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Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
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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, 30th August, 2016** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 5 July 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) 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 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 paragraph 3 of Part 1 of Schedule 12A of the Act.

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

6) REPORT NO. 163/2016 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 163/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 5 - 108)

7) REPORT NO. 164/2016 APPEALS REPORT

To receive Report No. 164/2016 from the Director for Places (Environment,

Planning and Transport)
(Pages 109 - 112)

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

OTHER MEMBERS FOR INFORMATION

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REPORT NO: 163/2016

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

30 AUGUST 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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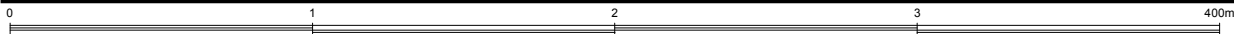
Rutland County Council

Development Control & Licensing Committee – 30 August 2016

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2016/0435/FUL	Mrs Lucy Lee, The Paddocks, Oakham Road, Langham, Rutland Variation of Conditions 1 and 2 in relation to Planning Application APP/2013/0123 - Additional eight caravans to be sited permanently for extended family to live on the same site.	Approval
2	2016/0375/OUT	C Bratley, S Dolby, C Wilks & Dr D May Land adjacent to 68 Leicester Road, Uppingham, Rutland Outline application for dwellings.	Approval
3	2016/0335/FUL	Mr Freeman, Country Lounge Café & Bar, Glaston Road, Morcott, Rutland Single and double storey extension to existing café/restaurant.	Refusal
4	2016/0618/FUL	Mrs Zoe Marriott, Toll View, Ryhall Road, Great Casterton, Stamford, Rutland, PE9 4AR First floor extension to form new bedroom, conversion of existing garage to form games room and single storey side extension to form new garage (Part retrospective application).	Approval
5	2016/0393/FUL	Mr T Haywood, Cricket Club, Lyndon Road, Manton, Oakham, Rutland, LE15 8SR Erection of 2 no. houses	Approval

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Ordnance Survey [100018056]

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Time of plot: 13:00
Date of plot: 17/08/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0435/FUL	ITEM 1	
Proposal:	Variation of Conditions 1 and 2 in relation to Planning Application APP/2013/0123 - Additional eight caravans to be sited permanently for extended family to live on the same site.		
Address:	The Paddocks, Oakham Road, Langham, Rutland		
Applicant:	Mrs Lucy Lee	Parish	Langham
Agent:	Mr Alec Statham	Ward	Langham
Reason for presenting to Committee:	Local Objections		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

The proposal to vary the conditions on the description of the occupiers and number of caravans will not have any significant impact on any interests of acknowledged importance and is in compliance with Policy CS12 of the Rutland Core Strategy (2011).

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The residential use, hereby permitted, shall be for the benefit of Clifford and Lucy Lee, Joe and Lucy Price, Fred and Carolina Price and Saley and Alex Lee, and/or their dependent children and or grandchildren only.
2. The use of the site pursuant to this permission shall be limited at any time to occupation by eight family units, within the existing 4 pitches and the proposed 4 pitches hereby approved only, in accordance with the provisions of condition 1 of this permission, and to a maximum of sixteen residential caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. This number of caravans shall not be exceeded other than for a maximum of 10 days in any calendar year.
3. Any additional external lighting installed on the site shall be in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
4. No commercial activities shall take place on the land, including the storage of materials.
5. The hedge and tree planting around the site shall be maintained at a height of not less than 3m above the level of the adjacent

REASONS:

1. For the avoidance of doubt and to enable the Local Planning Authority to assess the likely impact of any future potential additional occupiers of the site.
2. To minimise the visual impact of the site on the edge of the village and to allow visitors for family and community events on up to 10 days in any year.
- 3-5. In the interests of visual and environmental amenity.

Site & Surroundings

1. The site is situated within the Vale of Catmose, approximately 180m beyond the Planned Limit to Development (PLD) of the village of Langham, in an area designated as

countryside within the Development Plan. It is on the western side of the main approach to Langham, when travelling north on the A606 from Oakham.

2. Langham contains a Conservation Area, the southern edge of which coincides with the PLD to the north of the site. Langham primary school is approximately 250 metres distant and the nearest residential property 180 metres.
3. The application site is surrounded by native hedging and trees, well over 3m high. Since the original permissions were granted, extensive additional planting has taken place around the inside boundary of the site, together with a 2m screen fence inside the additional planting along the roadside and part of the south eastern boundary of the site. This is continuing to mature and provides an increasingly dense screen.
4. The Paddocks is occupied by the applicant and her family who have sited up to 8 caravans within four individual pitches, together with associated ablution blocks along the south western end of the site which were provided as a requirement of the original permission granted on appeal. There are 4 main couples on site, the applicant and her husband and 3 of their children with their respective spouses, who have 2, 5, 6 and 3 children respectively, of which 2 have a total of 5 children of their own.
5. Each caravan within a pitch is sited on a hard standing; the remainder of the ground is covered in gravel and each enclosed by fencing. 3 pitches now have a park home as the main residence.
6. Vehicular access is obtained direct from the A606 at the north eastern corner of the field. The gates and verge crossing are 5.1m wide and the gates are set back 9.7mm from the carriageway.
7. Lighting is provided by small bulkhead lamps near to the top of fence posts on the inside of the site. The whole site is maintained in a neat and tidy condition.

Proposal

8. The proposal is to vary the following 2 conditions on the previous permission:
 - The residential use, hereby permitted, shall be for the benefit of Clifford and Lucy Lee, Joe and Lucy Price, Fred and Carolina Price and Saley and Alex Lee, and/or their dependent children only.
 - The use of the site pursuant to this permission shall be limited at any time to occupation by four family units, within the existing 4 pitches only, in accordance with the provisions of condition 1 of this permission, and to a maximum of eight residential caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. This number of caravans shall not be exceeded other than for a maximum of 10 days in any calendar year.
9. The reasons for these conditions were:
 - For the avoidance of doubt and to enable the Local Planning Authority to assess the likely impact of any future potential additional occupiers of the site.
 - To minimise the visual impact of the site on the edge of the village and to allow visitors for family and community events on up to 10 days in any year.
10. The proposal is to allow the use of the site by up to 8 additional caravans and to construct 4 toilet blocks in the otherwise vacant paddocks on the site. These facilities

would be for the children and grandchildren of the applicant all of whom already reside on site as described above. There will be no additional persons on site as a result of this permission if granted. The conditions would be varied to take account of these circumstances.

11. The proposed site layout is shown at **APPENDIX 1**.

Relevant Planning History

Application	Description	Decision
2007/0175	Change of use of land to allow siting of 4 caravan pitches	Approved on Appeal Jan 2008
2011/0304	Application to vary conditions 1 and 2 of FUL/2007/0175 to allow permanent occupation of the site - conditions amended to provide a further temporary period.	Approved Aug 2011 – Temp pp until Dec 2014.
2013/0123	Vary Condition 1 & 2 on 2011/0304 to allow permanent occupation of the site	Approved 28 May 2013

Planning Guidance and Policy

National Planning Policy Framework

The NPPF promotes sustainable development as a golden thread running through its policies. The Framework does not make specific reference to Gypsy and Traveller proposals. Under the section on 'Delivering a wide choice of high quality homes', it does state at Para 50 to deliver a wide choice of homes and create inclusive and sustainable communities. Local planning authorities should plan for a mix of housing and the needs of different groups in the community.

Para 55 states that to promote sustainable development in rural areas housing should be located where it will enhance the vitality of rural communities

The Rutland Core Strategy (2011)

Policy CS12 relates to Gypsies and Travellers:

Sites for gypsies and travellers and show people will be identified through the Site Allocations and Development Control Policies DPD and/or the planning application process. The future need for sites for gypsies and travellers and show people beyond 2012 will be assessed in a review of the Leicestershire and Rutland Gypsy and Traveller Needs Assessment to be carried out in 2012. In determining suitable sites the following considerations will be taken into account:

- a) in the case of permanent sites, there should be reasonable and convenient access to schools, medical services, shops and other community facilities;
- b) the site should be well located and provide safe and convenient vehicular, pedestrian and cycle access and adequate parking, and not result in a level of traffic generation which is inappropriate for roads in the area;
- c) the impact on landscape character and/or sites/areas of nature conservation value including the internationally designated nature conservation site of Rutland Water;
- d) the site must provide adequate on-site facilities for parking, storage, play and residential amenity (including basic essential services);

- e) the site should not be visually intrusive nor detrimental to amenities of adjacent occupiers;
- f) adequate levels of privacy and residential amenity for occupiers should be provided.

Site Allocations and Policies DPD (2014)

There is no specific policy in the SAPDPD relating to travellers sites. Para's 6.3 to 6.9 of the SAPDPD however state as follows (Officer underlining of relevant sentence):

Sites for travellers

6.3 Core Strategy Policy CS12 (Gypsies and travellers) anticipated that a review of future need for accommodation for gypsies, travellers and travelling show people would be required in order to assess if additional sites would need to be identified through the Site Allocations & Policies DPD and/or the planning process. At the time the Core Strategy was drawn up the key evidence base regarding future accommodation needs was the 2007 Leicestershire Leicester, and Rutland Gypsies' and Travellers' Accommodation Needs Assessment 2006-2016 (GTAA).

6.4 A review of needs has been undertaken as supporting evidence to this document by Opinion Research Services (ORS). The review takes account of the national planning policy guidance published in March 2012 "Planning for Traveller Sites".

6.5 The ORS study finds that the extra provision that is required for gypsies and travellers in Rutland to meet a five year supply is two private sites capable of accommodation for four and one families respectively. This requirement is met through a site granted permanent planning permission for four families and a site granted temporary planning permission for one family, which expires in 2014. In the latter case the family is likely to wish to remain at their current site. For one of these sites it is also likely that adult children will be seeking their own accommodation in the near future and the most likely preferred location would be to increase the capacity of the existing site. The ORS study found that there is no evidence of a requirement for transit pitches in Rutland and, while unauthorised encampments do arise in Rutland, there is no clear evidence of sufficient travelling through the area to justify the development of a permanent transit site.

6.6 The ORS study also found no evidence of extra provision being necessary for showmen or Circus Performers in the future although it is likely that the residents of an existing facility will seek to expand its boundaries in the near future to reduce overcrowding.

6.7 With respect to planning policy provision, the conclusion reached by ORS is that it is important for the Council to continue to utilise the planning policies and criteria set out in Policy CS12 of the Core Strategy to facilitate the potential development of new Gypsy and Traveller sites in the areas. The policy guidance at Policy SP8 is not an additional requirement in consideration of sites for gypsies and travellers as adequate guidance is provided by Core Strategy Policy CS12.

6.8 From this the Council concludes that a sufficient potential supply of sites currently exists to meet a 5 year requirement and this can be maintained by an annual review of needs evidence and through the criteria based policy approach already set out at Core Strategy Policy CS12 (Gypsies and travellers). No specific (new) sites for gypsies and travellers are therefore allocated in the plan.

6.9 The Council is also mindful that, recognising duty to co-operate obligations, there is a commitment across the sub-region to refresh the GTAA published in 2007. Once completed, findings from this work can be incorporated into the Council's annual review referred to above.

Other Considerations

The Government published *Planning Policy for Traveller Sites* on 31 August 2015.

One of its key changes sees the planning definition of 'Gypsies & Travellers' tightened to exclude those who no longer travel (other than temporarily).

Policy H in that document (Determining Planning Applications for Traveller sites) states that:

- Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.
- Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
 - the existing level of local provision and need for sites
 - the availability (or lack) of alternative accommodation for the applicants
 - other personal circumstances of the applicant
 - that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - that they should determine applications for sites from any travellers and not just those with local connections
- Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- When considering applications, local planning authorities should attach weight to the following matters:
 - effective use of previously developed (brownfield), untidy or derelict land
 - sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).
- Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
 - limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
 - specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

In a further change, *The Housing & Planning Act*, has, since 12 July 2016, abolished the requirement for separate Gypsy & Traveller Accommodation Needs Assessments.

Other Material Considerations

Langham Neighbourhood Plan (Submission Version)

Policy HR1c: Demographics & Housing – Gypsy/Traveller Sites

The Plan supports the RCC Gypsy & Traveller Accommodation Study of 2013, which states there is no requirement for further sites in Langham – private, public or transit. Neither is there any requirement to extend the existing sites beyond their current size.

The Plan is currently in a 6 week consultation period for comments but is then still to go through an Examination and subsequent referendum so is some way from being made at present. On that basis it carries only limited weight in the determination of planning applications.

South Kesteven and Rutland Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2016

This was published in early August 2016 and supercedes the 2013 Assessment and concludes that there is an overall need in Rutland over the next 20 years of some 13 residential pitches, with 8 required by 2021.

Consultations

12. Langham Neighbourhood Plan Group.

- The community of Langham very clearly, in their comments in the Neighbourhood Plan Survey, said they wanted no more traveller homes in Langham (100% of the responses said 'too many' or 'enough'...see attached). As a small village we have more than our share already and a site of the size suggested is completely inconsistent with the character and appearance of Langham.
- This is not a view that in any way reflects on the present occupants – it is a planning-driven observation.
- In the Langham Neighbourhood Plan, page 18, Policy HR1c clearly states The Plan supports the RCC Gypsy & Traveller Accommodation Study of 2013, which states there is no requirement for further sites in Langham – private, public or transit. Neither is there any requirement to extend the existing sites beyond their current size.
- We, acting for the Langham Neighbourhood Plan Group, strongly oppose this application and recommend refusal.

13. Langham Parish Council

Recommends refusal – see **APPENDIX 2**.

14. LCC Ecology

The proposed development is to be sited close to a number of ponds. Great Crested Newts (GCN) have been recorded close to the site and, in the absence of mitigation may be adversely impacted by the development. I am unsure of the current ground conditions on site but aerial photographs suggest that the new pitches will be placed on existing short-grazed horse pasture and existing hardstanding. These are considered sub-optimal habitats for GCN as they provide no shelter or foraging opportunities. Provided that this is a true reflection of the current site, we consider that the development could be

mitigated for by ensuring that a number of Reasonable Avoidance Measures are followed. These would ensure that all ground works are completed in such a way as to minimise the potential risk to any GCN. These should include the following and should be forwarded as a condition of the development:

- All materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refugia.
- All spoil/waste materials to be removed from site at the end of each working day (or stored in a skip).
- The site should be maintained as sub-optimal prior to the commencement of works. However, should the site not comprise very short grazed grassland (or existing hardstanding) further GCN surveys and mitigation may be required. Additionally, further surveys may be required if hedgerows will be impacted.

Neighbour Representations

15. There have been 27 objections and 5 letters of support from local residents.

The objections can be summarised as follows:

- Applicants have no respect for the law – it's a fait accompli
- Future intentions of adjoining land?
- Contrary to CS2, CS10, CS19 and CS22
- Contrary to SP8
- Contrary to Langham Neighbourhood Plan
- Visual intrusion
- Over intensive use of site
- Flooding problems on main road
- 'extended family' is open to abuse from these people
- Will create min 20 extra people – impact on access/highway safety
- Limited visibility onto the road due to high hedge
- Prominent on approach to Conservation Area
- Impact on house prices
- Significant noise disturbance
- Spaces available at Ranksborough
- Impact on local services
- Creates another village between Barleythorpe and Langham
- Original use was unauthorised
- Extra sewage
- Lack of previous enforcement

The supporters' state:

- The families are kind and helpful
- Site unobtrusive – not easily seen from the road
- Residents have integrated into the community
- No justification for refusal

Planning Assessment

Background

16. The original permission on this site was granted on appeal and was for a temporary 5 year period, primarily to allow further work to be done on the Core Strategy which was being prepared at the time and a Gypsy and Traveller Assessment was awaited.

17. By 2011, the applicants were anxious to extend the temporary period to give some certainty as the Site Allocations Plan was still some way off and was expected to allocate site for Gypsies and Travellers. The temporary permission was extended until December 2014.
18. An application was made in 2013 to make the occupation of the site permanent which was granted in accordance with planning policies as they stood at that time. The use of the land was limited by that permission to be for the immediate families of the present occupiers, including their dependent children. The permission limited the use to the 4 plots shown on the land and for a maximum of 8 caravans (which are defined in law and can include a mobile or 'Park' type home).
19. It is important to note that this is not an extension of the site but a variation of the conditions that control the activities within the site itself. The application site is subject to the existing planning permission for use as a permanent Gypsy and Traveller site, it is only the impact of the additional occupation within the site that can be considered.
20. The main issues are planning policy, visual impact, highway safety and ecology.

Planning Policy

21. With regard to planning policies, some objectors refer to Site Allocations and Policies Policy SP8. For clarity, this is not a relevant policy for Gypsy and Traveller sites and is only intended for mobile home parks for general occupation. The policy itself specifically states (at Para 6.2) that it is not a requirement for dealing with Gypsy and Traveller sites.
22. Some residents have also cited policies CS2 (Spatial Strategy), CS10 (Housing Density and Mix), CS19 (Design) and CS22 (The historic Environment). None of these are specifically relevant to this site.
23. The text in the SAPDPD set out above notes that it is important that the Council continues to utilise Policy CS12. The text also acknowledges that this proposal to expand the use of the existing site was likely to come forward at some stage.
24. The Council's recently published Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2016 concludes that there is an overall requirement in Rutland over the next 20 years of some 13 residential pitches.
25. Paragraph 9.31 of this Study notes that there are families within the study area who would like to increase the number of pitches and plot and/or number of caravans allowed per pitch or plot on existing site/yards and considers that the expansion of sites with adequate space would contribute towards meeting existing need.
26. Given there is evidence which concludes over the next 20 years there is an overall shortfall of 13 pitches in Rutland, the Council needs to be satisfied that the proposal for 4 additional pitches can:
 - Be accommodated within the site and;
 - Meet the proviso's set out in Policy CS12,
27. The main Development Plan policy is therefore Core Strategy Policy CS12.
28. The site remains in close proximity to school and local services, is well located to give easy access to services in Langham and Oakham, has no impact on the wider landscape character or Rutland Water, has adequate off street parking, turning, play and amenity facilities, is not visually intrusive (see below) and provides a good level of amenity for the occupiers.. The proposal therefore fulfils all of the criteria (a) to (f) in

Core Strategy Policy CS12.

29. The policies in the Langham Neighbourhood Plan do not carry full weight at this stage and make reference to a now superseded Gypsy Assessment. Given that there is a clear need to these additional plots and that the scheme complies with CS12, it is not considered that the LNP policies outweigh the Core Strategy and the other material considerations in this case. Policy HR1c at present is not in general conformity with the Council's Local Plan Policy, as the Study referred to and in the Council's Site Allocations & Policies DPD do refer to the expansion within an existing site.

