of the former Fives Court building, now reduced to a single wall adjacent to the public footpath. A metal car port frame abuts this wall.
3. Vehicular access is currently achieved through a narrow break in a 1.8m high brick boundary wall that runs along Orange Street. Old Constables has pedestrian access into the building off High Street West, though the primary access is the Orange Street entrance.
4. The site has been on the property market for several years, and while two flats in Old Constables are still occupied, the general state of the building is run down and dilapidated. Fives Cottage is unoccupied. There are various outbuildings to the rear of Old Constables and these are in a similar state of disrepair.
5. Old Constables and Fives Cottage positively contribute to the character and appearance of the conservation area; however their current state of disrepair and lack of maintenance does diminish this quality somewhat.

## Proposal

6. This application proposes various alterations to both the Old Constables building, and the Fives Cottage site, in order to bring them back into habitable use. Firstly, the Old Constables building would be re-worked internally to make useable flats for modern living, including the insertion of additional windows. The ground floor room formerly used as an art gallery would be integrated into the adjacent flat. A three storey rear extension would provide a stairwell and lift for the flats, and to accommodate this, the existing outbuildings would be demolished.
7. The removal of the outbuildings would also allow space for on-site parking for the flats. The original proposal included lowering the brick boundary wall to 0.9m. Following the consultation process and discussions with the agent and applicant, this has since been revised. The wall would now be set back from its current position (in order to accommodate appropriate visibility splays), but retain its 1.8m height. A small boundary wall would be constructed to separate Old Constables and Fives Cottage, and a new vehicular access would then be created for Fives Cottage.
8. A two storey and single storey extension are proposed for Fives Cottages, to replace an existing single storey extension. The materials and features of the existing extension would be incorporated in the new extension. A disused outbuilding would be used as ancillary accommodation, and a new garage with accommodation above would be situated within the footprint of the old Fives Court.
9. A large and prominent Sycamore tree has consent to be removed (2013/0972/CAT). While a prominent feature in the street scene, the tree has multiple stems that would be prone to failure in the future. Pruning options would reduce its amenity value significantly, and therefore it was found that its retention via a Tree Preservation Order would not be appropriate.
10. The proposed plans are attached at **APPENDIX 1**.

## Relevant Planning History

2013/0972/CAT	Fell 1 No. Sycamore Tree	Tree Preservation Order not imposed
---------------	--------------------------	--



## Planning Guidance and Policy

### (i) Development Plan

#### **The Rutland Core Strategy (2011)**

- CS17 Town centres and retailing
- CS19 Promoting Good Design
- CS22 Historic and Cultural Environment

#### **Rutland Local Plan (2001)**

- EN5 Development in Conservation Areas
- EN29 Amenity
- RE4 Retail
- HT5 Road and access design
- HT6 Provision of parking

### (ii) Other Material Considerations

#### **National Planning Policy Framework**

- Section 7 Requiring good design
- Section 12 Historic Environment

#### **Site Allocations and Policies DPD – Submission Document (2013)**

- SP4 Built development in the towns and villages
- SP11 Town Centre area, primary and secondary shopping frontages
- SP14 Design and Amenity
- SP19 Historic Environment

## Consultations

11. Uppingham Town Council -  
'Old Constables, 2a High Street West, all internal and external changes and additions to building recommended for approval.

Fives Cottage, all changes and additions to building recommended for approval

Alterations to yard areas, vehicular access, new parking etc : Request that serious consideration be given to these developments and alterations. This part of the development will create something unlike anywhere else in the centre of Uppingham and consideration should be given in the use of materials and arrangement to minimise the massive change in this area of the town. Every effort should be made to retain some of the wall and to make the changes to the site in keeping with the surrounding area and street scene.

Also to endorse the provision of bat boxes and recommendations as set out in 7.1, 7.2 & 7.3.

12. Conservation Officer –  
'Residential conversion of 2a High Street East & Fives Cottage  
These buildings are prominent within Uppingham Conservation Area and, although unlisted, make a positive contribution to its character and appearance. They have been vacant for some time and residential use is welcome.

Of the various elements of the proposal, I would comment:  
2a High Street

This is an important building at the corner of High Street and Orange Street and conversion to nine quality flats will be an appropriate re-use. The proposed rendered and glazed stair/lift extension will not have an adverse impact on the character of the conservation area.

#### Fives Cottage

This is a small, attractive, mid 19th century building in need of renovation and its re-use is welcome. However I consider the proposed two storey extension to provide a third bedroom would adversely affect the symmetry and balance of the cottage and adversely affect its appearance and character as a small cottage.

