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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, 25th October, 2016** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 27 September 2016.

2) DECLARATIONS OF INTERESTS

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

3) PETITIONS, DEPUTATIONS AND QUESTIONS

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

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

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

4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS

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

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

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

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

5) REPORT NO. 192/2016 DEVELOPMENT CONTROL APPLICATION

To receive Report No. 192/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 5 - 40)

6) REPORT NO. 193/2016 APPEALS REPORT

To receive Report No. 193/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 41 - 44)

7) 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-Chair)	
Mr G Conde	Mr W Cross
Mr T King	Mr J Lammie
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: 192/2016

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

25TH OCTOBER 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

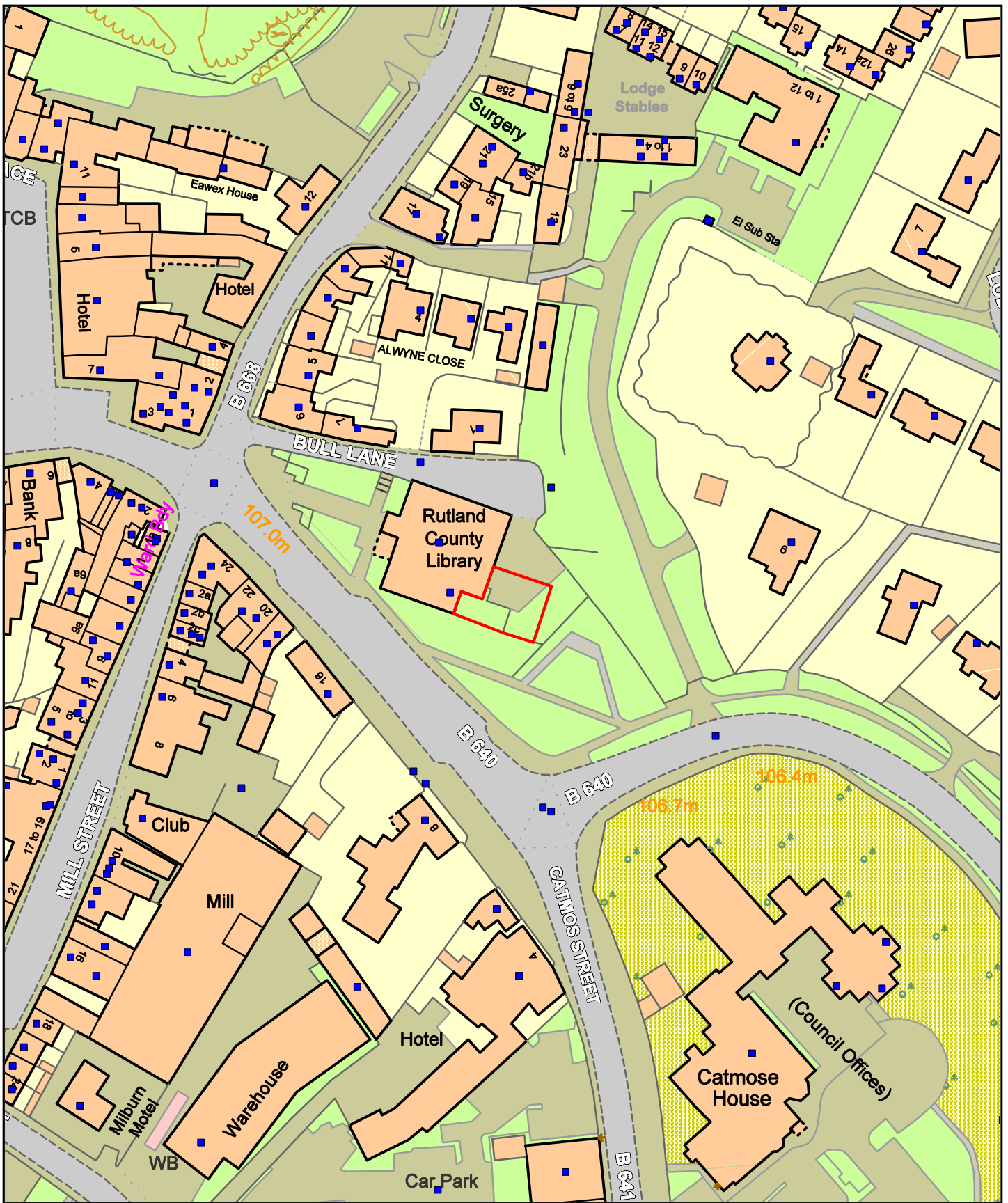
Development Control & Licensing Committee – 25th October 2016

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2016/0872/FUL	Rutland County Council, Oakham Library, Catmos Street, Oakham, Rutland Erection of a building adjacent to the library building with a link structure to the library, to house Children's support services activities, including associated access paths and ramps, boundary walling and gates to form a secure play area (Regulation 3 Planning Application)	Approval
2	2016/0808/MAJ	Aldi Stores Ltd, Land West of Lands End Way, Oakham, Rutland Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing (Revised Scheme)	Approval
3	2016/0335/FUL	Mr Freeman, Country Lounge Cafe & Bar, Glaston Road, Morcott, Rutland Two storey side and rear extension and new gable feature above front entrance to existing café/restaurant	Approval
4	2016/0603/FUL	Nicola Ferguson, Chapel Lodge, 16 Bull Lane, Ketton, Rutland Rear two storey extension, replacement of conservatory and single storey rear extensions including construction of pool building. Replacement pool and ancillary plant and landscaping associated with the works	Approval

Appeals Report

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Date of plot: 12/10/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0872/FUL		ITEM 1
Proposal:	Erection of a building adjacent to the library building with a link structure to the library, to house Children's support services activities, including associated access paths and ramps, boundary walling and gates to form a secure play area (Regulation 3 Planning Application)		
Address:	Oakham Library, Catmos Street, Oakham, Rutland		
Applicant:	Rutland County Council	Parish	Oakham
Agent:	Mr John Wright, Weston Allison Wright	Ward	Oakham South East
Reason for presenting to Committee:	Council's own application		
Date of Committee:	25 October 2016		

EXECUTIVE SUMMARY

The proposed building is designed as a modern contemporary addition to the library using complimentary materials. It has been designed to articulate with the original building but would have a marginally harmful appearance in the Conservation Area. This is outweighed by the provision of a service to the wider public benefit. Parking provision would be in the nearby town centre car parks and it is unlikely that there would be any undue disturbance to nearby dwellings.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3945/07A, 3945/008B, 3945/009A and 3945/010A.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall be commenced on the superstructure of the building until precise details of the manufacturer and types and colours of the external facing, roofing and fenestration 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 the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. No development shall take place until all existing trees between the south west elevations of the library and the proposal and the rear of the footpath on Catmos Street, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus

soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason - The trees are important features in the Oakham Conservation Area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

Note to Applicant:

- During the development the areas within the site identified for the purpose of loading/unloading and manoeuvring should be provided and retained at all times for that sole purpose.
- The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Site & Surroundings

1. Oakham Library is situated on Catmose Street and is a late 20th century building occupying a prominent position within the Oakham Conservation Area on the north side of Catmos Street. It is a single-storey building constructed primarily of brick with narrow vertical fenestration with brick plinths and wooden panelling above and has a distinctive, lead-covered, pyramidal roof. The site is open to the highway with soft landscaping and trees contributing to its setting in the street scene.
2. There is a grassed area to the south of the building, between which are limited parking spaces and space for a mobile library. This land is at a lower level than Catmose Street. The southern boundary of the site is defined by a cob wall which is a remnant of older buildings demolished to make way for the library and a wider Catmose Street.
3. On the opposite (south) side of Catmose Street there are three listed buildings, No.16 (Grade II), the Former Judges Lodgings (Grade II*) and 4 Catmose Street (Grade II).

Proposal

4. The proposal is to extend the building on the south west corner for a new childrens centre. It is proposed to erect a modular build structure adjacent to and linked to the Library for use as a Children's Centre. The building will be largely located within the car park/grassed area to the rear of the library. The floor space is 200m², replacing the existing facility at Catmose Campus which is only 150m².
5. External cladding is specified as timber with brick plinths. There would be a flat roof with roof lights behind a small parapet, similar to the existing peripheral parts of the library. Fenestration would follow a similar theme to the original building to reflect its character.
6. There would be a small external play area of approximately 75m².
7. Details are shown in the **APPENDIX**.

Relevant Planning History

Application	Description	Decision
85/71	Erection of County Library	Approved April 1971

Planning Guidance and Policy

National Planning Policy Framework

Supports the principle of sustainable development
Section 7 - Requiring good design
Section 12 – Conserving the historic environment

The Rutland Core Strategy (2011)

CS4 – Location of Development
CS19 – Promoting Good Quality Design
CS22 - The Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

SP5 – Built Development in Towns and Villages
SP15 – Design & Amenity
SP20 – Historic and Cultural Environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when exercising their planning functions in respect of development in Conservation Areas to have regard to the desirability of preserving the character and appearance of the designated area.

Consultations

8. Oakham Town Council
Recommend Refusal on the grounds of lack of future expansion, inadequate parking for staff, visitors and drop off areas.
9. RCC Highways
Highways have been in correspondence with the Project Manager regarding construction traffic. As part of the tendering process a traffic management plan will be designed and agreed prior to the commencement of any works; this will help to ensure the safe ingress and egress of construction traffic from Bull Lane.