Visual Impact

30. In granting temporary planning permission on appeal in January 2008, the Inspector made it clear that he considered that the development harmed the rural character and appearance of the local area to a significant degree and that in view of this a permanent permission would not be appropriate. This decision was reached by concluding that, notwithstanding the harm identified, there were other overriding material considerations. Whilst the impact was acknowledged in subsequent applications, the fact that the current site now benefits from a permanent permission means that it is accepted that there is some visual impact from the development on the site. This is however limited to winter months when some of the mobile homes are partly visible through the hedge, although they are partly screened by a permanent fence inside the hedge.
31. The use of this land within the existing site would be more visible through the gateway at the access although only fleetingly at an angle as the land directly inside the gate would remain open space for play areas. The applicants have undertaken to plant an additional hedge along the boundary of the plot nearest to the access gate to increase screening.
32. As in the previous application, it is not considered that complete screening is necessary as applications for agricultural dwellings and other large buildings such as barns/grain stores and indeed mobile home parks in similar locations do not carry such an absolute requirement that they cannot be seen at all. The proposal therefore complies with CS12(e) and SP15 of the SAPDPD. It is not considered that design policies per se are particularly relevant in this instance.
33. The Conservation Area boundary is some 100m to the north of the access to this site. The large paddock between the site and dwellings within the village is not within the Conservation Area although land on the opposite side including the primary school is. Most development within the Conservation Area at this southern end of the village is modern and of no specific historic merit.
34. Whilst there is a statutory duty to ensure that development does not harm any heritage asset, given the relationship between the two, it is not considered that the proposal would have any impact, positive or negative, on the character and appearance of the Langham Conservation Area.

Highway Safety

35. The highway authority has no objection to the proposal provided the verge crossing is wide enough. The gates are set back 9.7m from the carriageway and the tarmac crossing is 5.1m wide. This is beyond the requirements of the highway authority so is acceptable. Visibility from the access is only impeded by the long grass on the verge but the applicants now understand that they can maintain adequate visibility splays by trimming and have undertaken to do so when they are resident on site. The scheme complies with Policy SP15(m).

Ecology

36. The 2007 Inspector considered that a condition was adequate to deal with the issue of Great Crested Newts in nearby ponds. He required a survey to be carried out by a suitably qualified person. Ecology has queried whether a GCN survey should be carried out now. The ground did have long grass on a site visit in early August but only because the applicants had been off site for a while. This is normally kept trimmed. There are also areas of loose gravel and hardstanding for the 4 existing plots between this part of the site and the nearest pond so it is unlikely that GCN will be present. Leicestershire CC Ecology has confirmed this is acceptable.

Other Issues

37. The younger children resident on the site will attend the local school at the appropriate ages, as have existing children. There is a package treatment plant for sewage on site which will cater for the additional WC blocks. There are no extra people coming to the site so there will be little additional impact on any other service, facility or material planning interest.
38. Other matters raised by objectors, including house prices, disapproval of conduct or lifestyle, behavioural stereotyping, and 'retrospectivity' etc. are not material to determination of the application.

Human Rights Act 1998

39. Individual rights are protected under the Human Rights Act 1998 and consideration as to any infringement of these rights must be taken into account when the Council makes any decisions, in the given circumstances Article 8 – Right to respect for private and family life and Article 1 of the First Protocol – Protection of Property must be considered.
40. Article 8 states:
- Everyone has the right to respect for his private and family life, his home and his correspondence.
 - There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
41. Article 1 of the First Protocol states:
- Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law...
 - Whilst any committee decision must be proportionate taking into account the above rights and balancing with those with the public interest and planning policies, it should be noted that a number of Gypsies and Travellers have relied upon the above articles and it has been successfully argued that moving on Gypsy or Travellers from a camp site where they live might be a breach of Article 8, unless they have somewhere else to go. Balanced against that, the statutory framework for determining planning applications and otherwise controlling

development afforded by the Town and Country Planning Act 1990 has been held to be compliant with Human Rights provided decision makers properly consider and weigh material considerations.

- If permission is granted the Human Rights Act is not engaged, if the permission is refused the applicant would have an opportunity to challenge any decision by way of an appeal to the Planning Inspectorate which provides a safeguard to Human Rights

2016/0435/FUL
 rec'd 28/04/2016

EIGHT TOILETS CARAVANS
 TO BE USED FOR MRS. LEE'S
 CHALLENGED AND SENIOR CHILDREN

MRS. LEE

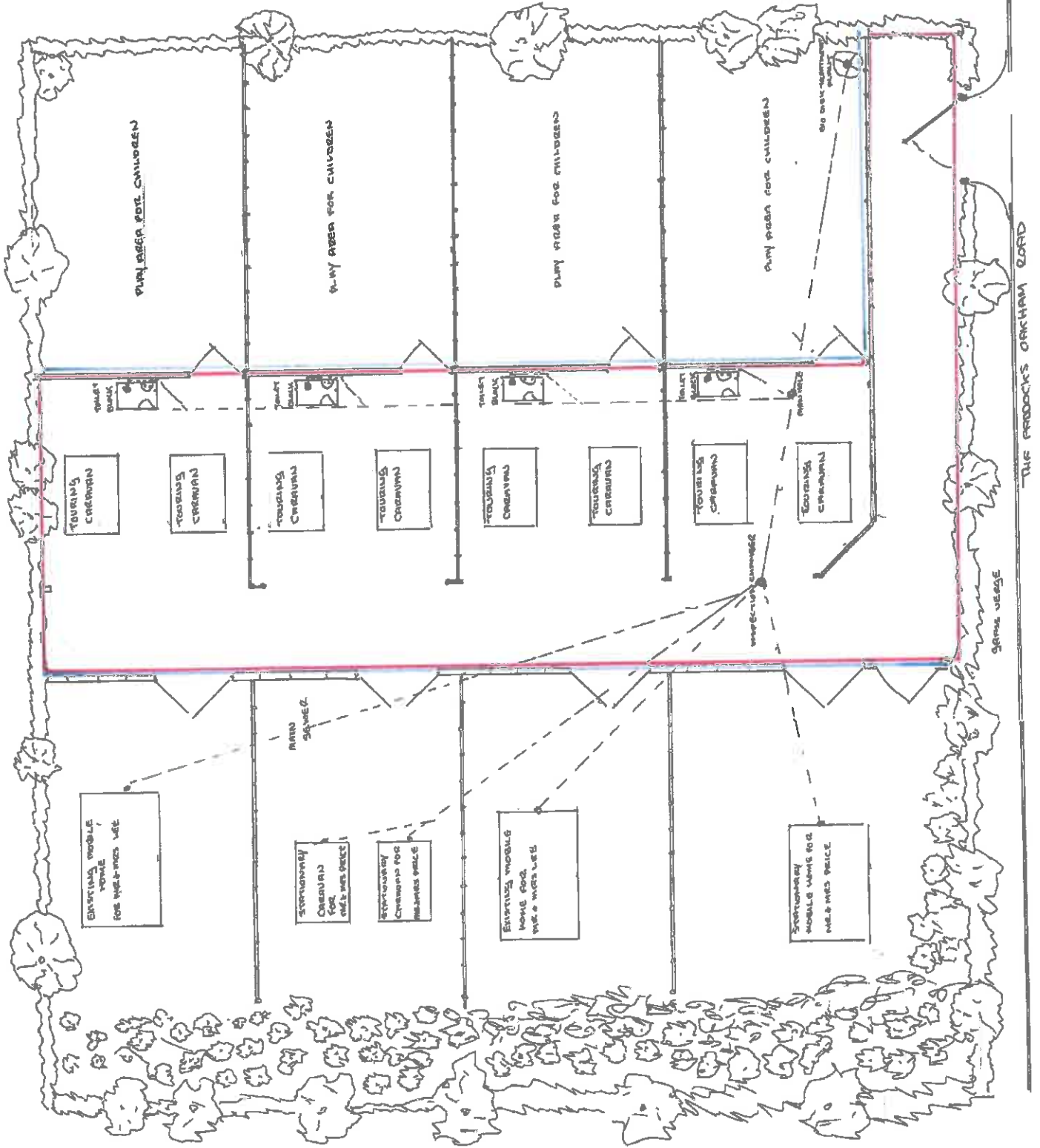
THE PARADISES
 BRACKEN ROAD
 LEIGHWATER

21

APPLICATION FOR EIGHT TOILETS
 CARAVANS

Scale 1:500

2016/0435



Many residents of the village, the elderly included, would love to have their families living closer but this is not possible as they are bound by planning law. Some residents have been refused permission to build, or convert buildings, within their gardens to accommodate older relatives, even recently. Any increase in the population of this site may increase tension within the settled community who often feel that their concerns are not addressed. Ideally, there should be peaceful and integrated co-existence between the site and the local community but gypsies do not often integrate with an established population.

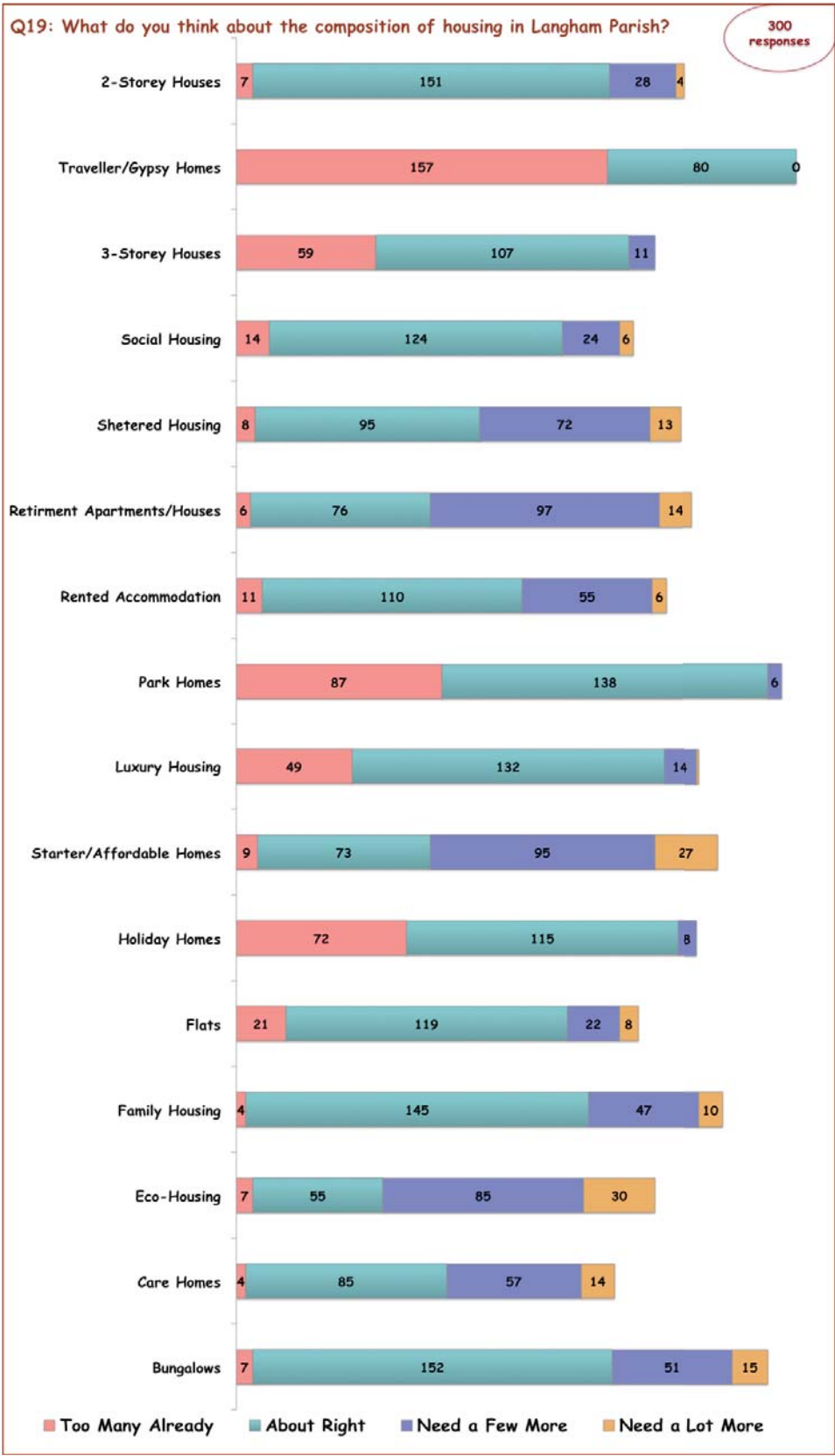
As some family members have been living away from the above site it is difficult to see why it is now necessary to re-locate to Langham, particularly as no reasons have been given for wanting to vary the conditions apart from being family members. It is not known if the proposed additional family members intend to lead a nomadic lifestyle or if they intend to settle, perhaps siting a possible eight additional mobile homes to replace touring caravans.

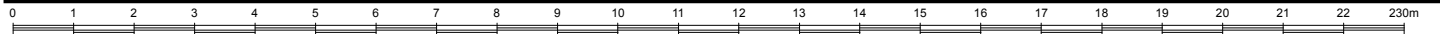
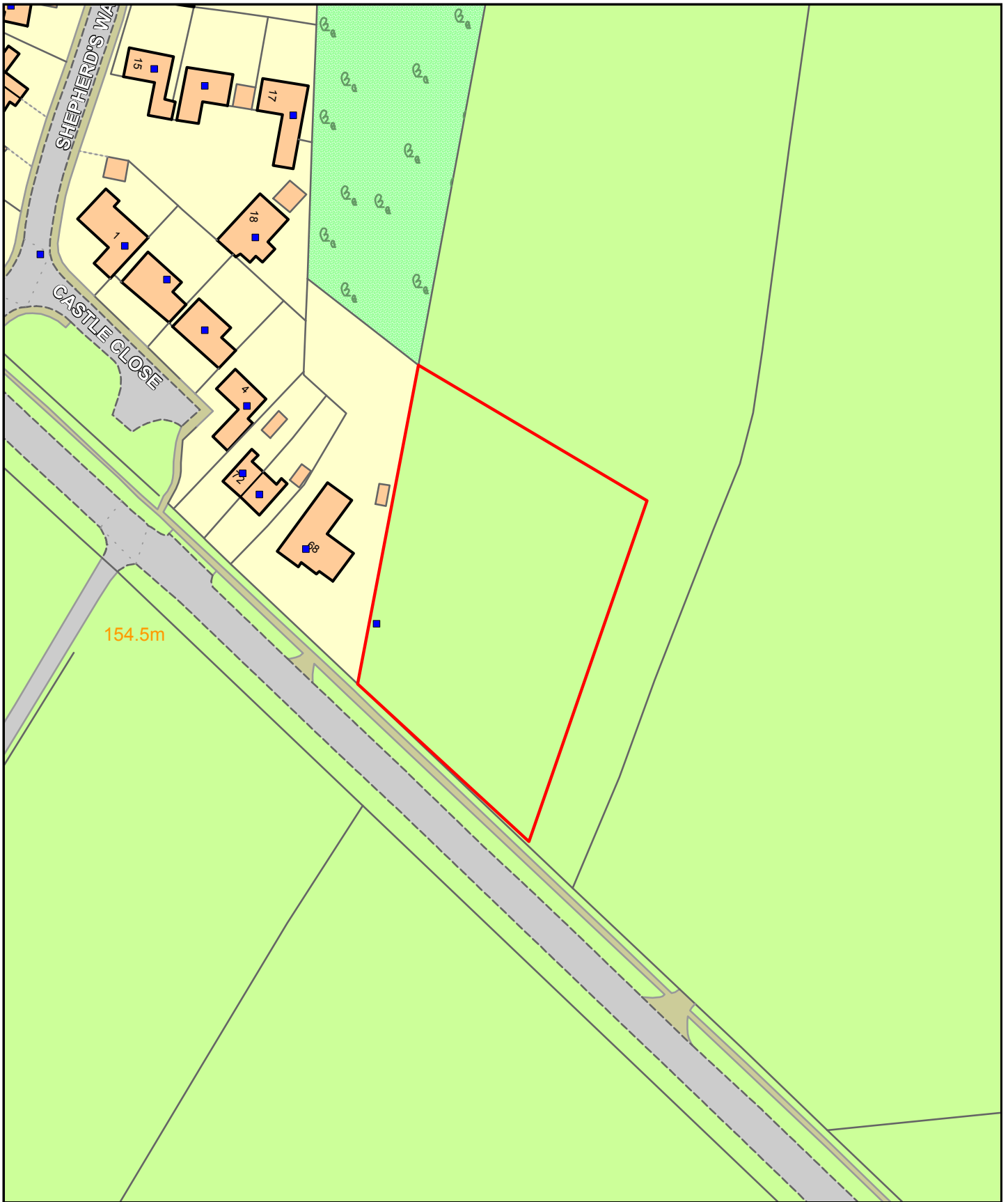
Whilst this application, in itself, seems straightforward – its potential ramifications are not – especially if past history is taken as a guide to likely future actions. The occupants of this site look after it very well and are very pleasant people, but it is vitally important to a community that every member is treated equally. Furthermore, it is understood that the applicants own an adjacent field. If this application is granted will this then lead to further extended family being moved there and an a massive Park Home site being created?

As there is not a compelling case for expansion of this site and mindful of the Langham residents who have had to accept the ‘status quo’ the above proposal is not acceptable. The community very clearly, in their comments in the Neighbourhood Plan Survey, said they wanted no more traveller homes in Langham (100% of the responses said ‘too many’ or enough, see attached). As a small village, we have more than our share already, and a site of the size suggested is completely inconsistent with the character and appearance of Langham. The Langham Neighbourhood Plan Policy HR1c clearly states ‘*The Plan supports the Rutland County Council Gypsy & Traveller Accommodation Study 2013, which states there is no requirement for further sites in Langham – private, public or transit. **Neither is there any requirement to extend the existing sites beyond their current size.***’

Recommend refusal.

10th July 2016





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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 12:54
Date of plot: 17/08/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0375/OUT	ITEM 2	
Proposal:	Outline application for dwellings.		
Address:	Land Adjacent To 68 Leicester Road, Uppingham, Rutland		
Applicant:	C Bratley, S Dolby, C Wilks & Dr D May	Parish	Uppingham
Agent:	Mr Gordon Smith, Matrix Planning Ltd	Ward	Uppingham
Reason for presenting to Committee:	Strategic Allocation		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

This outline application for residential development is submitted following the making of the Uppingham Neighbourhood Plan which allocates this and adjoining land for development. The application includes only access for full approval at this stage. Whilst a co-ordinated approach with the adjacent landowner would have been a better way forward for this land, the scheme is acceptable in principle subject to the provision of affordable housing on site.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement relating to the provision of Affordable Housing and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above condition relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. No unbound material shall be used in the surface treatment of any vehicular access within 5 metres of the boundary of any highway to be adopted, but the construction details used shall be porous.
4. Prior to commencement/occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.8 metres, shall be retained at that width for 5 metres within the site and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge
5. The proposed junction with the existing highway shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials
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. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording (including the

initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)

- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall thereafter only be executed in accordance with the approved scheme.

7. All changes in ground levels, hard landscaping, 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 commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
8. No development shall take place until the existing hedges and trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / 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.
9. Provision shall be made in the submission of Reserved Matters for the site to be developed by a minimum of 11 dwellings.