#### Former Fives court

Retention of the wall of the former fives court fronting Orange Street within the development will be a welcome re-use of a structure of historic interest; its incorporation into the garage is acceptable as a means of propping the surviving wall and ensuring its retention.

Although the removal of the prominent tree on Orange Street will affect the overall appearance of the conservation area, it appears to be a self-set, multi-stem sycamore that is not of sufficient quality to justify a preservation order.

#### Alterations to boundary wall

My main reservation is with regard to the proposed reduction in height of the boundary wall along Orange Street. The existing brick wall is an attractive feature in the street scene and its reduction in height will have an adverse impact on the appearance of the conservation area and result in the car parking for the flats becoming prominent in the street scene'

(Following submission of amended plans showing set back of the wall but retention of its height) - The revised works to the wall would have an acceptable impact upon the conservation area and street scene.

13. LCC Ecology – The proposed development will have a minor impact on the existing roof void (Old Constables). Mitigation measures are proposed, however if the bat roost is within a different part of the building not affected by the development, this should be retained if possible.
14. Highway Authority – No objection, subject to conditions
15. Chairman of Development Control Committee – 'I consider that this should come to Committee for the following material reasons;
  - a) Sensitive central location with significant impact on the street scene
  - b) Scale of proposal
  - c) Considerable public interest which would be best met by open debate'

## Neighbour Representations

16. One letter received from immediate neighbour to the west. Identified small inconsistencies in the plans, and concern regarding levels of the car parking adjacent to the shared boundary.

## Planning Assessment

17. The main issues are:
  - Highways
  - Impact upon the Uppingham Conservation Area
  - Residential Amenity
18. As the proposal is for multiple developments within the site, these issues are discussed as a whole under the following sub-headings for each of the various developments where applicable.

### Old Constables

19. The internal conversions would allow for a better layout than the existing. The art gallery on the ground floor has been empty since 2008. While the site is within Uppingham Town Centre, it does not form part of the town's identified primary or secondary shopping frontages. The loss of this retail use by integrating this room back to residential would not conflict with the Council's retail policy.
20. The proposed extension to the rear of the building would facilitate a new lift and stairwell. The design of this, while different from the existing building, would not detrimentally affect the character of the building, or its appearance in the street scene.
21. The comments from the neighbour are noted, and the plans have been amended to take into account their comments on the plans. The proposal includes the insertion of several new windows into the west elevation of the building, which would face the garden area of this neighbour. The applicant has discussed this with the neighbour prior to submission, and they have also been formally consulted as part of the planning application. Notwithstanding this, their formal response did not include an objection to the proposed windows. There are a number of trees within the neighbouring property that would partially screen views from the windows into the garden. Given the above, the impact of the windows on the neighbour would not be significant enough to warrant refusal of the application.

### Access/boundary wall

22. The comments from the Conservation Officer and the Town Council regarding the access are noted, and have been given due consideration. The scheme has been subject to extensive pre-application advice, and alternative options for the access/parking were explored at this time.
26. Reducing the access to a single entrance severing both Fives Cottage and Old Constables would compromise the ability to have adequate parking within the site. It is reasonable to expect a single on-site parking space for each flat.
27. Notwithstanding the above, it is acknowledged that lowering the wall to achieve acceptable visibility splays would open up views of the car parking area and Fives Cottage. As such, following discussions with the agent and applicant, revised plans have been submitted that retained the overall height of the wall, but set it back from the road in order to achieve appropriate visibility splays.
28. The alterations to the wall/access would be acceptable to the Highway Authority, subject to conditions, including visibility splays. Further revised plans will be submitted showing these splays, and the final wording of these conditions may therefore be amended in the addendum report.

29. The applicant would need to enter into a Section 38 agreement with the Highway Authority to formally adopt the strip of land next to the current footpath created by moving the wall back into the site. The Highway Authority have informally expressed willingness to adopt this strip (subject to the Section 38 agreement), as it is regularly used by the public, including school children.
30. Given that the scheme would bring the site back into a viable use after a prolonged period of stagnation, the proposed accesses as revised would have an acceptable impact upon the street scene and conservation area, and are recommended for approval.
31. Though the removal of the sycamore tree does not form part of this application, its loss would alter the character of the street scene. While the scheme offers somewhat limited scope for soft landscaping, nevertheless a certain amount of strategic planting would help to offset the significant changes to public views into the site. A landscaping condition has therefore been included in the recommendation.