No objections subject to the following notes to applicant:

- During the development the areas within the site identified for the purpose of loading/unloading and manoeuvring should be provided and retained at all times for that sole purpose.
- The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Neighbour Representations

10. 3 objections have been received from local residents. The comments are summarised as follows:

Planning Issues

- The outside proposed areas will create noise to the nearby residents and others that enjoy sitting in the garden areas around the library, the seating provided is much used by tourists and town people.

- The Library area is one of the most pleasant places in Oakham and by extending outward toward Catmos Street it will diminish the attractiveness of Oakham
- Disturbances with dropping off. Bull Lane to Burley road is hazardous.
- Blocking Bull Lane with illegal parking
- Difficult to access the proposed site across busy main roads particularly in winter
- Siting at this location contravenes RCC policy to improve transport access to health and social care facilities outlined in the spatial issues in the RCC Local Plan,
- The site is within the Oakham Conservation area, and the proposed play area seems to be bounded by an ancient mud wall. Extending a building which already does not sit particularly well in a conservation area, using modular construction is compromising the very nature of the area. This is in direct contradiction of The National Planning Policy Framework that clearly states in Conservation Areas the local planning authority should take account of - the desirability of a new development making a positive contribution to local character and distinctiveness

Non-Planning Issues

- The present centre at Catmose College was purpose built for the need of Visions for the young families, children and their support teams
- To move from a purpose built building, with unrestricted parking, in a growing town, and therefore a growing need, to a facility with limited access across busy main roads is dangerous, illogical and wrong.
- Integrating the two takes away the main concept of a library which is to provide a quiet undisturbed place.
- The ever expanding town means the proposal will very soon need to be extended
- The enormous costs should necessitate a long term project which would be better sited where expansion in the future will be possible.
- The centre is there to serve all of Rutland, the Enterprise park, Rutland Memorial Hospital and the old Sixth Form site at Barleythorpe are obvious choices
- Why has this planned project been kept under wraps until the last minute, all councillors and members of the public should have been in consultation from the first thoughts. We vote our councillors in to represent us, this clearly is not happening.

Planning Assessment

11. The main issues are design and impact on the character of the conservation area, residential amenity and highway safety.
12. Issues surrounding possible alternatives and the cost and management of the proposal are not planning matters. For information only, the background and consideration of alternatives is set out in the Report to Cabinet on 20 September 2016. The current application has to be considered on its merits as it stands.
13. Initial planning advice indicated that in order to break up the impact of the build, a contrasting finish should be considered, and the unit should be stepped back from the line of the existing building which the proposal does seek to do. The entrance located between the existing building and the extension affords an ideal opportunity for a link between the two whilst separating any continuation of materials that might otherwise be difficult to match.
14. The Design and Access Statement confirms that the building has been designed to follow the overall form of the existing building such that it would have simple elevations and window layouts to match. Matching the 1970's brickwork would be difficult so the vertical timber cladding has been chosen as a contrast whilst keeping the form of the building similar to the original in terms of scale and pattern of fenestration.

15. The overall form of the extension follows pre-application advice and is acceptable.
16. The Oakham Library site was effectively stripped of almost all heritage assets when it was cleared for development in the 1970s. The only remaining historic element, the cob wall at the rear of the library will be fully retained as part of the scheme.
17. The submitted Heritage Impact Assessment acknowledges that the proposed development will not fully preserve the character and appearance of this part of the Conservation Area. However, whilst there will be a degree of harm, it will be less than “substantial”. In such cases the NPPF requires that the harm is weighed against any public benefits arising from the facilities to be provided.
18. The scheme has a marginally adverse impact on the character of the Conservation Area but it is proposed to be a building that provides services for the wider public benefit. This is sufficient to outweigh the harm to the Conservation Area.
19. There are listed buildings on the opposite side of Catmos Street. The site is partially screened by trees on the Library site, located between the site and the footpath. The Library itself would have had a harmful impact on the setting of the listed buildings opposite, with considerable harm coming from the demolition of the original buildings on site. The design of the proposal, to be in keeping with the existing building, will not materially increase that harm and again the public benefit to be derived from the proposal outweighs the harm it would have.

Residential Amenity

20. There have been objections on the grounds of residential amenity. The building itself is around 30m from the nearest house on Bull Lane and 50m from the nearest property in Lodge Gardens so the use of the building itself is unlikely to cause disturbance. The use of the external areas for play could potentially cause noise. The site is surrounded by a high wall and outdoor play would be supervised. Any noise created by outdoor play would be against the higher background levels in this town centre location this is not therefore an issue that should be given significant weight.

Highway Issues

21. The proposal involves the loss of 4 parking spaces adjacent to the grassed area, although 2 spaces are shown as being retained adjacent to the rear of the extension. The applicant has confirmed that spaces will be provided in the 4 public car parks within 200m of the site. The site is more accessible by public transport than the current site or other out of town sites and is thereby much more sustainable and reflects the approach set out in the NPPF. There are also parking bays outside the site on both sides of Catmos Street which can be used for parking and drop off. There are parking restrictions in Bull Lane which will remain in force.
22. Policy SP15 (l) states that in Oakham town centre, the application of the normal standards can be varied in order to reflect the accessibility of a site by non-car modes.
23. On that basis the highway authority has no objections to the scheme.

Other Matters

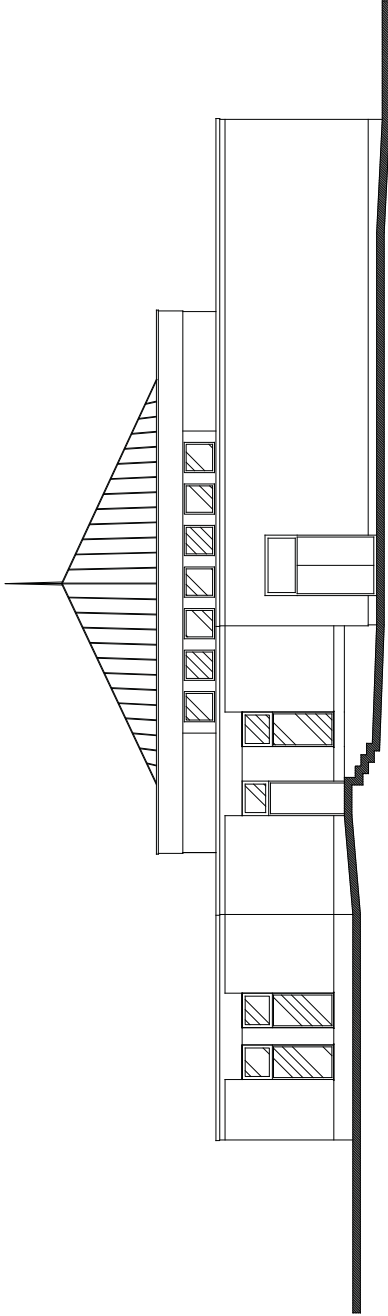
24. The extension and its internal spaces would be separated from the main library, mainly by the entrance/foyer together with other rooms. It is unlikely therefore that the use of this extension would conflict with the quiet library space. This site has been chosen so that access to the site by children and parents is easy when in the town centre and

saves additional journeys elsewhere. These are not planning matters but the point is made for clarification.

