



Rutland County Council

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

Ladies and Gentlemen,

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 17th January, 2017** 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 20 December 2017.

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. 16/2017 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 16/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 5 - 20)

6) REPORT NO. 17/2017 APPEALS REPORT

To receive Report No. 17/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 21 - 24)

7) EXCLUSION OF THE PRESS AND PUBLIC

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

Paragraph 1: Information relating to any individual.

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

Paragraph 7: Information relating to any action taken or to be taken in connection

with the prevention, investigation or prosecution of crime.

8) REPORT NO. 15/2017 TO CONSIDER TAKING ENFORCEMENT ACTION AGAINST DEVELOPMENT NOT BUILT IN ACCORDANCE WITH THE APPROVED PLANS

To receive Report No. 15/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 25 - 34)

9) 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: 16/2017

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

17TH JANUARY 2017

**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

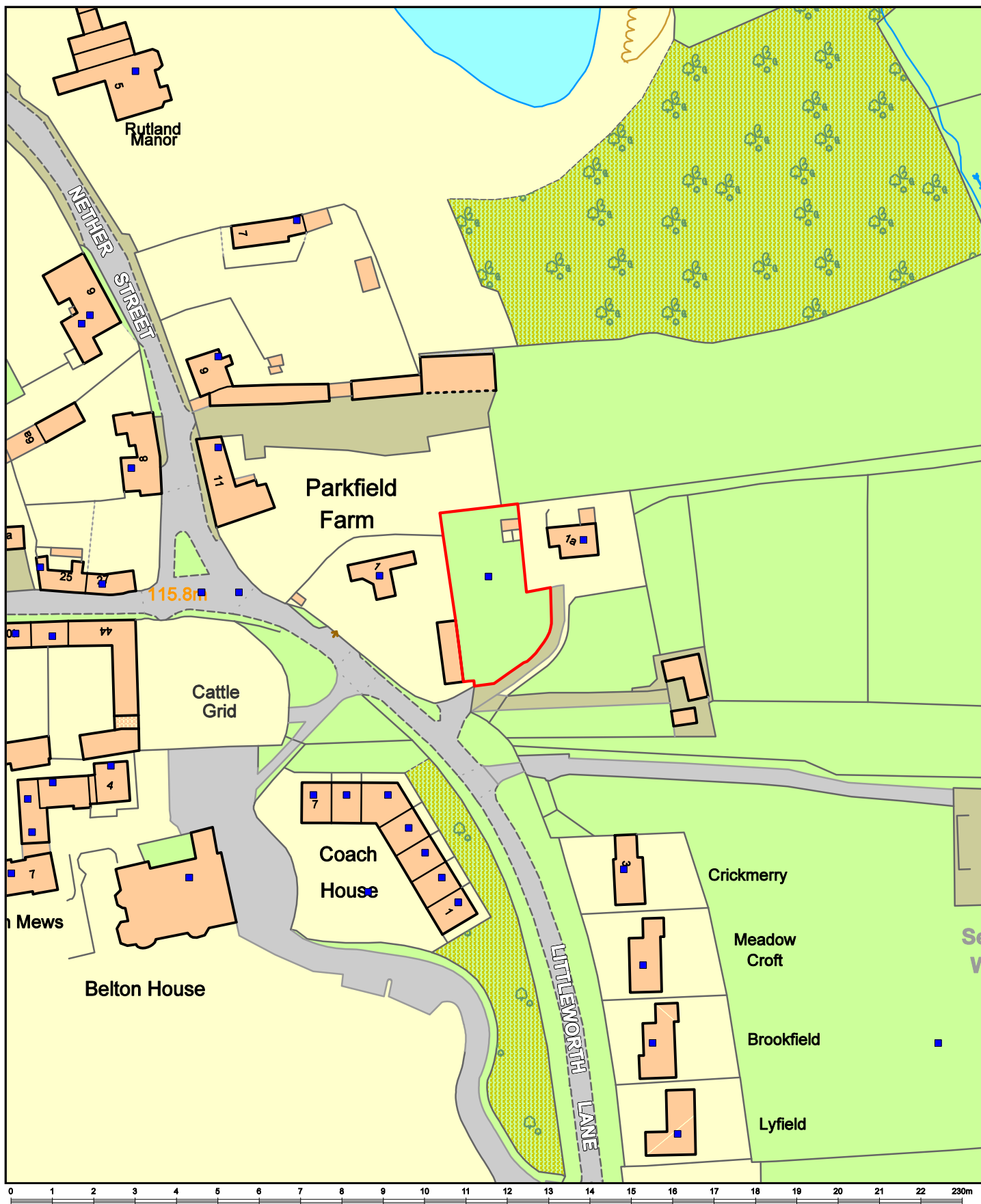
Development Control & Licensing Committee – 17th January 2017

