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Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 5th July, 2016** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 7 June 2016.

2) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rules.

The total time allowed for this item shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written

response after the meeting and be the subject of a report to the next meeting.

4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS

To receive any deputations from members of the Public in accordance with the provisions of Procedure Rule 94(4).

There will be no limit on the total number of deputations to be received but no more than two deputations will be permitted in respect of each planning application one of which, if required, will be from a statutory consultee.

Deputations which relate to a planning application included on the agenda for this meeting will be deferred until the application is considered by Members.

Following the deputation, the applicant or his agent will have a right of reply, the maximum time for which will be three minutes. Members will then have the opportunity to question the depute and if a response has been made, the applicant or agent, for a maximum of four minutes.

5) REPORT NO. 134/2016 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 134/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 5 - 54)

6) REPORT NO. 135/2016 APPEALS REPORT

To receive Report No. 135/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 55 - 58)

7) EXCLUSION OF THE PRESS AND PUBLIC

The Committee is recommended to determine whether the public and press be excluded from the meeting in accordance with the Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provision of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.

Paragraph 1: Information relating to any individual.

Paragraph 2: Information which is likely to reveal the identity of an individual.

Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8) REPORT NO. 136/2016 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 136/2016 from the Director for Places (Environment, Planning and Transport).

(Pages 59 - 68)

9) REPORT NO. 138/2016 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 138/2016 from the Director for Places (Environment, Transport and Planning).
(Pages 69 - 78)

10) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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DISTRIBUTION

MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:

Mr E Baines (Chairman)	
Mr J Lammie (Vice-Chair)	
Mr G Conde	Mr W Cross
Mr J Dale	Mr T King
Mr A Mann	Mr T Mathias
Mr M Oxley	Mr C Parsons
K Thomas	Mr D Wilby

OTHER MEMBERS FOR INFORMATION

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REPORT NO: 134/2016

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

5TH JULY 2016

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

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

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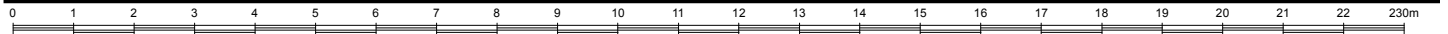
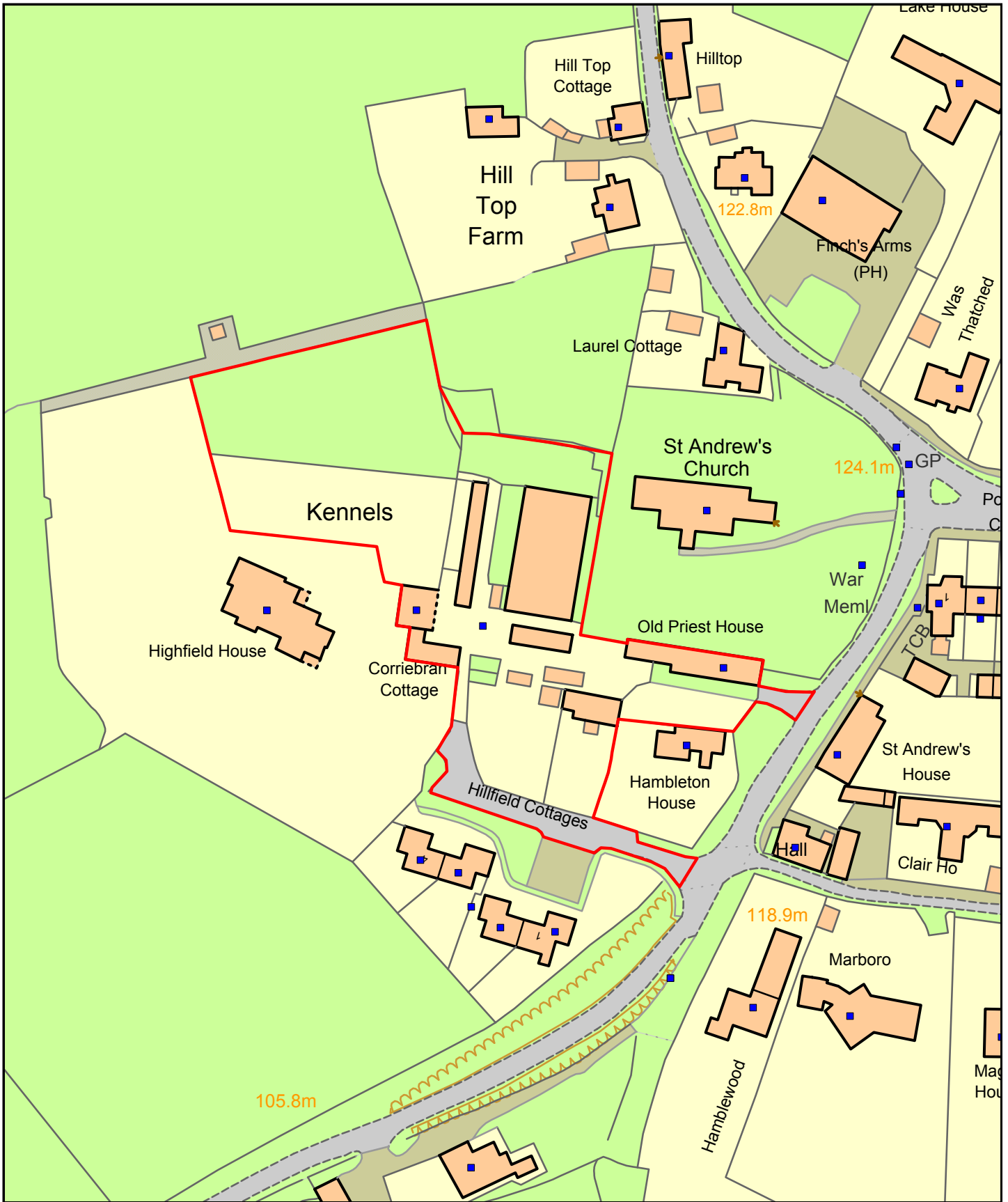
Rutland County Council

Development Control & Licensing Committee – 5th July 2016

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2015/1150/FUL	Tim Griffin, Old Priest House, Lyndon Road, Hambleton, Rutland, LE15 8TJ Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of new garaging for the existing dwelling, Old Priest House. Various existing outbuildings are proposed to be demolished.	Approval
2	2016/0284/FUL	Mr Graeme Phipps, 7 Westgate, Oakham, Rutland, LE15 6BH Conversion from private dwelling into 6 No. dwellings with ancillary changes.	Approval
3	2016/0377/FUL	Mr Rodney James, The Barn, 4A Glebe Road, North Luffenham, Oakham, Rutland, LE15 8JU Demolition of existing extensions including conservatory and construction of new single storey extension, installation of 2 new windows. Creation of new vehicular access and driveway.	Approval
4	2016/0384/FUL	Cecil Estate Family Trust, Taylors Farm, Casterton Lane, Pickworth, Rutland, PE9 4DH Barn Conversions to form 2 dwellings	Approval
5	2016/0436/FUL	James Frieland, Rutland County Council. Unit 16c, Oakham Enterprise Park, Ashwell Road, Oakham, Rutland. Construction of a single storey modular classroom building for domestic cookery classes. Regulation 3 application	Approval

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Ordnance Survey [100018056]

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Date of plot: 21/06/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/1150/FUL	ITEM 1	
Proposal:	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of new garaging for the existing dwelling, Old Priest House. Various existing outbuildings are proposed to be demolished.		
Address:	Old Priest House, Lyndon Road, Hambleton, Rutland, LE15 8TJ		
Applicant:	Tim Griffin	Parish	Hambleton
Agent:	Tom Runcorn, PW Architects	Ward	Exton
Reason for presenting to Committee:	Change in affordable housing policy since a previous committee resolution for approval		
Date of Committee:	5 July 2016		

EXECUTIVE SUMMARY

This application is reported back to committee, seeking a fresh resolution in accordance with a fundamental policy change since members previously resolved to grant approval. The policy change means that an affordable housing contribution is no longer justified from this proposal, but it otherwise remains in accordance with policy.

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: 2014/24 01b, 03h, 05f, 06e, 07f, 08c, and 12.

REASON - For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the existing trees on the site, shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while demolition and construction works take place on the site.

4. 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 - In the interests of visual amenity and of the character and appearance of the Hambleton Conservation Area, and because such details were not available with the planning application.
5. No development shall proceed other than in accordance with the recommendations in Section 5 – Table Two of the submitted Bat and Badger Survey Report (ref: P15/09/184) of 2 October 2015.
- REASON – In order to protect the protected wildlife species and their habitats that are known to exist on site.
6. 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.
7. No development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.
- REASON - To ensure that the Rutland Water SSSI is not harmed.
8. The limit of the curtilage of each dwellinghouse, for the purposes of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) is as defined by the boundary line on Plan number 2014/24-03h.
- REASON: For the avoidance of doubt and to avoid an expansion of householder development, detrimental to the character of the open countryside.
- Advisory Notes:
9. Given the narrow roads and other highway constraints in the vicinity of the site, the developer is asked to prepare a Construction Traffic Management Plan, including the routing of heavy vehicles, in consultation with the Highway Authority. This Plan should also be mindful of the Highway Authority's responsibilities for traffic flow and highway maintenance.
10. The Developer's attention is drawn to the attached advice from Natural England.

Planning Considerations

1. This proposal is for the creation of two new dwellings via the redevelopment of a commercial kennels. One would be created via conversion of an existing building; the other via replacement of kennels buildings with a new dwelling.

2. At its meeting of 12 April 2016, the committee resolved to grant permission, subject to various conditions and a planning obligation intended to secure developer contributions towards the off-site provision of affordable housing. A copy of the report to that meeting is appended.
3. That requirement for an affordable housing provision is in accordance with the provisions of the Development Plan. Policy CS11 and the Planning Obligations Supplementary Planning Document (SPD) specify that affordable housing should be provided as part of any new residential scheme where more than one new dwelling is created. This should be an on-site provision for schemes of more than five dwellings, or a financial contribution (to be secured via a Planning Obligation) for schemes of five or less.
4. The current proposal for two dwellings therefore requires such a commuted sum, payable at a rate of £162/m² at 2015/16 prices, capped at an average of £17,334 per unit. The committee resolution of 12 April was in accordance with this. There were no other material considerations at that time that could, on balance, have justified the grant of permission without such a contribution.
5. However, the requirement for an affordable housing contribution must now be reconsidered due to relevant material considerations that have emerged since 12 April.
6. Firstly, on 11 May 2016 the Court of Appeal granted the Secretary of State's appeal against a High Court decision of 2015. The latter decision had quashed a Government policy that had apparently exempted most small sites from affordable housing requirements. Consequently, the government reinstated its previous policy exempting these sites from the need for affordable housing contributions.
7. Secondly, on 21 June 2016, this Council's Cabinet approved a policy amendment intended to ensure that Rutland is consistent with that change. When implemented, this decision would mean that an affordable housing provision is no longer required on smaller housing sites (where these are not rural exception sites). These are defined as 5 units or less in villages and 10 units or less in towns (as in the case of the current application).
8. Due weight must now be given to the change in government policy and to the Cabinet decision.
9. Given that Development Plan Policy is no longer consistent with current government policy on affordable housing, and given the Cabinet decision intended to update the Council's policy, these considerations now outweigh the Development Plan Policy. Consequently, no contributions should now be sought from the current proposal.
10. Consequently, the committee is now recommended to make a fresh resolution of approval, but without any requirement for an affordable housing contribution.