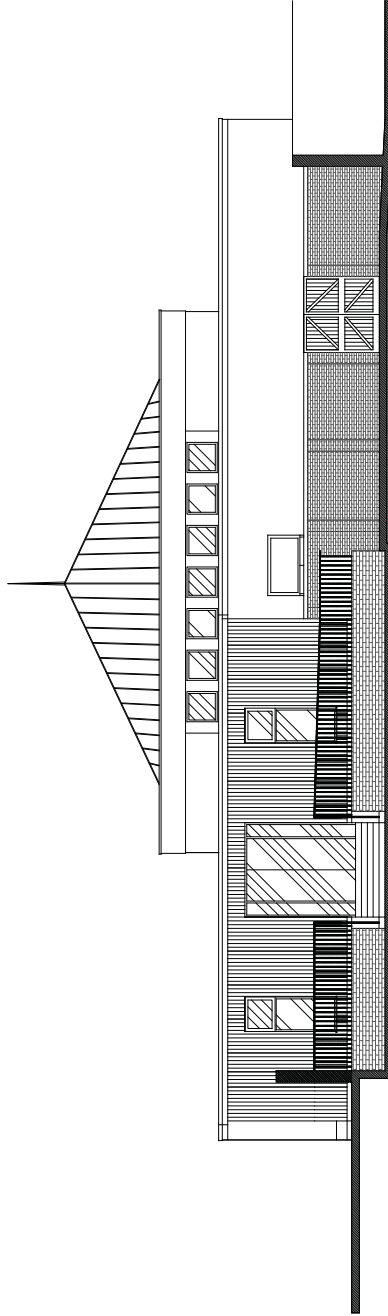
REVISED PLAN

2016/0872/FUL

Rec'd 16/09/16




East Elevation Existing



East Elevation Proposed

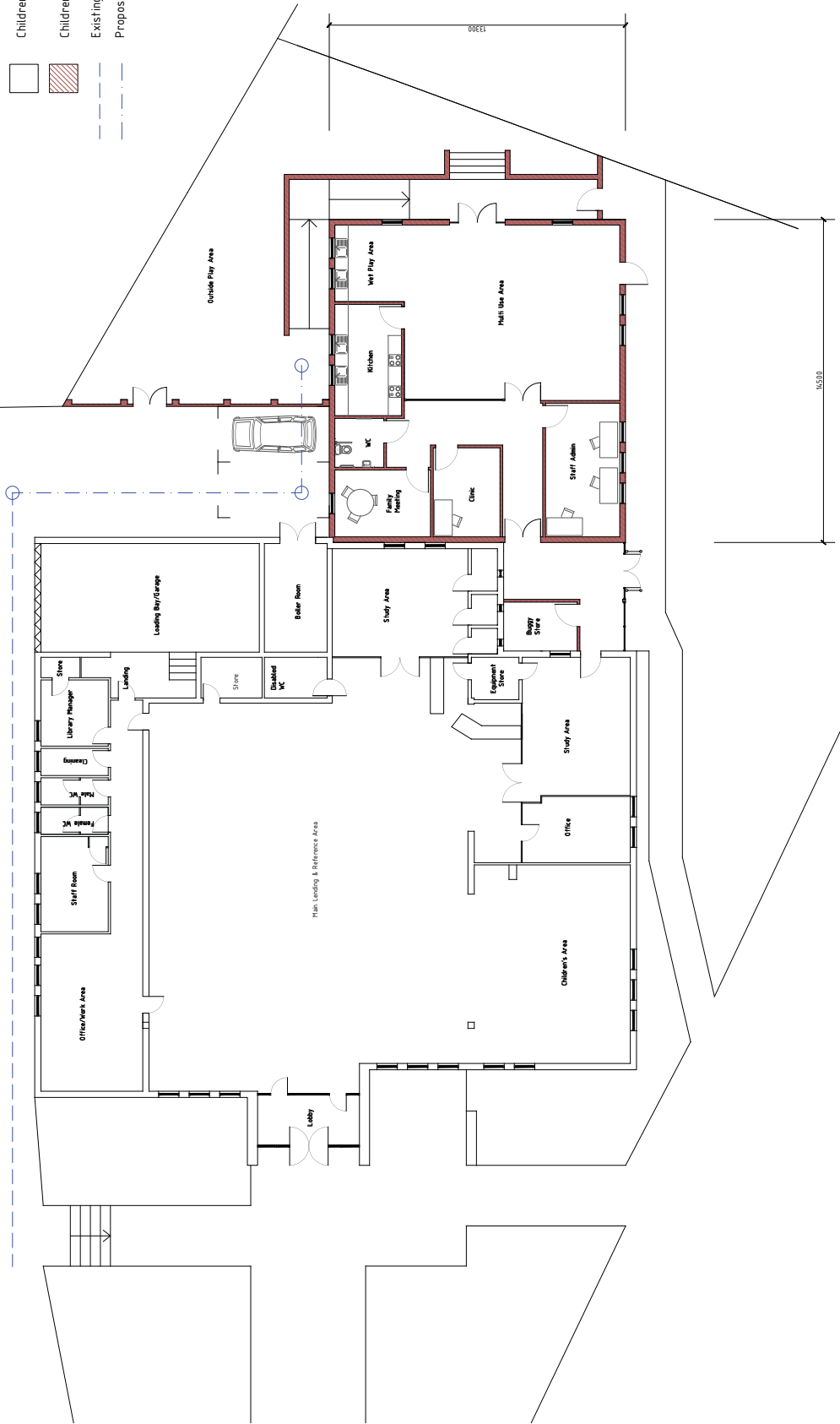
Date 09/09/16	Client Rutland County Council	Project title Oakham Children's Centre	Drawing title East Elevation Existing and Proposed	Rev A 16.09.16. Amendments, in response to planning letter	Drawing No. 3945/009	A2
Drawn JCW	9 metres @ 100 5 metres @ 150 2 metres @ 120 1 metre @ 110				Scale 1:100	Rev A
Checked JW					Project Oakham Children	



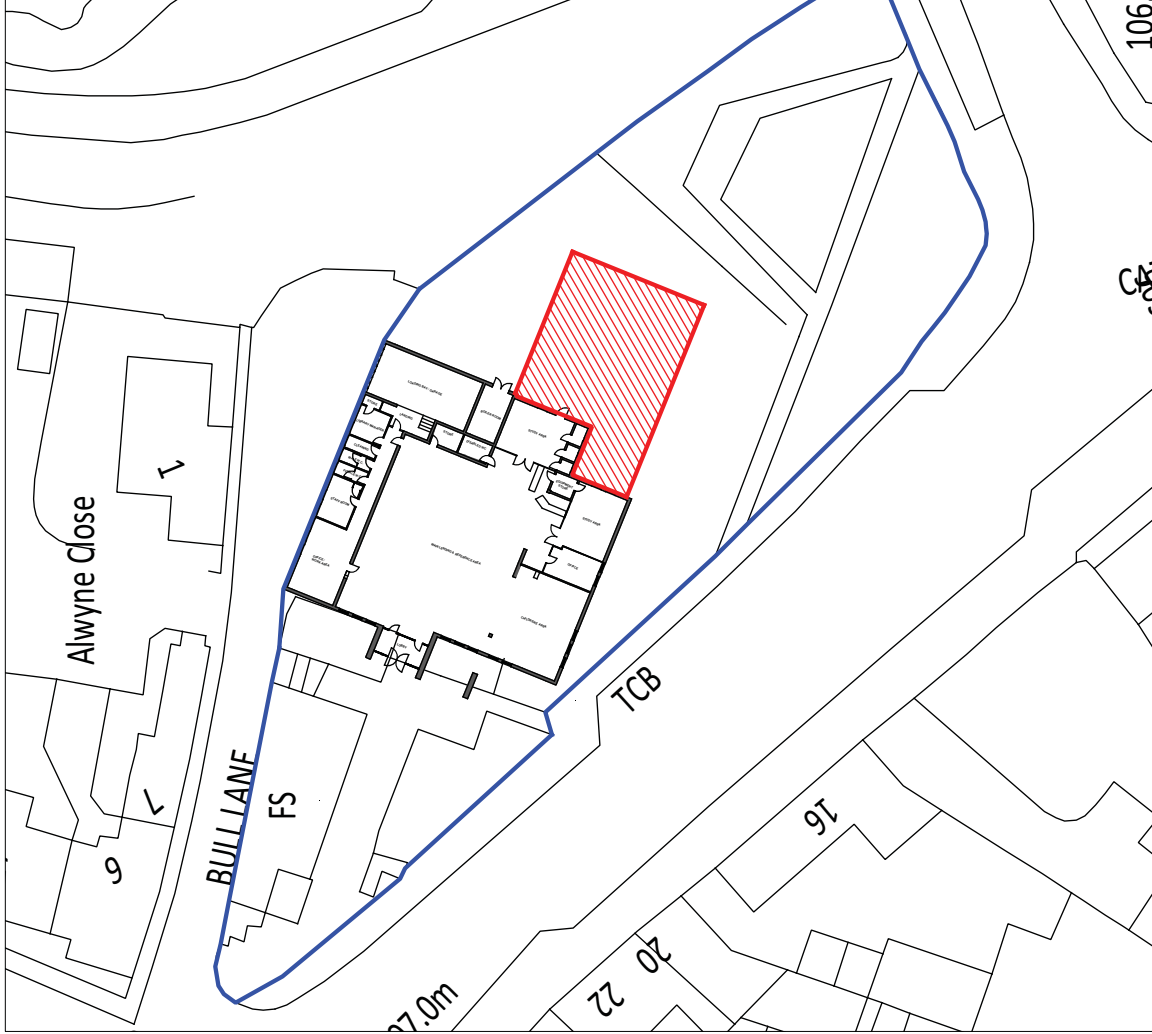
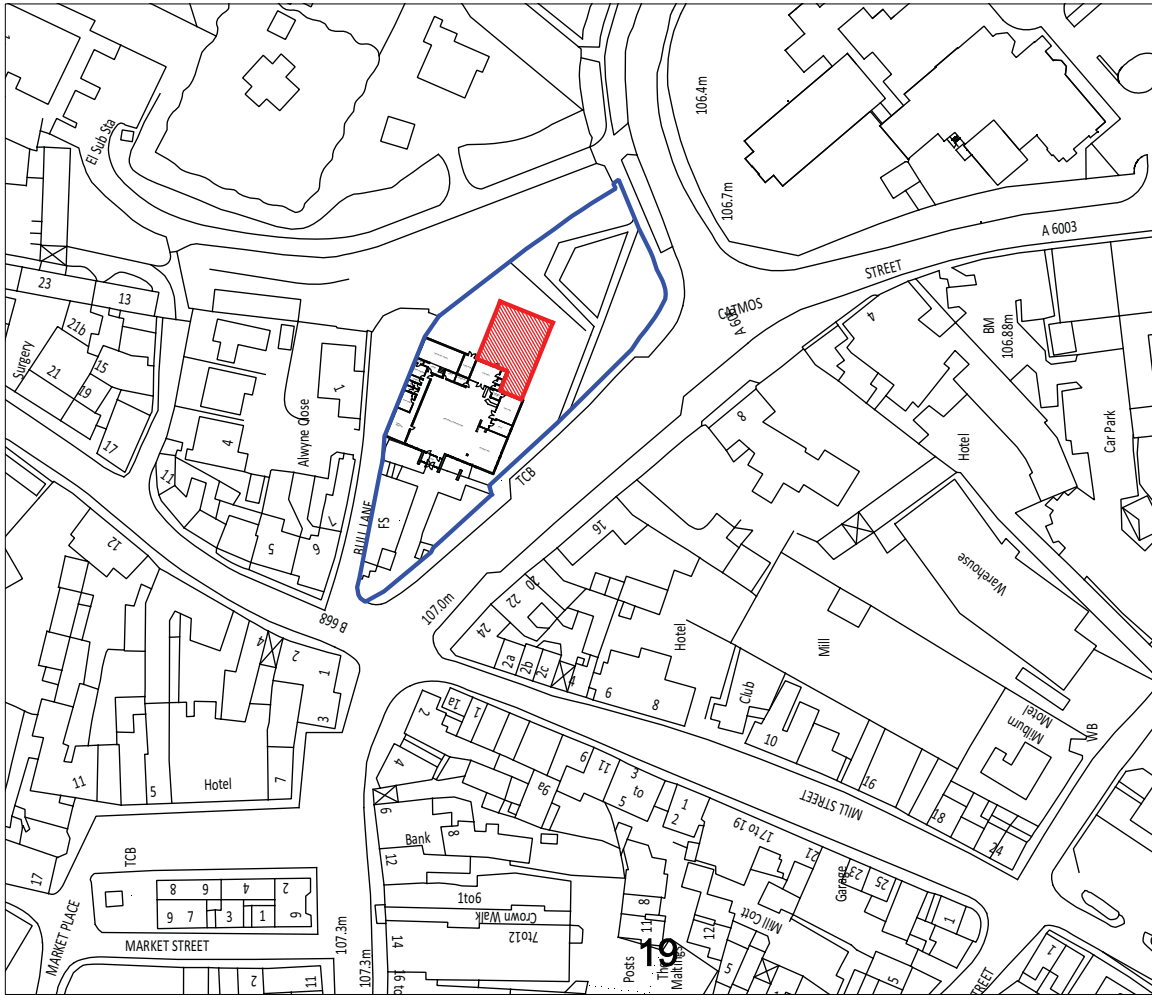
WESTON ALLISON WRIGHT
 Architects & Planning Consultants
 15-16, The Quadrant, Northampton, NN1 2JL
 01604 48227 E: info@waw.co.uk W: www.waw.co.uk