Consideration for Enforcement Action

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1.	2016/0797/FUL	Mr R Pearson, Land adjacent to 1 Littleworth Lane, Belton-In-Rutland Variation of Condition 2 (variation of entrance porch) in relation to approved application 2016/0251/FUL - Proposed dwelling with garages	Approval

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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 13:25
Date of plot: 04/01/2017



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0797/FUL	ITEM 1	
Proposal:	Variation of Condition 2 (variation of entrance porch) in relation to approved application 2016/0251/FUL - Proposed dwelling with garages.		
Address:	Land Adjacent To 1, Littleworth Lane, Belton In Rutland, Rutland		
Applicant:	Mr R Pearson	Parish	Belton-in-Rutland
Agent:	Mr Timothy Bale, J.E.D Design	Ward	Braunston and Belton
Reason for presenting to Committee:		Parish and local objections	
Date of Committee:		17 January 2017	

EXECUTIVE SUMMARY

This is a revised scheme for a dwelling that is almost complete. The design details are marginally different to those previously approved but objections to the design of some elements do not warrant a refusal of planning permission.

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
Reason - For the avoidance of doubt and in the interests of proper planning.
2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor single light bedroom windows in the westerly gable end shall remain glazed in obscure glass.
Reason: To protect the privacy and amenities of the occupiers of adjoining property

Site & Surroundings

1. This is a small site of approximately 800 square metres, previously garden curtilage, located on the eastern edge of the village of Belton in Rutland, originally outside but adjacent to the Conservation Area but now inside the extended area. The majority of the plot is sited within the village limits save for its southern extremity.
2. The dwelling immediately to the west is an extended and modernised 20th century brick house (no. 1) and that to the east a modern bungalow (1A), which is accessed via a track off Littleworth Lane, which lies outside the Planned Limits of the village. Modern farm buildings situated on rising ground to the rear form a backdrop to the site.
3. The land slopes up from the access track at the front of the site to the rear, northern boundary. Planning permission has been granted in several forms since 2001 for a dwelling located towards the rear of the site with a garage block adjacent to that erected on the adjacent site.

Proposal

4. This is a further revised scheme for a dwelling on this site, permissions having dated back to 2001, essentially to retain the dwelling as now built.
5. There are several areas where the details on site differ from the most recent approval. Firstly, the front gable feature is a different design to that previously approved. See previous approval, current plans and photo's in the **Appendices**.
6. Rooflights have been included on the rear and side roof slopes which were not shown on the original drawings. However, once occupied, these would have been permitted development.
7. A landing window was previously approved as a full height opening, 1.2m wide but has been installed wider at 1.5m.