### **Fives Court /Outbuilding**

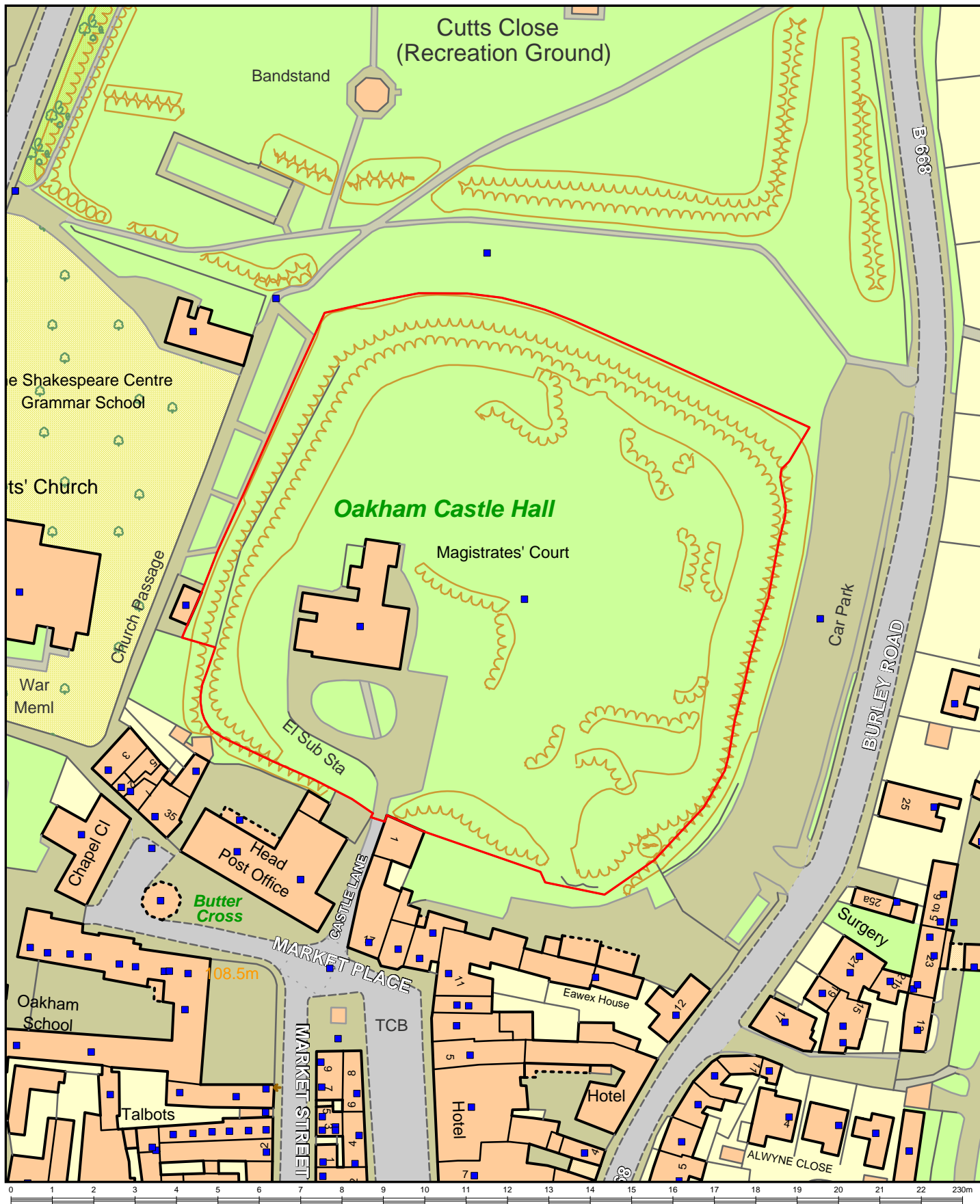
32. The proposed garage would help to support the remaining wall to the Fives Court, which is an important feature in the street scene. While the roof of the garage would protrude above the top of the wall, this would not be as high as the original gable, the outline of which can be seen on the neighbouring wall. The conversion of the small outbuilding to ancillary accommodation for Fives Cottage would also help to ensure the retention of this building.