Reasons

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 as amended by the Planning and Compulsory Purchase Act 2004
2. The application as submitted does not provide sufficient particulars for consideration of these details.
3. To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.
4. To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
5. To ensure that the junction is available for use at the outset in the interests of highway safety
6. To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance
7. To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
8. The trees and hedges are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
9. To ensure that the development accords with the policies of the Development Plan, including the provision of Affordable Housing, the Policies of the Uppingham Neighbourhood Plan and

makes the most efficient use of land.

Notes to Applicant:

Parking Provision

Parking on site will be required to comply with the standards set out in the Appendix to the Site Allocations and Policies DPD (2014).

Site Workers

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.

New access

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

Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

Ecology

It is likely that species may be present at the site which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England.

Site & Surroundings

1. The site is located on the north east side of Leicester Road some 1200m west of Uppingham Town Centre. It sits to the south east of a 2 storey dwelling at 68 Leicester Road. The site is bounded on 2 sides, south and west, by a hedgerow, varying between 2 and 3m high. The other 2 sides are not defined on site, appearing to be slightly smaller than the width of allocated Site A on the Uppingham Neighbourhood Plan (UNP) proposals map, the northern boundary of Site A having no physical boundary on site anyway. See UNP Map and site location plan in the Appendix.
2. The land is relatively flat but rises slightly from Leicester Road in a northerly direction before flattening off again in the northern most part of the wider allocation. No levels details are supplied at this stage. The site is crossed by electricity lines and contains 3 telegraph poles with a fourth just outside the site but within the Site A boundary hedge.
3. There is a mature Ash tree in the front boundary hedge at the corner of the site. This appears to be the only tree on this site.
4. There are power lines and a sewer crossing the site, roughly parallel with the road.

Proposal

5. This is an outline application for residential development with only the access included for approval at this stage.
6. The access would be direct onto Leicester Road.
7. The site amounts to approximately 0.42Ha which at a density of 30 dwellings per hectare (dph) would equate to 13 dwellings. The UNP states that the site is 0.46Ha with 14 dwellings.
8. Whilst an illustrative plan showing only 6 units on the site had been submitted, it has since been withdrawn. The applicant was made aware that a scheme of that density would not be acceptable in policy terms and was seen as a way of avoiding Affordable Housing contributions.

Relevant Planning History

9. None

Planning Guidance and Policy

National Planning Policy Framework

Supportive of housing in sustainable locations.

The Rutland Core Strategy (2011)

CS3 Settlement Hierarchy – Uppingham – Small Town

CS4 – Location of Development – Uppingham will be the focus for moderate growth – capacity for 16 dwellings per annum up to 2026.

CS9 – Provision and Distribution of new Housing – c250 dwellings in Uppingham up to 2016.

CS10 – Housing density and Mix – 40 dph in Oakham and Uppingham, 30 dph in the villages.

Higher densities encouraged in the towns where it will not impact on local character.

CS11 – Affordable Housing – 35% affordable housing to be provided on site.

The Government's policy in this area has recently changed and a report was considered by Cabinet on 21 June to consider the Councils position. As now approved, schemes of over 10 units in Oakham and Uppingham are liable for affordable housing.

CS19 – Good Design

Site Allocations and Policies DPD (2014)

SP5 – Built Development in the Towns & Villages – Criteria to be met

SP9 – Affordable Housing –

Affordable housing must:

- a) be of a combination of sizes and affordable tenure which meets the proven local housing need and good practice, including the number of bedrooms, property type and floor space;
- b) where affordable home ownership is included, be at an affordability level or range of affordability levels appropriate for people in need of this tenure at the location, to ensure the properties meet a range of relevant local demand;
- c) be broadly equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type, unless it conforms to the Homes and Communities Agency's design standards;

d) where part of a development which includes open market housing, be well integrated with the open market housing through layout, siting, design and style. In order to promote sustainable communities, the size and location of groups of affordable homes should be discussed and agreed with the Council.

The Council may refuse development proposals which, in its opinion, seek to under-develop or split sites in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision.

SP15 – Design & Amenity

SP22 – Provision of new open space – to be provided on site where possible or through CIL.

Uppingham Neighbourhood Plan

Policy 5 allocates this and adjacent land for residential development. The site forms the majority of land identified as Site A in the UNP.

Policy 3 - Housing - Numbers

The Uppingham Neighbourhood Plan supports sites A,B & C for housing in the west of the town and the construction of at least 170 homes (excluding windfalls but including the custom built single dwellings in Policy 4) during the period up to 2026.

Site B - During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.

Site C - During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.

The supporting text following the Policy states that Site A would lend itself to a joint access with other sites onto Leicester Road, perhaps via a roundabout. At its size of 0.46Ha and at a density of 30 dwellings per hectare, the site could accommodate up to 14 dwellings.

Policy 4 - Housing - Single Dwelling Developments

The Uppingham Neighbourhood Plan supports the construction of up to six custom built, self-build, single dwellings in the period up to 2026.

Policy 8 - Design and Access

Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Uppingham's character and heritage. The statement must set out how the proposals follow the policies and guidance in relevant national and local documents as well as this Plan. The Design and Access Statement must address the following:

- Context and character
- Historic character
- Connection with the countryside
- Quality for pedestrians, cyclists and the physically disadvantaged
- Development density and build quality
- Car Parking
- Landscaping and access to open and green space
- Occupier controlled access to fibre, copper and other home office services
- Environmental footprint
- Play provision

The Town Council reserves the right to require an individual design review on any development of 25 houses or more or any single building of more than 3000sqm. Such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines established by RIBA or CABI. The Plan acknowledges existing policy guidance in the National Planning Policy Framework (NPPF) and the current and emerging policies of Rutland County Council.

Community Infrastructure Levy (CIL)

CIL was adopted in Rutland in March 2016. This site will be liable to pay the CIL levy once development commences but as it is based on liable floorspace, it will be calculated in parallel with the planning process at the detailed design stage. Affordable Housing provision is required to be provided and that will require a S106 agreement at this outline stage. The size of the site means that the Affordable Housing threshold would be close but an agreement is required in the event that the threshold is reached. It is anticipated that this site may be developed as part of the wider land in any event.

Consultations

10. RCC Highways
No objection subject to conditions
11. Uppingham Town Council
Recommended for approval subject to Rutland County Council ensuring this is compliant with the Uppingham Neighbourhood Plan
12. Environment Agency
No objection
13. Leics CC Ecology
Habitat survey recommended

Neighbour Representations

14. Neighbours at 68 Leicester Road have commented:
 - We live at number 68 Leicester Road and as the proposed building site will impact us most
 - I would like to ask where will the power come from? We are currently fed from a low voltage line which passes over our garden
 - will the sewers, water and telephone be upgraded to cope?
 - our boundary is in the middle of the hedge on the boundary of our property and the proposed site, thus if this is removed we want to ensure we do not lose any land.
 - are we going to be overlooked by the proposed properties? We currently overlook the fields
 - Please can you confirm the number and type of houses are correct. I bought our house, number 68 Leicester Road, in September 2014 knowing that building work would happen on the field next to us but was shown details that they would be housing for over 55's and single storey.
 - There will be a massive invasion of privacy to my house and garden from 2 storey - why has this changed.

Planning Assessment

15. The main issues are policy, highway safety, provision of affordable housing and ecology.

16. In terms of Policy, the site has been allocated for development in the UNP. The principle of development is therefore acceptable. The important issues here are that due to this being a stand alone application for part of the allocation, it has not been possible to tie the development in with the adjacent land in a co-ordinated and efficient manner. On that basis there is no co-ordination for provision of access, open space, cycleway and footpaths, or Sustainable Urban Drainage (SUDS). This has led to a situation where a separate access is being proposed onto Leicester Road when the UNP has an aspiration (although not a policy) that the sites on the northern side might share a single point of access.
17. The UNP does not require an overall Masterplan to indicate how the various allocated sites will be developed in a cohesive and efficient manner, including the requirement for this site to have a joint access. This is only an aspiration of the plan, not a policy.
18. However, development of the site is acceptable in principle and all other details apart from the access will be considered at the later Reserved Matter stage.

Highway Safety

19. The highway authority has considered the access in relation to the position of the proposed access to the land on the southern side of Leicester Road and considers that there is adequate separation. On that basis although less desirable in terms of a co-ordinated overall development, the proposed access is deemed to be acceptable.

Affordable Housing

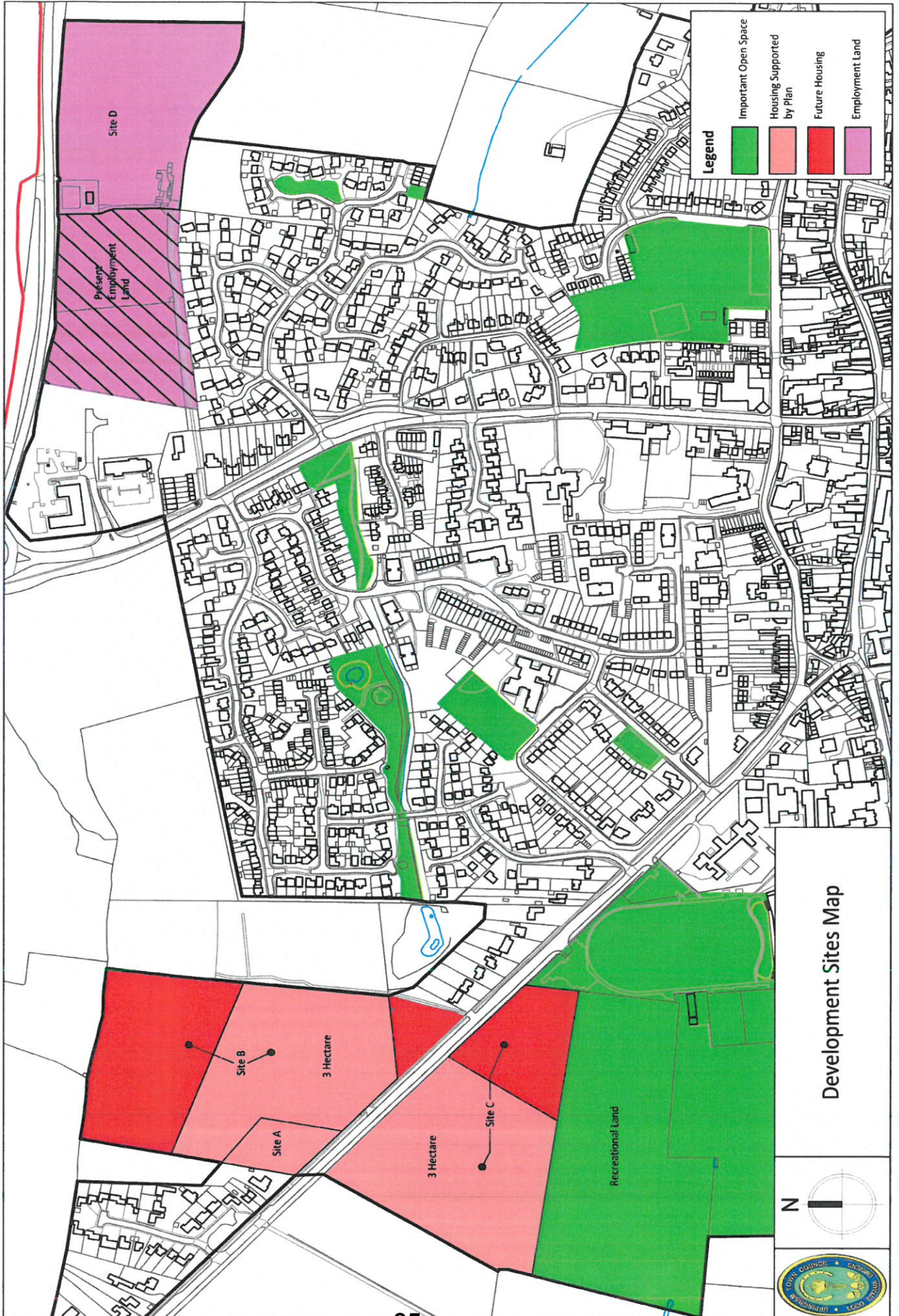
20. There is a proven need for more affordable housing in Uppingham, in line with the Uppingham Neighbourhood Plan, Policy CS11 of the Core Strategy DPD and Policy SP9 of the Site Allocations and Policies DPD.
21. In August 2015, there were 37 households living in Uppingham waiting for 1, 2 or 3 bed properties for rent. Under the Council's SPD on Planning Obligations (January 2016), and in line with the above statutory development plan requirements, a site of this size is required to provide 30% affordable housing on site. The application of the density requirements in the statutory development plan would ensure good use of the land and this would also mean that the site exceeds the threshold for affordable housing provision, which is now 11 dwellings, or more than 1,000m² floorspace, following the Cabinet decision in June. A S106 agreement will be required in connection with this development which will ensure the delivery of the affordable housing. Policy SP9 states: "The Council may refuse development proposals which, in its opinion, seek to under-develop or split sites in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision." Policy SP9 also requires a mix of affordable housing to be provided and for this to be well integrated.
22. The applicant has agreed in principle to entering into a legal agreement to provide affordable housing on this site if the threshold is reached. The recommendation above is therefore subject to the completion of that agreement.
23. In order to ensure that the scheme meets the requirements of the Development Plan, including for the provision of Affordable Housing, the Uppingham Neighbourhood Plan and the makes the most efficient use of land, it is recommended that the permission should require a minimum of 11 dwellings to be provided on the land.
24. This gives the applicant some flexibility in the density on developable land due to the potential constraints of the sewer. The overhead lines will in all probability need to be moved to take account of the development, including in the wider land on Site B.

25. The issues relating to supply of utilities and overhead lines etc. raised by the neighbour are not planning matters. The question of overlooking does not arise at this stage but the principle of development is acceptable as the site has been allocated in the UNP.

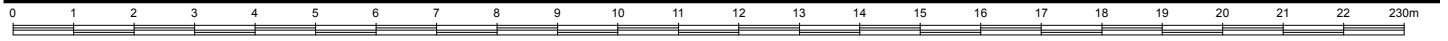
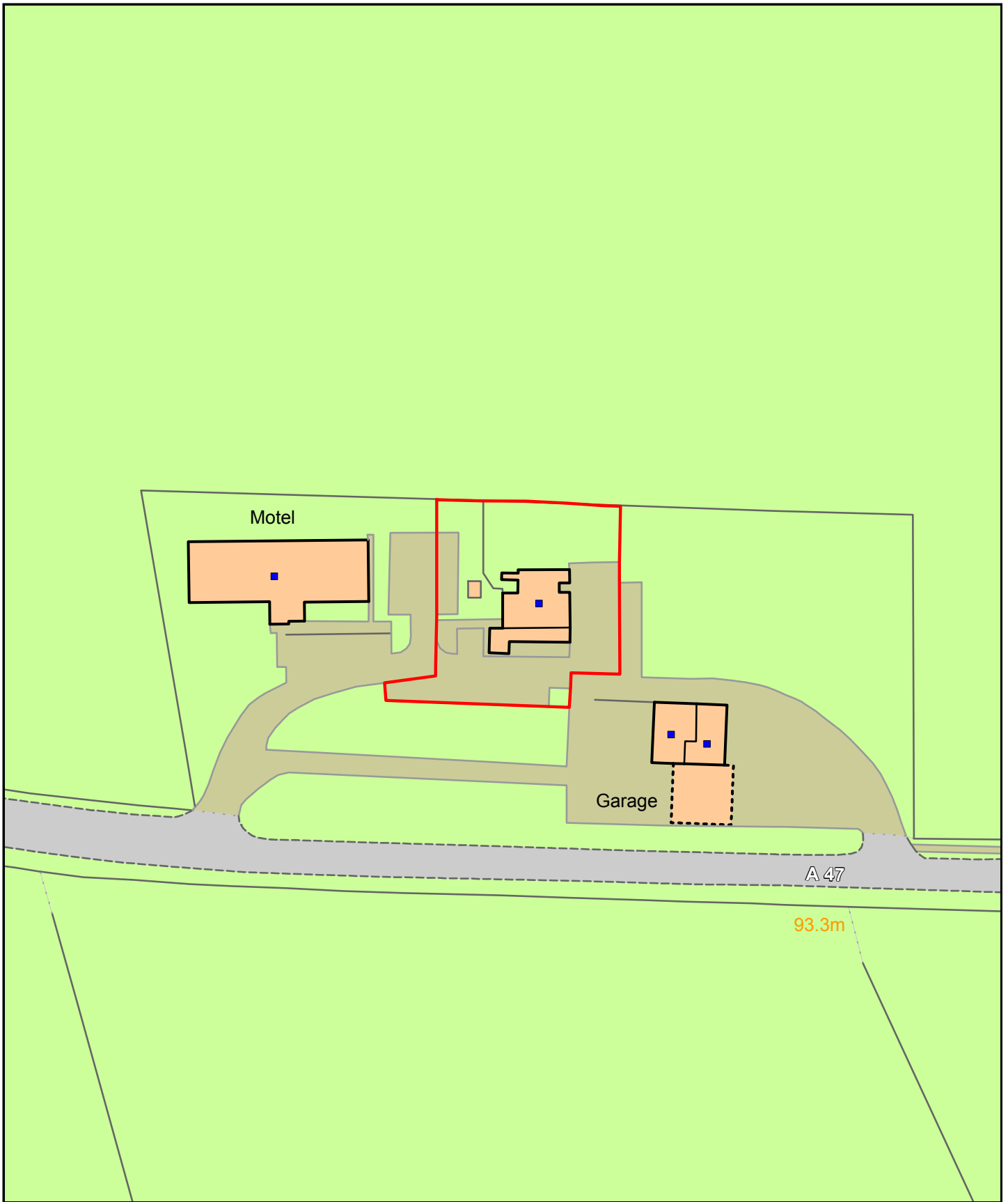
Ecology

26. Whilst the Ecology consultant recommended a habitat survey, the site is open grassland that had been cut for a hay crop at the time of inspection. There are 2 hedges bordering the site. It is unlikely that protected species will be occupying the site and a note to the applicant is therefore recommended in this case.

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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 12:50
Date of plot: 17/08/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0335/FUL	ITEM 3	
Proposal:	Single and double storey extension to existing café/restaurant.		
Address:	Country Lounge Cafe And Bar, Glaston Road, Morcott, Rutland,		
Applicant:	Mr Freeman	Parish	Morcott
Agent:	Mr Mark Hives, Hives Associates Limited	Ward	Martinsthorpe
Reason for presenting to Committee:	In view of circumstances delegated powers have not been exercised.		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

Some extension of an existing commercial facility can be acceptable within the rural area, as one of the limited exceptions to the normal restraint on countryside development in the Development Plan. However, the bulk, design and materials of the current proposal would have a discordant impact on the character of the countryside. The application is accordingly recommended for refusal.