Relevant Planning History

Application	Description	Decision
OUT/2001/0537	Site for dwelling	Approved Aug 01
RES/2002/0596	Reserved Matters	Refused – Appeal dismissed
RES/2003/1204	Reserved Matters	Withdrawn
2004/0248	Erection of dwelling	Approved July 04
2004/1275	Erection of dwelling	Approved March 05
2007/0259	Erection of dwelling & double garage	Approved Jul 07
2010/0335	Extension of time to implement 2007/0259	Approved May 10
2011/0819	Erection of dwelling	Approved Jun 12
2012/0861/DIS	Discharge conds 2011/0819	Approved Feb 13
2014/0769	Erect one dwelling	Approved Oct 14
2016/0251	Erect dwelling & garages	Approved May 16

Planning Guidance and Policy

National Planning Policy Framework

- Promotes sustainable development

- Promotes good design
- Protecting the historic Environment

The Rutland Core Strategy (2011)

CS4 – Location of Development

CS19 – Promoting good design

CS22 – Historic Environment

Site Allocations and Policies DPD (2014)

SP5 – Built Development in Towns & Villages

SP15 – Design & Amenity

SP20 – Historic Environment

Consultations

8. Belton Parish Council

We are asked to consider a variation of condition 2 (variation of entrance porch). The appearance of the 'porch' is that of a previous application which was withdrawn. Had that application not been withdrawn by the present applicant, the Parish Council would have objected to it. We find the design unacceptable for the village, and as it stands it is not acceptable. According to policy SP5 it does have a detrimental impact. We have no problem with the design of the house. We object to the porch due to materials used, the proportion is too large for the building, it adds nothing to the beauty of the stone. The drawing showing the Proposed Elevation provided in hard copy and shown on the internet does not accurately reflect what has been built and does not show the actual size of what has been built, so is misleading. The property has to be viewed at night to appreciate just how inappropriate the materials used are in our village. Photographs will be taken from the street scene for the benefit of the Committee should that be requested. Site Allocations and Policies Development Plan Document Adopted October 2014: 5:12 The curtilage of some dwellings can sometimes be of a suitable size and disposition to allow sub-division to provide plots for additional dwellings. Similarly, land to the rear of existing curtilages can sometimes be satisfactorily used for new housing, known as backland or tandem development. It is of critical importance that such development does not have an adverse impact, either individually or cumulatively upon the character of the village or neighbourhood. To achieve this, and in order to ensure the amenities of the area and neighbouring properties are not unacceptably affected by such development. SP5 a) It is appropriate in scale and design to its location and to the size and character of the settlement. b) It would not adversely affect the environment or local amenity. c) It would individually or cumulative with other proposals have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings.

The response to this was for the builder to make a corrected application which you provided as on- line plans and a follow up hard copy just before the Christmas break. At an EGM of the Parish Council on Tuesday 27th December it was noted the plans still fail to reflect what has actually been built. The Councillors are surprised this should continue to be the case and trust it is not simply a ruse on the part of the builder to keep submitting reworked plans until such time as the build, which is appalling out of place in an Article 4 Conservation village, is accepted.

In response to the latest application:

Again, the drawings supplied do not accurately show what has been built.

The cross beams shown in the drawings for the 'porch' is suggested as narrow. The dimensions are difficult to find. They appear to be certainly more substantial than the drawings suggest.

We are constantly reminded by RCC, the most recent instance being 16 Main Street, that modern plastic windows are unacceptable in the Article 4 conservation village because of the substantial width this is a broad steel coated structure which does not in any way conform to what is deemed to be acceptable for the village which is the smaller dimensions of wooden windows. How, as a Parish Council, are we to enforce the additional expense of installing wooden windows when aluminium coated steel of the dimensions used are found to be acceptable to RCC in the very same Article 4 village? We accept the standard response that each application is considered on its merits but can find no merit in this application whatsoever.

The atrium style 'porch' casts considerable light pollution into the Littleworth Lane part of the village. RCC took on a considerable fight with the owners of Belton House for erecting standard lamps on its drive IN 2004 and after a struggle of five years was eventually successful in having them removed. The light produced by this large glass structure, which we are told meets with the approval of the planning department, is considerably more than that found to be a source of light pollution on Belton House drive. How are the Parish Council supposed to enforce any future instance of light pollution when this house as built can be easily seen from half way up Littleworth Lane, at the very point where Belton House were forced to remove their lamps? Again while we accept each application is considered on its merits, in this instance there is no merit whatsoever.