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Date of plot: 21/06/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/1150/FUL	ITEM 3	
Proposal:	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of new garaging for the existing dwelling, Old Priest House. Various existing outbuildings are proposed to be demolished.		
Address:	Old Priest House, Lyndon Road, Hambleton, LE15 8TJ		
Applicant:	Tim Griffin	Parish	Hambleton
Agent:	Tom Runcorn, PW Architects	Ward	Exton
Reason for presenting to Committee:	Departure from the Development Plan		
Date of Committee:	12 April 2016		

EXECUTIVE SUMMARY

Albeit in a restraint village, this application proposes the redevelopment of previously developed land (brownfield site), incorporating the conversion and extension of an existing building. It also preserves the character and appearance of Hambleton Conservation Area and has an acceptable impact on the setting of adjacent listed buildings. No objections have been received from the local community.

RECOMMENDATION

APPROVAL, subject to the prior completion of a Planning Obligation to secure financial contributions towards the off-site provision of affordable housing, and 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: 2014/24 01b, 03h, 05f, 06e, 07f, 08c, and 12 .

REASON - For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the existing trees on the site, shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall

be left unsevered.

REASON - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while demolition and construction works take place on the site.

4. 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 - In the interests of visual amenity and of the character and appearance of the Hambleton Conservation Area, and because such details were not available with the planning application.

5. No development shall proceed other than in accordance with the recommendations in Section 5 – Table Two of the submitted Bat and Badger Survey Report (ref: P15/09/184) of 2 October 2015.

REASON – In order to protect the protected wildlife species and their habitats that are known to exist on site.

6. 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.

7. No development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

REASON - To ensure that the Rutland Water SSSI is not harmed.

8. The limit of the curtilage of each dwellinghouse, for the purposes of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) is as defined by the boundary line on Plan number 2014/24-03h.

REASON: For the avoidance of doubt and to avoid an expansion of householder development, detrimental to the character of the open countryside.

Advisory Notes:

1. Given the narrow roads and other highway constraints in the vicinity of the site, the developer is asked to prepare a Construction Traffic Management Plan, including the

routing of heavy vehicles, in consultation with the Highway Authority. This Plan should also be mindful of the Highway Authority's responsibilities for traffic flow and highway maintenance.

2. The Developer's attention is drawn to the attached advice from Natural England.

Site & Surroundings

1. The application site is at the west of Upper Hambleton, adjacent to the Church of St Andrew (Grade II* listed). It comprises Old Priest House, a Grade II listed dwelling, its associated business use (Corriebran Kennels) and other open land within the same ownership. The kennels incorporate a series of single storey sheds and other outbuildings. A two storey building at the west of the site is partly used as residential accommodation for staff. Further land at the north-west is open and grassed, used as an outdoor exercise area for dogs.
2. Access for Old Priest House and for customers visiting the kennels is taken directly from Lyndon Road. There is a separate access at the rear, adjacent to the staff accommodation, used for trade-related visits. This access is taken from Hillfield, a private road in the ownership of Spire Homes. It also serves five existing dwellings. The applicant has served notice on Spire Homes and specified that he has a right of access along Hillfield. There is another neighbouring property (Hambleton House) on the junction of Lyndon Road and Hillfield. On the opposite side of Lyndon Road is the Village Hall and further dwellings.
3. The entire application site, other than the open land at the north-west, is within the Planned Limits to Development of Hambleton. The whole site is, however, within the Hambleton Conservation Area.

Proposal

4. This application proposes a redevelopment of the kennels site into residential use. All the existing kennel buildings would be removed other than that used (in part) for the staff accommodation.
5. One new dwelling is proposed to replace the demolished buildings, with the retained building extended and then used as a second dwelling. Other land within the site is identified as private gardens and paddocks.
6. Separate detached garages are proposed for each of the new dwellings and for the proprietor's existing dwelling at Old Priests House.
7. The two new dwellings would be accessed from Hillfield, with Old Priest House and its new garages continuing to use the direct access from Lyndon Road.
8. A similar proposal, which also included a third new dwelling (located immediately to the west of the Church) was withdrawn in November 2015.

Relevant Planning History

Application	Description	Decision
2015/0923/MAJ	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of a further new dwelling, Various existing outbuildings are proposed to be demolished.	Withdrawn 17-11-2015

Planning Guidance and Policy

National Planning Policy Framework

Section 1	Sustainable Development
Section 6	Delivering a Choice of Homes
Section 7	Design
Section 10	Climate Change and Flooding
Section 11	Natural Environment
Section 12	Historic Environment

Planning Practice Guidance

The Rutland Core Strategy (2011)

Policies:

CS1	Sustainable Development
CS2	Spatial Strategy
CS3	Settlement Hierarchy
CS4	Location of Development
CS8	Developer Contributions
CS9	Provision and Distribution of New Housing
CS11	Affordable Housing
CS19	Design
CS21	Natural Environment
CS22	Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

SP1	Sustainable Development
SP5	Built Development in the Towns and Villages
SP9	Affordable Housing
SP15	Design and Amenity
SP19	Biodiversity and Geodiversity
SP20	Historic Environment
SP23	Landscape Character in the Countryside

Consultations

9. Hambleton Parish Meeting
Support for the proposal, but note that there may be minor issues for adjacent

neighbours regarding the private access road.

10. Highway Authority
No objections, subject to advisory notes on any approval.
11. Public Rights of Way Officer
The proposal has no direct impact on the adjacent public footpath at the north, subject to no new fencing on the existing footpath edge.
12. Historic England
Please consider the impact on the setting of adjacent heritage assets, and follow the advice of the Archaeology Consultant.
13. Archaeology Consultant
Further investigation required via conditions on any grant of planning permission.
14. Natural England
No objections, subject to drainage conditions on any approval.
15. Ecology Consultant
The submitted Ecology Survey has recorded no evidence of protected species. A condition should be imposed on any permission to ensure that the developer follows the recommendations in the Ecology Report.

Neighbour Representations

16. Two letters of support have been received from neighbouring residents, albeit that one of these also seeks factual clarity on access arrangements.
17. The Hambleton Churchwarden has also expressed support for the current scheme, and advised that it has overcome concerns about the previous application for three dwellings.
18. Solicitors acting for Spire Homes, owners of the private road serving the rear of the site, have objected to the proposals and have advised that the right of way is only available for access to Old Priests House, not to the redevelopment site.

Planning Assessment

19. The main issues are:
 - Principle of Development
 - Impact on Heritage Assets
 - Access and Parking
 - Residential Amenity
 - Planning Obligation
20. Other matters are then addressed together at the end of the report.

Principle of Development

Introduction

21. Development Plan Policies CS1 and SP1 state the Council will take a positive approach to development proposals that reflect the NPPF presumption in favour of sustainable development.
22. All parts of the site intended for operational development are within the Planned Limits to Development (PLD) of Hambleton. It is a Restraint Village (Core Strategy Policy CS3), where new development must be assessed in the same way as proposals within the open countryside (Core Strategy Policy CS4). However, Core Strategy Policy CS9 then specifies that, subject to detailed criteria, a limited amount of new development can still be provided in Restraint Villages.
23. Given this, such housing proposals in the countryside must be considered against the detailed stipulations in Policy CS4 and CS9. As a housing proposal in a Restraint Village, regarded in CS4 as the same as open countryside, it must also be considered against various criteria in Policy SP6 of the Site Allocations & Policies DPD.
24. However, given the existing buildings and use, the site must also be regarded as “previously developed” or “brownfield” land. Relevant government guidance encourages new development in such locations rather than on “greenfield” sites, as set out in paragraph 51 of the National Planning Policy Framework (NPPF). Core Strategy Policies CS4 and CS9 are consistent with this, by prioritising brownfield sites ahead of greenfield sites, if they are in a sustainable location. The Planning Practice Guidance (PPG) is the most recent statement of Government Guidance on this matter. It clarifies the NPPF policy by specifying that all settlements can play a role in delivering sustainable development, and so blanket policies restricting housing development in some settlements, and preventing other settlements from expanding, should be avoided unless such an approach can be supported by robust evidence.
25. Consequently, the Development Plan Policies and Government Guidance must all be considered together before arriving at a balanced conclusion on the principle of development. The key question is the weight to be given to the brownfield status. Consideration must then be given to specific issues relevant to each building within the current application.
26. Finally, consideration must be given to similar recent cases, to ensure consistency of decision making.

Previously Developed Land

27. The final paragraph of Policy CS4 specifies that new development on Previously Developed Land will be prioritised in sustainable locations, within or adjoining Planned Limits to Development (where defined around a settlement). It also allows for the conversion and re-use of appropriate and suitably constructed rural buildings for residential use.
28. Policy CS9 then specifies the target for new residential development within the

settlement hierarchy established in Policy CS3. Most of this is apportioned to the larger settlements, but 10% is identified for Restraint Villages and Smaller Service Centres, provided it is for affordable housing, is a conversion or re-use of an existing building, or is on previously developed land. This Policy also sets a target of 25% of new dwellings within the County to be provided on Previously Developed Land.

29. Given all this, residential development is acceptable in principle on this site, given that the current application includes the conversion of one existing building into a dwelling and the (brownfield) redevelopment of other existing buildings via construction of a second dwelling. The county-wide provision of brownfield development has already exceeded the allocation and target set out in Policy CS9, but the benefits of further brownfield development in accordance with newer government guidance outweighs the more restrictive stance taken in the Core Strategy, which precedes the NPPF. The current proposal also offers environmental benefits via removal of the existing buildings and use. Overall, it can be accepted in principle that the benefits of the proposal outweigh any harm.

Proposed Dwellings

30. Detailed consideration must then be given to each of the proposed new dwellings and also to the proposed new garaging for Old Priests House, to ensure that these individual proposals all accord with this key principle.
31. With regard to re-use of the existing building as a new dwelling (Plot One), Policy SP6 (3) identifies four criteria to be satisfied by any proposal for the re-use or adaptation of an existing rural building for residential use:
- *It should be a permanent structure*
This is satisfied because the building is of permanent construction and is already partly in a form of residential use
 - *Commercial use should have been considered and found unsuitable*
No evidence has been submitted with the application, but the internal layout of the building, its proximity to other dwellings (particularly Highfield House immediately to the rear), and its access via a private road, do not make it suitable for commercial use
 - *It should be in a sustainable location*
This is already addressed earlier in this report. Furthermore, the building is already partly in residential use, albeit linked to the existing commercial use.
 - *The conversion should cause no detriment to the countryside character*
Given its existing residential character and its location close to other dwellings, the proposed conversion would have little impact on the wider countryside.
32. Given this, particularly that existing form of residential use and residential appearance, the proposed conversion is in accordance with Policy SP6 (3).
33. With regard to the proposed new dwelling to replace existing kennel buildings (Plot Two), this does not accord with any of the situations identified in Policy SP6 where new housing would be considered acceptable in the open countryside (or restraint villages). However, it would require demolition of many of the existing kennel buildings and extinguish their use. Replacement with the proposed new dwelling is clearly a brownfield development, and consistent with the principles set out above. There is nothing in the design and other details of this specific proposal that prevents it from being regarded as

such.

34. Finally, the proposed garage block for Old Priests House is also acceptable in principle. Although a substantial building for a domestic garage, it is still only an outbuilding for a property that would otherwise be reliant on open parking only.
35. Given all this analysis, the application is acceptable. Plot One is an existing building, already partly in residential use; Plot Two is a brownfield development, and the additional garage block is householder development to support an existing dwelling.