RECOMMENDATION

REFUSAL, for the following reason:

1. The form, design and materials for the proposed single and two-storey extensions would result in an elongated building with conflicting architectural styles, in this prominent location within the open countryside. In particular, the non-matching gable features on the western elevation would be a discordant feature when viewed from the west. The design fails to achieve the good design required by the National Planning Policy Framework. The proposed extensions would therefore be detrimental to the character of this part of the open countryside, and would fail to maintain or improve either the immediate environment or its local distinctiveness. As such the proposal is contrary to Policy CS19 of the adopted Rutland Core Strategy (2011), to Policy SP15 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014), and to Paragraph 64 of the National Planning Policy Framework (2012).

Site & Surroundings

1. The application site is the former Little Chef premises at the west of Morcott, now operating as the Country Lounge Café & Bar. It is in an open countryside location, outside the Planned Limits to Development of the village.
2. The property is on the northern side of the A47, set back from the highway and located between a garage / filling station / shop and a Redwings Hotel. A shared access is used by all three facilities. The character of the immediate area is commercial, with a mixture of building styles.

Proposal

3. The application proposes a substantial single and double storey side extension to the café/bar, to provide additional kitchen and dining areas on the ground floor with staff accommodation on the first floor.
4. Development has already commenced on site, with the basic structure of the extension now in place.

Relevant Planning History

5. None relevant

Planning Guidance and Policy

National Planning Policy Framework

Section 7: Requiring Good Design

(Particular emphasis on paragraphs 56, 57, 60, and 64)

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Rutland Core Strategy (2011)

- CS1 Sustainable Development Principles
- CS4 Location of Development
- CS15 Tourism
- CS16 The Rural Economy
- CS19 Promoting Good Design

Site Allocations and Policies DPD (2014)

- SP7 Non-Residential Development in the Countryside
- SP15 Design and Amenity

Consultations

6. Morcott Parish Council
No objections

Neighbour Representations

7. None received

Planning Assessment

8. The main issues are:
 - Principle of development

- Design, and impact on the character of the countryside
- Enforcement action

9. Other miscellaneous issues are addressed together at the end of the report.

Principle of development

10. Development Plan Policies impose severe restraint on new development in the countryside, in the interests of sustainability and to ensure that the existing rural character is protected.

11. Firstly, Core Strategy Policy CS4 (Location of Development) directs new development into the towns and larger villages, and then specifies that:

“Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs”

12. Core Strategy Policy CS16 (The Rural Economy) identifies particular forms of development that are considered appropriate in the rural area. This includes the expansion of existing businesses provided the scale is appropriate to its location, and provided that the scheme maintains the immediate environment and local distinctiveness. Consideration must also be given to Policy CS15 (Tourism) which encourages new tourism facilities in the towns and villages but limits new tourism development in the countryside to that which utilises existing historic buildings only.

13. Policy SP7 of the Site Allocations and Policies DPD also identifies detailed forms of development that are appropriate in the countryside. This includes: “...visitors facilities for which the countryside is the only appropriate location”, “roadside services required for public safety purposes”, and “small scale extensions to....an existing use appropriate to the countryside”.

14. Given that the existing café/bar is an established business in the rural area and that it forms part of a cluster of roadside and visitor facilities (including the adjacent hotel and garage / filling station / shop, the principle of some extension to the premises can be accepted. Critically, it is an expansion of an existing rural business, with linkages to the adjacent roadside facilities on this strategic route (A47). For example, its catering and leisure facilities are available to guests staying at the adjacent hotel. This conclusion is offered despite Policy CS15 (Tourism) only supporting tourism development in the rural area if within existing historic buildings.

15. However, these policies are also clear that such development in the countryside must be of an appropriate scale and must maintain both the immediate environment and local distinctiveness. This is addressed below.

16. As a related matter, the proposed staff accommodation at first floor level can be regarded as an ancillary facility to the main use as a café/bar. The principle of such accommodation need not be considered further.

Design, and impact on the character of the countryside

17. The existing building has a rectangular footprint, oriented east-west. It is primarily one-and-a-half storey, with asymmetric gable ends at the east and west. There is a further one-and-a-half storey element at the rear with an asymmetric gable end facing northwards. An additional single-storey element with a primarily flat roof, extends along the entire front elevation.

18. The building is not of any architectural merit and it has not been well served by past extensions either in design or the use of materials. The current application with an approximately 65% increase in floorspace provides the only remaining opportunity to improve its design and visual impact, in accordance with the Council's design policies. The NPPF policies set out earlier in this report are of key importance.
19. In detail, the current proposal involves:
 - A single storey side extension at the west of the main one-and-a-half storey part of the building. It maintains the same height as the existing one-and-a-half storey area, but incorporates a symmetric gable end.
 - An additional two storey side extension at the rear of, and parallel with, the proposed single storey side extension. It also incorporates a new west facing gable end, but with higher eaves and a low pitched roof.
20. The front of the proposed single storey side extension incorporates glazed bifold doors, in keeping with the existing single storey part of the front elevation. It also includes a row of five rooflights. The rear elevation incorporates a series of five glazed bifold doors at first floor level. These serve the staff accommodation and all open onto a new balcony and external staircase. The proposed west elevation incorporates the two non-matching gable ends described above. The eastern elevation is unchanged.
21. Materials on the existing main building include a mix of red bricks and brown hanging wall tiles, under concrete roof tiles. The single storey area at the front incorporates a mix of red brick, light brown render and concrete roof tiles, in addition to the glazed bifold doors.
22. The application site is set back from the road frontage, and the proposed side extensions are then set back from the main front elevation of the existing building. However, the site is clearly visible across the open roadside frontage and these extensions would appear elongated when viewed from the public vantage points at the front. The building is prominent to the public in using not just the facility itself but also the adjacent hotel and filling station. This is an important site in the Rutland context. It is on a primary route across the county. It is something of a gateway site to the county as it will be used by current and potential visitors. It may well be the first place in the county that visitors stop at or choose to stay. Its impact will therefore be important for the visitor experience. The existing facility lacks a Rutland distinctiveness either in design form or in the use of materials. The poor past design has resulted in a go anywhere building that is harmful to the Rutland countryside.
23. The proposed range of rooflights on the front elevation of the single storey side extension would appear out-of-keeping with the existing building. The non-matching gable features on the western elevation would also be visible from public areas at the front and would add further to the discordant impact of these proposals.
24. A recommendation of refusal is warranted, because of the combined impact of the bulk and design of these proposals on the front and side elevations of the building. However, the elongated nature of the proposed rear elevation, and its extensive first floor fenestration and its utilitarian metal balcony whilst less visible would be seen from parts of the hotel car park. It is symptomatic of a poor design.
25. With regard to materials, the current application provides an opportunity to address the mixture of types and colours on the existing building. The proposed use of render on much of the new single-storey extension would continue the use of materials that are not in the local vernacular as would the use of timber cladding on some of the front elevation of the single storey extension, and on most of its side gable end. Furthermore, the submitted plans indicate that the gable end of the proposed two-storey extension would be brickwork. A good design approach here would have used materials that respected

the Rutland tradition and started an approach to rationalise the poor and disparate materials currently in use.

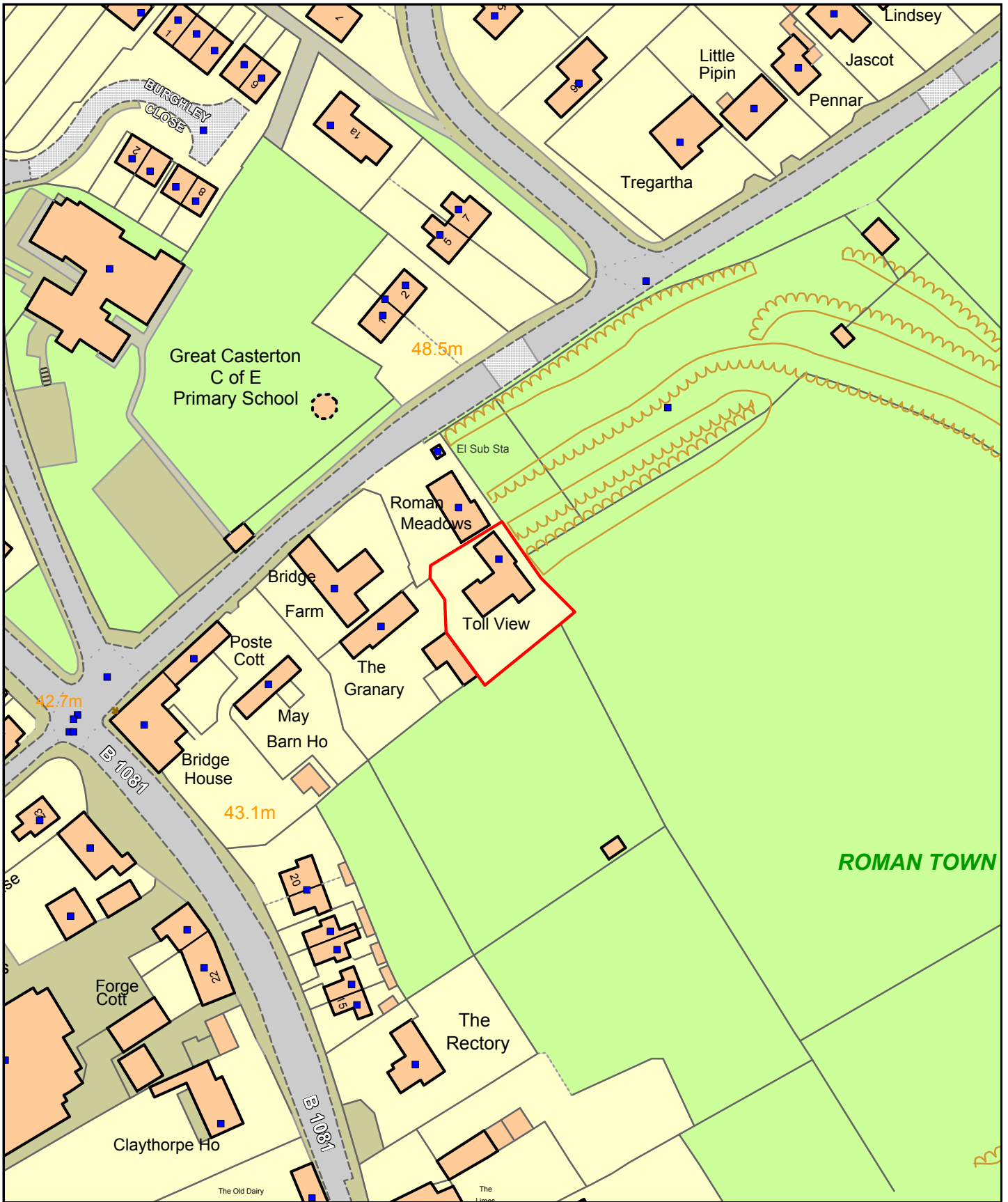
26. The proposed use of concrete roof tiles is unfortunate and the application does not say which of the 2 types of current tile will be matched. The opportunity exists to design an extension that use roofing materials that are consistent with Rutland traditions.
27. In total, the elongated bulk of the proposed extensions, the non-matching gable features on the west elevation, and the proposed mix of finishing materials all create a discordant visual impact that fails to improve the existing building, is out of keeping with the immediate area and also inappropriate within the wider countryside. It is acknowledged that this cluster of roadside facilities, including the hotel and filling station, is not making a positive contribution to the rural character, but development plan policy requires that new development takes the opportunity to improve current deficiencies, not add further to any discordant visual impact.
28. This design analysis is consistent with pre-application advice given in February of this year, albeit based on the more limited information submitted at that stage.

Enforcement Action

29. Development has already commenced on site, with the structure of the extensions now in place. This is unauthorised and, if members accept the recommendation of refusal, there will be a need to potentially consider enforcement action at a subsequent meeting. This is why delegated powers have not been exercised as design is a subjective issue and it would have compromised Members subsequent consideration of enforcement action.

Miscellaneous

30. There are no concerns regarding access and parking, and no other issues raised by this application. The site is not in a Conservation Area, is not adjacent to any listed buildings and is not subject to any ecological or archaeological interests. The loss of two small trees at the west of the site is acceptable, given that better quality trees would be retained at the rear.



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Time of plot: 13:13
Date of plot: 17/08/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0618/FUL	ITEM 4	
Proposal:	First floor extension to form new bedroom, conversion of existing garage to form games room and single storey side extension to form new garage (Part retrospective application)		
Address:	Toll View, Ryhall Road, Great Casterton, Stamford, Rutland, PE9 4AR		
Applicant:	Mrs Zoe Marriott	Parish	Great Casterton
Agent:	N/A	Ward	Ryhall and Casterton
Reason for presenting to Committee:	Previous decision has been quashed by Judicial Review		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

The proposed extensions to form a garage and first floor bedroom would not have a detrimental impact on neighbours' amenity. They would not be prominent from a public viewpoint, would have limited impact on any heritage asset and hence are acceptable.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AMPS01 11/15-11 PL3, AMPS01 11/15-12 PL2, AMPS01 11/15-14 PL2, AMPS01 11/15-15 PL2, AMPS01 11/15-16 PL2 and AMPS01 11/15-17 PL1.
Reason - For the avoidance of doubt and in the interests of proper planning.
2. The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.
Reason – To ensure that the completed development has a harmonious relationship with the existing house and in the interests of the immediate amenities of the area.

Note to Applicant: You may require Scheduled Monument Consent from Historic England before work can commence on the first floor extension.

Background

1. This is a part-retrospection application to regularise development already undertaken and seek permission for the remaining proposed works.
2. An earlier application (2016/0252/FUL) for the same development as now proposed was considered by the Case Officer in May 2016 and recommended for refusal for the following reason:

The proposed first floor extension would result in an overextended continuous roofline when viewed from the east which would result in an incongruous addition to the dwelling. This would be visually intrusive within the street scene and given the bulk at the first floor over the existing garage would not be subservient to the main dwellinghouse. As such the proposal is contrary to adopted policy CS19 of the Rutland Core Strategy (2011), adopted policy SP15

3. Unfortunately, on drafting the decision notice, the incorrect option was chosen from a drop down list in the planning software used by the Council which resulted in a full grant of planning permission being issued with the only 'conditions' on the document being the recommended reason for refusal. This established a planning permission without any enforceable conditions.
4. Following grant of permission work commenced on the construction of the new garage. Whilst the permission was issued in error, it remained valid and there was nothing unlawful in the applicant implementing the permission.
5. Subsequent to the grant of permission a neighbour sought to have the decision quashed by the Courts through an application for permission to judicially review the council's decision. The Local Planning Authority did not contest the Judicial Review and the decision was quashed on 29 July 2016. The effect of the quashing is that it is as if the permission never existed, accordingly notwithstanding the position prior to the quashing, the works done to date are now in breach of planning control. The applicant has submitted this duplicate application which has been looked at afresh by a different Case Officer in order to regularise the position.

Site & Surroundings

6. The application site is situated on the eastern side of Ryhall Road approximately 90m from the junction with The Old Great North Road. It is one of a pair of dwellings built in the early 1990's and is of stone construction with a concrete tiled roof. Access to the plot is along a short section of private drive which also serves two other properties, Roman Meadow a similar modern house and The Granary; an older property converted from a barn by virtue of a 1988 permission. That property has a garage, approved in 1993, adjacent to the location of the proposed garage. Its main garden appears to be beyond its garage to the south/south west.
7. The house is basically L shaped with a single storey garage between the main house and Roman Meadow.
8. The Leicestershire and Rutland Historic Environment Records indicates that the property lies within the boundary of the Roman town of Great Casterton and immediately adjacent to the boundary of the Scheduled Ancient Monument (SAM). The eastern elevation of the application house in particular forms part of this boundary. As such any forthcoming approval may require Scheduled Monument Consent (SMC). An application has been made to Historic England for SMC to place scaffolding within the Scheduled Monument, which would actually be on land within the curtilage of the dwelling. The application states that scaffolding will not intrude into the ground but be supported on boards placed on the ground in the normal fashion. That application is likely to be determined in early September.
9. The site is just outside the Great Casterton Conservation Area, the adjacent dwellings of The Granary and Bridge Farm are within that Area.
10. The dwelling was deprived of any permitted development rights in its original planning permission in 1991, ref: 91/0384/OUT. The reason given for this restriction was to ensure that any future development on the site is controlled and would not result in any damage being caused to the existing archaeology. A site plan is at **APPENDIX 1**.

Proposal

11. The proposal seeks permission for a first floor side extension over the existing garage, which would be converted into a games room, and a single storey side extension to provide a new attached double garage, the front corner of which is chamfered to give a width of 6.045m at the front and 7.65m at the rear. The garage would be 7m deep internally. Details are shown in the **APPENDICES 2-7**.

Relevant Planning History

Application	Description	Decision
2016/0252/FUL	First floor extension and conversion of existing garage and erection of new garage to side of dwelling plus demolition of external store.	Approved 9 May 2016 – decision quashed 29 July 2016.

Planning Guidance and Policy

National Planning Policy Framework

Promotes sustainable development and good design

The Rutland Core Strategy (2011)

Policy CS19 – Good Design

Site Allocations and Policies DPD (2014)

SP5 - Built Development in Towns & Villages
SP15 – Design & Amenity

Other Material Considerations

Supplementary Planning Guidance – House Extensions (March 2015):

Appearance of extensions

The extension will be expected to respect its wider surroundings, (the street scene), in terms of its scale, position, design and building materials. Any extension in a conservation area must preserve or enhance the area and not detract from it. Similarly, an extension to a listed building or an extension viewed in relation to a listed building must be sympathetic to the listed building and its setting.

Scale/size

The extension is expected to respect the scale and character of the existing dwelling whose integrity should be maintained. Regardless of the size of dwelling, the extension should be a subordinate addition.

A two storey extension may receive planning permission providing there is no unacceptable loss of sunlight and daylight to adjoining properties

Consultations

12. Historic England

- SMC is likely to be required for the development
- Application should contain an adequate assessment – LPA should be able to identify and assess the particular significance of any asset that may be affected in order to avoid or minimise conflict. Should take account of the desirability of sustaining and enhancing the significance of the asset.
- NPPF states great weight should be given to the assets conservation.
- LPA should also take any impact on non—designated assets (archaeology) into account.
- Recommend that Leicestershire Archaeology advice is followed in terms of archaeological remains

13. Great Casterton Parish Council

The Parish Council resolved to take a neutral approach to this proposal, so there is no support or objection.

14. Leicestershire County Council (Archaeology)

(In view of the fact that the garage has been built under an uncontrolled permission), there is clearly no impact caused to archaeological remains by first floor development, are there any services, landscaping or other works likely to occur? If not I have no further comment.