Planning advise that the extensive garage block they have agreed to will solve the problem. We would like to state the problem is the acceptance by planning of the so called porch without which there is no problem. In order to correct the record, the extensive garage block is over development on a small plot and does nothing to mask the light pollution in addition to which it is being built of SUFFOLK style blackened clap board. How this is suitable for an article 4 village in RUTLAND is beyond our comprehension.

Had these plans been available prior to the house or its garage block being built they would not have been acceptable and it is our belief this has been a deliberate ploy to obtain permission by default to a structure that should never have been allowed.

Neighbour Representations

9. 4 objections received on the grounds of:

- The front gable structure is out of keeping
- Contrary to Village Design Statement and not in keeping with conservation area
- Because there are rooms in roof it is 3 storey and not in line with the approved plan (rooms in the roof were shown before)
- Windows as constructed are not as shown on the plan and lack obscure glass
- Light pollution from windows
- Overlooking adjacent garden and kitchen window

Planning Assessment

10. The main issues are design and impact on the conservation area and residential amenity.

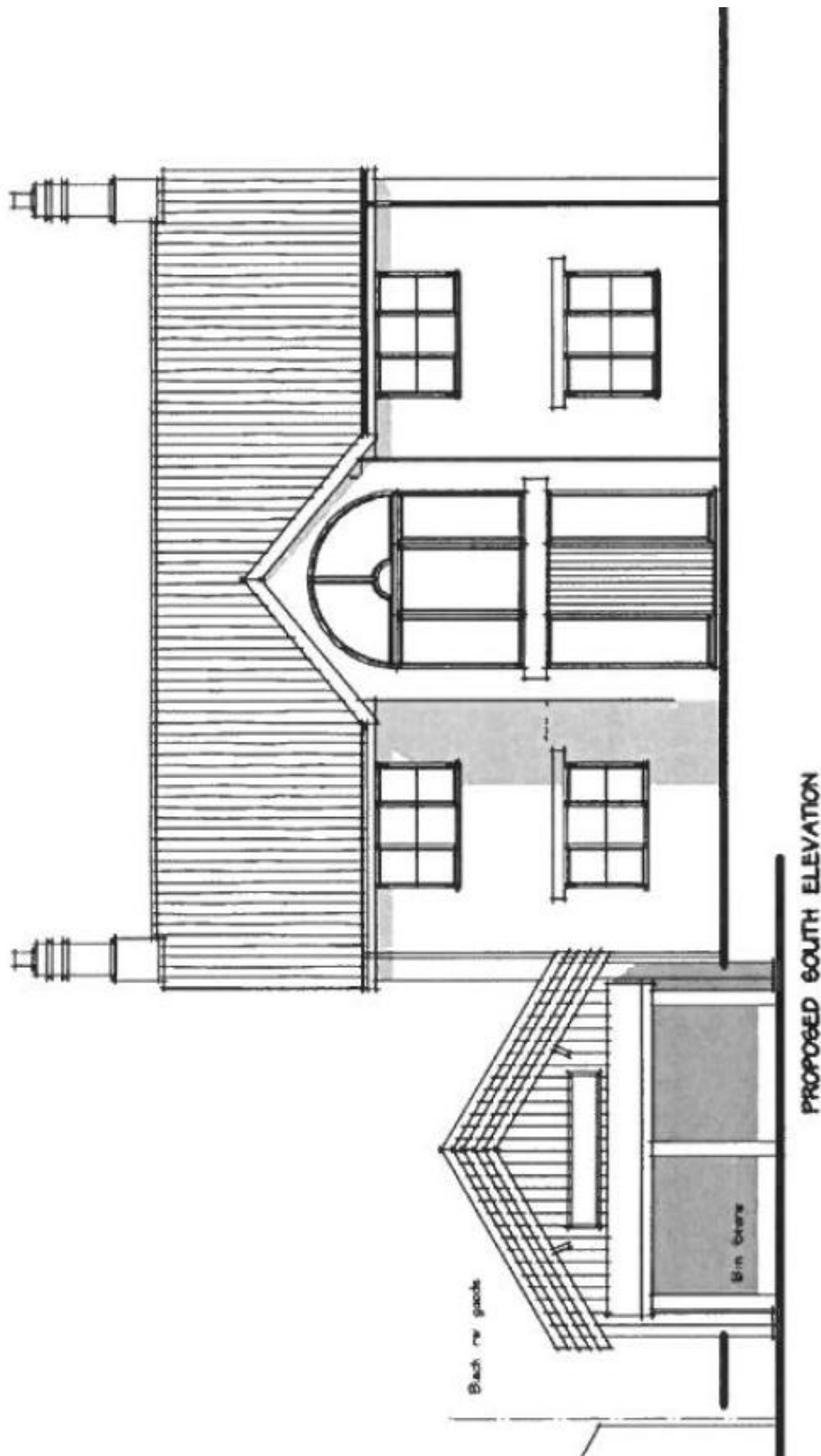
11. This is the latest in a line of several applications for a house on this site. Initial objections when the house was being built were that the house was larger than approved. Site measurement showed that the house is the same size, shape and height as the previous approval. The house has been built in ironstone with a slate roof and red brick chimneys. There is no longer any basement as on earlier versions. The design is very much in keeping with the traditional village materials etc. It does not match the modern house and bungalow either side but is more in keeping with the historic part of the village. The main issue on design is the