Other cases

36. In recent months, planning permission has been refused for new housing development in other restraint villages, because the principle of such development was considered unacceptable. (eg Clipsham). In other cases, appeals against the refusal of permission for similar residential development have been dismissed in Ashwell and Braunston. These were all either on greenfield sites or involved the conversion of existing buildings that were not worthy of retention for their own sake. The current application is different, because the building proposed for conversion is worthy of retention and the remainder of the site is a brownfield redevelopment in accordance with Government Guidance.
37. Hambleton has few facilities, is approximately 2.5 miles away from the Main Town of Oakham, and does not benefit from Public Transport services. Hence, it is not in a sustainable location, and so any greenfield development would be contrary to policy (as in the recent cases at Clipsham, Ashwell and Braunston). However, the balance is tipped by its brownfield status.

Impact on Heritage Assets

38. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act
39. 1990 imposes a duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) imposes the same duty with regard to the impact of development on listed buildings.
40. This carries significant weight in decision making, rather than just being a single material consideration. In making a final decision on this application, it must also be considered in tandem with the principle of development, above.
41. This is particularly relevant for the current application, because the proposed new dwellings are within the Hambleton Conservation Area, and are adjacent to the two listed buildings of Old Priests House and St Andrew's Church. A previous planning application for residential development (2015/0923/MAJ) proposed three new dwellings including a substantial new house at the north of the site, very close to the listed Church. This was withdrawn in response to comments from your officers about the significant impact on the Conservation Area and on the setting of this listed building.
42. Section 12 of the NPPF (Conserving and Enhancing the Historic Environment), and Development Plan Policies CS22 and SP20, are considered here. These seek to protect

the setting of heritage assets and the character and appearance of Conservation Areas.

43. The proposed conversion of the existing building (Plot One) includes a modest side extension, conversion of the existing attached garage and provision of a new detached garage of appropriate design. Given the distance from the listed buildings and the mature landscaping along the churchyard boundary, it will not impact on the setting of the listed buildings. The design improvements will also enhance the character and appearance of the Conservation Area.
44. The proposed new dwelling (Plot Two) is of appropriate design, taking some reference from the adjacent dwelling at Hambleton House, given that both would be visible in the same northwards view from Lyndon Road and Hillfield. It would also be in the same location as the demolished kennel buildings and would allow retention of the current open view westwards past the Old Priests House. Its impact on the setting of the listed building and on the wider Conservation Area is therefore acceptable.
45. As a much smaller building than the previously proposed dwelling (Plot 3 on withdrawn application 2015/0923/MAJ), the proposed garaging for Priests House does not raise the same concerns regarding impact on the heritage assets. In particular, it is located further away from the listed church.
46. The proposed new and converted buildings fit acceptably into the street scene and into views from within the Conservation Area. A condition is recommended to secure the protection of retained trees; no further new planting is required.

Access and Parking

47. The proposed on-site parking and turning spaces are acceptable. Retention of direct access to Old Priests House, but with removal of its associated commercial traffic (various clients) is also acceptable. Hillfield already provides access to five dwellings and has the capacity to accommodate a further two dwellings.
48. There are no objections from the Highway Authority, subject to appropriate informative notes on any approval. The status of Hillfield as a Private Road, is a separate matter for the applicant to resolve with the owners; it is not any impediment to a grant of planning permission.

Residential Amenity

49. Given the relationship of these proposals to neighbouring dwellings, there is no concern regarding any amenity impact. Plot One is close to an outbuilding at Highfield House, but the proposed conversion works do not involve any new openings or other potential impacts on the neighbour. Plot Two is aligned with the neighbouring property at Hambleton House, again without any overlooking or other concerns. It directly faces Hillview Cottages on lower ground on the opposite side of the private road, but the separation distance of 45 metres mitigates any concerns.

Planning Obligation

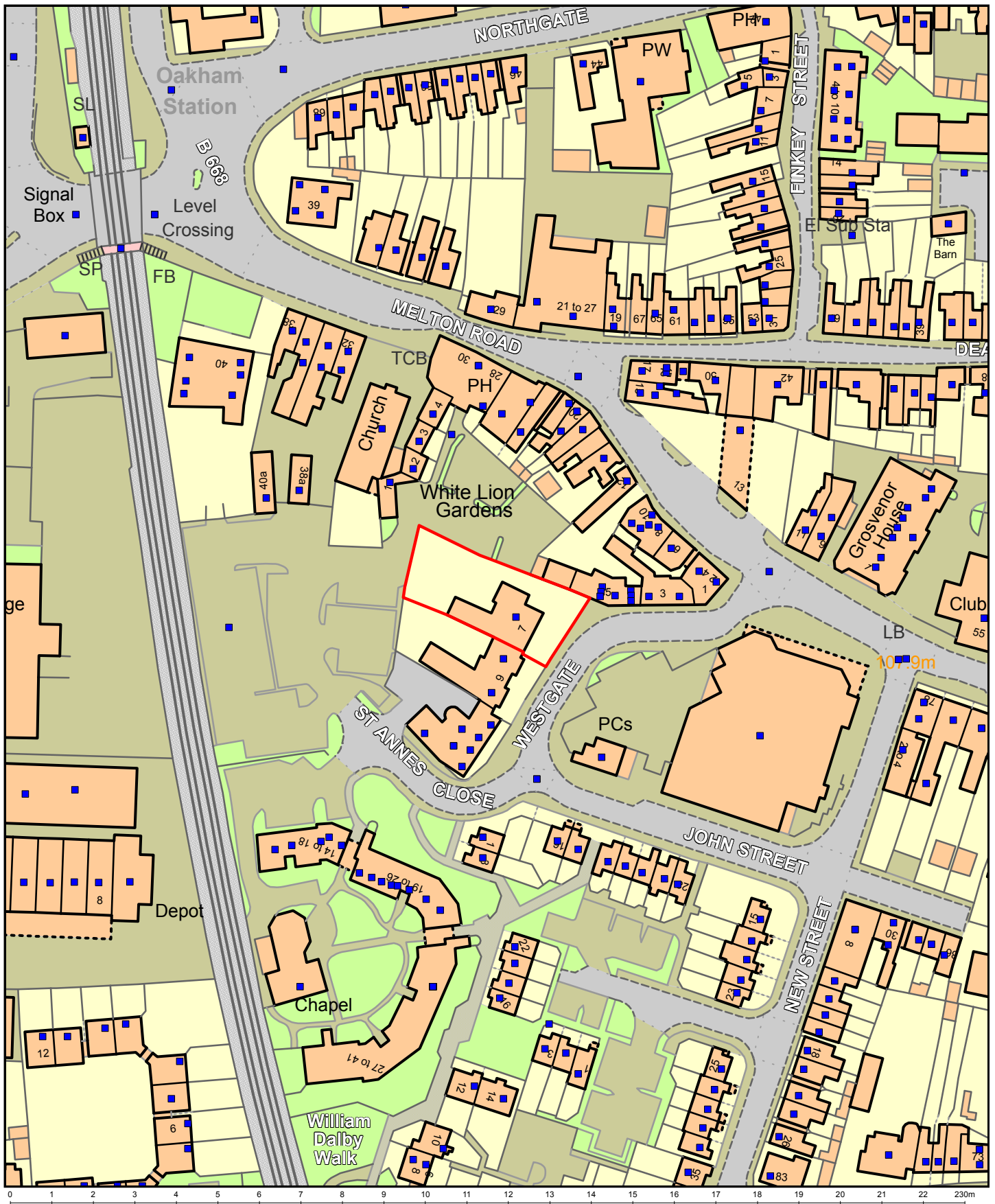
50. As an application for more than one dwelling, a contribution is required towards the

provision of affordable housing. The applicant has been advised of the required commuted sum towards off site provision, and has given written agreement to this being secured via a planning obligation.

Other Considerations

51. A condition is recommended to address the advice of the Ecology Consultant. An archaeological condition is also recommended based on the advice of both Historic England and the Archaeology Consultant.
52. There remains a concern about the wider impact of heavy construction and demolition traffic on the village, in particular the limited road width in certain locations and the impact of heavy traffic on dwellings located close to the highway boundary. There is no power available to the Local Planning Authority to address this.
53. However, even though the Highway Authority has no control over the immediate area as it is a private road, it does have powers and responsibilities regarding the wider network. An Advisory Note is therefore recommended to invite the developer into dialogue with the Authority regarding arrangements for construction traffic to address any associated highway damage.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0284/FUL	ITEM 2	
Proposal:	Conversion from private dwelling into 6 No. dwellings with ancillary changes.		
Address:	7, Westgate, Oakham, Rutland, LE15 6BH		
Applicant:	Mr Graeme Phipps	Parish	Oakham
Agent:	Mr Lee Tombs, Lee Tombs (Architect) Ltd	Ward	Oakham North East
Reason for presenting to Committee:	Contrary to adopted policy on affordable housing		
Date of Committee:	5 July 2016		

EXECUTIVE SUMMARY

This proposal is contrary to Development Plan policy as it does not provide any provision for an affordable housing contribution. However, a planning obligation to secure developer contributions is not requested, given the Cabinet Decision of 21 June 2016, which will require a change to the current adopted policy.

Otherwise, the creation of additional smaller residential units in a sustainable central location is acceptable in principle. The scheme also preserves the character and appearance of the Oakham Conservation Area.

RECOMMENDATION

That delegated authority be granted to the Director for Places (Environment, Planning and Transportation) for **APPROVAL**, subject to:

- conclusion of public consultation on the departure from the Development Plan, without receipt of any material objections
- receipt of a satisfactory scheme of bin storage, 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 457:P:03 Rev C , and 457:E:01 Rev A, and with the Agent's letter of 31 May 2016.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The facing materials to be used on the external alterations shall match in colour, texture and form those used on the existing building.

REASON: This is a publicly visible building where matching materials are a visually essential requirement.

4. Prior to first occupation of the development, the vehicular turning facilities shall be made available and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

Advisory Notes:

1. Steps should be taken 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.
2. The developer is reminded of the requirements of the Party Wall Act.

Site & Surroundings

The application site is a substantial end-terrace dwelling (two-storeys / five bedrooms) on the opposite side of Westgate from the rear of the Wilkinson store. It is within the Oakham Conservation Area and within the Oakham Town Centre, although not on the primary or secondary shopping frontage.

The property to the north-east has been converted into flats, with those at the south-west remaining as two-storey dwellings. There are town centre car parks at the north and north-east of the property, albeit that one of these is allocated for retail development in the Local Plan.

The rear curtilage is characterised by a substantial red brick boundary wall.

Proposal

The current proposal involves conversion of the property into six individual dwellings. Five of these are one-bedroomed units, the other is a bed-sit. Various internal alterations are proposed to facilitate this. External changes are limited to minor fenestration changes, including four non-opening rooflights on the south-western roofslope.

The proposal also includes use of the existing access from Westgate, with timber gates on the highway boundary then removed. The rear garden area is to be reduced, revamped and re-contoured to create four on-site parking spaces. Two existing spaces remain available at the front. A shared bin store is also indicated near the site entrance. Four large lime trees and hedging on the highway boundary are to be retained.