Neighbour Representations

15. An objection has been received from agents acting for the owner of The Granary, setting out several concerns under 2 areas, identified as the design, scale and massing of the first floor extension and the impact on the setting of a designated heritage asset (the Scheduled Ancient Monument). The specific concerns can be summarised as follows:

- Previous ‘strong’ recommendation for refusal
- Extension will be prominent due to lack of visual screening from Ryhall Road
- Roof pitch and elevation incongruous within the street scene
- Garage close to The Granary Kitchen window
- First floor has an overbearing impact on The Granary
- NPPF states that Local planning Authorities should resist inappropriate development of residential gardens – for example where this would cause harm to the local area
- Contrary to design policy – extension greatly increases size of dwelling
- Should not have validated application the absence of a heritage impact assessment
- Scaffolding for the first floor extension will require boring into the SAM
- Assumes that the first floor extension will be built imminently so works should be stopped on site.

16. An objection has also been received from the occupier of Bridge Farm, a single storey dwelling to the south west of the site. This is on the grounds of loss of amenity by overlooking several windows into different rooms as well as the rear courtyard. Legal covenants have also been pointed out but these are not planning matters.

Planning Assessment

17. The main issues are the impact on the amenity of neighbours and the wider area, including the character and appearance of the adjacent conservation area. There is a statutory duty to ensure that a proposal does not have a detrimental impact on the character of the conservation area, even if the development itself is outside.

Policy

18. Policy CS19 of the adopted Core Strategy (2011) states that all new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance and materials, and should not be visually intrusive.
19. Furthermore, Policy SP15 of the adopted Site Allocations and Development Plan Document (2014) requires that development must be appropriate to the local context of the site and to the surrounding landscape and/or streetscape character (in terms of density, scale, form, massing and height) and to the amenities of adjacent residents.
20. The Adopted SPD on House Extensions states that extensions should ideally be subservient to the original house; that is partly to avoid terracing effects with adjoining property.

Conversion of existing garage

21. The conversion of the existing garage into habitable accommodation would normally be permitted development but is not in this case due to the condition on the original permission. There would be no increase in the size of the dwelling and the use on the ground floor would be domestic in line with the remainder of the property. This is consistent with the policy and the previous case officers findings. This element would have no impact on any heritage assets or any neighbours and is acceptable.

Proposed garage extension

22. The garage design has a shallow pitched roof given the depth of the structure. This might otherwise have resulted in an incongruous feature however, given the very limited public views and the fact that it will not be visually intrusive within the street scene or the Conservation Area, this would not be a sufficient justification for refusal.
23. The garage would be located adjacent to the garage of The Granary (which is higher than the proposal), and which is located on the other side of the boundary fence. It would not have any detrimental impact on the Granary itself in terms of loss of light or over-dominance. Whilst visible from The Granary, this is not a reason for refusal. The new garage has a neutral impact on heritage assets and does not harm the amenity of neighbours, consistent with the policies set out above and is thereby acceptable.

Proposed first floor extension

24. The proposed first floor extension would be sited over the existing garage but would have a narrower plan form than the ground floor element, consistent with the existing upper floor. This would form one continuous extension to the existing two storey gable. It should be noted that this existing gable is lower than the ridge of the main body of the house, thereby already giving a break in the roofline, providing an element of subservience.
25. The existing single storey garage forms a break between the application property and the adjacent house Roman Meadows. Whilst the SPD on House Extensions seeks to

make extensions subservient, normally by dropping the ridge line and making the extension narrower than the existing, that is somewhat impractical in this case due to the already narrower section of the extension, which matches the existing first floor accommodation. Roman Meadows already has a lower section adjacent to the boundary with the application site which would continue to retain a break between the two and avoid a terracing effect, which is part of the rationale for the SPD. The higher ridge on the main part of the house means there is already a step in the roofline.

26. There are limited public views of the first floor extension from Ryhall Road, both along the private driveway and just to the north of the site due to trees on the field boundary (particularly in the summer). Views from the south are largely obscured by existing buildings and vegetation.
27. From further north, there is a view back to the north (east) elevation of the property, but levels mean that the lower parts of these dwellings are not readily visible as they are partly screened by vegetation and landform. The new ridge line would be seen against a backdrop of trees on the southern boundary of The Granary and would not be prominent in normal views when driving southwards along Ryhall Road. The lower part of Roman Meadows also helps create a break as set out above. This element of Roman Meadows appears as an extension but it was part of the original design. The extension is not particularly bulky.
28. The 1991 report to Committee on the original application for these dwellings noted that the site contained farm buildings and that the development would improve the site from its present untidy farmyard appearance.
29. Any overlooking of The Granary and Bridge Farm would be over distances of around 20 and 25 metres respectively. The main part of the garden to The Granary is to the south/south west, well away from the proposed first floor extension. Bridge Farm is partly screened from the application site by high boundary hedging.
30. The proposed accommodation would serve additional bedrooms, therefore any overlooking from these windows would be less than that from other habitable rooms and would be no different to the first floor windows at the front of Roman Meadows. Bridge Farm appears to have its main private garden on the south west side of the property and is hence screened from the development by the dwelling itself. Given the distances above and the layout of adjacent property, any overlooking of these properties would be very limited. The proposal thereby complies with Policy SP15. Whilst there is a minor conflict with the SPD, this is not considered, in the circumstances set out above, to be sufficient to refuse the application.
31. It should be noted that the previous Case Officers' recommendation for refusal did not include any identified harm to the amenities of neighbours by reason of overlooking, overshadowing, loss of privacy etc.

Other matters

32. The application site is within the boundary of the Roman town of Great Casterton and immediately adjacent to the boundary of the statutorily protected Scheduled Monument. As such in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected in line with paragraph 128 of the National Planning Policy Framework. It is noted that this information has not been provided. However it is considered that any detriment to the setting of the Scheduled Ancient Monument or the character of the Conservation Area was likely to have occurred at the grant of the original permission for this dwelling.

33. The report to Committee on the original 1991 application noted that the Leicestershire Archaeological Section requested that a pre-determination archaeological assessment be carried out. This was done and the report notes that the assessment found that there were areas of archaeological sensitivity and also areas in which minimal archaeological damage would be caused by any development but that the construction process should be subject to archaeological monitoring in order to record any features and finds that may have been revealed during development. Revised plans were submitted as a result of those findings and were acceptable to the Archaeological consultant. A standard archaeological condition was imposed on the permission.
34. Whilst an historic impact assessment would have been of limited use in this case, it would be of more help to Historic England in making its decision on the application for SMC. The development is for very straightforward house extensions, outside the Conservation Area. It is only the abutting SAM that has led to concerns about the impact, but this is limited to scaffolding on boards on the ground within the curtilage of the dwelling. The extensions themselves do not have any more significant impact on the SAM or the Conservation Area than the existing dwellings in this small enclave. Weighing this issue in the balance it is unlikely that there would be any harm to the SAM as a result of this development. It will be up to Historic England to make that judgement, without which the first floor development could not proceed. Similarly there is no harm to the character and appearance of the Conservation Area.

Comments on specific concerns from the occupier of The Granary

Concern	Officer Comment
<ul style="list-style-type: none"> Previous 'strong' recommendation for refusal 	<p>Whilst the recommendation was for refusal from a previous case officer, there was no particular weight attributed to it. Another Case Officer is entitled to come to a different conclusion, much as an Inspector on an appeal would do and as a Committee is entitled to do. The recommended reason for refusal did not include reference to impact on neighbours amenity.</p>
<ul style="list-style-type: none"> Extension will be prominent due to lack of visual screening from Ryhall Road 	<p>There is screening in close proximity to the site on Ryhall Road from both north and south. Southerly views are also screened by buildings. The views from further north on Ryhall Road are limited as described elsewhere in the report.</p>
<ul style="list-style-type: none"> Roof pitch and elevation incongruous within the street scene 	<p>The roof pitch (of the first floor element) and detailing is identical to the existing roof so is in keeping with the character of the original house. The garage is not prominent at all in the public realm.</p>
<ul style="list-style-type: none"> Garage close to The Granary Kitchen window 	<p>The Granary has a higher garage immediately adjacent to the boundary where the new garage is under construction. The windows on The Granary itself are some way from the garage, which is beyond a high fence. It is not considered that this has an adverse impact on The Granary.</p>

<ul style="list-style-type: none"> • First floor has an overbearing impact on The Granary 	<p>The first floor extension would be approximately 20m from the first floor windows in The Granary and located on the north east side of that property. The potential for over dominance and loss of light is therefore minimal. The Council has no adopted standards for distances between windows and the windows in the first floor extension would not overlook the private rear garden area of The Granary which is located beyond the garage to the south west.</p>
<ul style="list-style-type: none"> • NPPF states that Local planning Authorities should resist inappropriate development of residential gardens – for example where this would cause harm to the local area 	<p>This extract from the NPPF relates to building dwellings in rear gardens (known as ‘garden grabbing’) and is not relevant to this proposal</p>
<ul style="list-style-type: none"> • Contrary to design policy – extension greatly increases size of dwelling 	<p>The extensions are proportionate to the original house. The new garage is not prominent in public views. The first floor element matches the existing roof pitch, gable profile and materials. The only issue is whether the first floor extension should be subservient to the already subservient wing that it extends. Due to the limited public impact and relationship with Roman Meadows, described elsewhere, this is considered acceptable.</p>
<ul style="list-style-type: none"> • Should not have validated application the absence of a heritage impact assessment 	<p>The national validating guidelines do not require such information to make an application valid. In its absence the LPA is entitled to make up its own mind on the impact.</p>
<ul style="list-style-type: none"> • Scaffolding for the first floor extension will require boring into the SAM 	<p>The applicant has confirmed in their application (to Historic England) for SMC that the scaffolding will sit on boarding on the existing exterior ground within their curtilage. It is not usual for scaffolding poles to bore into the ground, as these would be unstable. This in any event is a matter for Historic England.</p>
<ul style="list-style-type: none"> • Assumes that the first floor extension will be built imminently so works should be stopped on site. 	<p>This is speculation - it does not impact on consideration of the merits of the application. The garage was being built under an extant permission but that has now been quashed. A stop notice would not normally be served whilst an application is being considered, only if there was immediate harm and the application was unlikely to be approved.</p>

	The LPA may be liable for costs if permission was subsequently granted. Enforcing the SMC is a matter for Historic England.
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Conclusion

35. Whilst the previous application was recommended for refusal it was an on balance case, hinging only on the first floor element. A new Case Officer has re-assessed the proposal both in terms of impact on neighbours and visually from further afield. It is concluded that the proposed extensions would not have a detrimental impact on neighbours' amenity and the first floor extension in particular is narrow and not prominent from public view points. The proposals preserve the character and appearance of the Conservation Area and comply with the development plan polices set out above.

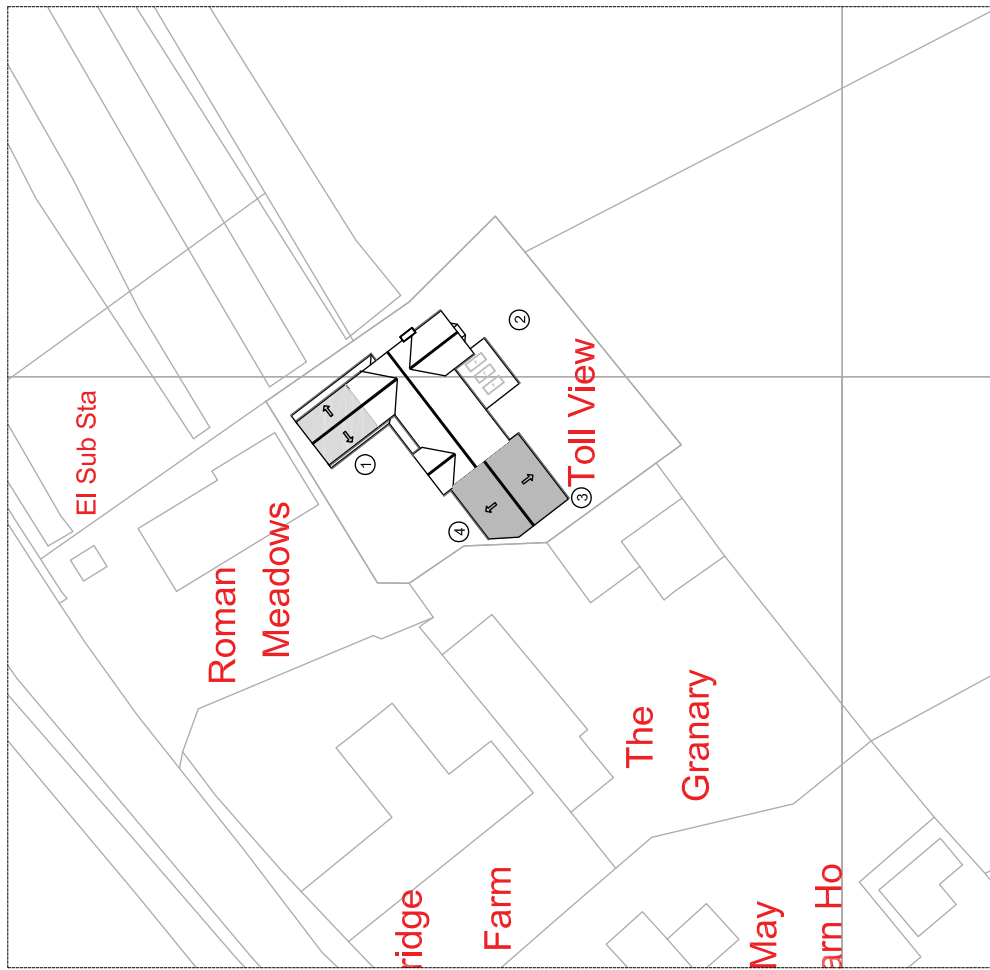
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SITE PLAN

NOTES:

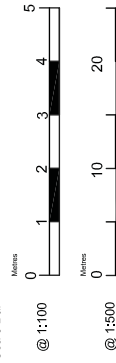
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2. NO CHANGES TO EXTERNAL LANDSCAPE IN GARDEN.
3. NO NEW BOUNDARY TREATMENT BUT NEW FENCING SECURING REAR GARDEN AREA.
4. GARAGE TO BE LOCATED NO CLOSER THAN 300mm FROM THE BOUNDARY FENCE.

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1. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAILS SHEETS AND SPECIFICATIONS.
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3. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND DAMAGE RISKS NOT SURVEYED, THESE ARE TO BE DETERMINED AND EXPOSED IF NECESSARY BY THE CONTRACTOR.
4. ANY WORK INVOLVING THE REMOVAL OF THE EXISTING GAS APPLIANCES IS TO BE CARRIED OUT BY GAS SAFE REGISTERED PLUMBER/CONTRACTOR.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
6. THE CLIENT SHOULD CONSULT A SUITABLE SOLICITOR FOR ANY LEGAL MATTERS.
7. DRAWINGS ARE FOR SUGGESTIVE PURPOSES AND ALL WORK IS SUBJECT TO CONTRACTOR DESIGN.
8. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL WORKING CONDITIONS.
9. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
10. THE CONSTRUCTION DESIGN AND SPECIFICATION (CDS) DOCUMENTS APPLY TO THIS PROJECT.

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DATE	Feb 2016
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CHECKED	-
PLANNING REF.	-
BC REF.	-

MDS architectural
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01452 874444
www.mdsarchitectural.co.uk

PROJECT: Toll View
Ryhall Road
Great Cossington
Stamford
PE9 4AR

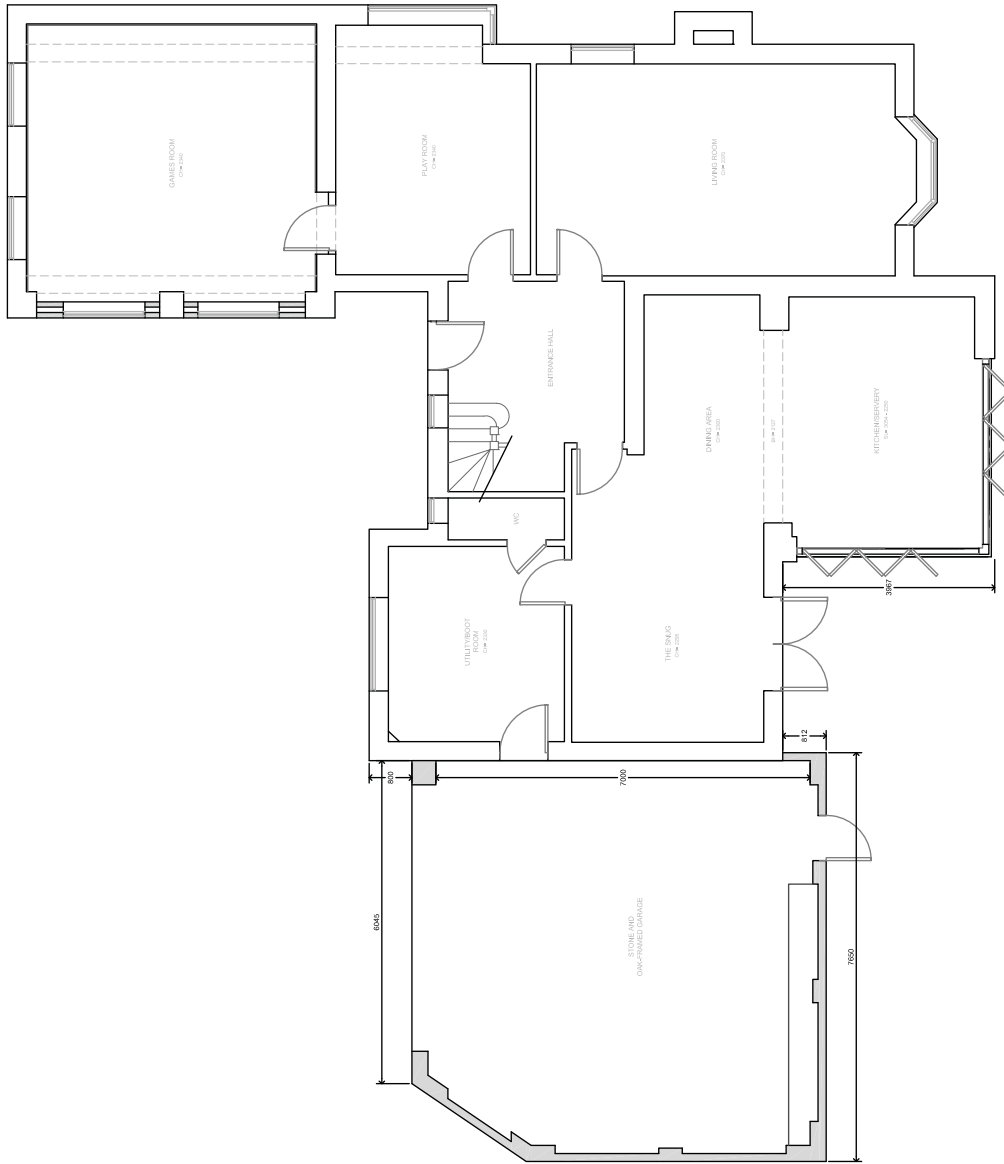
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Proposed Site Plan
REVISION: PL3

Planning Submission

No.	DESCRIPTION	DATE	BY
PL3	Revision to proposed site plan - complete	18/03/16	
PL2	Revision to proposed site plan - complete	02/03/16	
PL1	Proposed site plan for planning submission		