- Children's Centre Existing
- Children's Centre Proposed
- Existing Foul Drainage
- Proposed Foul Drainage

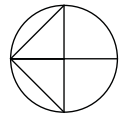


	Drawn: JCW Checked: JW	Project Title: Oakham Children's Centre	Drawing Title: Floor Plan as Proposed	Client: Rutland County Council	Rev: A 16/09/16 Amendments in response to planning letter		Drawing No: 3945/07 Scale: 1:100 Project: Oakham Children
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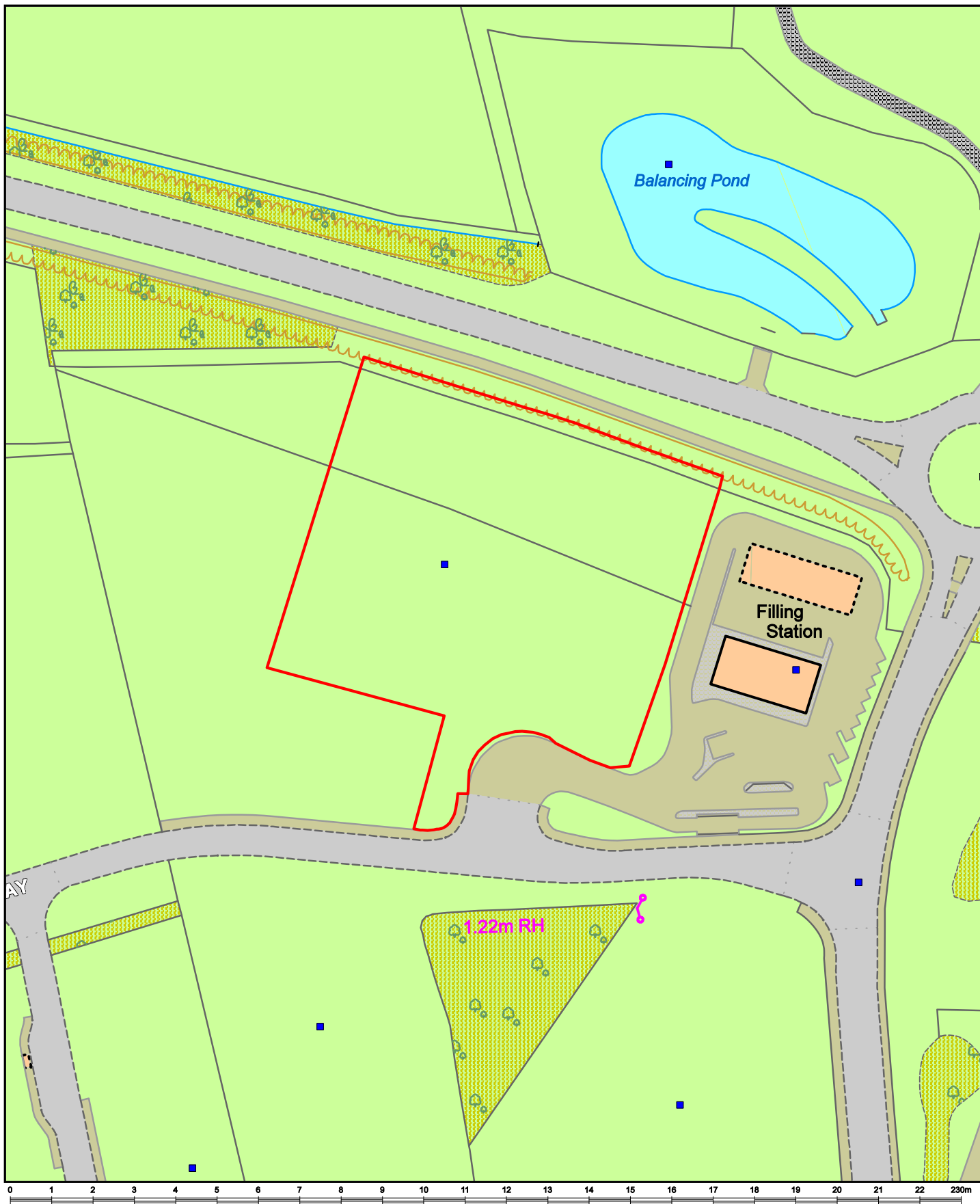


Location plan 1:1250

Block plan 1:500



Date	09/09/16	Scale	as shown	0 2 4 6 8 10 metres @ 1:200	0 2 4 6 metres @ 1:100	Project Title	Oakham Children's Centre	Drawing No.	005	Rev		A3	
Drawn		Job no.	3945			Drawing Title	Location & block plans	 WESTON ALLISON WRIGHT <small>College Farm, Meers Ashby Road, Sywell, Northampton NN8 6BL T:01604-491227 E:info@waw.co.uk www.waw.co.uk</small>					
Checked						Client	Rutland County Council						



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Date of plot: 12/10/2016

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0808/MAJ	ITEM 2	
Proposal:	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing (Revised Scheme)		
Address:	Land West of Lands End Way, Oakham, Rutland		
Applicant:	Aldi Stores Ltd	Parish	Barleythorpe
Agent:	Mr Philip Woodsford, Stoas Architects	Ward	Oakham North West
Reason for presenting to Committee:	Contrary to the Development Plan		
Date of Committee:	25 October 2016		

EXECUTIVE SUMMARY

Planning permission has been previously granted on the site for the supermarket; this application facilitates various changes to the scheme that have been undertaken during construction. The changes to the previously approved scheme are acceptable. The loss of employment land to facilitate the store would not be significant. There would also not be a significant adverse impact upon the vitality or viability of Oakham Town Centre. In these circumstances an exception to the policies of the Development Plan is justified.

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; Site Location Plan C15A44-P001 Rev A, Proposed Floor Plan C15A44-P200 Rev C, Proposed Elevations C15A44-P201 Rev A, Proposed Roof Plan C15A44-P203 Rev A, Proposed Site Section C15A44-P204 Rev C, Site Plan C15A44-P003 Rev E, Drainage Plan C15A44-P004 Rev G, Soft Landscape Proposals BIR5419_01-A, Tree Constraints and Protection Plan GC.107305.201 Rev D, Cycle Stand Detail Ad5901 Rev A, Loading Bay Ramp W208 Rev 3, Proposed Site Access Arrangements A1-12057-010 Rev A, 16.650m HGV Swept Path Analysis A1-12057-TR001 Rev B. Reason - For the avoidance of doubt and in the interests of proper planning.
2. Within nine months of the first public opening of the retail unit, a Travel Plan based upon the provisions set out in the Framework Travel Plan submitted with the planning application shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved Travel Plan shall then be carried out within the timescales specified. Reason - To promote non-car modes of travel for staff, visitors and shoppers, in the interests of sustainability.
3. All planting, seeding or turfing shown on the approved landscaping plan 'Soft Landscape Proposals BIR5419_01-A' shall be carried out during the 2016/2017 planting and seeding season, (October to March inclusive), or 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, which 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 satisfactory implementation of the approved landscaping scheme.
4. The building's services plant shall not exceed the noise emission limits and predicted noise levels as set out in section 7 of the revised Noise Assessment Report 2014 (Sandy Brown, 30 April 2014) as submitted as part of the planning application. Reason - To ensure that the plant services do not generate detrimental levels of noise pollution.