Relevant Planning History

Application	Description	Decision
F/99/0590	Change of use from offices (Class A2) to one dwelling (Class A3)	Approved 22-10-1999

Planning Guidance and Policy

National Planning Policy Framework

- Section 2 – Ensuring the vitality of town centres
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

- CS1 Sustainable development

- CS4 Location of development
- CS8 Developer contributions
- CS9 Provision and distribution of new housing
- CS10 Housing density and mix
- CS11 Affordable housing
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Design
- CS22 Historic and cultural environment

Site Allocations and Policies DPD (2014)

- SP1 Sustainable development
- SP3 Sites for retail development
- SP5 Built development in towns and villages
- SP9 Affordable housing
- SP12 Town centres
- SP15 Design and amenity
- SP20 Historic environment

Appendix 2 Parking Standards

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document (2016)

Consultations

5. Oakham Town Council
Recommend approval, subject to clarification on change of use
6. Highway Authority
No objection, subject to a condition regarding turning facilities

Neighbour Representations

7. Two responses have been received from neighbouring residents.
8. The adjoining resident has requested that rooflights be moved to the rear of the property rather than the side, or that they be non-opening. This is to reduce potential noise disturbance to his property. He also requests that external alterations be in matching brick and that increased on-site parking be provided. Finally, he raises other issues regarding construction access, repairs, site-management and structural stability.
9. The other response asks that the brick features at the rear of the site be retained.

Planning Assessment

10. The main issues are:
 - Principle of Development
 - Residential Amenity
 - Design, Landscaping and Conservation
 - Access and Parking
 - Developer Contributions

Principle of Development

11. The site is already in residential use and is in a central location, close to amenities and transport links. The provision of higher density housing in such a sustainable location is acceptable in principle. The proposal does not cause any loss of existing town centre facilities or any breach in the primary or secondary shopping frontage. The likely increase in number of residents may also bring some benefits to the town centre.

Residential Amenity

12. The immediately adjoining neighbour is concerned at noise disturbance from the proposed rooflights facing his property. In response, the applicant has submitted amended plans indicating that these would be non-opening and would be located above ceiling level where they would not cause overlooking of the neighbouring property. Given this, and the modest size of the four openings, any impact on the neighbour is now mitigated.
13. The plans also brick-up some of the existing windows that directly face the rear garden of the neighbour's property
14. Other issues raised by this neighbour are not material planning considerations, but an advisory note is recommended to remind the developer of their responsibilities under the Party Wall Act 1996.
15. There are no other concerns regarding the amenity of neighbouring properties.

Design, Landscaping and Conservation

16. Given Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority is required to pay special regard to "the desirability of preserving or enhancing the character and appearance of the Conservation Area."
17. Subject to matching materials, the limited external changes to the building would not cause detriment to the character and appearance of the Conservation Area. The reduction in garden area and re-contouring intended to provide on-site parking could be detrimental, but as this is mostly at the rear of the site, its impact on public views would be minimal. Loss of the characterful front gates is regrettable but, particularly in a busy town centre location, such gates on the highway boundary are a detriment to highway safety because of the need to park on-pavement whilst opening.
18. Retention of the rear boundary wall and the trees / hedging on the site frontage is welcomed. A condition is recommended to ensure a close match for new brickwork being used on the external alterations.
19. In a covering letter submitted with the amended plans, the applicant has confirmed that the rear boundary wall will be retained and that matching bricks will be used on external alterations to the building. The lime trees on the frontage are protected by their Conservation Area location.
20. The proposed bin store at the front of the property is in a prominent location where it would have a detrimental appearance on the character and appearance of the Conservation Area. It is also too close to the adjacent apartments, where noise and odour is likely to be detrimental to their residential amenity. Furthermore, the size of the proposed store is too small to easily accommodate the likely number of bins for six flats. That said, there is space available within the site to make an adequate provision for four shared bins (1.1 metre x 1.4 metre, each) required by a development of this size.
21. A further amended plan has been requested to address this. Members will then be updated via the Addendum Report, but the recommendation at the start of this report

asks for delegated authority for decision-making on that amendment.

22. Overall, this proposal would preserve, if not enhance, the character and appearance of the Oakham Conservation Area.

Access and Parking

23. The existing access is capable of accommodating the additional traffic likely to be generated by this proposal.
24. Appendix 2 of the Rutland Site Allocations and Policies Development Plan Document, cross-referred from Policy SP15, requires a minimum provision of one parking space for each two-roomed dwelling and a minimum of two spaces for each three-roomed dwelling. Other than Unit 2, all the proposed new dwellings incorporate either the kitchen or bedroom into the lounge area, and can reasonably be accepted as two-roomed dwellings. Given this, and the sustainable town centre location with available public car parks within the vicinity, the provision of one space per dwelling is acceptable. This accords with paragraph 1.7 of Appendix 2, which allows for a lower provision in Oakham and Uppingham town centres, because of their good access to services and public transport.
25. The available turning area for cars parked at the rear of the property is tight, but manageable.
26. The Highway Authority has raised no objection, subject to the recommended condition and advisory note.

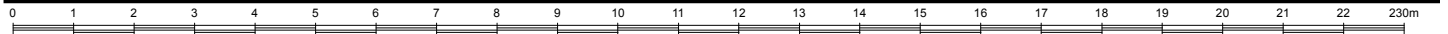
Developer Contributions

27. The proposal is exempt from the Community Infrastructure Levy, given that no additional residential floorspace is being created.
28. However, current Development Plan Policy requires an affordable housing provision. Policy CS11 and the Planning Obligations Supplementary Planning Document (SPD) specify that affordable housing should be provided as part of any new residential scheme where more than one new dwelling is created. This should be an on-site provision for schemes of more than five dwellings, or a financial contribution (to be secured via a Planning Obligation) for schemes of five or less. The current proposal requires such a commuted sum, as the conversion of one dwelling into six is a net increase of five units. This is payable at a rate of £162/m² at 2015/16 prices, capped at an average of £17,334 per unit.
29. That said, the current application must also be assessed against other relevant material considerations. Firstly, on 11 May 2016 the Court of Appeal granted the Secretary of State's appeal against a High Court decision of 2015. The latter decision had quashed a Government policy that had apparently exempted most small sites from affordable housing requirements. Consequently, the government reinstated its previous policy exempting these sites from the need for affordable housing contributions.
30. Secondly, on 21 June 2016, this Council's Cabinet approved a policy amendment intended to ensure that Rutland is consistent with that change. When implemented, this decision would mean that an affordable housing provision is no longer required on smaller housing sites (where these are not rural exception sites). These are defined as 5 units or less in villages and 10 units or less in towns (as in the case of the current application).
31. In determining the current application, due weight must now be given to the change in

government policy and to the Cabinet decision.

32. Given that Development Plan Policy is no longer consistent with current government policy on affordable housing, and given the Cabinet decision intended to update the Council's policy, these considerations now outweigh the Development Plan Policy. Consequently, no contributions are sought from the current proposal.
33. However, given that this is a departure from current Development Plan policy, the application has been re-advertised as such. This is reflected in the recommendation at the start of this report.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0377/FUL	ITEM 3	
Proposal:	Demolition of existing extensions including conservatory and construction of new single storey extension, installation of 2 new windows. Creation of new vehicular access and driveway.		
Address:	The Barn, 4A, Glebe Road, North Luffenham, Rutland, LE15 8JU		
Applicant:	Mr Rodney James	Parish	North Luffenham
Agent:	Andrew Pile A+D Studio Ltd	Ward	Normanton
Reason for presenting to Committee:	Referred by Chairman		
Date of Committee:	5 th July 2016		

EXECUTIVE SUMMARY

The application site is situated within the conservation area and the planned limits to development for North Luffenham. The proposals are in accordance with the Local Development Plan. The application for a single storey front extension would result in a neutral impact upon the conservation area. Equally there would not be any additional detrimental impact upon the setting of the adjacent listed building. Revised plans have been received to remove the additional window and roof-light to the north elevation. The additional access would not result in any additional detrimental impact upon the character and appearance of the conservation area that would justify a reason for refusal.

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: Location Plan 0575 0100, Site Plan and New Access 0575 0200 A and Proposed Floor Plans and Elevations 0575 0201 E.

REASON - For the avoidance of doubt and in the interests of proper planning.

3. The external facing stone and copings to be used shall match in colour, texture and form those used on the existing building.

REASON - This is in the Conservation Area where matching materials are a visually essential requirement.

Site & Surroundings

1. The Barn, 4A Glebe Road is a former barn sited within North Luffenham Conservation area. The barn was converted into a dwellinghouse following a planning approval in 1973. The former barn is a traditional stone building with a Collyweston tiled roof. Two existing conservatories and an additional stone porch would be removed to facilitate the new extension.
2. The existing dwellinghouse lies at a 90 degree angle to the highway and is accessed via

a long shared drive. The private garden for the application site lies to the front of the building.

3. The adjacent properties to the east are former barn conversions of a similar style. Bede House Farm, a grade II* listed building, lies directly to the north. Glebe Road is in the south west corner of the village. The surrounding properties in this part of the village differ in age, style and design. However they are predominantly stone and sited back from the highway with front gardens, driveways and off-road parking.

Proposal

4. The application proposes a single storey flat roof extension to the front elevation. It would be a stone building to match the existing former barn with the addition of timber and aluminium composite windows and timber cladding panels adjacent to the proposed doors.
5. An existing conservatory to the south of the building would be demolished. A current access door into the conservatory would be replaced with glazing. A window to the first floor above would be extended to become full length with a Juliet balcony added.
6. An additional first floor window and a proposed roof-light to an existing out-shut were proposed for the north elevation. Revised plans now indicate their removal.
7. A new access from Glebe Road is proposed 11metres to the west of the existing shared access.

Relevant Planning History

Application	Description	Decision
471/73	The conversion of existing barn to form a dwellinghouse and the construction of a vehicular access.	Permission 21.08.73
76/0162	The erection of a garage and car-port	Permission 12.07.76
94/0789	Single storey conservatory extension	Permission 15.02.95
94/0792	Demolition of section of wall to enable a conservation extension	Permission 15.02.95
FUL/2002/0694	Single storey extension to west elevation	Refusal 18.09.02
FUL/2002/0916	Single storey extension to side (west) elevation, incorporating existing porch.	Permission 14.11.02

Planning Guidance and Policy

The Rutland Core Strategy (2011)

CS19 – Promoting good design

CS22 – The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and amenity

SP20 – The historic environment

Consultations

8. North Luffenham Parish Council

- The proposed site had been visited, but it was not discussed with the applicant, as he is not resident and lives some distance away.
- There have been representations from residents immediately to the west, east and north of the proposal. The residents were objecting to the proposed vehicular access to Glebe Road and the committee agreed that there did not appear to be good reason for this proposal. If better access was required then the existing opening onto the present access road could be slightly enlarged. The proposal would add another access to a reasonably busy road, require removal of part of an old stone wall and encroach significantly on the garden. This would affect the appearance of the area that is in a conservation area.
- The property immediately to the north of the proposal had been visited and the application discussed with the residents. One of the residents was present at the meeting and expressed concerns from the floor.
- The proposed north facing window directly faces a bedroom window in their property and gives a direct view of their garden thus affecting their privacy. This room already has light access as there is an existing window facing west.
- The proposed extension is not a replacement as the present structure to be demolished is a 'garden room'. The extension is large and changes the character of the property and would have a significant visual impact on the property to the north.

9. Local Highways Authority

No objections subject to the following notes to applicant;

- You will need to obtain a Highways Licence from Rutland County 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.
- Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

10. Historic England

- Our specialist staff has considered the information received and we do not wish to offer any comments on this occasion.
- Recommendation
The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application.