REVISIONS

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Proposed Ground Floor

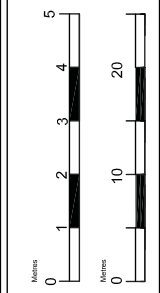
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PROJECT: Toll View
Ryhall Road
Great Casterton
Stamford
PE3 4AR

DRAWING: AMPS01 11/15-11
Proposed Ground Floor
REVISION: PL3

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DATE:	Feb 2016
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PLANNING REF:	-
BC REF:	-

Planning
Submission



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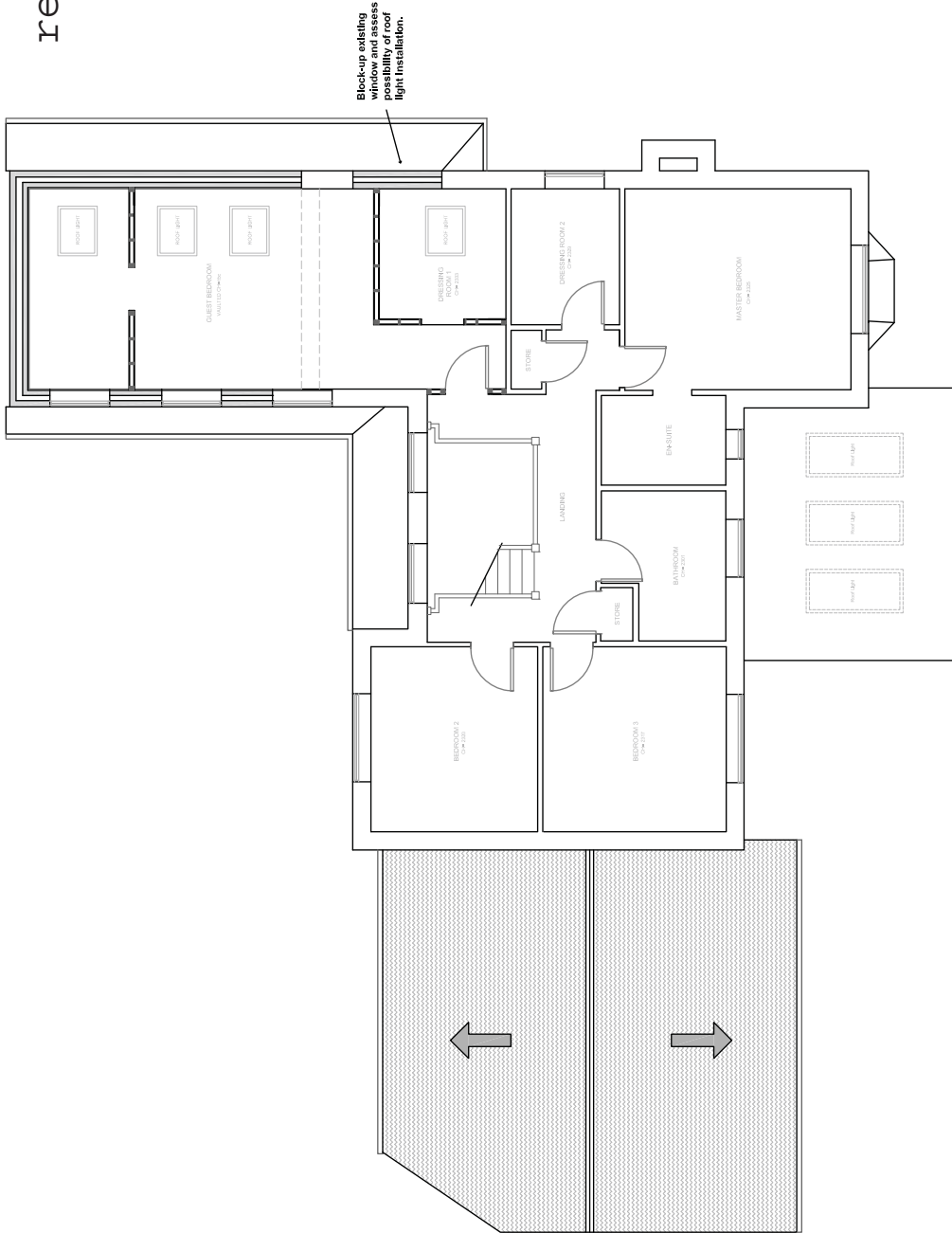
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4. ANY WORK INVOLVING THE REMOVAL OF THE EXISTING GAS APPLIANCES IS TO BE CARRIED OUT BY GAS SAFE REGISTERED PLUMBER/CONTRACTOR.
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9. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
10. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL NECESSARY INSURANCE POLICIES TO APPLY TO THIS PROJECT.

No.	REVISIONS	DATE	BY
PL3	REV - proposed layout and dimensions to be agreed.	18/03/16	
PL2	REV - proposed layout and dimensions to be agreed.	12/03/16	
PL1	PROPOSED LAYOUT AND DIMENSIONS TO BE AGREED.		

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Proposed First Floor

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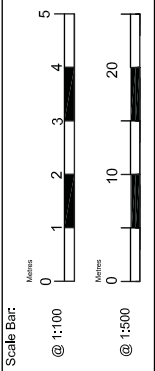
PROJECT: Toll View
Ryhall Road
Great Casterton
Stamford
PE3 4AR

DRAWING: AMPS01 11/15-12
Proposed First Floor

REVISION: PL2

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PLANNING REF.:	-
BC REF.:	-

Planning Submission



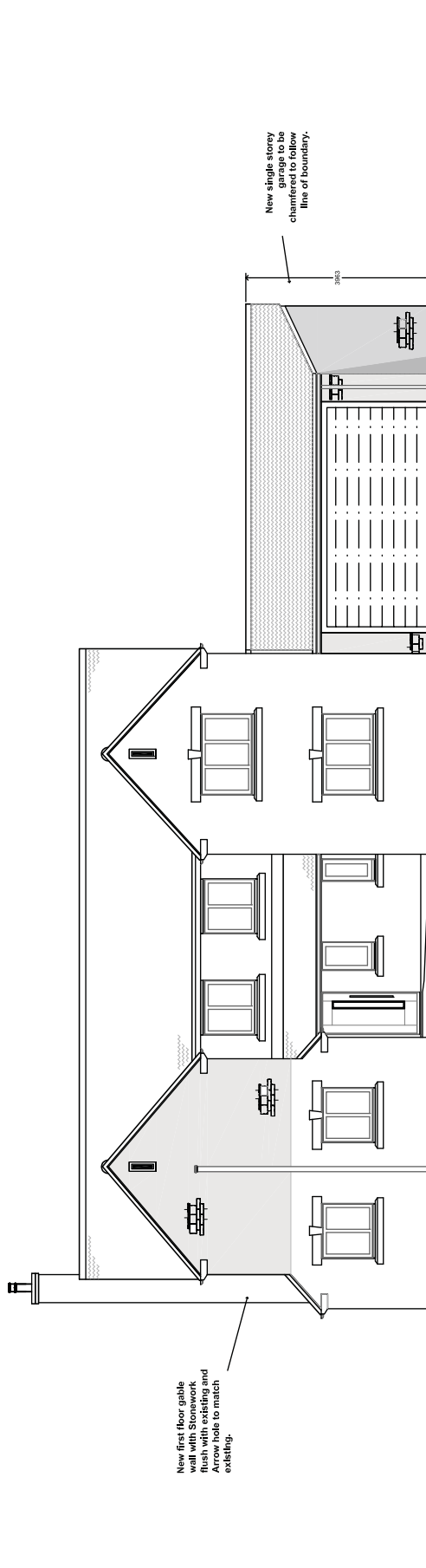
- THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAIL SHEETS AND NOTES.
- ALL ELECTRICAL WORK TO BE CARRIED OUT BY APPROVED ELECTRICIAN (SIR-REGISTERED).
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
- ANY WORK REQUIRING THE REMOVAL OR THE INSTALLATION OF GAS APPLIANCES IS TO BE CARRIED OUT BY GAS SAFE REGISTERED PLUMBER/CONTRACTOR.
- THE CLIENT SHOULD CONSULT A SUITABLE SOLICITOR FOR ANY LEGAL MATTERS.
- DRAWINGS ARE FOR SUGGESTIVE PURPOSES AND ALL WORK IS SUBJECT TO CONTRACTOR DESIGN.
- THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL DRAWING WORKS.
- THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
- THE CONTRACTOR DESIGN AND ANY APPLICABLE REGULATIONS APPLY TO THIS PROJECT.

No.	REVISIONS	DATE	BY
1	Revised Plans, see details in this set.	12/03/16	
2	Proposed floor area of works for planning submission.		

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DO NOT SCALE FROM THIS DRAWING

2016/0618/FUL
rec'd 27/06/2016



NORTH ELEVATION
(front elevation)

1:100

MDS ARCHITECTURAL
10790 ROAD, M. 10790 00812
416-299-9999

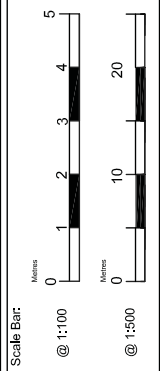
PROJECT: Toll View
Ryhill Road
Great Casterton
Stamford
PE3 4AR

DRAWING: AMPS/01 11/15-14
Proposed elevations - North

REVISION: PL2

SCALES	1:100 @ A3 or Shown
DATE	Feb 2016
DRAWN	-
CHECKED	-
PLANNING REF.	-
BC REF	-

Planning
Submission



1. THE DRAWINGS BE TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAIL SHEETS AND SPECIFICATIONS.
2. ALL ELECTRICAL WORK TO BE CARRIED OUT BY APPROVED ELECTRICIAN (SIR-REGISTERED).
3. DRAINAGE RISERS NOT SUBMITTED, THESE ARE TO BE DETERMINED AND EXPOSED IF NECESSARY BY THE CONTRACTOR.
4. ANY WORK INVOLVING THE REMOVAL OF THE EXISTING GAS APPLIANCES IS TO BE CARRIED OUT BY GAS SAFE REGISTERED PLUMBER/CONTRACTOR.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
6. THE CLIENT SHOULD CONSULT A SUITABLE SOLICITOR FOR ANY LEGAL MATTERS.
7. DRAWINGS ARE FOR SUGGESTIVE PURPOSES AND ALL WORK IS SUBJECT TO CONTRACTOR DESIGN.
8. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL DRAWING CONDITIONS.
9. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
10. THE CONTRACTOR DESIGN AND ANY SUBMITTED DESIGNATIONS APPLY TO THIS PROJECT.

No	REVISIONS	DATE	BY
PL2	Revised to proposed plans and elevations for planning submission.	11/03/16	
PL1	Proposed elevations and drawings for planning submission.	02/03/16	

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2016/0618/FUL

rec'd 27/06/2016

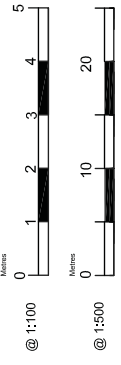


SOUTH ELEVATION (rear elevation)

1:100

1. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAILS SHEETS AND
2. ALL ELECTRICAL WORK TO BE CARRIED OUT BY APPROVED ELECTRICIAN (S) - (NICEIC REGISTERED)
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5. THE CONTRACTOR SHALL CONSULT A SUITABLE SOLICITOR FOR ANY LEGAL MATTERS.
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8. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
9. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL BUILDING WORKS.
10. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL BUILDING WORKS.

Scale Bar:



SCALES	1:100 @ A3 or Shown
DATE	Feb 2016
DRAWN	-
CHECKED	-
PLANNING REF.	-
BC REF	-

MDS ARCHITECTURAL
6 7790 00100, m. 01707 00812
41-42, High Street, Stamford, PE9 4AR

PROJECT: Toll View
Ryhall Road
Great Casterton
Stamford
PE9 4AR

DRAWING: AMPS/01 11/15-16
Proposed elevations - South

REVISION: PL2

Planning
Submission

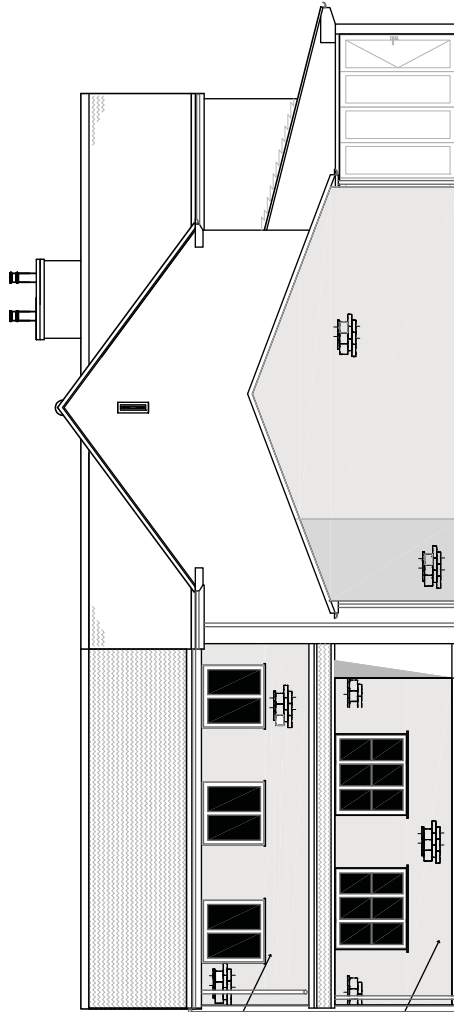
No	DATE	BY	REVISIONS
1	12/03/16		Rev: proposed elevations - full range PL2 Proposed elevations - full range

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2016/0618/FUL

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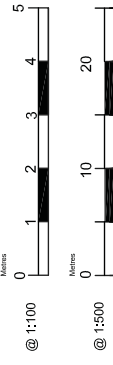
First floor wall inset from from ground floor in line with existing first floor. Stonework to match existing.

Remove stone pillars and build new wall construction with the front face. Stonework to match existing.

WEST ELEVATION (side)

1:100

Scale Bar:



1. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAILS SHEETS AND SPECIFICATIONS.
2. ALL ELECTRICAL WORK TO BE CARRIED OUT BY APPROVED ELECTRICIAN (SA - ANKER REGISTERED).
3. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE BUILDING REGULATIONS. THESE ARE TO BE DETERMINED AND EXPOSED IF NECESSARY BY THE CONTRACTOR.
4. ANY WORK INVOLVING THE REMOVAL OR THE DESTROYING OF GAS APPLIANCES IS TO BE CARRIED OUT BY GAS SAFE REGISTERED PLUMBER/CONTRACTOR.
5. THE CONTRACTOR IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS.
6. THE CLIENT SHOULD CONSULT A SUITABLE SOLICITOR FOR ANY LEGAL MATTERS.
7. DRAWINGS ARE FOR SUGGESTIVE PURPOSES AND ALL WORK IS SUBJECT TO CONTRACTOR DESIGN.
8. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL WORKING CONDITIONS.
9. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ALL PERMITS TO WORK ON SITE.
10. THE CONTRACTOR IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS.

No	DESCRIPTION	DATE	BY
1	REVISED DRAWING FOR APPROVAL	12/03/16	

REVISIONS

SCALES	1:100 @ A3 or Shown
DATE	Feb 2016
DRAWN	-
CHECKED	-
PLANNING REF.	-
BC REF	-

PROJECT: Toll View
Ryhall Road
Great Casterton
Stamford
PE8 4AR

MDS ARCHITECTURAL
6 7/10 STAMFORD RD, STAMFORD PE8 4AR
01930 80812
info@mdsarchitectural.co.uk

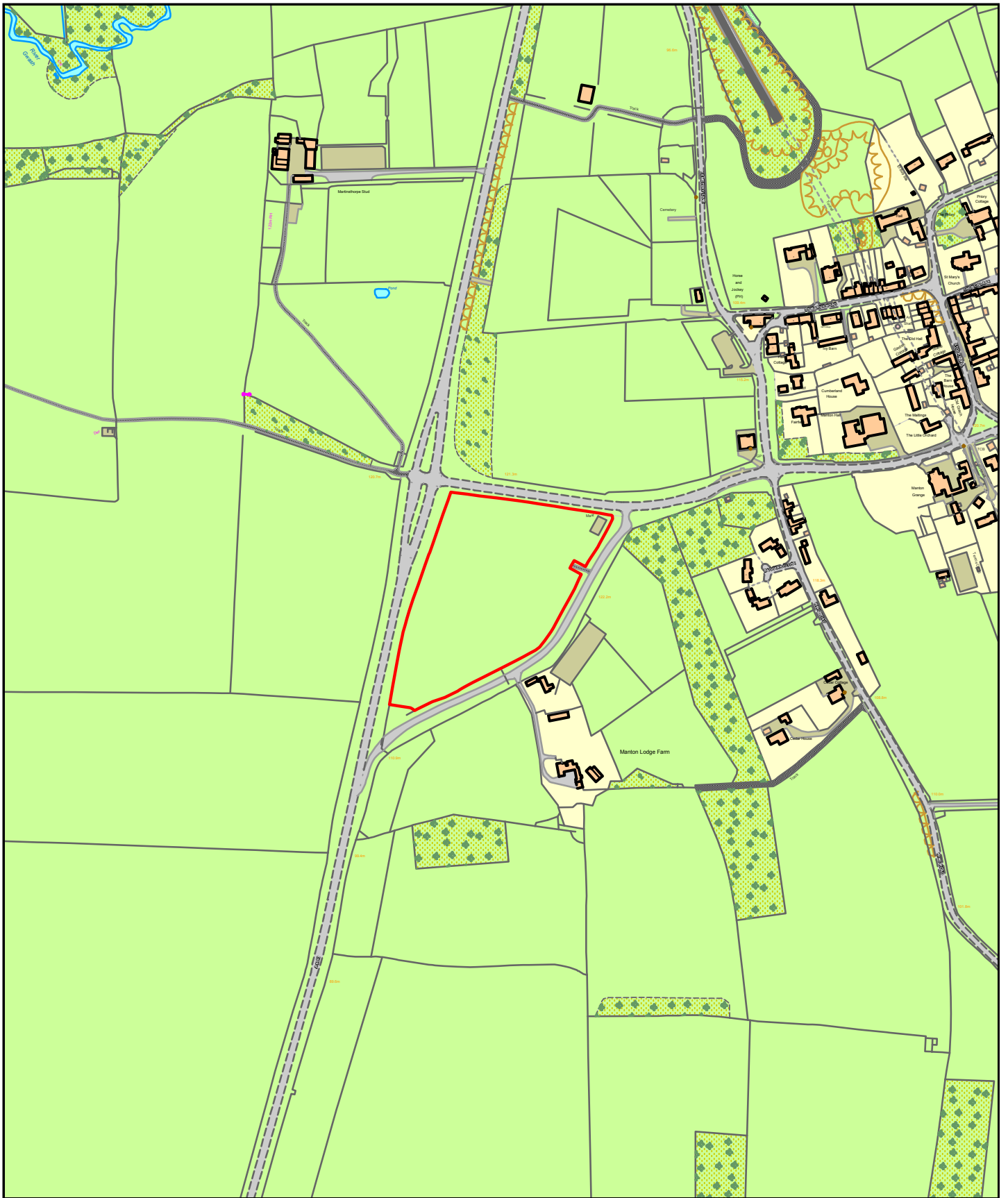
DRAWING: AMPS/01 11/15-15
Proposed elevations - West

REVISION: PL2

Planning Submission

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Ordnance Survey [100018056]

Scale - 1:5000
Time of plot: 13:09
Date of plot: 17/08/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0393/FUL	ITEM 5	
Proposal:	Erection of 2 no. houses		
Address:	Cricket Club, Lyndon Road, Manton, Oakham, Rutland, LE15 8SR		
Applicant:	Mr T Haywood	Parish	Manton
Agent:	Mr M Webber Nichols Brown Webber LLP	Ward	Martinsthorpe
Reason for presenting to Committee:	Contrary to Policy		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

This application is contrary to the provisions of the Development Plan because it proposes two detached dwellings in the open countryside. However, it is intended to provide enabling development to fund the completion of restoration works at Martinsthorpe Farmhouse, an important heritage asset located on a Scheduled Monument, within the Gunthorpe Estate.