5. The car parking area (including disabled spaces) as laid out, hard surfaced and delineated in accordance with the approved details, shall not be used for any other purposes including other parking within the disabled spaces. Reason - In the interests of highway safety and convenience, by ensuring that adequate off-street parking is provided and maintained thereby avoiding on-street parking, and to ensure convenient parking facilities for people with disabilities.
6. The development hereby permitted shall only be undertaken in complete accordance with the sustainable drainage scheme for the site, in accordance with the submitted drainage plan, numbered C15A44-P004 Rev G, and the Drainage Principles and Calculations report labelled B1042-Doc-03 Revision X2. Within two months of the date of this decision, a long term management and maintenance plan for the sustainable drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved sustainable drainage system shall be retained and shall be managed and maintained in complete accordance with these approved details. Reason – To ensure that adequate drainage facilities are available and maintained for the site.
7. All surface water from the parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with the manufacturers guidelines. Reason - To prevent pollution to the water environment.
8. The net sales area of the retail unit hereby permitted shall not exceed 1254 sqm, and no more than 80% of this area shall be used for the sale of convenience goods. Net sales area is defined as 'The sales area within a building (i.e. all internal areas accessible to the customer), but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts.' Convenience goods are defined as 'food and non-alcoholic beverages, tobacco, alcoholic beverages (off-trade), newspapers and periodicals, non-durable household goods.' That part of the net sales area used for convenience goods shall be calculated as the shelving or other sales dispenser for such goods and the customer aisle in front of the shelf/dispenser (discounted to half its width where opposite a shelf/dispenser for comparison goods). Reason - To control the amount of convenience retail goods floor space in the new store in order to protect the vitality and viability of the town centres in Rutland.

Note to applicant

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Failure to enforce the effective use of petrol / oil interceptors could result in pollution of the local watercourse and may constitute an offence.

Site & Surroundings

1. The application site (approximately 0.8 hectares) was originally greenfield land, located in north-west Oakham, by the roundabout junction of Lands End Way and the Oakham Bypass (A606). This is approximately 1.6km north of the town centre.
2. The site is part of a larger area (10.54 hectares) safeguarded in the Core Strategy as employment land and (known as 'Employment Site 1'). Outline Planning Permission for Business use (Class B1), Industrial use (Class B2) and Warehousing (Class B8) was granted for the whole area in November 2006.
3. The Oakham Bypass forms the northern boundary of the site, with Lands End Way to the east. The southern boundary faces an existing access road (Panniers Way) which

serves new residential and commercial premises to the west. There are small earth bunds to the north and south boundaries. The clearest views of the site are when approaching along the Bypass from the east.

4. Immediately east of the site is a petrol filling station with ancillary shop. The petrol station is considered a road side service use, an exception to the safeguards of the Employment Land. Further west into the employment land allocation is a pub/restaurant, and permission has also been granted for a 60 bed hotel. Beyond this is the Oakham North housing development.
5. There are bus stops along Lands End Way served by Route 3 of the Oakham Hopper. Future bus stops along Bosal Way to the south of the site have been constructed but are not currently part of the Hopper service.

Proposal

6. Members will recall that planning permission was granted earlier this year for a discount food store (reference number 2015/0829/MAJ) with a net retail area of 1254sqm, and gross external area of 1811sqm.
7. The store is currently being built and nearing completion. However the developers have altered the plans during construction and this application seeks to regularise the changes.
8. The main changes are to the location of the store (which has been moved approximately 1.5 metres south, further away from the bypass, and lowered 0.2 metres) and to the site's Sustainable Drainage Scheme (SuDS). Additional alterations include amendments to the cycle track design and width, and changes to the landscaping and car park.
9. The vehicular and pedestrian access is to the south of the site off Panniers Way, using the same site access as the petrol station.
10. The building is positioned on the western side of the site, with the front elevation facing east over the car park, which provides 118 spaces. A cycle link adjacent to the north elevation of the store connects the site to the bypass cycleway.
11. The proposed amended site plan is attached at **APPENDIX 1**.

Relevant Planning History

12. Prior to the approved 2014 and 2015 Aldi applications (see below), planning permission was refused for a Sainsbury's Store in this location in 2011 (FUL/2010/0729). The reasons for refusal related to loss of Employment Land, and that the application failed to satisfy the sequential test. Sainsbury's have since been granted permission for a store on the former Tresham College site on Barleythorpe Road, however development has not been forthcoming, and there is a current application in for a Lidl store on that site.

Planning Number	Description	Decision
OUT/2003/1181	Outline application for use of land as B1, B2, and B8 employment development	Approved 09/11/06

FUL/2010/0729	New retail unit (Class A1) with associated car parking, petrol filling station, vehicular and pedestrian access, highway works, landscaping and servicing.	Refused 14/03/11
2014/0258/FUL	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing.	Approved 30/01/15
2015/0829/MAJ	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing.	Approved 26/02/16
<i>Neighbouring land</i>		
APP/2010/1170	Construction of Public House/Restaurant (Class A3) and associated works.	Approved 28/08/12
APP/2010/1216	Outline application for erection of hotel and associated works.	Approved 13/09/12
APP/2012/0011	Outline application for petrol filling station, car wash, sales building	Approved 27/06/12
2013/0601/FUL	Construction of a Petrol Filling Station	Approved 24/09/13

Planning Guidance and Policy

Development Plan

Rutland Core Strategy (2011)

CS1	Sustainable development principles
CS2	The spatial strategy
CS4	The location of development
CS8	Developer contributions
CS13	Employment and economic development
CS14	New provision for industrial and office development and related uses
CS17	Town centres and retailing
CS18	Sustainable transport and accessibility
CS19	Promoting Good Design
CS21	The natural environment

Site Allocations and Policies Development Plan Document:

SP3	Sites for retail development
SP15	Design and Amenity
SP17	Outdoor lighting
SP19	Biodiversity and geodiversity conservation

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

Section 2	Ensuring the vitality of Town Centres
Section 4	Sustainable Transport
Section 7	Design

Rutland Planning Policy Documents

Rutland Retail Capacity Assessment (2010)
Rutland Retail Capacity Assessment Update (2013)
Employment Land Assessment Report (ELAR) (2013)
Community Infrastructure Levy Charging Schedule (2016)

Consultations

13. Oakham Town Council – Recommend Approval, and that the original planting scheme remains in place
14. Langham Parish Council – Mixed comments. No objection to the proposed landscaping, external finish, surface area/kerbs, drainage plan and storm water storage and access to site boundary. However, objections to the parking provision for older residents/disabled customers and staff, limited cycle spaces, and safety issues for pedestrians from reversing articulated vehicles.
15. Highway Authority– Satisfied that the current infrastructure is able to support this development, subject to conditions.
16. Environment Agency – The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.
17. Local Lead Flood Authority (LLFA) – Objection: The LLFA requires more information relating to this scheme before it can be approved. Following the submission of further information; No objection if built in accordance with the Drainage Principles and Calculations Ref B1042-Doc-03 Revision X2.
18. Ecology – Report found no evidence of Badgers or Great Crested Newts and the findings are accepted. Concerned over the cumulative impact of piecemeal development in the area on the local badger population. Where possible trees should be retained to meet local wildlife site criteria.

Neighbour Representations

19. This application has resulted in 13 letters of support from the local community. These emphasise:
 - The store would prevent consumers travelling out of Rutland for food shopping
 - Discount items/value for money for low income households
 - Job creation
 - Changes to the previously approved scheme are not significant
 - Good use of the site
 - [the town] needs more retail units and just food stores

One resident (while supporting the application) is concerned about the present poor state of Lands End Way as an access road.

One objection has been received; however it does not offer any reasons for the objection.

Finally, some local residents have mistakenly submitted comments relating to the current Lidl application (2016/0756/MAJ) at Barleythorpe Road, under the Aldi application's reference number. These residents have been made aware of this and their comments have been transferred to the Lidl application for consideration.

Planning Assessment

20. The key issues for consideration are:
- Principle of development;
 - Sequential test
 - Retail impact
 - Loss of employment land
 - Highways and accessibility
 - Revised layout and Design
 - Sustainable Drainage Systems (SuDS)

Other issues are then addressed at the end of the report.

Principle of Development

21. While the principle for a supermarket in this location has been previously established by planning permission 2015/0829/MAJ, the current application must still be considered against the NPPF, paragraphs 23-27, and the Core Strategy Policies, in particular CS13 – Employment and Economic Development and CS17 – Town Centres and Retailing. This covers the sequential test, the retail impact, and the fact that the site is on allocated employment land.

Sequential test

22. Supermarkets are classed as retail development (use class A1), which should in the first instance be located in the town centre. Outside of the town centre, the NPPF requires that a sequential test is submitted for major retail facilities on 'edge-of-centre' and 'out-of-centre' sites. An 'edge-of-centre' site is defined as being within 300m of the primary shopping frontage (PFS). The application site is approximately 1.6km from the Oakham PSF, and is therefore considered an 'out of centre' site. The NPPF also advises that potential alternative sites, within the town centre, on the edge of the town centre and also in out of centre locations should all be assessed for their availability, suitability and viability before drawing any conclusions on the appropriateness of the proposed site.
23. The applicant's sequential test concludes that there are no suitable sites in more central locations and that therefore the application site is the most sequentially preferable. Since the last application was approved at the start of this year, the main change in circumstances is that the former Tresham College site has been sold to another discount retailer (Lidl), who have submitted an application for a store on the site.
24. While Lidl have only applied for a store on part of the former college, given there is an extant permission for their store at the top of Lands' End Way, it would not be commercially viable for Aldi to attempt to purchase the remainder of the former college site at the values likely to be sought for it.
25. There are no other available, suitable or viable sites that could reasonably accommodate the development, and therefore the current application site satisfies the sequential test criteria.