Neighbour Representations

11. Bede Farm House x1

- Privacy and Overlooking – An unreasonable loss of privacy due to new first floor window in north gable

- New roof-light out of character and affecting setting of listed building. It would be at eye level and again result in loss of privacy
 - Bulk of extension on common boundary should be kept to a minimum and should not project more than 3 metres.
 - Proposal in a conservation area and would affect setting of listed building.
 - The extension is ugly, overbearing, out of scale and out of character compared with other existing properties.
 - Loss of view to south and impact on this important part of residential amenity.
12. Bede Farm House x2
- Loss of privacy from overlooking from new window in north gable
 - New roof light out of character
 - Proposed extension will impact on light into the garden and view
 - Proposed extension is out of keeping with other buildings – there are no flat roofs
 - This part of Glebe Road is already hazardous and an additional entrance will add to the propensity for a collision.
 - Plans do not show a turning space to prevent cars reversing into the road.
 - The trio of barns are a feature of our history and it would be a shame to lose this part of our heritage.
13. 4 Glebe Road
- Another exit is unnecessary, it is a busy road and an existing access is in place.
14. Chater Cottage
- It is already difficult to see when coming out of the shared driveway
 - Glebe Road is a busy road with cars regularly speeding above 30mph
 - Another access will prevent safe use of current driveway. If vehicles are emerging at the same time it will be difficult to see past one another.
 - Suggest that the current access is widened.

Planning Assessment

15. The main issues are
- Impact upon North Luffenham Conservation Area
 - Impact upon the setting of a listed building
 - Impact upon residential amenity
 - Impact upon the Highway

Impact upon North Luffenham Conservation Area

16. With regard to the impact on the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in exercising planning powers special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This carries significant weight in considering planning applications.
17. The application site is a linear building set some 30metres from the public highway to the south. The immediate private garden for this property is situated to the west of the property. It is considered that the west elevation is the principal elevation for this dwelling. As such the proposed extension would be sited to the front of the building. There is no rear curtilage for this property.
18. The application site was a former barn which was converted circa 1973 following a grant of planning permission. It is recognised that the building is still linear in form and retains the original Collyweston slate roof. However little else remains which would indicate that this building was a former barn. The conversion by today's standards is poor and fails to

reflect that it was a barn. When viewed from the front the building looks more like a row of former cottages given the number, size and style of window openings.

19. The proposal would see the removal of 2 modern conservatories, one of which is very visible from the public highway. Their removal would be welcome as they are alien features on a barn. The proposal would also result in the removal of a stone front porch which does not respect the character or form of the building. This again would be welcome.
20. The single storey front extension would be sited on the principal elevation. It would project 6.4 metres into the front garden and have a flat roof. Ordinarily flat roofed extensions are discouraged where they are not in keeping with the original design of the dwellinghouse. This flat roof building however is intended to be a contemporary addition and utilises a stone finish to complement and respect the existing building. The timber panels and the aluminium composite windows added together give the extension the modern contemporary design it is seeking.
21. This addition would be sited over 40 metres from the public highway. It is an accepted architectural approach to do a modern design in such a location.
22. The additional openings to the southern gable replace and extend existing openings. The window to the ground floor replaces an existing door which would be visible following the removal of the conservatory. The window to the first floor would be enlarged with a Juliet balcony added. This would be sited some 30m from the public highway.
23. Many of the changes have a positive impact on the appearance of the dwelling. The modern design approach is relevant and supported by the Council's Conservation Advisor. In conclusion the scheme has a neutral impact on the Conservation Area at least and arguably a positive impact.

Impact upon the setting of a listed building

24. The building to the north of the site is Bede House Farmhouse 9 Lyndon Road C15 of coursed rubble stone with a Collyweston slate roof. This building is linear in form. The south gable of the property faces onto the application site. The north gable of this building faces onto Lyndon Road. Public views of this building are limited to gaps between buildings on Glebe Road.
25. The common boundary between the application site and this building is laid to shrubbery, 2 small broad leaf trees and 1m high fencing. A greenhouse is also sited along this boundary within the garden of Bede House Farmhouse. Therefore views of this listed building are limited from the application site or towards the application site.
26. The occupants of the application site could utilise permitted development rights to erect a 2 metre boundary fence. The proposed extension would be sited 1m from this shared boundary and would be constructed of stone. It would only be 1m higher than any proposed fence
27. Informal discussion with the Conservation Advisor for Rutland County Council suggested that stone copings should be used on top of the stone wall forming the north boundary and that the scale of the roof-light would be inappropriate in the roof of the outshut. This was due to the loss of Collyweston slate. Revised plans indicate a stone coping and the roof-light has been removed entirely. Historic England offered no further comment.
28. The design of the extension is appropriate to its context and would not harm the setting of the listed building to the north.

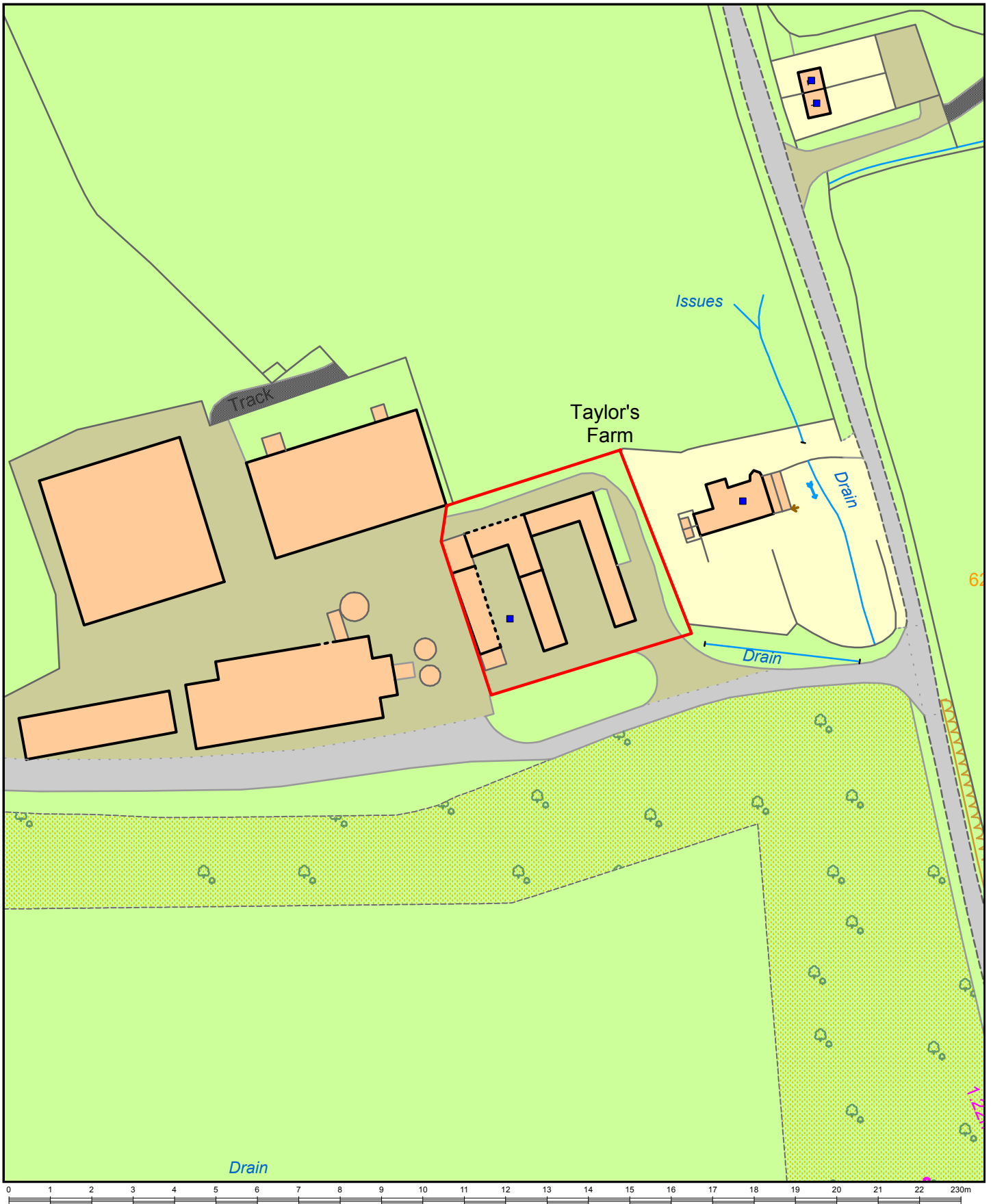
Impact upon residential amenity

29. The windows proposed for the north gable have now been removed from the proposal. As such there would be no additional overlooking of the private garden of Bede House Farmhouse.
30. The proposed extension would be set in 1m from the shared boundary of Bede House and would extend 6.4m along the length of this shared boundary. It would have a maximum height of 3 metres. Bede House is sited to the north of the application site and any overshadowing would be minor in impact.
31. The current boundary is laid to planting on both sides of the boundary some of which will already contribute to shading. The area of garden directly beyond the application site is laid to vegetable plots and accommodates a greenhouse. Bede House has an extensive curtilage to the front of the property which faces east. This area would not be affected by the proposal.
32. On this basis the proposal would not result in an impact upon private residential amenity that would warrant a refusal of the application.

Impact on the Highway

33. Glebe Road has a 30mph speed limit. It runs from Lyndon Road to the north and continues south to the village of Morcott. When exiting the village via Glebe Road it is some 200 metres before the national speed limit applies. The Local Highways Authority has raised no objection to the additional access. Whilst there is local concern there is not a highway safety issue of any substance and the advice of the highway authority is accepted.
34. This section of Glebe Road is characterised by the regular breaches in an existing stone wall. The land is banked at either side of the visibility splays creating a regular rise and fall along this section of carriageway. The proposed creation of a new access would result in some loss of this stone wall and greenery. Some engineering works would have to be undertaken to cut into the land here which is on higher ground. This however would not result in any different situation than currently exists at No 4, 6a, 6 and 8 Glebe Road. On this basis the creation of a new access would not result in any additional detrimental impact upon the character and appearance of North Luffenham Conservation Area.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0384/FUL	ITEM 4	
Proposal:	Barn Conversions to form 2 dwellings		
Address:	Taylor's Farm, Casterton Lane, Pickworth, Rutland, PE9 4DH		
Applicant:	Cecil Estate Family Trust	Parish	Pickworth
Agent:	David Todd Architecture Ltd	Ward	Greetham
Reason for presenting to Committee:	Contrary to Development Plan		
Date of Committee:	5 July 2016		

EXECUTIVE SUMMARY

The conversion of these barns into 2 dwellings is in an unsustainable location and hence contrary to policy but most of the range could now be converted to residential as permitted development. They comprise a range of Ancaster stone buildings in good condition that are desirable to retain and with their greater number of openings than is usual in a barn do readily lend themselves to a residential use. A conversion would be in accordance with the NPPF. In combination these factors can justify an exception to the Development Plan.

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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1171/8, 1171/9 1171/10a, 1171/11 and 21727-08-020-02. The provision of the 2.5 metre high boundary fence shown on the approved plans shall be erected before the dwellings hereby permitted are occupied.
3. Before either dwelling is first occupied, the visibility splay shall be provided on site in accordance with the approved plans. No trees behind and adjacent to the approved visibility splay shall be felled. The land between the splay and the road shall thereafter be kept clear of any obstruction over 900mm in height.
4. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of new boundary treatments and soft landscaping works for the curtilages of the conversion scheme and the front of the visibility splay, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction.
5. The approved changes in ground levels, fencing planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the provision of the visibility splay 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.
6. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

If shown to be required as a result of (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any identified unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of section (i), and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of section (ii), which shall be approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing by the Local Planning Authority in accordance with section (iii).