Enabling development can be approved, contrary to policy, if required to facilitate conservation of such a heritage asset. The current application is recommended for approval as the benefits of restoring Martinsthorpe Farmhouse outweigh the issues that would otherwise have resulted in the application being recommended for refusal.

RECOMMENDATION

APPROVAL, subject to:

- a.) A Planning Obligation intended to secure completion of the restoration works at Martinsthorpe Farmhouse, incorporating:
- Completion of the outstanding works at Martinsthorpe Farmhouse
 - Timescales for occupation of Martinsthorpe Farmhouse (to ensure that the enabling development isn't completed without the Farmhouse restoration)
 - Access to the deserted medieval village around Martinsthorpe farmhouse for educational visits
 - No further applications for enabling development for the farmhouse

b.) 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 630/EM/ P1, P3B, P4B, P5B, P6B, P7B, P8B, P9B, P10B, P11B, P12B, P13 P16, and P17.
Reason - For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until samples of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by

the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason – To ensure that materials of an acceptable quality, appropriate to the area, are used, and because these details were not submitted with the planning application.

4. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, based on the landscaped areas indicated on Plan 630/EM/P3B. It 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."

Reason: To ensure that the development is well screened and assimilated into the rural character of the immediate area.

5. All changes in ground levels, hard landscaping, 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 commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development is well screened and assimilated into the rural character of the immediate area.

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. 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 Drawing 630/EM/P17 , attached to this permission.

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

8. No development shall proceed other than in accordance with the provisions of the Ecological Mitigation Strategy set out in Section 6 of the Ecological Appraisal Report (July 2013) prepared by ADAS UK Ltd.

Reason: In order to safeguard the protected wildlife species that are known to exist on site, and to enhance their habitat.

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

Reason: In the interests of highway safety and convenience by avoiding the overspill of loose material or surface water onto the highway.

10. All gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of six metres from the nearside edge of the carriageway

Reason: In the interests of highway safety and convenience, by avoiding any obstruction caused by vehicles parked on the carriageway whilst gates are being opened

Notes:

1. With regard to Condition 4, the developer is asked to consider the attached advice of the Council's Forestry Officer.
2. With regard to Condition 8, the developer's attention is drawn to the attached advice from the Council's Ecology Consultant
3. Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

Introduction

1. This application was deferred from the committee meeting of 16 February 2016, at the request of your officers, given the need for further clarity on valuation figures.
2. Since then, the following confidential material has been submitted:
 - an updated Valuation of Martinsthorpe Farmhouse, to take account of the removal of an earlier planning condition which had restricted its occupancy to a holiday let only,
 - a further Written Statement from the applicant.
3. This report is now an updated version of that previously submitted to the February Committee. It incorporates the additional material specified above, plus the information previously set out in the Addendum Report to that meeting, and other updates where required (for example the Council's adoption of a Community Infrastructure Levy in March 2016).

Site & Surroundings

4. The application site is adjacent to the A6003, on the eastern side of Manton Top. It is of a broadly triangular shape, with the A6003 to the west, Lyndon Road to the north, and Lodge Lane at the east, tapering southwards towards the A6003. The site is outside the Planned Limits to Development of Manton Village and therefore in the Open Countryside. Manton does not have a Conservation Area.
5. The site is open and grassed, currently used for agricultural grazing. It was previously rented by Manton Cricket Club until they disbanded in circa 1999. There are no obvious traces of this earlier use.
6. Ground levels drop southwards and westwards across the site, as Manton Top gradually gives way to the valley of the River Chater. There is tree and hedgerow cover on all

boundaries and a single sycamore tree within the north-east area of the site. A telecommunications tower is located in the north-east corner.

7. There are two access points on Lodge Lane. Firstly, a hardsurfaced and gated entrance adjacent to the telecommunications tower, used by telecom operators, then secondly an unsurfaced gated entrance (now overgrown) further south.
8. Lodge Lane also serves Manton Lodge Farm and Manton Lodge Cottage at the south-east of the application site. Beyond here, the carriageway is gated, and impassable by vehicle.

Proposal

9. This application proposes two new detached dwellings at the north-east of the former cricket ground close to the sycamore tree, which is proposed for felling. Although the application site extends across the whole of the former ground (2.3 hectares), the proposed dwellings and associated development are within clearly defined residential curtilages (0.4 hectares in total).
10. The only other proposed development is a bund and acoustic fencing inside the north and west boundaries, located within a structural planting belt of 15 metres width. Land outside the residential curtilages remains in grazing use, with access available via the northernmost of the two entrances on Lodge Lane.
11. Both proposed dwellings take shared access from the southernmost of the two entrances on Lodge Lane. Each then has a hardsurfaced front curtilage with an open-fronted double garage. Private garden areas are proposed at the rear (west). There is a shared outbuilding at the north, for use as wood pellet boiler and woodchip storage area. Amended plans have reduced the size of both plots and adjusted their layout.
12. Both proposed dwellings are now four-bedroomed and two-storey, with an additional single storey element on one side. They are designed in a plain form, intended to match the Rutland vernacular. The key materials are coursed local limestone and artificial stone slates.
13. The application has been submitted as “Enabling Development”, whereby the development value is intended to part-fund the restoration of Martinsthorpe Farmhouse, an iconic listed building within the Gunthorpe Estate and in the same ownership as the application site.
14. Various documents were submitted with the application, with some of these explaining the need for enabling development:
 - Design & Access Statement
 - Enabling Development Statement
 - Noise Survey
 - Ecological Appraisal

Relevant Planning History

Application	Description	Decision
<u>Martinsthorpe Farmhouse (Works to the Listed Building):</u>		
APP/2011/0633	Side extension and restoration works	Approved 18-10-11
APP/2011/0634	Extension, and external & internal alterations (LBC)	Approved 18-10-11
APP/2012/0154	Extension, and external & internal alterations (including new staircase & fire doors) (LBC)	Approved 07-09-12
2013/1132/FUL	Removal of Holiday Let Condition	Approved 15-05-14
2014/0095/LBA	New dormer onto extension	Refused 15-05-14 Appeal Dismissed 30-03-15
<u>Gunthorpe (Previous applications for Enabling Development):</u>		
2013/1130/FUL	New dwelling	Withdrawn 03-03-14
2013/1128/FUL	New dwelling (part subterranean)	Refused 03-06-14
<u>Manton (current application site):</u>		

None Relevant

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Paragraphs:

55	Housing in the Countryside
56 & 64	Design
118	Biodiversity
128, 129, 131 & 132	Heritage Assets
140	Enabling Development
215	Relationship of the NPPF to existing Development Plans

The Rutland Core Strategy (2011)

Policies:

CS3	Settlement Hierarchy
CS4	Location of Development

CS8 Developer Contributions
CS11 Affordable Housing
CS19 Design
CS21 Natural Environment
CS22 Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

SP6 Housing in the Countryside
SP15 Design and Amenity
SP19 Biodiversity and Geodiversity
SP20 The Historic Environment
SP23 Landscape Character in the Countryside

Other Material Considerations

Enabling Development and Conservation of Significant Places (English Heritage: 2008)

Enabling Development

The NPPF and English Heritage Guidance (both referenced, above) provide a framework for considering applications that are contrary to policy, but justified as necessary to provide funding for the conservation of a heritage asset. Following a restructure in 2015, the English Heritage Guidance is now administered by “Historic England” but, in the absence of a replacement publication, is still referenced by its original title, below. The following paragraphs specifically examine the Guidance in greater detail to provide an appropriate background for consideration of the current application.

Firstly, any negative gap between the final value of the restored heritage asset and the cost of restoration is known as the “Conservation Gap”, with the additional proposals intended to fund this gap then known as Enabling Development”.

Secondly, it should be noted that enabling development is only applicable in situations where the cost of conserving the heritage asset cannot be met via developments that accord with policy. This is relevant to the current case, as the landholding is wholly within the open countryside where new market housing would be contrary to policy.

The key guidance is set out in paragraph 140 of the NPPF:

“Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

The English Heritage Guidance “Enabling Development and Conservation of Significant Places” then provides detailed advice on how to address this. It commences with an overriding policy which establishes various criteria to be satisfied:

“Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a it will not materially harm the heritage values of the place or its setting

- b it avoids detrimental fragmentation of management of the place
- c it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e sufficient subsidy is not available from any other source
- f it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

These are robust criteria, to ensure that any permission granted for such enabling development can be accepted as a justifiable departure from normal policy. The final criterion is the most critical as it deals with the potential extent of departure from normal policy.

The Policy is then expanded into further guidance:

“If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

- a the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission
- b the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations NOTE: this element of the guidance remains in place, albeit that circular 05/05 has been deleted
- c the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.
- d. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.”

This is intended to ensure that anything granted permission as an exception to normal policy can be justified as providing a net gain as “enabling development” and then be implemented as such. For this reason, it is also implicit that the planning application(s) for enabling development be submitted at the same time as those for the heritage asset.

The current application is assessed against the English Heritage Policy and Guidance later in this report.

Consultations

15. Two separate consultations were undertaken; firstly on receipt of the application and then on receipt of amended designs for the proposed dwellings.
16. Manton Parish Council
First Consultation:
Objection, as the public benefit of restoring Martinsthorpe Farmhouse is outweighed by the harm caused by breaching other policies. The submitted documentation does not justify enabling development in this case, especially as the application for works to Martinsthorpe Farmhouse and this application for enabling development were not submitted concurrently (in accordance with the English Heritage Guidance). The proposed location also contravenes Core Strategy Policies CS4 (Location of Development), CS10 (Housing Density & Mix) and CS19 (Design). Some of the supporting documentation is also out of date.
Second Consultation:
The amended plans and additional landscaping do not overcome the Parish Council's objection to the principle of development.
17. Highway Authority
First Consultation:
No objection, subject to conditions and an advisory note on any grant of permission.
18. Public Rights of Way Officer
First Consultation:
No comments, given that proposal doesn't appear to impact on an adjacent bridleway.
19. Environmental Health Officer
Second Consultation:
No objections, given that noise levels within the proposed dwellings are likely to be lower than those indicated from the monitoring points used in the submitted survey report. However a mitigation scheme, supported by further assessment should be required by conditions on any grant of permission.
20. Ecological Consultant
First Consultation:
No objections subject to the mitigation measures set out in the applicant's Ecological Appraisal.
Second Consultation:
No additional Comments
21. Archaeological Consultant
Second Consultation
Due to known early medieval remains in the vicinity, a condition is recommended for any grant of permission, requiring archaeological investigation and mitigation.

Neighbour Representations

22. Again, two separate consultations were undertaken; firstly on receipt of the application and then on receipt of amended plans.
23. Seven letters of objection were received in response to the first consultation; five of these respondents wrote again after the second consultation. The various objections can be summarised as:

Site-specific concerns

- New residential development in such an unsustainable location in the open countryside is contrary to Development Plan policy
- Large “executive type” houses are out of place in this location
- Detrimental impact on the approach to the village from Oakham and Uppingham
- If subsequently extended, the dwellings would have greater detrimental impact
- A greater mix of housing, at affordable levels, is required for Manton
- The present no-through road would become busy with additional cars
- Approval of this application would effectively erase the Planned Limit to Development around this side of the village
- The proposed design and landscaping is inappropriate for this location
- Approval would be inconsistent with previous refusals of planning permission for new housing outside the Planned Limits to Development of Manton village.
- Justification for enabling development:
- This site was previously dismissed by the applicant when an earlier proposal was submitted for enabling development on a different site
- The application does not accord with English Heritage Guidance on Enabling Development
- The application for works to Martinthorpe Farmhouse, and this application for enabling development, should have been submitted concurrently, in accordance with English Heritage Guidance; no mention of enabling development was made when the applications were submitted for restoration of Martinthorpe Farmhouse
- Enabling development is no longer required as Martinthorpe is now secure and in no danger of structural damage; is the current proposal intended to support the future use, not just restoration?
- Use of enabling development to fund a commercial operation such as the use of Martinthorpe as a holiday let is inappropriate
- Even if accepted that the application accords with English Heritage Guidance, the benefits of the restoring Martinthorpe Farmhouse do not outweigh the conflicts with established planning policy
- The benefits of the proposed enabling development seem greater than necessary to just secure the future of Martinthorpe Farmhouse
- Any references to the benefits of Enabling Development for the Martinthorpe Medieval Deserted Village cannot be justified if the only proposed works are to the Martinthorpe Farmhouse
- English Heritage Guidance requires that other funding options for works to the heritage asset be explored before relying in enabling development
- The applicant should be directed towards funding sources for restoration of Martinthorpe that do not contradict established planning policies

- Any Enabling Development would be more appropriately situated within Gunthorpe itself; Manton should not have to accept the impact of this proposal
- English Heritage should be consulted on the application
- Amended Design and Layout
- The amendments do not affect the key points raised earlier
- The smaller plot sizes leave further land available for future development

24. In response to the amended plans, solicitors acting for one of the objectors have referred to the absence of dialogue with English Heritage. They also suggest that enabling development has not been substantiated in this case, and specify that further actions would be considered if RCC concludes that enabling development is justified.

Planning Assessment

25. This application raises two overriding considerations. Firstly, an assessment of the justification for enabling development to secure the future of Martinsthorpe Farmhouse. Secondly an analysis of the current application, to establish if the extent of conflict with policy is justified because of the benefits arising from the restoration of Martinsthorpe.
26. The final sections of this report offer some conclusions and then addresses some outstanding consultation comments.

Principle of new Housing in the Countryside as a means of providing Enabling Development for Martinsthorpe Farmhouse

(i) Housing in the Countryside

27. This proposal is for two new dwellings in the open countryside, not justified as required for an agricultural worker or to satisfy local affordable housing needs. It is therefore contrary to key national and local policies and could be recommended for refusal as a matter of principle.

(ii) Martinsthorpe

28. The applicant has specified, however, that this proposal is intended to provide “enabling development” for completion of restoration works at Martinsthorpe Farmhouse. The public benefits of restoring this building are central to consideration of the current application.

29. This is a late 17th Century listed building (Grade II) in an isolated location at the south of the Gunthorpe Estate, 1 km to the west of Manton Top and 1km south of Gunthorpe Hall. Located on higher ground, on a ridge line, it is visible for some distance across open countryside, and provides a very distinctive and characterful feature. Its key materials are stone walls with a stone tiled roof.

30. It was initially constructed as a service wing to the former Martinsthorpe House, which was itself built on the site of the “Martinsthorpe deserted medieval village”. When the House was demolished in the 18th century, the service wing was converted into a separate farmhouse with livestock accommodation. It is surrounded by (but not included

within) the earthworks of the deserted medieval village, now designated as a Scheduled Monument.

31. The only vehicular access is by a concrete track from Gunthorpe Hall. To the south of the building is a bridleway and footpath following the line of the ridge. This forms part of the Macmillan Way long distance footpath.
32. The farmhouse has been unoccupied since the 1950s, and has fallen into a state of disrepair, but was never regarded as an “abandoned dwelling”. Although its listed building status is no higher than Grade II, its appearance, setting and location contribute significantly to the character of Rutland. Given this, the recent efforts to restore the building to a habitable condition and secure its future, are welcomed.

(iii) Restoration

33. Planning Permission and Listed Building Consent (refs: APP/2011/0633 and APP/2012/0154) were granted respectively on 18 October 2011 and 7 September 2012, for works necessary to restore Martinthorpe Farmhouse and use it as a holiday let. This included a two storey extension to the western side elevation to provide a store / boiler room on the ground floor, with new bedroom above. Works commenced later in 2012.
34. The developer has indicated that, at the time of applying for the restoration works on the farmhouse, he was not aware of any impending Conservation Gap. However, he subsequently provided a Written Statement indicating that financial figures were recalculated when the building contractor who commenced the restoration works ceased trading in February 2013 and works halted on site. In particular, a post-commencement inspection of the roof structure had indicated that significantly more restoration work would be required.
35. Consequently, the post-commencement costs had escalated significantly. The shell of the building and its extension were made watertight but without the works being completed. No further restoration work has been undertaken since then.

(iv) The Case for Enabling Development

36. The developer entered then pre-application discussions with your Officers to establish if it would be possible to submit applications for a package of enabling developments to fund the completion of these works.
37. As a first step, your officers sought independent advice (at the applicant’s expense) from a quantity surveyor specialising in historic buildings, and from a property valuer. After an analysis of the developer’s revised costings, the final reports from these independent advisors indicated that there was a significant Conservation Gap between the cost of the restoration works and the final value of the property.
38. A full copy of the Quantity Surveyor’s Advice is set out as **APPENDIX 1**, in the exempt papers for this report. He broadly agreed with the revised costs for each element of the building works at Martinthorpe, although his report does identify areas where he revised the costs downwards. This was accepted by the applicant.