Retail Impact

26. It was concluded for the previous application that an Aldi store here would not result in a 'significant adverse' impact upon Oakham or Uppingham, however there would still be some impact on town centre trade. To mitigate against this identified impact, a financial contribution towards public realm improvements (as part of a Planning Obligation) was agreed and has been paid.
27. However, since the determination of that application, the Council has adopted the Community Infrastructure Levy (CIL), which would replace the Section 106 process for financial contributions, and the revised application would be subject to this Levy. Discussions with the applicant as to how this is resolved is ongoing, however this would not prevent the Local Planning Authority from determining the current application, as CIL is not tied to the planning application in the same way that a Section 106 legal agreement is.

Loss of employment land

28. The application site is safeguarded for employment use (B1 (business)/B2 (general industry) and B8 (storage/distribution)) under Core Strategy Policy CS13 (d), unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land in the County.
29. However, the principle for retail development on this site has already been established as an alternative use under the terms of Policy CS13 (d). It was concluded that the previous application for a supermarket here would have economic benefits and not be detrimental to the employment land supply in Rutland. There would be no additional loss of employment land as a result of the revised application, and the above justification for a supermarket here as an exception to the Development Plan would be applicable to this application as well.

Highways and accessibility

30. The comments from the local resident regarding Lands End Way are noted, as are the parking and safety comments from Langham Parish Council. A Transport Assessment has been submitted with the proposal. It is agreed that the surrounding highway network has capacity to absorb the development. Turning provision for delivery vehicles has been incorporated into the design of the car park, and there are sufficient parking spaces for the size of the store. The numbers of cycle stands are also acceptable. The proposal would not have a detrimental impact upon the highway network or highway safety, and the Highway Authority has no objection to the proposal in principle, subject to conditions.

Revised layout and design

31. The proposed store follows the corporate design and scale of modern Aldi stores. While the design of the store is utilitarian in appearance, it is functional in its design. It is situated on the western side of the site, with the shop entrance on the north-east corner facing the bypass roundabout. The changes to the store (moving it 1.5 metres south and lowering it 0.2 metres) result in a reduced impact upon this edge of countryside location compared to the previously approved scheme, and are acceptable.
32. The changes to the cycle link and other alterations to the layout are also acceptable. With regard to landscaping, the proposed alterations to the SuDS scheme (see below) originally resulted in a reduced landscaping scheme in order to facilitate swales and a balancing pond (the comments from Oakham Town Council on landscaping are noted). However following discussions with the agent, further revised plans were received that restored the landscaping almost to the previously agreed scheme. The exception is one

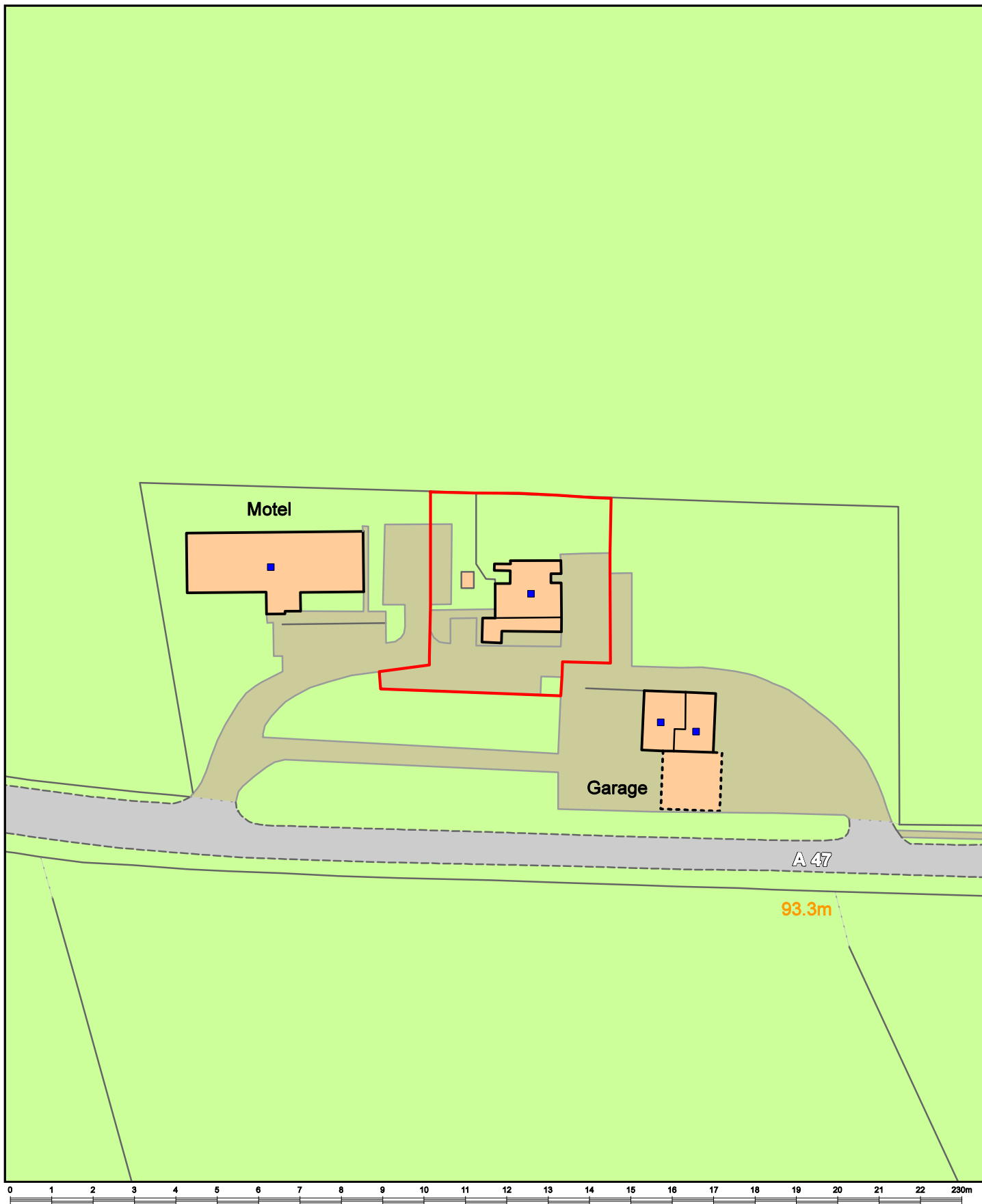
tree that would have been located where the pond is now situated at the south-east corner of the site. Subject to members being satisfied with the amended SuDS scheme, the loss of this potential landscaping feature is acceptable.

Sustainable Drainage Systems (SuDS)

33. In May 2015 legislation was changed to make the Local Lead Flood Authority a statutory consultee to planning on all major applications regarding surface water flood risk and the implementation of SuDS through planning. As stated in the ministerial statement from December 2014, all major planning applications must ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
34. The 2015 application complied with the SuDS requirements, and included features such as permeable paving, and a condition was included to ensure that SuDS are delivered, and maintained. However, the development as built has completely changed this scheme. The LLFA objected to these revisions. Since then officers and the LLFA have been in discussions with the developers, and the agent has now provided further information and calculations in support of their revised SuDS scheme. While the revised scheme would not be as sustainable as the previously agreed scheme, it would still comply with the SuDS requirements, and is therefore acceptable. A revised condition is included to ensure the maintenance of the drainage system.

Other issues

35. The ecological report submitted with the application found no evidence of badgers or Great Crested Newts and these findings are accepted. Some of the trees to the west have a medium to high probability of bat interest, however these are outside of the application site, and unlikely to be adversely affected by the store. The concern from Leicestershire Ecology colleagues regarding the cumulative impact of development in the area on the local badger population to the south is noted, however given that badgers are not using the application site, this carries limited weight, and would be more relevant for future schemes to develop other areas of the employment land where they are present.
36. A noise impact assessment has been submitted and agreed. The store would not have an adverse impact upon the residential amenity of the nearby new housing.
37. The external lighting for the 2015 application was previously agreed and discharged, however those plans don't now accord with the current site plan. The agent is updating these plans and, once received, a condition will be included in the addendum report for the lighting to be implemented and maintained in accordance with the agreed details.



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Time of plot: 09:45
Date of plot: 12/10/2016

30

Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0335/FUL	ITEM 3	
Proposal:	Two storey side and rear extensions and new gable feature over front entrance to existing café/restaurant		
Address:	Country Lounge Cafe & Bar, Glaston Road, Morcott, Rutland,		
Applicant:	Mr Freeman	Parish	Morcott
Agent:	Mr Mark Hives, Hives Associates Limited	Ward	Martinsthorpe
Reason for presenting to Committee:	Deferral from a previous committee meeting		
Date of Committee:	25 October 2016		

EXECUTIVE SUMMARY

Subject to satisfactory details, the extension of an existing commercial facility within the rural area can be an exception to the normal restraint on countryside development.

As originally submitted, the bulk, design and materials of the current proposal would have had a discordant impact on the character of the countryside. However, amended plans have overcome this via a revised design that is closer to the Rutland vernacular and minimises the detrimental impact of the existing building.