(v) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same shall be prepared, both of which shall be subject to the approval in writing of

the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASONS:

1. 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. For the avoidance of doubt, in the interests of proper planning and the appearance of the site in a rural area.
3. To allow adequate visibility along Casterton Lane in the interests of highway safety and to ensure that the minimum trees are affected in the interests of visual amenity and ecological interest.
4. To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development
5. To ensure that the landscaping is carried out at the appropriate time and is properly maintained
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers and other offsite receptors.

Site & Surroundings

1. Taylors Farm is located on the west side of Casterton Lane some 1.2km south of the village of Pickworth and 3.3km north of Great Casterton. It comprises a house, large grain stores and a range of stone Ancaster buildings.
2. The access is unmade and very wide onto Casterton Lane. To the south is a wide grass verge and to the north is a narrow verge behind which is the garden of the house on site. This is owned by the applicants but let out on a tenancy to a private individual and has its own access further to the north.
3. The access slopes up into the site from Casterton Lane. The site is otherwise surrounded by farmland.

Proposal

4. The proposal is to convert the stone buildings into 2 residential units. The scheme is confined to the existing shell of the building and no extensions are proposed. See details in the Appendix 1.

Relevant Planning History

5. None

Planning Guidance and Policy

National Planning Policy Framework

Promotes sustainable development as a golden thread running through its policies. To promote sustainable development, housing should be provided where it will enhance the vitality of rural settlements. Isolated new homes in the countryside should be avoided unless such development would represent the optimal viable use of a heritage asset or lead to a re-use of redundant buildings leading to an enhancement of the immediate setting.

The Rutland Core Strategy (2011)

CS4 – Location of Development – Open countryside
CS19 – Promoting good design

Site Allocations and Policies DPD (2014)

SP6 - Housing in the Countryside

The preamble to SP6 states that to ensure that buildings are in sustainable locations they should be no less than 500m from a smaller service centre unless on a bus route.

SP15 – Design & Amenity – includes residential amenity and highway safety.

Consultations

6. Ecology

- The ecology report submitted in support of this application (Conservation Constructions, January 2016) is satisfactory in regard to protected species. No recent evidence of protected species was recorded. However, we would recommend that a note to applicant is added to any permission granted to draw the applicant's attention to the recommendations in the report.
- The roadside verge along Casterton Lane is a Local Wildlife Site, designated due to its plant diversity. Whilst the proposed development should have no impact on this ecologically important site I am concerned that the required visibility splays may adversely impact (damage or destroy) a section of this verge. I would be grateful if further details of the proposed splay, clearly marked with all proposed vegetation removal and any new planting/boundaries, could be submitted for comment prior to the determination of the application. This will allow us to make an assessment of the potential impact on known ecological sites of importance

7. Environmental Protection

No objection, but if the application is approved I recommend that conditions are attached to address the following issues:

- Noise from Grain Dryers
- The proposed development is adjacent to a farm yard, including a grain dryer. Following site visits in October and November 2015 it was proposed that if a Planning Application was made for residential use the design should incorporate noise mitigation measures to minimise the noise impact from the grain dryer when it is in operation. The design details should ensure that noise levels from the grain drier should meet internationally accepted internal noise levels for residents sleeping in bedrooms, whilst the bedroom windows are open, as well as minimising Impacts in the other internal living areas. It is therefore important that if Planning Permission is granted Conditions should be attached to ensure the noise mitigation design details are built into the development, details as follows;- A close boarded fence of at least 2.5m height should be erected along the site boundaries as shown in submitted plan number (1171/8), titled Location Plan, dated Jan 2016. The layout of rooms and external windows and doors should be as shown in the submitted plan number

(1171/9), titled Proposed Plans dated Jan 2016.

8. Potential Contamination.
 - The previous uses of this site could have introduced contaminants that may pose a risk to future users of the site or the wider environment, I therefore recommend that Planning Condition(s) are attached. Planning Conditions should ensure that reports are submitted by the applicant starting with Phase 1, Desk Study, which is likely to indicate that a Phase 2, Intrusive Investigation will be required. These can then indicate that a Remediation Method Statement will be required and in such circumstances we would also require a Validation Report (or equivalent) to verify that any remediation has been properly implemented to remove any unacceptable risks. All reports and any supplementary information submitted by the applicant should be subject to the Local Planning Authority's Written Approval. This Condition is necessary to ensure any potential contaminants are identified as part of a risk assessment process and where required remediation be carried out with validation to ensure no unacceptable contamination risks remain.
9. Pickworth Parish Council
 - My only comment relates to the access on to Pickworth Road and poor visibility to the north. People drive along the road quite fast (I note an average speed of approx 50mph was noted in the ATC survey) and it is also a very narrow road. I note that it is proposed that some hedge will be removed to improve visibility to the north. Can this be enforced on a permanent basis so that hedging/fencing cannot be erected after the build?

Planning Assessment

10. The main issues are policy, residential amenity, highway safety, the latter combined with visual impact and ecology.

Policy

11. The proposal is to convert a range of Ancaster stone barns, totalling some 600m² externally, to 2 dwellings. Pre-application advice a few years ago was that these were in an unsustainable location so permission for conversion was unlikely. Policy SP6 in particular as set out above, including its preamble, sets out the policy to back this up.
12. However, the fallback position has now changed whereby under Class Q Part 3 of the General Permitted Development Order 2015, 450m² of these barns could be converted to residential as permitted development (subject to prior notification). The barns are in good condition and have not been used for agricultural purposes for a while, although they have not been used for anything else so will qualify for Class Q if a single wing was demolished/not included in the conversion..
13. The scheme does not comply with Policy SP6 but is supported by the NPPF in terms of re-use of a (non-designated) heritage asset. The fallback position of the permitted development rights has to be taken into account. On that basis it is a material consideration that a slightly smaller unplanned development, leaving part of some nice barns unused or demolished can go ahead without conditions. Whilst the application is contrary to the Development Plan there are material considerations identified that favour a permission. Members must consider whether these material considerations are sufficient to justify an exception to policy.

Residential amenity

14. This issue relates to the amenities of the future occupiers of the building. The Environmental Health Officer suggests that noise and contamination need to be dealt

with by conditions.

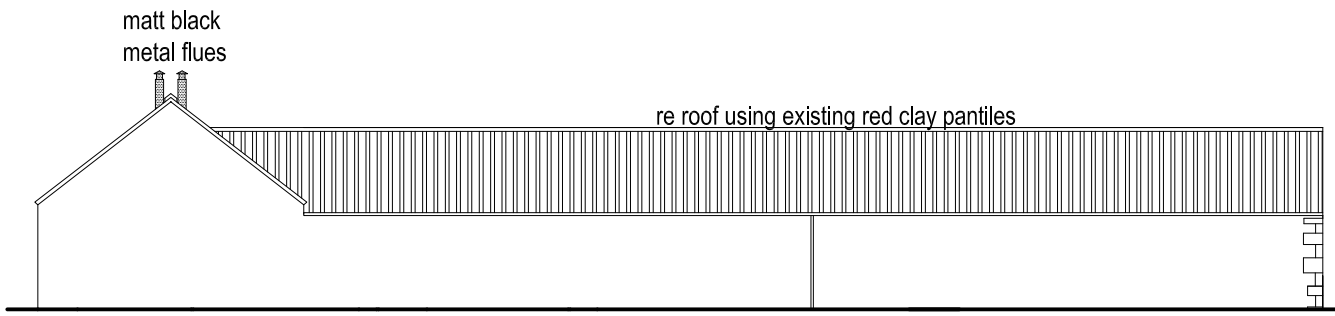
15. The plan states that the grain stores are still in use apart from a section of building and silo's adjacent to the application barns. A dryer exists in a building to the north west comprising 2 electric fans that can only operate one at a time due to the electrical supply. The plans submitted indicate that a fence 2.5metres high would be provided as requested in pre-application advice and that the main bedrooms of both units would be as far from the dryer building as possible with windows facing east. Contamination can be dealt with by condition, although with most floors being concrete, this is not a major concern. The scheme therefore complies with SP15.

Highway Safety/Visual Impact/Ecology

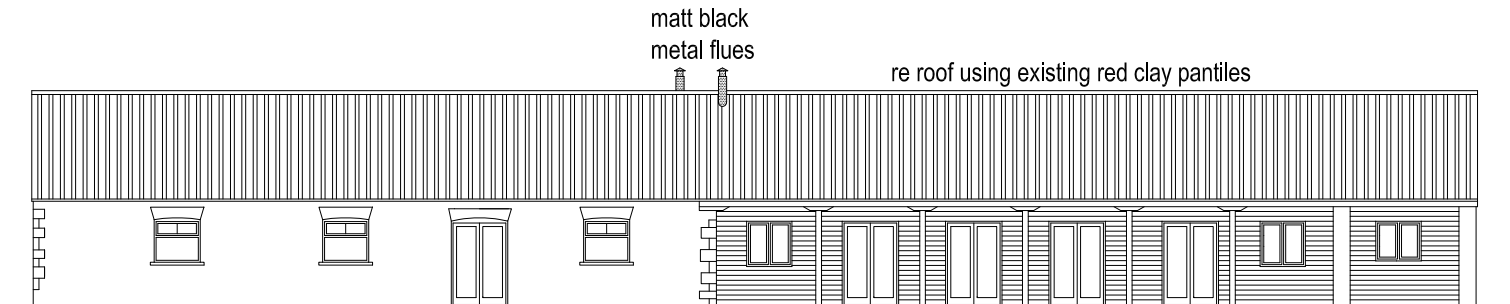
16. The highway authority confirms that the visibility to the north (left) out of the access is sub-standard. Traffic surveys have shown that 85th percentile speeds on this road, subject only to the national speed limit, are 51mph northbound and 50mph southbound. This requires lesser visibility splays than would be the case for 60mph traffic, so 2.4m x 160m is required. This cuts through the front garden area of the adjacent house, (owned by the applicant). The new splay line would involve removing a recently erected fence with shrub and hedge planting behind it and moving it back, affording better visibility to the north by providing a grass verge as already exists in a southerly direction. A new post/rail fence with native hedge could then be re-instated on the splay line.
17. The Councils Ecology advisor requested details of new verge treatment to ensure that the replacement details are acceptable. However, the verge outside the site is currently mown grass so is unlikely to be of significant interest. The land inside the existing fence comprises recently planted 'domestic' shrubs/hedge and overgrown grass and again does not appear to have any special significance.
18. All of this planted material and the fence could be removed to improve visibility at any time without the need for planning permission (although hedges/trees cannot generally be removed during the nesting season). The fence actually appears to be relatively recent as it does not appear on Google Street View, so was probably erected without planning permission as it is over 1m in height on the highway boundary. The loss of the vegetation for the visibility splay is unfortunate but visibility to the north out of the existing access for farm machinery etc. is poor so could benefit from improvement. There is a stream running through the area shown as the splay behind which are the most important trees. There does not appear any need to remove trees behind the stream line. Most heavy traffic apparently occurs in the autumn when grain lorries are visiting the site. It was suggested to the applicant that the large agricultural buildings be removed to reduce the need for improved splays but they are still in use, mainly in the autumn as stated.
19. The need for the works to provide the splay and the potential impact are finely balanced, but as they would improve visibility and could be carried out without permission, it is not considered that a refusal based on visual impact and ecological grounds would be reasonable. The proposal to improve visibility is supported by the Parish Council. Conditions requiring new fence/planting details would ensure that the best trees are retained and a suitable scheme is put back.