### **Fives Cottage**

33. The comments from the Conservation Officer regarding the two storey side extension to Fives Cottage are noted. The proposed extension would unbalance the existing cottage, and adversely affect its symmetry. Although dilapidated and unoccupied, Fives Cottage is a heritage asset that contributes to the character of Uppingham Conservation Area. Further extension to the side of the property would have a harmful impact upon the character and appearance of the conservation area.
34. Alternative options for the extending the property have been explored with the agent and applicant, however an acceptable alternative scheme has not been agreed. As such, a split decision for the application is proposed, refusing the side extension, but approving the rest of the development. This would enable the applicant to implement the restoration works to Old Constables, and most of the works to the Fives Cottage site.

### **Other Issues**

35. The submitted Ecology report found evidence of bats in Old Constables. Three bat boxes are proposed to mitigate against the impact of the work. The Leicestershire County Council's Ecology comments are noted. The agent has since confirmed on a plan that the roost is in the same location as the proposed extension, and therefore could not be retained. On this basis the mitigation measures proposed have been conditioned.
36. Some of the highway issues identified in the proposed highway conditions are covered by the approved plans (e.g. access width) or have been combined with other conditions.



© Crown copyright and database rights [2013]  
Ordnance Survey [100018056]

Scale - 1:1250  
Time of plot: 12:50  
Date of plot: 11/06/2014



Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2014/0393/RG3 &amp; 2014/0395/LBA</b>	<b>ITEM 3</b>	
Proposal:	<p><b>APP/2014/0393/RG3 Construction of single storey side extension to the west elevation following demolition of existing boiler room. Construction of external bin store. Provision of stepped access to top of motte and viewing platform and stepped access over ramparts to the north east corner. New retaining wall to the south elevation of the motte. Replacement fencing to the west and south boundaries. External lighting.</b></p> <p><b>APP/2014/0395/LBA Construction of a single storey extension to the west elevation following demolition of existing boiler room. Internal alterations to improve access. Installation of new lighting and heating services. Redecoration of court furniture. Repairs to building.</b></p>		
Address:	<b>Oakham Castle, Castle Lane, Oakham</b>		
Applicant:	<b>Rutland County Council</b>	Parish	<b>OAKHAM</b>
Agent:	<b>Weston Allison Wright</b>	Ward	<b>Oakham North East</b>
Reason for presenting to Committee:	<b>RCC application</b>		
Date of Committee:	<b>24 June 2014</b>		

## EXECUTIVE SUMMARY

**The applications are for planning and listed building consent for various works at Oakham Castle and the castle grounds as part of an overall restoration scheme.**

**The works will have an acceptable impact on the character of the Grade I listed building and are justified as a means of safeguarding the building and to provide the opportunity for wider use and greater appreciation of the sites' historic significance.**

## RECOMMENDATION

### **APP/2014/0393/RG3:**

**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 3188 001 Rev H, 3188 004 Rev D, 3188 005 Rev C, 3188 007 Rev B & P1310/E04 Rev A.

(Reason: For the avoidance of doubt and in the interests of proper planning).

3. No materials shall be placed on site until such time as samples of the stone to be used on the external walls and of the roofing material for the extension have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

(Reason: To ensure that the materials used are appropriate to the character and appearance of the listed building).

**APP/2014/0395/LBA:**

That the **SECRETARY OF STATE** be advised that the Local Planning Authority is minded to grant listed building consent 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).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3188 001 Rev H, 3188 004 Rev D, 3188 005 Rev C & 3188 007 Rev B; P1310/E02 Rev E (proposed fire alarm and security), P1310/M01 Rev D (proposed mechanical services) & P1310/E03 Rev E (lighting) and in accordance with the details contained in the Oakham Castle Conservation Management Plan, attached to and forming part of this consent.

(Reason: For the avoidance of doubt and to ensure that the work is appropriate to the character of the listed building).

3. No materials shall be placed on site until such time as samples of the stone to be used on the external walls and of the roofing material for the extension have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

(Reason: To ensure that the materials used are appropriate to the character and appearance of the listed building).

4. Notwithstanding the submitted information, the extent and the method of repair work, the detailed specification of materials to be used and the standard of workmanship to be followed shall be submitted to and agreed in writing by the local planning authority before work commences; only materials and methods agreed in writing shall be used in the repair of the building.

(Reason: To ensure that the materials used and the method and extent of repair are appropriate to the listed building).

## Site & Surroundings

1. The Great Hall and attached buildings at Oakham Castle are listed in Grade I, whilst the overall site, comprising the remains of the outer curtain wall and the earthworks of the motte and bailey castle, is a Scheduled Monument. The site is also within Oakham Conservation Area. The outer wall is included on the English Heritage "Heritage at Risk" Register.
2. The castle was built between 1180 and 1190 and the Great Hall is described as the earliest and most complete example of a Norman hall in England. The listing also includes the 19<sup>th</sup> century additions to the hall, comprising the Judge's retiring room and cells at the west end and the courtroom on the north elevation.