RECOMMENDATION

That delegated authority be granted to the Director for Places, on completion of the reconsultation period on 27 October 2016, for **APPROVAL** subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2102-2-700A, 701A, 703A, 401A, 101A, 201A, and 500A.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason – This is a publically visible building in a prominent countryside location, where appropriate traditional materials are essential to the design of the extension, and because sufficient details were not made available with the planning application.

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 double storey side and rear extension to the café/bar, to provide additional kitchen and dining areas on the ground floor with residential accommodation for staff on the first floor.
4. This is a significant change from the drawings initially submitted with the application, which had endeavoured to provide the same accommodation via a combination of single storey and double storey extensions. This was recommended for refusal to the committee meeting of 30 August 2016, but was deferred at the applicant's request to allow time for preparation of an amended scheme.
5. Development has already commenced on site, with the basic structure of the initial proposal now in place.

Relevant Planning History

6. 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

7. Consultation on the initial proposal resulted in one response:

Morcott Parish Council
No objections
8. The revised proposal is now subject to re-consultation; the committee will be updated on any responses via the Addendum Report.

Neighbour Representations

9. Consultation on the initial proposal resulted in no responses. Any response to the reconsultation will also be included in the Addendum Report.

Planning Assessment

10. The main issues are:
 - Principle of development
 - Design, and impact on the character of the countryside
11. Other miscellaneous issues are addressed together at the end of the report.

Principle of development

12. Local 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.
13. 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”
14. 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.
15. Policy SP7 of the Site Allocations and Policies DPD also identifies appropriate countryside development. 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”.
16. 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.

17. 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.
18. As a related matter, the proposed residential accommodation for staff 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

19. The application site is in an important location within the Rutland context, being part of a complex of roadside facilities on a primary route (A47) across the county. The existing building is set back from the road, but is clearly visible across its open frontage. It is therefore prominent to travellers on the A47, and to users of the adjacent facilities.
20. 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.
21. Materials on the existing 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 glazed bifold doors.
22. 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 provides the only remaining opportunity to improve its design and visual impact, in accordance with the Council's design policies and the NPPF.
23. The initial proposal incorporated a single storey side extension with a double storey side extension behind. In combination they created an elongated appearance when viewed from the front, and also created a side elevation of two incongruous non-matching gables. The proposed rear elevation was also very functional, boxy and with an excess of glazing. The detrimental impact was summarised in the deferred report to the August committee:

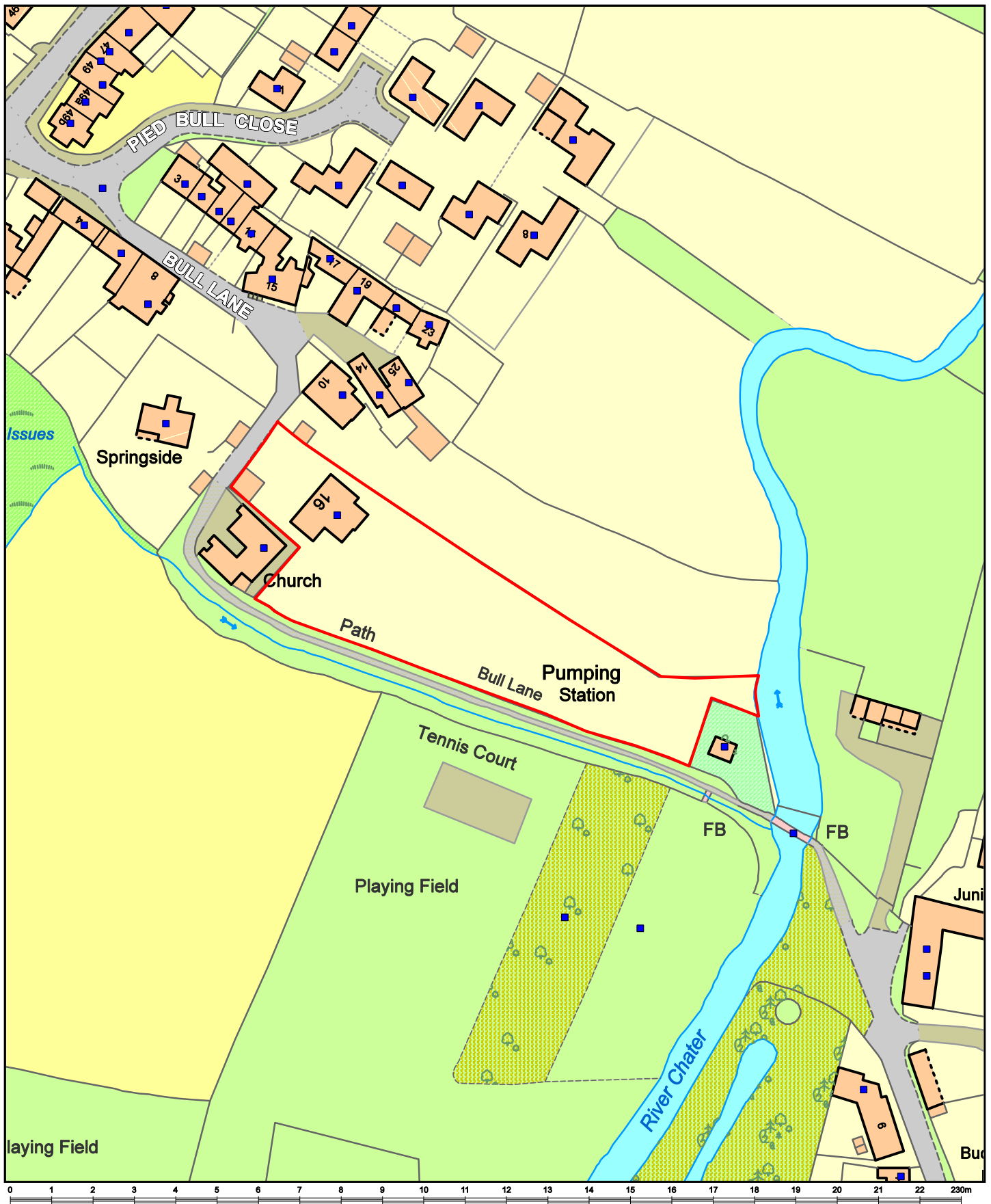
“In total, the elongated bulk of the proposed extensions, the non-matching gable features on the west elevation, and the proposed mix of finishing materials all create a discordant visual impact that fails to improve the existing building, is out of keeping with the immediate area and also inappropriate within the wider countryside.”
24. After negotiations, the revised proposal now incorporates:
 - A taller double storey side extension
 - A lower double storey extension at the rear of the existing building
 - A new gable feature over the existing main entrance on the front elevation
 - Ironstone walling under a blue slate roof, on the publically visible front and side elevations of the proposed extensions, with smooth render under a plain tiled roof at the rear.
25. The intention is to create a larger extension in a style (and materials) that takes reference from the Rutland vernacular. This becomes the dominant feature of the extended building, with the existing poorer quality design then receding. This is a change from the usual approach of making an extension subservient to the main

building but, given the opportunity to address current failings, it is the better approach to take here.

26. Specifically, the two storey side extension takes reference from the traditional character of a Rutland barn. It is oriented north-south, with gable ends at the front and rear. The publically visible western side elevation contains the most significant fenestration, taking reference from the main entrance feature of such barns. The proposed use of ironstone and blue slate is also appropriate to this, and is a considerable improvement on the inappropriate mix of materials on the existing building.
27. The proportions of this extension are not entirely in accordance with that of a traditional Rutland barn, due to the 8 metre width of the front gable. The extension is also proportionately larger than the smaller scale extensions referenced in Local Plan policies. However, these factors are outweighed by the clear benefits of the revised proposal. In tandem with the adjacent gable feature over the existing front entrance, the side extension will introduce a more appropriate design. It will also introduce traditional Rutland materials, with just one form of walling and one form of roofing on the publically visible parts of the extension.
28. In total, the bulk, design and materials of the proposed extension would also dominate the existing building, ensuring that its detrimental impact is reduced. The proposed bulk is not out-of-keeping within the existing complex of roadside facilities.
29. External materials for the smaller gable feature over the main entrance are still under discussion. Members will be updated via the Addendum Report. The proposed rear extension is now of better design than in the initial proposals, particularly due to the reduced extent of glazing and relocated external staircase.

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.
31. Development has already commenced on site, with the structure of the initially proposed extensions now in place. This is unauthorised but, if members accept the recommendation of approval for the amended proposal, there will not be any need to consider enforcement action against the unauthorised works if the developer proceeds swiftly by continuing the works in accordance with the new plans. This is why delegated powers were not exercised on the initial proposal, as design is a subjective issue and it would have compromised Members subsequent consideration of any enforcement action.



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Time of plot: 09:47
Date of plot: 12/10/2016

36

Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0603/FUL	ITEM 4	
Proposal:	Rear two storey extension, replacement of conservatory and single storey rear extensions including construction of pool building. Replacement pool and ancillary plant and landscaping associated with the works.		
Address:	Chapel Lodge, 16, Bull Lane, Ketton, Rutland		
Applicant:	Nicola Ferguson	Parish	Ketton
Agent:	William McCormack, Harris McCormack Architects	Ward	Ketton
Reason for presenting to Committee:	Objections received		
Date of Committee:	25 October 2016		

EXECUTIVE SUMMARY

The proposed extensions, while large, are not contrary to policy, as they are not overly prominent from public viewpoints within the conservation area, and would not have a detrimental impact upon the adjacent listed building. Residential amenity would also not be adversely affected. The development complies with the Development Plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission. Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans, numbers 15-450(00)001 Rev B, 15-450(00)002 Rev B, 15-450(08)102 Rev B, 15-450(08)G02 Rev B, 15-450(08)S02 Rev A, 15-450(08)E02 Rev A, 15-450(08)E03, and the materials specified in the application. Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until the existing trees on the site, shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with the details shown on approved plan no. 15-450(00)002 Rev B, and within the amended arboricultural report received by the local planning authority on 28/09/16. 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. Reason – The trees 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.
4. Before the first occupation of the extension the first floor landing window on the north-east elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter. Reason – To protect the privacy and amenities of the occupiers of the adjoining property (no.10 Bull Lane Ketton).