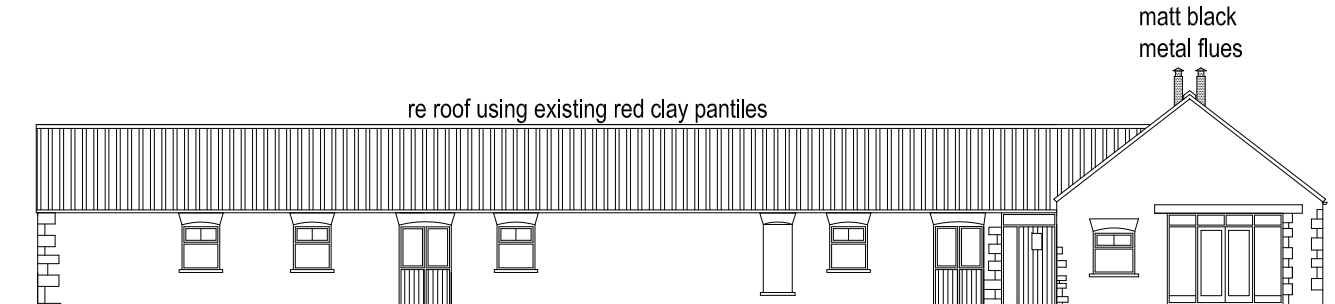
south elevation natural coursed stonework and joints to match existing natural coursed stonework and joints to match existing



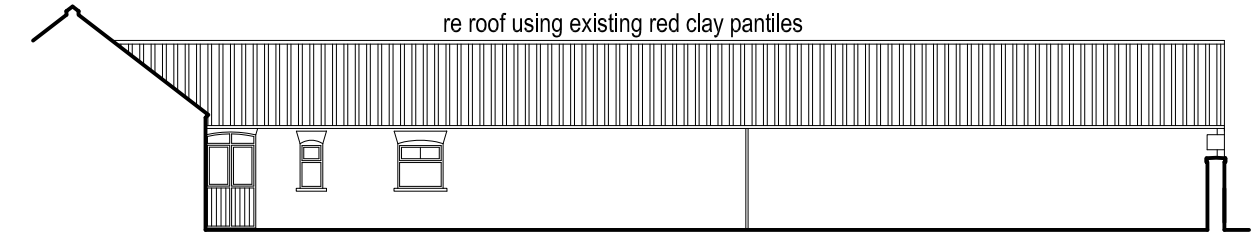
west elevation



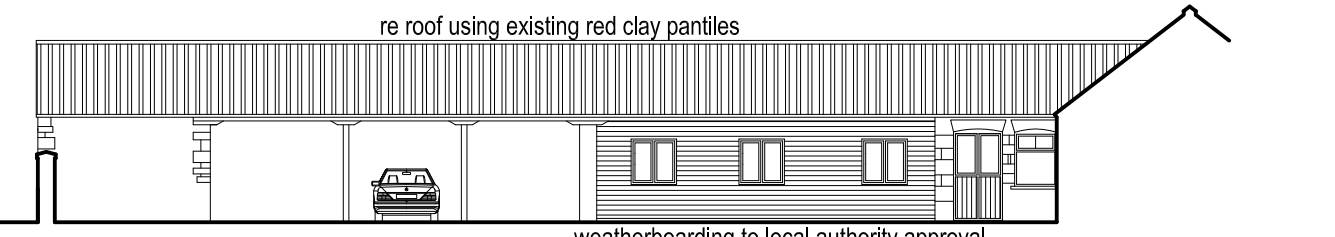
north elevation weatherboarding to local authority approval



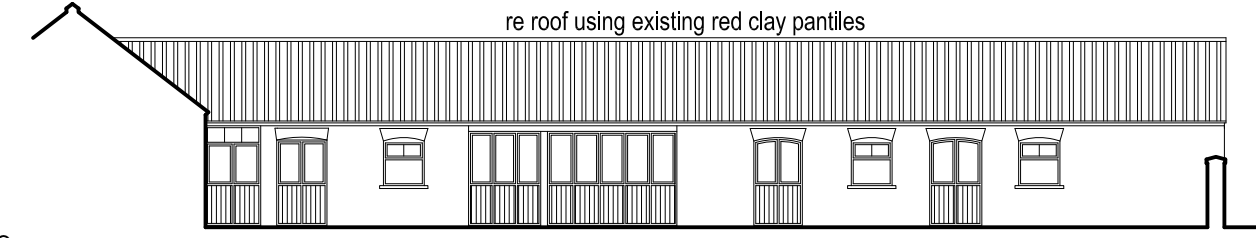
east elevation



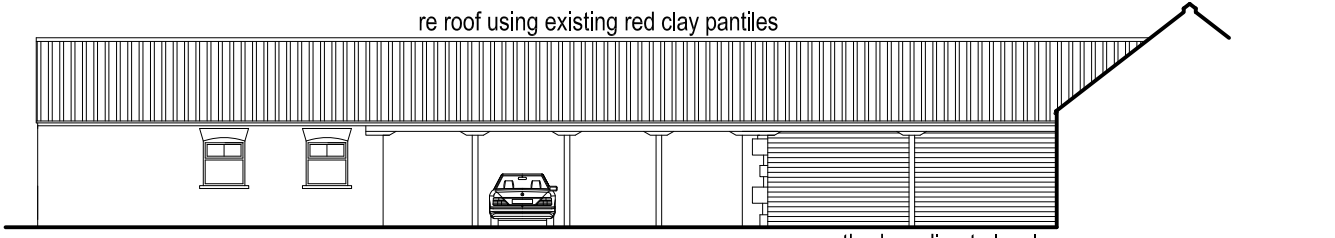
internal west elevation



internal east elevation weatherboarding to local authority approval



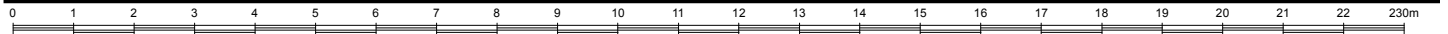
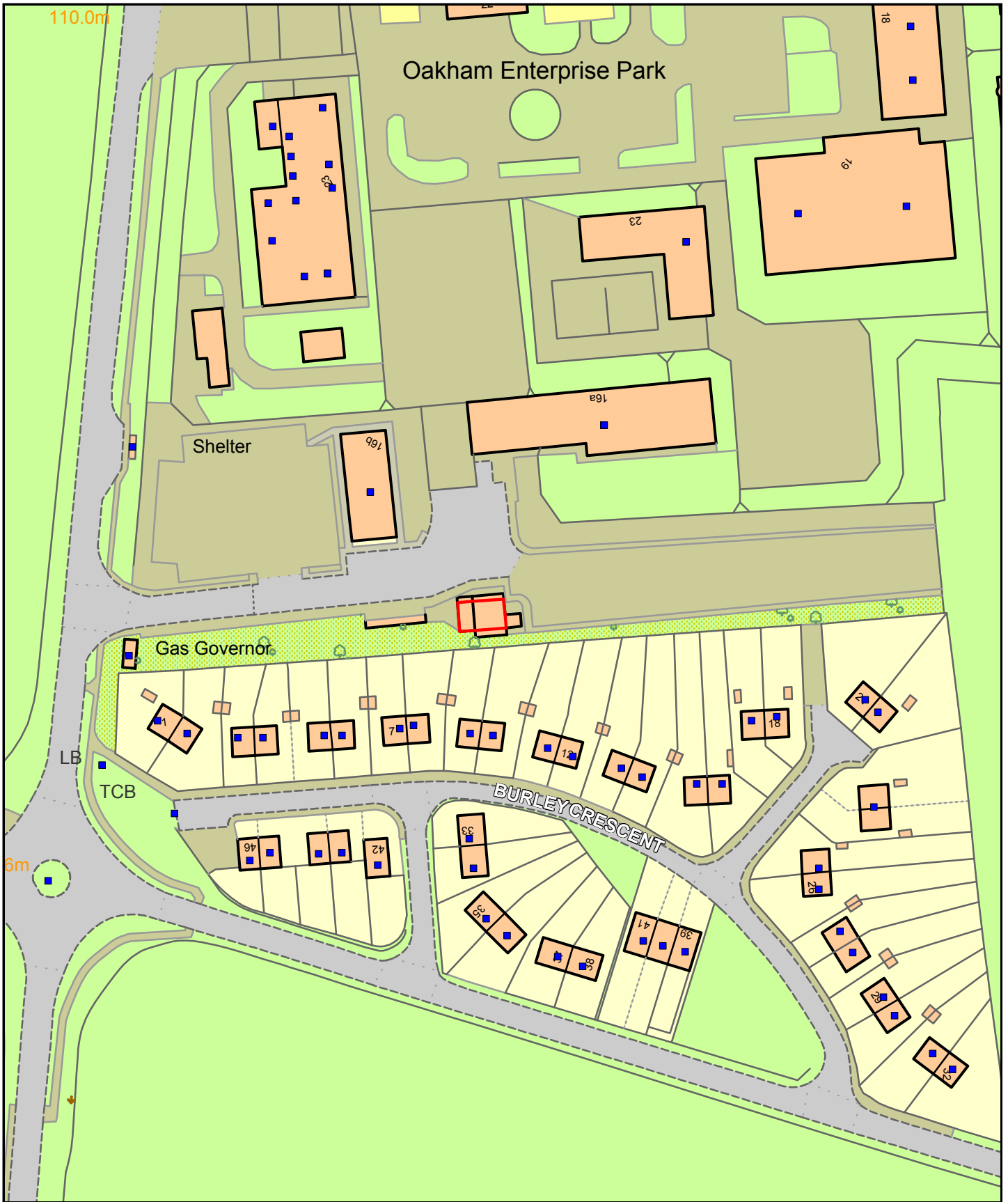
internal west elevation



internal east elevation weatherboarding to local authority approval

Revised Drawing
2016/0384/FUL
04/05/2016

1 : 200	Cecil Estate Family Trust	a	04.05.16	windows added to courtyard elevation	proposed elevations 1171 / 10a
A3	Proposed Development	Rev. date	description		
January 2016	Taylor's Farm Pickworth	amendments			



Scale - 1:1250
 Time of plot: 10:22
 Date of plot: 21/06/2016

49

Rutland County Council

Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2016/0436/FUL	ITEM 5	
Proposal:	Construction of a single storey modular classroom building for domestic cookery classes. Regulation 3 application		
Address:	Unit 16c, Oakham Enterprise Park, Ashwell Road, Oakham, Rutland		
Applicant:	James Frieland, Rutland County Council	Parish	Burley
Agent:		Ward	Exton
Reason for presenting to Committee:	RCC Application and neighbour objections		
Date of Committee:	5 July 2016		

EXECUTIVE SUMMARY

The proposal for a cookery classroom has attracted objections from nearby residents on the basis of smells and disturbance. The use is low key and barely more intensive than a domestic kitchen. The distance from the boundary, the hours of use and planting of new trees is considered sufficient to ensure that neighbours will not be unduly impacted by the development.

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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers 16-012, received on 9 June 2016, Plans 3-6 inclusive, revised siting and planting plan received on 14 June 2016, tree specification and extraction venting received in the e-mails dated 17 June and the other details contained in the e-mail from the applicant dated 9 June 2016.
3. The use shall not operate outside of the hours of 1000 to 2130 Monday to Thursday and 1000 to 1600 on Fridays and Saturdays.
4. The tree planting shown on the approved plan received on 14 June 2016 and the e-mail on 17 June 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 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.