front gable. As built it is a slightly different design to that approved last time. The finish on site is arguably better than appears on plan where the framing appears thin and undefined. The black frame of the finished article is not particularly obtrusive and will be largely hidden from public view when the garages are completed at the front of the site. It is also hidden by the stable and high double garage in the front yard of 1 Littleworth Lane.
12. There is concern about loss of privacy, over development and the overall height of the dwelling.
13. The height has been confirmed as being the same as proposed before, but in fact it has been built at a height slightly lower than specified.
14. The alterations to the landing window are noted but they do not impact unacceptably on adjacent neighbours. It is sited 8 metres from the boundary and over 15m from the nearest part of 1 Littleworth Lane which also has windows facing the new house. The applicant states that he intends to obscure film the top half of the landing window for his own privacy. The relationship between the 2 properties is acceptable as it stands but if the applicant fits obscure film it will remove any concerns.
15. The applicant has obscure glazed more windows than the previous permission required and states that he also intends to do so on side bedroom windows on the east elevation. Parkfield House to the north is at a much higher level and largely looks over the top of the proposal. The garages and games room are as previously approved so require no consideration in this application.
16. Overall the proposal is not considered to have a materially increased impact on neighbour's amenity. It preserves the character of the conservation area, and the use of stone is an improvement on previous schemes which included render at first floor. In addition it does not affect the setting of the nearest listed building at Parkfield House. The duties imposed on the Council within the 1990 Planning (Listed Buildings and Conservation Areas) Act have therefore been met.