39. The extent of this Conservation Gap could justify additional housing as enabling development to provide the necessary funding. Mindful that enabling development is not a justification for putting all planning policy to one side, your officers strongly advised the developer to seek locations close to the central part of the Gunthorpe Estate so that the new development would become part of the existing complex of buildings (Gunthorpe Farm, Gunthorpe Hall, and its associated dwellings), rather than sporadic development in an isolated location.
40. An enabling package was then submitted, including an application for one dwelling on higher ground at the north of Gunthorpe Farm (2013/1128/FUL) and an application for an additional dwelling adjacent to other estate dwellings on South Lane, the main driveway to Gunthorpe Hall (2013/1130/FUL).
41. The applicant accepted that the proposed enabling development would not bridge the entire Conservation Gap, but that he would be in a position to complete the restoration with the development value from these applications. However, the South Lane application was withdrawn on 3 March 2014, for land ownership reasons. The other application was then refused permission on 3 June 2014 because the visual impact of the proposal was too significant to be justified as necessary to secure the restoration of Martinsthorpe Farmhouse.
42. Further applications were submitted at Martinsthorpe Farmhouse for removal of the restriction on use solely as a holiday let and for the addition of a rear dormer on the part-constructed side extension. Albeit not part of any enabling development, the applicant advised that these further proposals would increase the value of the property and help to make the restoration viable.
43. A new planning permission without the holiday let restriction was granted on 15 May 2014. The application for listed building consent for an additional dormer was refused under delegated powers on the same day, due to its detrimental impact on the character and setting of the listed building. An appeal against this refusal was subsequently dismissed on 30 March 2015.
44. The new planning permission for restoration as a market dwelling, not holiday let, is significant to the current application as it increases the value of the restored farmhouse and potentially reduces the Conservation Gap. A further independent valuation was therefore undertaken, albeit not until early 2016.
45. Also significant is that the applicant had provided a detailed breakdown of the outstanding restoration works at Martinsthorpe; ie those proposed works beyond the external works identified in paragraph 32 above. These are included within the exempt papers as **APPENDIX 2**.
46. Given that other options were exhausted (above), the current application was submitted for two dwellings as enabling development to bridge the Conservation Gap. **APPENDIX 3** in the exempt papers for this report, identifies the likely market value of the new dwellings, then deducts the total build costs to establish the available profit for use in restoring Martinsthorpe Farmhouse.

47. **APPENDIX 4** to this report then incorporates the recently submitted Valuation of the restored Martinsthorpe Farmhouse as a market dwelling, not a Holiday Let. To ensure consistency with the Quantity Surveyors Report, this is the value as at 2013. The cost of works and final value are likely to be higher if 2016 figures were used, but the difference between them is also likely to be of the same magnitude.
48. This Appendix updates the Conservation Gap by comparing the total costs of restoring Martinsthorpe Farmhouse (**APPENDIX 1**) against the previous valuation as a holiday let and then against the recently submitted valuation as a market dwelling. Given the uplift in value resulting from removal of the holiday let condition, the Conservation Gap is now reduced but still remains as a significant sum. The enabling development, proposed via this planning application, would not fully cover this gap.
49. However, **APPENDIX 4** then offers the same comparison against just the cost of the outstanding works (**APPENDIX 2**). It is clear that these costs are below that of the final valuation of the Farmhouse. Consequently, if these are the only costs to be considered at this stage, there would be no Conservation Gap and no justification for enabling development. That said, the Appendix is also clear that the enabling development currently applied for, is less than the cost of outstanding work at Martinsthorpe.
50. Consequently, the outcome of this application is dependent on whether, at this stage, account is taken of the total restoration costs or just the cost of the outstanding works, and whether the lower costs involved in just the outstanding works would still justify enabling development. These questions are addressed in the following sub-section of this report.

(v) Assessment

51. The restoration of Martinsthorpe offers public benefit, given that it is a “significant place” with a distinctive character arising from its open and isolated location. However, consistent with paragraph 140 of the NPPF, an assessment of any application for enabling development must commence with two key questions:
- can the future conservation of this heritage asset be secured without enabling development ?
 - if not, does the public benefit of conserving this asset outweigh the disbenefits of the enabling development departing from normal policy ?
52. In dealing with the first of these questions, it is implicit in the key policy at the front of the English Heritage Guidance that the works being funded by enabling development should be those necessary to conserve the heritage asset, not any additional works. This is pertinent to the current application, as the restoration works at Martinsthorpe Farmhouse include a new extension as well as works to the existing building. However, the extension is considered necessary for the restoration of the building and for its future viable use, as it accommodates ancillary equipment such as the heating system, in a manner that does not impact on the historic fabric. It also provides storage space and thereby reduces the pressure for detrimental external storage.
53. Furthermore, for reasons set out in the previous sub-section of this report, it is accepted that enabling development is justified due to the extent and cost of works necessary to restore Martinsthorpe Farmhouse. However, as with the two previous applications for

enabling development at Gunthorpe, this application was submitted after works had commenced. This raises the question of why enabling development is now necessary when the landowner was clearly in a position to commence the restoration works without (at that stage) requiring such assistance. English Heritage Guidance is unclear on this specific point, but a key element of the guidance is that the enabling works be considered as part of the same overall “package” as the restoration works to the historic asset. It is therefore reasonable to consider that, unless there are clearly identified special circumstances, any enabling development at this stage should only be accepted if necessary to fund the outstanding works, which are primarily (but not entirely) internal.

54. An assessment is therefore required to establish if there are such special circumstances that justify enabling development to cover the total cost of restoration. It is clear from the detailed advice given to your Officers by the independent quantity surveyor, that the total estimated cost of restoration works anticipated at the time of commencement were too low. It is also accepted that a significant element of these increased costs (ie: restoring the roof), only became obvious after commencement of the works.
55. It is also clear from the reports of the independent quantity surveyor and valuer that, if this had been realised at the outset, any application for enabling development received at the same time as the applications for restoration would, in principle, have resulted in the same advice that enabling development is justified. This is summarised in **APPENDIX 4** of the exempt papers for this report which includes a comparison of the **total** costs of restoration against the revised final valuation of the restored farmhouse. This indicates that there is a Conservation Gap.
56. Consequently, if the applicant’s explanation is accepted for why these costs weren’t clear until after works had started, it can be accepted that the need for enabling development to cover the whole costs of restoration is justified even though the current application was submitted after commencement of the restoration works.
57. However, specific consideration also be given to the outstanding works at Martinsthorpe. The applicant has provided a detailed breakdown of these, included within the exempt papers as **APPENDIX 2**. Each item includes the costings previously accepted by the Council’s independent quantity surveyor, adjusted downwards for any works that are already completed. A comment from the surveyor on why he accepted each figure is also included within his report in **APPENDIX 1** of the exempt papers.
58. Following discussions with your Officers, the applicant then excluded various items from the schedule of outstanding works in **APPENDIX 2** as as they are desirable rather than essential for conservation of the building. These are identified separately in the appendix. The applicant has also acknowledged that any increased costs since that previous assessment will be borne by himself.
59. In **APPENDIX 4** of the exempt papers, these outstanding works are compared against the revised valuation of the restored Farmhouse. This indicates that the final value is greater than the cost of the remaining works. Consequently, if only these outstanding works are considered, there is no Conservation Gap and no justification for enabling development. However, the use of enabling development to fund the total costs of restoration is justified in this case for the reasons set out earlier.

60. Given the total figures involved, any small variation in individual costs since the surveyor and valuer submitted their reports is unlikely to affect this conclusion. They based their advice on the restoration costs and final value of the heritage asset, not the circumstances of the landowner. Also, there are no other subsidies available for the restoration works. It should be noted that work ceased on Martinsthorpe Farmhouse and has not recommenced.

(vi) Conclusion

61. The current application satisfies the following criteria in the English Heritage Policy.
- c. The heritage asset has a secure future in a sympathetic use
 - d. The enabling development addresses the needs of the place, not the circumstances of the landowner
 - e. No subsidy is available from other sources

NOTE: Criteria a, b, f and g, are considered via the “Analysis of the Current Application”, below.

62. The principle of further development to enable the full restoration of Martinsthorpe Farmhouse can be accepted. Consideration must now move on to whether the current proposal can be accepted. Although undertaken in a similar manner to the assessment of any proposal that isn’t required as enabling development, this analysis must also take the English Heritage Policy and Guidance into account.

(vii) Additional Comments

63. Removal of the holiday let condition and subsequent uplift in value of the restored Farmhouse has reduced the Conservation Gap, but not removed the justification for enabling development for the total costs of restoration.
64. The applicant has accepted that he will have to bear the cost of the remaining gap and that no further applications for enabling development will be submitted. This is incorporated into the recommended Planning Obligation.

Analysis of the current application

65. To satisfy criteria “f” and “g” of the English Heritage Policy, consideration must be given to the issues that would normally be addressed in dealing with new housing proposals. This is to establish the extent to which the enabling development conflicts with normal restraint policies. If the current application is to be approved, the benefit of the enabling development should decisively outweigh the disbenefits of breaching those policies, as also required by the English Heritage policy.

(i) Site Selection

66. Given the need for restoration of Martinsthorpe Farmhouse, the landowner has maintained regular dialogue with your Officers in recent years. This has focussed on potential sites for enabling development. In their pre-application advice, your Officers suggested that the Gunthorpe Estate would be the most appropriate location, given that

new development can be more easily assimilated into a landscape that already contains a number of existing buildings, such as Gunthorpe Hall, Gunthorpe Farm and various other estate dwellings. Long distance views and the associated impact on the open countryside are then mitigated by the significant tree screening within this central part of the Estate.

67. That said, many potential locations within this area were discounted by the landowner because of conflict with the working farm or because other locations within the wooded areas would be very enclosed and not raise sufficient development value. Nevertheless, this initial analysis identified two potential sites and resulted in the two separate applications for individual detached dwellings, referenced above.
68. However, as these didn't succeed for reasons other than the need for enabling development, attention moved to other, less central, locations within the Gunthorpe Estate and associated landholdings, including the current application site. Your Officers advised against most of these as they would have created isolated, unsustainable development within the open countryside.
69. With regard to the currently proposed site, your Officers provided written advice on the issues to be addressed, whilst also repeating that any suitable site within the central area of the Estate would be preferable in principle.

(ii) Location

70. The application site is in the open countryside, but close to the village of Manton. If the current proposal were not being considered as enabling development, it is most likely that it would be recommended for refusal because it is contrary to the key principles that restrain new housing development in the open countryside.
71. However, if it is accepted that attempts to find a more suitable location within the central part of the Gunthorpe Estate were not successful, and that other locations within the same landownership would result in isolated and unsustainable development in the open countryside, it can be concluded that the current site is the best available. Unlike the more isolated sites considered at pre-application stage, it is close to road links and to the village of Manton, which is identified as a Smaller Service Centre via Core Strategy Policy CS3.
72. With specific regard to English Heritage criteria, there is some intervisibility between Martinthorpe Farmhouse and the proposed enabling development, but the distance of 1,000 metres between them (across the A6003), ensures that the proposed enabling development would not have any impact on the setting of Martinthorpe. It thereby also satisfies these criteria within the English Heritage Guidance:
- a. No harm to the heritage asset or its setting
 - b. No detrimental fragmentation of the place

(iii) Bulk and Design

73. The design of these dwellings is based on the Rutland vernacular and is appropriate in the context of Manton village. The key finishing materials of coursed local limestone and artificial stone slates are also appropriate.

(iv) Landscaping

74. Although the site boundaries contain well established tree and hedgerow planting, this is thin in places and would allow views of the proposed new dwellings with associated impact on the rural character. Total screening of a new development is rarely justified and could often become a contrived and discordant feature by itself. In this case, however, it is justifiable to incorporate additional structural planting inside the site boundaries to enhance the setting of the new dwellings and ensure that any views are within a rural context dominated by soft landscaping.
75. The site is currently open to limited views through the existing boundary planting, from Lyndon Road at the north and Lodge Lane at the east. It is not open to longer views from these directions. The site is open to similar restricted views from the A6003 at the west and also to longer views from open countryside to the west and south west. However, due to existing woodland planting, the site is not open to views across the Chater Valley from higher ground at the south, particularly from Preston and from the A6003 when traveling northwards.
76. Given all this, the applicant has proposed additional structural planting of 15 metres width along the western and northern boundaries of the site (ie the A6003 and Lyndon Road), incorporating native species. An additional group of such planting is then proposed at the north-east of the site, separating the new dwellings from the telecommunications mast and field access.
77. This is a significant extent of structural planting and, subject to appropriate conditions on any grant of planning permission, would achieve the objective of providing an appropriate setting for the development and minimising its impact on views from outside the site. However, it wouldn't have a significant immediate impact, as the new planting would take some years to mature.
78. Individual new tree planting is proposed on the eastern (front) boundary, facing Lodge Lane. The curtilage of each plot is then demarcated by new shrub planting and further individual tree planting along post and rail stock fencing. Subject to conditions on any grant of planning permission, this is all appropriate to the location and proposed development. Given the extent of new planting, the loss of the existing sycamore can also be accepted.
79. A Tree Protection Condition is recommended above, given that construction of the driveway and front courtyards could impact on the root protection areas of existing trees along the eastern site boundary.

(v) Ecology

80. The Ecology Report submitted with the application concluded that the proposal is unlikely to impact on Rutland Water or any of the other wildlife sites within the area. It also concluded that the existing hedgerows around the site have ecological value as wildlife corridors, but that the proposed development would not cause any direct impact on this provided the corridors are retained within the proposed development. However, further bat and reptile surveys would be required if the proposal is changed. Various mitigation measures are also recommended.

81. The Council's Ecology Consultant has raised no objections subject to these mitigation measures. The Applicant's Design and Access Statement confirms that all existing trees and hedgerows will be retained, albeit that the isolated sycamore tree will need to be felled to accommodate the northernmost new dwelling. This is all incorporated in the recommended condition and advisory note.

(vi) Noise Disturbance

82. Noise mitigation from A6003 traffic was assessed via a Noise Survey Report submitted with the application. This concluded that noise levels can be controlled internally, but that road noise would be audible within external areas. The application therefore includes a 2metre high acoustic fence located on a 1 metre high bund inside the northern and western site boundaries. As this is within the proposed 15 metre structural planting belt (see above), it would not have a detrimental visual impact.
83. The Environmental Health Officer has raised no objections to this, given that the noise monitoring points were located closer to the source of road noise. Noise levels within the proposed dwellings are therefore likely to be lower than those indicated in those survey results. He has advised that, notwithstanding the proposed acoustic fencing, a mitigation scheme supported by further assessment is required by a condition on any grant of permission. This advice is not taken up within the recommended conditions above, as the proposed development does not cause any off-site impacts.

(vii) Highways and Access

84. The proposed access and parking arrangements are acceptable, and the Highway Authority has raised no objection.

(viii) Conclusions

85. Given all this, it is concluded that the site-specific issues arising from this proposal have all been addressed satisfactorily. However, such development in the open countryside is still contrary to the principle of resisting new dwellings in the rural area.
86. Therefore, the key consideration is whether the principle of two dwellings in this location (albeit with all other matters addressed) can be accepted as an exception to normal policy, given that this scheme would provide for completion of the restoration works at Martinsthorpe Farmhouse.
87. Given that a suitable site is not available within the central part of the Gunthorpe Estate, and that other sites within the same landholding are isolated and more unsustainable, it is now acknowledged that this site is the best available. Given the substantial landscaping proposals, softening the visual impact of the scheme, and given the benefits of this enabling development for the listed building at Martinsthorpe, an approval of the current application is recommended.
88. This requires acceptance of two new houses (otherwise unacceptable in principle within the open countryside), in order to secure the future of one dwelling. However, this is an appropriate "trade off" given the special characteristics of Martinsthorpe Farmhouse.

89. Given the above, this site is acceptable as enabling development to secure the restoration of Martinsthorpe Farmhouse, notwithstanding that it wasn't the "first choice" of your Officers during pre-application discussions. It is also more appropriate than the site previously refused permission at the north of Gunthorpe Farm.
90. That said, a Planning Obligation is required with any approval of enabling development to ensure that the specified benefits for the heritage asset are used in the agreed manner. The applicant's supporting statement identifies his willingness to include the following commitments:
- Completion of the outstanding works at Martinsthorpe Farmhouse
 - Timescales for occupation of Martinsthorpe Farmhouse (to ensure that the enabling development isn't completed without the Farmhouse restoration)
 - Access to the deserted medieval village around Martinsthorpe farmhouse for educational visits
 - No further applications for enabling development for the farmhouse
91. Notwithstanding the forthcoming changes to the Council's policy on affordable housing contributions (Cabinet Decision of 21 June refers) an off-site affordable housing contribution is not required with any grant of permission for enabling development, as this would deflect the benefits away from the intended purpose or possibly result in an application for greater development to cover these costs as well as restoration of the heritage asset. Hence no such contribution is requested with this application.
92. However, consideration must also be given to the adoption of a Community Infrastructure Levy on 1 March 2016, subsequent to when this application was previously reported to committee. Applications for two dwellings are CIL liable but, for the same reasons set out above in relation to affordable housing, the applicant may apply for "exceptional relief" from the CIL requirements.

Outstanding Consultation Comments

93. This final section of the report deals with comments offered by consultees and other third parties that have not been addressed above.
94. The Parish Council and various neighbours are factually correct that the current application contravenes the key policy of restraint on development in the rural area. This is accepted, but consideration must then move on to whether this is justified by the associated restoration of Martinsthorpe Farmhouse.
95. Comments regarding the size of the proposed dwellings are noted, but they are designed to fit in with the general character of Manton and to provide sufficient value for the landowner to complete the Martinsthorpe restoration. A development of smaller dwellings could also be considered, but would require a greater number of properties and land area to achieve the same result. This would be a less justifiable conflict with current policies.
96. Given that the breach of current policy arising from approval of the current scheme is only justified by the enabling development, it does not establish any principle that other

residential development in this area or any expansion of the Manton PLD would then be more likely.

97. Given that the most recent permission for restoration of Martinsthorpe Farmhouse did not retain the holiday let condition, it cannot be argued that the enabling development would be subsidising a commercial operation.
98. Solicitors acting for one of the objectors have referred to the absence of dialogue with English Heritage, and specied that further actions would be considered if RCC concludes that enabling development is justified. It should be noted, however, that English Heritage was consulted on the restoration works at Martinsthorpe and raised no objection. The English Heritage Guidance of 2008 was also followed closely in preparing this report; this has set out the necessary requirements for the current application which has no direct impact on a heritage asset and does not therefore warrant any further consultation.

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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

30TH AUGUST 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/W/16/3152539 – Hereward Homes – 2015/1114/FUL**
Land Opposite 2, Blacksmiths Lane, Exton, Rutland
Construction of a 3 bedroom detached house with integral garage
Delegated Decision

- 2.2 **APP/A2470/W/16/3151850 – Cliff Hillyer – 2016/0080/FUL**
Land adjacent to 10 Toll Bar, Little Casterton, Rutland
Dwelling
Delegated Decision
- 2.3 **APP/A2470/D/16/3153758 – Mr R Harris – 2016/0193/FUL**
59 Manor Lane, Langham, Oakham, Rutland LE15 7JL
Remove existing attached garage and construct a side extension to both
sides and a front extension to the dwelling bungalow plus the erection of a
single detached garage
Delegated Decision

3. DECISIONS

- 3.1 **APP/A2470/D/16/3147279 – Mr Richard Plenderleith – 2015/1030/FUL**
15 Chapel Lane, Barrowden, Rutland, LE15 9EB
Construction of new single storey garage/workshop
Delegated Decision
Appeal Allowed
- 3.2 **APP/A2470/W/3143293 – Abbey Developments – 2015/0272/FUL**
Land at Harrier Close, Cottesmore, Oakham, Rutland, LE15 7BT
Residential Infill development comprising 22 dwellings including 8
affordable dwellings along with open space and parking
Committee Decision
Appeal Dismissed

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

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