REASONS:

1. 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. For the avoidance of doubt and in the interests of proper planning.
3. The site is located close to residential property and the restriction is necessary to ensure that the occupiers of those dwellings are not unduly disturbed.
4. To ensure that the landscaping is carried out at the appropriate time and is properly maintained

Site & Surroundings

1. The site is within the southern end of the curtilage of Oakham Enterprise Park and is located adjacent to the rear boundaries of dwellings on Burley Crescent. There is a 2

metre high fence on that boundary. The site is adjacent to a long cycle shelter and a bus stop/smoking shelter partly occupies the actual site which will be removed.

2. There are several young self set Ash trees on site which would be removed but they are not worthy of retention. There is a large area of parking available adjacent to the site.

Proposal

3. The proposal is an application under Regulation 3 of the Town & Country Planning General Regulations (1992) where the County Council is the applicant and is carrying out the development itself. This means that only the Council can undertake the development.
4. It is proposed to site a portable building 6m from the boundary with Burley Crescent. This would be 12.23m long and 6.055m wide, single storey with a flat roof, 2.8m high. It would be used by a local Chef to give cookery lessons to small groups of clients. The internal layout would comprise a single Island unit with 5 work stations, see layout plan in the Appendix 1.
5. There are 4 windows on the Burley Crescent elevation, 2 to a WC and 2 into the working area. These are clear glazed as it is a modular building, not specifically designed and built for the proposed use. The top of these windows is stated as 2.45m above ground level with the cill 1150mm from internal floor level. A single extraction unit would be ceiling mounted inside the unit, exiting the building into the OEP site at the front.
6. The applicant has agreed to plant 5 Prunus Amanogawa trees along the rear boundary with Burley Crescent. These are compact flowering Cherries, growing to a height of 4-8 metres in 25+ years.
7. Hours of operation are stated by the proposed tenant as Tues-Thurs 1000-1400 & 1830-2130. Fri & Sat 1000-1600.
8. A modular building of a similar scale was removed from this site in recent years, the utilities still being available in that location and hence the decision to choose this site for the new building.

Relevant Planning History

Application	Description	Decision
APP/2013/0192	Proposed demolition of identified buildings, Change of Use of land and buildings from former Prison (Sui Generis Use) to B1 (Business), B2 (General Industry including manufacturing), B8 (Storage and Distribution), D1 (Non residential Education and Training Centres), D2 (Assembly, Leisure and Community Use) and part Outline for Winter Storage Depot (Sui Generis i.e. no defined Use Class) and B1, B2, B8 Uses identified development zones within the site.	Approval May 2013

Planning Guidance and Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) supports sustainable economic development

in rural areas including the reuse of brownfield sites, the conversion of existing buildings and well designed new buildings.

The Rutland Core Strategy (2011)

CS13 Employment and economic development
CS19 Promoting good design

Site Allocations and Policies DPD (2014)

SP15 – Design & Amenity

Other Considerations

Ashwell Business Park SPD – Jan 2013

Encourages good design. Site is within an area where B2 or B8 uses are not permitted as part of the planning permission for the use of the site as a business park but individual proposals have to be treated on their merits.

Consultations

9. Environmental Protection
 - Given the domestic scale and nature of the business the use of domestic extraction systems is appropriate and these should be fitted in accordance with the manufacturer's recommendations to ensure they properly function. The design and appropriate fitting in accordance with the accepted standards for such equipment should protect the neighbouring amenity of the residents.

Neighbour Representations

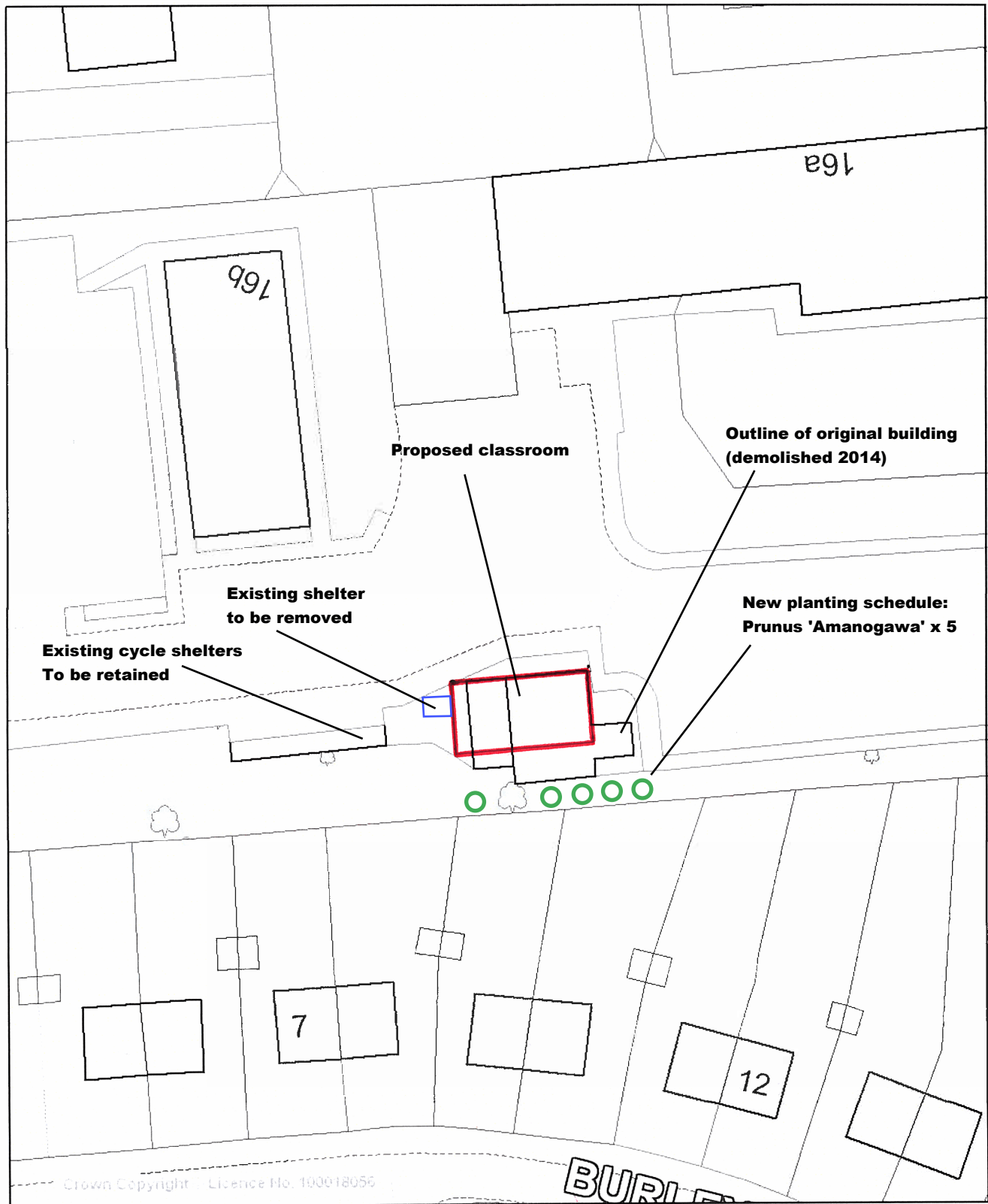
10. Objections have been received from the 3 nearest neighbours on Burley Crescent as follows:
 - Will replacement trees be planted
 - There are many other places on Oakham Enterprise Park where a porta cabin could be built, impacts greatly on outlook
 - operation in the evenings - privacy and peace will be adversely affected.
 - Standard of living compromised
 - outdoor living space inaccessible due to the fact that currently suffer asthma - partner suffers from chronic lung disease and children and grandchildren are also asthmatic. Constant smell will trigger all of these medical issues hence the reason that I have recently moved to this property away from largely populated areas.
 - area has been unkempt for a number of years, creating a huge amount of environmental waste which has resulted in a concern over vermin to the area
 - Already experience inconvenience noise from the nearby National Rail Service – now subject to (possible) additional noise and almost certainly, odours from cooking activities
 - site could be further developed after some period once initially constructed
11. Following a meeting on site with the applicant, one objector has now stated:
 - We are happy that all of our queries and objections have been addressed. We are happy that the noise will be minimum, and the smells if any, will be no more than that of cooking coming from any of our neighbours houses as this is a small business and not of industrial proportions. Our main concern has always been the outlook from our back garden and as a solution to this it was suggested that cherry trees be planted to conceal and draw the eye away from the building. Subject to this being made a part of

the planning application I would be happy to withdraw my original objections.

Planning Assessment

12. The main issue is impact on residential amenity.
13. The building would be 6m from the boundary and 22m from the nearest corner of the houses on Burley Crescent.
14. The use is a low key cookery school where there will not be any major cooking/frying etc. going on, unlike a commercial cooking business preparing food for sale. There may be a minor exhausting of cooking odours but if vented in the opposite direction to Burley Crescent there will not be any more significant impact than from a domestic kitchen. The scheme would comply with Policy SP15. The applicant, tenant and installer have confirmed that the extracts will vent towards OEP and not the neighbours.
15. The unit comes with clear glazed windows all round (except the WC). In terms of overlooking from the windows, the internal cill height is 1150mm above the floor and the top of the window is 2.4m from ground level outside. These windows are bottom hinged and open inwards from the top. A 1.7metre high person would not be able to see over the top of the fence at that height but would see the first floor windows of the houses on Burley Crescent, but at a distance that would be acceptable for a 2 storey house. It is not therefore considered necessary to require an obscured film to be placed over these 2 windows.
16. The latest revised layout plan shows tree planting along the boundary with Burley Crescent which has helped overcome some of the concerns of neighbours. It has been confirmed that the trees to be planted will be in 35 litre pots and be 2.4-3m in height.
17. The proposal is also considered to meet policies encouraging employment and provides a facility for the public whilst having a negligible impact on neighbours.
18. Neighbours have raised health related issues but the level and intensity of use as proposed will not lead to a detrimental impact on those issues.

2016/0436/FUL - Proposed modular building
Revised Plan - 14 June 2016



Centre = 486737 E 311089 N

Scale 1/500

Date 14/6/2016

Note: Printing may affect the scale of this plan



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Ordnance Survey [100018056]

The representation of a road, track or path is no evidence of right of way.

The representation of features as lines is no evidence of a property boundary.



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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

7th July 2016

APPEALS

Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

1.1. This report lists for Members' information the appeals received since the last meeting of the Development Control & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/Y/16/03149813 – Mr & Mrs Steven Hill – 2016/0064/LBA**
Home Farm, 9 Chapel Street, Belton in Rutland, Rutland, LE15 9JT
Construction of first floor extension over existing ground floor extension to create additional bedroom and en-suite bathroom (revised proposals)
Delegated Decision

- 2.2 **APP/A2470/W/16/3149808 – Mr & Mrs Steven Hill – 2016/0063/FUL**
Home Farm, 9 Chapel Street, Belton in Rutland, Rutland, LE15 9JT
Construction of first floor extension over existing ground floor extension to create additional bedroom and en-suite bathroom (revised proposals)
Delegated Decision
- 2.3 **APP/A2470/W/16/3150266 – Mr & Mrs N Grimoldby – 2016/0130/FUL**
Normanton Gardens, Normanton Park Road, Normanton, Rutland, LE15 8RP
Creation of a new stand-alone single storey 2 bedroom cottage to provide a holiday let.
Delegated Decision

3. DECISIONS

- 3.1 None.

4. APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None.

7. ALTERNATIVE OPTIONS

- 7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

- 10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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