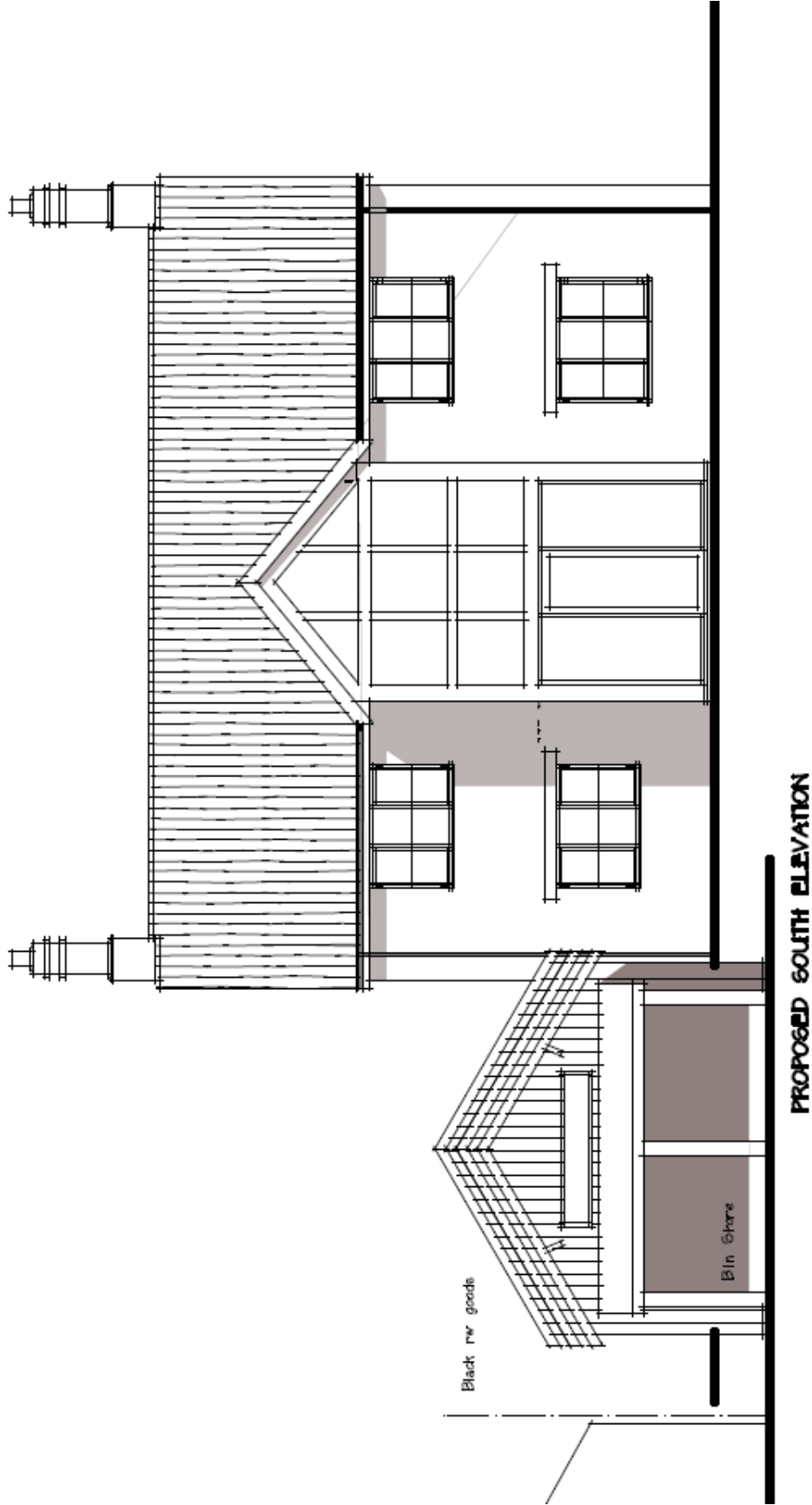
Front gable as built



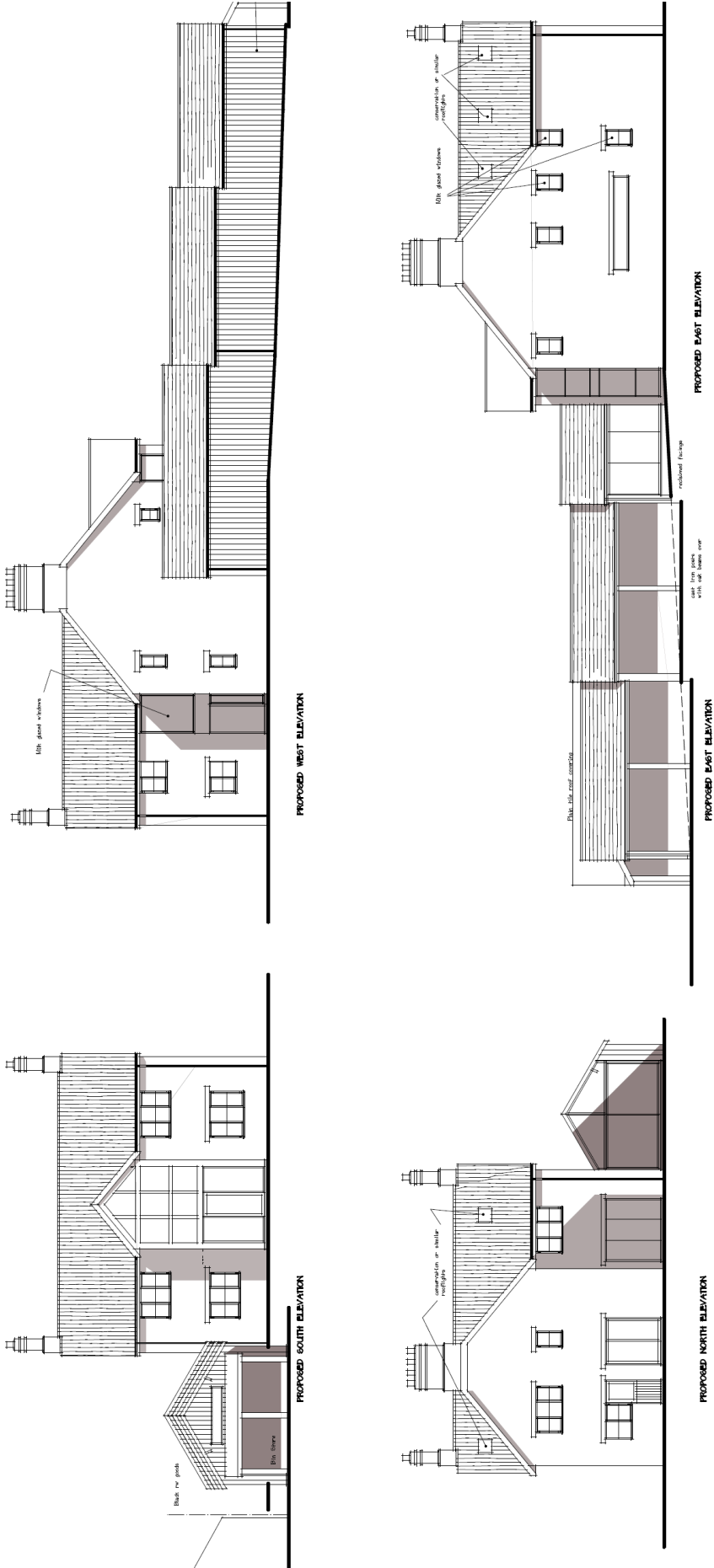
View from Littleworth Lane, garages partly built in foreground



Front elevation as approved previously – 2016/0251



Front Elevation as built



Current Proposal



REPORT NO: 17/2017

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

17th January 2017

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/D/16/3155682 – Mr & Mrs A Rogers – 2016/0726/FUL**
Cromwell Cottage, The Square, RYHALL, Rutland, PE9 4HJ
Erection of an extension
Delegated Decision

3. DECISIONS

3.1 APP/A2470/D/16/3158106 – Mr Tim Freimuth – 2016/0418/FUL

Emmeline House, Burley Road, LANGHAM, LE15 7HY

Single Storey Rear Extension

Delegated Decision

Appeal decision – Allowed

3.2 APP/A2470/W/16/3152094 – Mrs Maria Goulding – 2015/0932/FUL

Cosy Dub Farm, Braunston Road, BROOKE, LE15 8HW

Construction of a permanent dwelling at Cosy Dub Farm to accommodate an agricultural worker

Delegated Decision

Appeal Decision – Allowed

3.3 APP/TPO/A2470/5329 – Mr Michael Smith – 2016/0272/PTA

The Red House, 35 The Nook, WHISSENDINE, LE15 7EZ

1 No. Horse Chestnut - Crown reduction of approximately 15% and shape back to growth, cutting mostly at dropping growth points

Delegated Decision

Appeal Decision - Allowed

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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