Site & Surroundings

1. The site is a two storey stone dwelling located towards the end of Bull Lane; a narrow cul-de-sac that serves several dwellings and a Methodist Chapel at the end of the lane, adjacent to the site. It is also within Ketton Conservation Area, and adjacent to a listed building (no. 10 Bull Lane). While no. 16 was built 10 years ago within land belonging to/associated with no. 10 Bull Lane, it would not appear to be within its historic domestic curtilage. No. 16 itself has a large garden curtilage that extends south-east between 80-100 metres beyond the planned limits of development that runs through the site.
2. A public footpath (E230) runs along the southern side boundary of the application site, connecting Ketton with Algate. There is also a public recreation area and children's play facilities beyond this within close proximity of the site. The side and rear of the site is partly screened by mature trees and other vegetation, a fence, and a laurel hedge.
3. The site is on higher ground than the adjacent public footpath, which has a small stream running next to it. The land here slopes away towards the river at the eastern edge of the site.
4. Within the grounds of the site is an open air swimming pool and summerhouse that would be removed to accommodate the proposed development.

Proposal

5. The proposal is for numerous rear and side extensions to the property. This includes a two storey rear extension, and single storey extension that links into a further two storey extension. Additionally, a large ground floor extension to the side/rear of the property is proposed to accommodate an enclosed swimming pool and gym. An existing conservatory would be removed to facilitate the development.
6. The proposal would abut, but would not extend beyond, the planned limits of development that runs through the site. Permitted development rights were removed at the time that the original dwelling was granted planning permission.

Planning Guidance and Policy

National Planning Policy Framework

- Paragraph 126 – heritage assets are an irreplaceable resource;
- Paragraph 129 – local planning authorities should require an applicant to describe the significance of any heritage assets affected;
- Paragraph 132 – great weight to be given to conservation of heritage assets;
- Paragraph 134 - Where a proposal will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

The Rutland Core Strategy (2011)

- CS19 – Promoting good design
- CS22 – Historic and cultural environment.

Site Allocations and Policies DPD (2014)

- SP15 - Design and amenity
- SP20 - The historic environment

Consultations

7. Ketton Parish Council – Deferred decision – Planning Officer to view site. Committee concerned about natural spring at south/east corner being affected by ground works and the foundations at the Chapel.

Neighbour Representations

8. Two objections on the grounds of loss of privacy and detrimental impact on residential amenity, size of proposal, detrimental impact on listed building and non-compliance with Policy SP20.

Planning Assessment

9. The main issues are the impact of the proposal upon;
 - Design/Conservation Area and adjacent listed building
 - Residential amenity
 - Trees

Design/Conservation Area and adjacent listed building

10. Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have **special regard** to the desirability of preserving the setting of a listed building, and preserving or enhancing the character or appearance of a conservation area. This carries significant weight in considering planning applications.
11. The increase in floor area as a result of the proposals in relation to the existing property is significant. The council's policy for design (SP15) states that the scale, form, massing and height of a development must be appropriate to the local context of the site and to the surrounding landscape and/or streetscape character.
12. The views into the site from the immediate public surroundings such as the public footpath or recreational area would be limited due to the difference in ground levels and the screening along the side boundary. There would be distant views from the south between sporadic gaps in the vegetation, but not to the extent that the setting of Ketton Conservation Area would be compromised. The proposed materials to match the existing building (natural coursed stone and slate) would be appropriate for the building and wider context of the site, helping to blend the development into its surroundings, notwithstanding its size. Given that the proposals would not be prominent from public viewpoints, it would not appear as an inappropriate development in terms of its local context or the surrounding landscape or streetscape character.
13. The two storey rear extension would be more prominent from the garden of the adjacent listed building (no. 10). However the design of the extension as it appears along the northern side boundary is in-keeping in terms of its proportions, and its ridge height is lower than that of the main dwelling. It is also set back from the boundary, and is further away from the listed building than the existing dwelling. As such, the impact upon the setting of the listed building would not be significant, and would not be contrary to local or national heritage policies (including Policy SP20).
14. The Methodist Church would be classed as a non-designated heritage asset. However, the proposed development here at this part of the site would be single storey, and the impact upon this asset would be negligible.

Residential amenity

15. The objections from the neighbouring properties is noted, and has been given due consideration. The plans have also been updated during the lifetime of the application. There are no windows at ground floor level proposed (in any event there is a tall (2.5 – 3 metres) high wall that marks the shared boundary between the properties). At first floor there is a side window that faces the shared boundary. This serves a landing (classed as a non-habitable room), is shown to be obscured glazed (secured via condition), and would be sited over 30 metres from the neighbouring dwellings. In addition to this there is a high level roof light serving the proposed stairwell. This is positioned well above head height. The window and roof light would not have a detrimental impact upon privacy levels for the neighbouring properties.
16. While the size of the extensions is acknowledged, due to their position at the rear of the site, and that they are set back from the boundary, there would not be an overbearing impact upon the residential amenity of the neighbouring properties.

Trees

17. The proposal as originally submitted would have encroached into the root protection area of nearby trees. These trees as a group positively contribute to the character and appearance of Ketton Conservation Area. The original plans were not acceptable and as such, revised plans have been sought reducing the extension so that it is now entirely outside of the root protection areas. A suitable condition for protective fencing is included to ensure that the trees are not adversely affected as a result of the development.
18. Finally, in relation to the parish comments, the case officer has visited the site on numerous occasions, and the spring running adjacent to the side of the site is acknowledged. The development would not be likely to affect this development, especially as the area closest to the stream has been previously developed when the existing outside pool was excavated.

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

25th October 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/16/3157305 – Mr Simon Hooper – 2016/0613/FUL**
 36 Weston Road, Edith Weston, Oakham, Rutland, LE15 8HQ
 Erection of two four bedroom dwellings, each having a single garage and additional parking space for two cars at the rear part of the garden of 36 Weston Road which is bordered by 11 Rectory Lane to the East and 21 Rectory Lane to the West
Delegated Decision

3. DECISIONS

- 3.1 **APP/A2470/D/16/3154930 – Mr C Nichols – 2016/0293/FUL**
Springwell House, 26 Audit Hall Road, Empingham, Rutland, LE15 8PH
Two storey extension to dwelling
Delegated Decision
Appeal Dismissed
- 3.2 **APP/A2470/D/16/3155483 – Mr M Imison – 2016/0280/FUL**
4 Stretton Road, Greetham, Rutland, LE15 7NP
New vehicular access and car park
Delegated Decision
Appeal Allowed
- 3.3 **APP/A2470/W/16/3149808 – Mr and Mrs Steven Hill – 2016/0063/FUL**
Home Farm, 9 Chapel Street, Belton in Rutland, Rutland, LE15 9JT
Construction of first floor extension over existing ground floor extension to create additional bedroom and en-suite bathroom (revised proposals).
Delegated Decision
Appeal Allowed
- 3.4 **APP/A2470/Y/16/3149813 – Mr and Mrs Steven Hill – 2016/0064/LBA**
Home Farm, 9 Chapel Street, Belton in Rutland, Rutland, LE15 9JT
Construction of first floor extension over existing ground floor extension to create additional bedroom and en-suite bathroom (revised proposals).
Delegated Decision
Appeal Allowed
- 3.5 **APP/A2470/W/16/3152539 – Hereward Homes Limited – 2015/1114/FUL**
Land opposite 2 Blacksmiths Lane, Exton, Rutland LE15 8AJ
Construction of a 3 bedroom detached house with integral garage
Delegated Decision
Appeal Dismissed
- 3.6 **APP/A2470/W/16/3150266 – Mr and Mrs N Grimoldby – 2016/0130/FUL**
Normanton Gardens, Normanton Park Road, Normanton, Rutland
LE15 8RP
Creation of a new stand-alone single storey 2 bedroom cottage to provide as holiday let
Delegated Decision
Appeal Dismissed
- 3.7 **APP/A2470/W/16/3151850 – Cliff Hillyer – 2016/0080/FUL**
Land adjacent to 10 Toll Bar, Little Casterton, Rutland
Dwelling
Delegated Decision
Appeal Allowed

- 3.8 **APP/A2470/X/16/3141867 – Mr Philip Kerry – 2013/1088/CLE**
Land adjacent to Lyndon Top, Lyndon Lane, Oakham, Rutland, LE15 8RN
Certificate of Lawful Existing Use for the erection of a timber shed for use
ancillary to fruit growing
Delegated Decision
Appeal Dismissed

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 **APP/A2470/C/16/3155253 – Mr Clive Giles – 2015/0112/CMP**
14a Queen Street, Uppingham, Oakham, Rutland, LE15 9QR
- 4.2 **APP/A2470/C/16/3155256 – Mr Clive Giles – 2016/0109/CMP**
14b Queen Street, Uppingham, Oakham, Rutland, LE15 9QR

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

- 12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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