3. The scheduled monument comprises the earth ramparts rising to a partially collapsed curtain wall surrounding the Great Hall and inner bailey, the remains of a motte and the outer bailey (the medieval gardens, now Cutts Close recreation ground, are not included within these applications).

## Proposal

4. The issues affecting the Castle site that the applications are intended to resolve are:
  - the provision of improved toilet and drainage facilities,
  - the structural instability of the outer curtain wall,
  - the need for improvements to access for disabled people , and
  - the need for specialist repair of the Great Hall, including the court furniture.

The approach taken has been determined through the preparation of a Conservation Management Plan, and the applications propose the following work:

5. The existing boiler house attached to the west elevation of Court No. 1 is to be demolished and replaced with a single storey toilet block and boiler room. The extension will be faced in ironstone to match the existing north elevation, with a shallow pitched roof hidden by a low parapet. The roof will be made of terne-coated stainless steel sheeting, which has the appearance of lead but is of no scrap value. The toilet extension will necessitate improvements to the drainage layout to connect the Great Hall to mains drainage in Cutts Close (requiring scheduled monument consent). At the south end of the toilet extension will be a replacement boiler room, smaller in scale than the existing and utilising the existing chimney stack for the flue.
6. The application also includes a timber bin store, 1.4 metres high. This was to be located in the recess between the judges' retiring room and the cells. However, following comment from English Heritage, an alternative position away from the main building is now proposed.
7. Around the perimeter of the site, the existing palisade fence is to be replaced with less intrusive 1-1.2 metre high railings. With the consent of Oakham Town Council, the fence line is to be moved out by approximately 1.5 metres from the foot of the slope to give a flat margin around the castle in order to improve maintenance access to the ramparts.
8. Work to consolidate the surviving stonework of the curtain wall is the subject of a separate application for scheduled monument consent to English Heritage. This will include construction of a retaining wall on the boundary of the car park to the Whipper Inn. As part of the project, the felling of 19 trees is recommended by arboricultural consultants. These are self-set, mainly ash and sycamore trees that are either in poor condition or are causing root damage to surviving sections of the castle wall or adjacent buildings. Since the site is within Oakham Conservation Area, consent is needed. The most significant trees that are not damaging the wall and sections of hawthorn/blackthorn are to be retained to provide a boundary along the top. Other areas of hawthorn scrub and ivy on the slopes are to be cleared to open-up views of the earthworks; it is intended that the inner slope up to the castle wall be grassed and maintained as such.
9. Improving public interpretation of the site will include on-site information and the formation of timber steps up to a viewing platform on top of the motte in the south-east corner of the site. It is also proposed to provide steps over the remains of the



wall in the north east corner; this will replace an existing, well-worn path that has caused considerable scarring. The work requires planning permission and scheduled monument consent.

10. The planning application also proposes external lighting within the castle grounds. This comprises five ground-mounted floodlights to illuminate the south, east and north elevations of the hall, provision of ground mounted LED lighting at the entrance and tape lighting on the entrance gates and timber bollard lighting to the entrance footpath.
11. Within the Great Hall, alterations to improve access for disabled people are proposed to the entrance vestibule and provision of an internal wheelchair ramp. The forecourt to the hall and the path around the building is to be re-surfaced in bonded gravel, with the path widened to 1.8 metres to provide full access. (Outside of the site, improvements to the surface on Castle Lane to provide a smoother path are separately proposed).
12. The Conservation Management Plan identifies essential repairs necessary to the walls and roof of the Great Hall and restoration of the courtroom furniture. These will be on a like-for-like basis, using appropriate materials and techniques.

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Part 12 - Conserving and enhancing the historic environment:

Paragraph 131 (local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution they make to sustainable communities, including economic vitality);

Paragraph 134 (where a proposed development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use).

### **The Rutland Core Strategy**

Policy CS22 –The historic and cultural environment

### **Rutland Local Plan**

EN5 – Development within a conservation area

## **Consultations**

13. English Heritage  
No objection. English Heritage confirm that they have been involved in providing pre-application advice; through positive engagement in the development of this project, over several years and are confident the proposals address the sustainable conservation and public use requirements of a nationally important suite of heritage assets.
14. English Heritage did question the location of the bin store, due to it obscuring medieval fabric, the potential security issue of it enabling access onto the roofs of the adjacent cells or retiring room and the potential fire hazard, in view of the history of anti-social behaviour at the Castle. An alternative location on the internal side of the curtain wall, where the visual obtrusion could be mitigated by planting and screening, has been suggested.

15. Overall, English Heritage recommend that the applications be considered with due regard to the relevant legislation and in light of their advice, and that the measures proposed under the Conservation Management Plan be granted listed building consent subject to appropriate conditions to deliver the detailing, archaeological control and quality assurance necessary.
16. Conservation Officer  
No objection. There has been extensive pre-application discussion on the extent and design of the works. As proposed, the works will conserve the building and remains of the castle walls. The proposed extension will not have a harmful impact on the character or significance of the grade I listed building and is justified as a means of securing a long-term viable use for the building. The application proposes that the materials to be used and the full extent of the necessary work and the standard of workmanship will be agreed before work commences.
17. Oakham Town Council  
Recommend approval.
18. LCC Ecology  
There are bats and other protected species on the site and surveys are required before the planning application is determined; this is because the surveys may reveal something that could affect the plans.

## Neighbour Representations

19. One representation received from the occupier of premises on Church Passage, enquiring about the impact and timing of the work (although not a material planning consideration, the applicant has responded separately.)

## Planning Assessment

20. The main issues are:  
  
The Impact on the character and significance of the Grade I listed building, the scheduled monument and Oakham Conservation Area.
21. The overall approach to the conservation of the castle site has been informed by reference to a detailed Conservation Management Plan, which, if the applications are approved, will form part of the consent.
22. A number of options were considered for the provision of adequate toilet facilities, including the incorporation of new facilities within the existing rooms within Court No.1. However, the provision of an extension is considered to be the only realistic option and the proposed location, alongside the previously altered 19<sup>th</sup> century courtroom extension, and the low height of the structure is such that it will have an acceptable impact on the listed building. The overall footprint has been kept to a minimum and will be inset to reduce the visual impact. The use of stone facing will enable the new structure to blend-in alongside the existing buildings, whilst the shallow pitched, almost flat roof will further reduce the impact.
20. In respect of the concern expressed by English Heritage with regard to the location of the bin store, the applicant has agreed to consider the feasibility of re-locating it to a position adjacent to the entrance gates, where it can be screened. An update on this will be provided at Committee21. The selective removal of vegetation from the curtain

wall and bank, including felling of the most damaging or dangerous trees, is necessary to stabilise and to repair the structure. Consolidation and repair work to the outer wall will also improve the visibility and public appreciation of the structure. Although a number of trees will be removed, it is not considered that the work will have a damaging impact on the character or appearance of the site or the conservation area and is justified as part of the overall improvement of the site; where possible, the most prominent individual and groups of trees will be retained. Some limited additional planting and maintenance of existing hawthorn scrub to form a hedge along the top of the structure, together with proposed ongoing future control of vegetation, will provide a secure and attractive boundary to the site. The provision of a viewing platform on the motte will further improve interpretation of the site.

23. The repair of the walls and roof of the Great Hall, including the removal of damaging, non-breathable, cement based mortar and plaster that is causing damp, and the use of lime mortar and limewash for the internal walls, have been agreed as being necessary for the long-term protection of the building. The extent of the work can be agreed on-site. The specialist conservation of the furniture is appropriate to preserve an important aspect of the building's history.
24. The alterations within the Great Hall to improve access will have a limited and, in respect of the proposed ramp, reversible impact. The proposed improvements to the lighting and security systems are also acceptable.

#### Impact on protected species

25. Two nocturnal bat surveys have already been completed and the third (which will comply with guidelines) is due to be undertaken before the date of Committee. This will provide up-to-date information to enable the ecological consultant employed as part of the application to advise on any necessary mitigation measures.
26. In respect of the other protected species on the site, a meeting with the local authority ecologist, Natural England and the applicant is scheduled before the Committee date and will be reported.

#### Conclusion

27. The proposed works have been the subject of extensive pre-application consultation with interested parties, including English Heritage, Society for the Protection of Ancient Buildings, Rutland Access Group, Natural England (in respect of protected species on the site), Friends of Oakham Castle and adjoining property owners as well as the Council's conservation and tree officers. Overall, the programme of works is welcome as a means of safeguarding the future of the buildings and castle site and to encourage greater public use and appreciation that is necessary to ensure a viable future.