

# Public Document Pack



## Rutland County Council

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

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 29th August, 2017** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs  
**Chief Executive**

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

### **A G E N D A**

#### **APOLOGIES**

##### **1) MINUTES**

To confirm the minutes of the Planning and Licensing Committee held on 1 August 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 Rule 93.

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.

--o0o--

Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

--o0o—

The total time allowed for this item shall be 30 minutes.

**4) PLANNING APPLICATIONS**

To receive Report No. 158/2017 from the Director for Places (Environment, Planning and Transport)  
(Pages 3 - 80)

**5) APPEALS REPORT**

To receive Report No. 159/2017 from the Director for Places (Environment, Planning and Transport)  
(Pages 81 - 84)

**6) ANY OTHER URGENT BUSINESS**

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

---oOo---

**DISTRIBUTION**

**MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:**

Mr E Baines (Chairman)	
Mr A Stewart (Vice-Chair)	
Mr G Conde	Mr W Cross
Mr R Gale	Mr J Lammie
Mr A Mann	Mr T Mathias
Mr M Oxley	Mr C Parsons

**OTHER MEMBERS FOR INFORMATION**

**REPORT NO: 158/2017**

**PLANNING AND LICENSING COMMITTEE**

**29<sup>TH</sup> AUGUST 2017**

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

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

**This page is intentionally left blank**



## Rutland County Council

### Planning & Licensing Committee – 29<sup>th</sup> August 2017

#### Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1.	2017/0663/FUL	Mr Paul Jennings, Acorns, Baulk Road, Bisbrooke, Change of use of land to a Gypsy/Traveller site, for one family, to include a mobile home, 1 permanent caravan space, the erection of an amenity building & associated works with 2 additional caravan spaces for visitors.	Approval
2.	2016/0537/MAJ	Your Life Management Services Ltd, Assisted Living Apartments, Penn Street, Oakham, Erection of assisted living (Extra Care) (C2) accommodation for the elderly including provision of communal facilities, access, car parking, landscaping and ancillary development.	Approval
3.	2017/0278/FUL	Carlton Street Trading Ltd, Ram Jam Inn, Great North Road, Greetham, Mixed use development.	Approval
4.	2017/0245/FUL	Towngate Developments Ltd, Land to the South East of 4, Redmiles Lane, Ketton, Erection of a two storey dwelling and extension to existing garage.	Refusal
5.	2017/0422/MAJ	Bloor Homes Ltd, Land South of Leicester Road, Uppingham, Erection of 28 dwellings with associated landscaping, open space and infrastructure (Phase 2).	Approval
6.	2017/0419/FUL	Mr Steve Jones, 13, Church Lane, Morcott, Demolition of existing bungalow. Erection of single storey dwelling.	Approval

**This page is intentionally left blank**



Scale - 1:1250  
Time of plot: 12:00  
Date of plot: 14/08/2017

7

**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2017/0663/FUL		ITEM 1
Proposal:	Change of use of land to a Gypsy/Traveller site, for one family, to include a mobile home, 1 permanent caravan space, the erection of an amenity building & associated works with 2 additional caravan spaces for visitors.		
Address:	Acorns, Baulk Road, Bisbrooke, OAKHAM, Rutland, LE15 9EH		
Applicant:	Mr Paul Jennings	Parish	BISBROOKE
Agent:	N/A	Ward	Lyddington
Reason for presenting to Committee:	Local objections		
Date of Committee:	29 August 2017		

## EXECUTIVE SUMMARY

The site for a single gypsy family is located in the countryside but is close to Uppingham and meets the relevant criteria in Policy CS12. The impact of the residential use on local residents is satisfactory.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annexe 1 of Planning Policy for Traveller Sites (2015) or any equivalent replacement guidance.
2. The residential use, hereby permitted, shall be for the benefit of Joanna Smith, her partner and/or their dependent children and/or grandchildren only.
3. The use of the site pursuant to this permission shall be limited at any time to occupation by one family unit, in accordance with the provisions of condition 1 of this permission, and to a maximum of 1 residential caravan/mobile home and one touring caravan together with spaces for 2 visiting touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
4. The hedge on the road frontage shall be maintained at a height of not less than 2.5m above the level of the adjacent carriageway. Any hedging that should die or be removed shall be replaced with a similar species during the first available planting season (October to March) following death or removal.
5. The erection of the amenity block hereby approved shall not take place until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

The reasons for the conditions are:

1. The site is located in open countryside where residential accommodation is only being approved due to the gypsy status of the specific occupiers
2. For the avoidance of doubt and to enable the Local Planning Authority to assess the likely impact of any future potential additional occupiers of the site.
3. To minimise the visual impact of the site on the edge of the village and to allow for visitors.

- |  |   |
|--|---|
| 4.   | To screen the fencing behind in a rural location, in the interests of visual and environmental amenity.                   |
| 5.   | To ensure that the materials are appropriate to the area and because no details have been submitted with the application. |
| <p>Notes to applicant: This permission does not grant or imply approval to use any part of the site or land to the rear for any commercial purposes, other than those that are lawful on the land to the rear.</p> |   |

## Site & Surroundings

1. The site is located on the eastern side of Baulk Road, approximately 100 metres south of its junction with the A47. It comprises a mobile home, approved in the 1980's as a temporary accommodation for the son of the owners who then lived in the house to the north, and a shed.
2. The site is roughly 30 metres deep by 35 metres wide and is partly screened from Baulk Road by a hedge, save for the metal gates at the vehicular access. New high fencing has been erected within the site, inside and above existing fencing in some areas.
3. The occupiers own a wider area of land, including a large shed, to the rear of the application site but this is not included in the application.
4. To the north is a dwelling known as Dunroamin, which has a separately occupied annexe and is timber clad with a shallow pitched tiled roof.
5. To the south is a bungalow in stone/brick and plain tiles.

## Proposal

6. The proposal is for a gypsy site for a single family occupation, to include the mobile home, a touring caravan pitch for the occupiers daughter to use and pitches for 2 visitors touring caravans. It is also proposed to erect a day room which would be used for utility and ancillary purposes.
7. The dayroom would be 9 metres by 7 metres and 4.75 metres to the ridge. This is stated as brick or ironstone construction with a slate roof (although pantiles are illustrated on the drawing).

## Relevant Planning History

Application	Description	Decision
253/63	2 dwellings	Refused Dec 1963
83/72	Dwelling, garage and access	Refused March 1972 – Appeal dismissed
87/0243	Erection of dwelling	Refused Aug 1989
89/0494	Dwelling & access	Refused Aug 1989
90/0229	Replacement residential caravan	Approved June 1990

93/0340	Renewal of temp mobile home	Approved Jan 1994
96/0037	Renewal of temp mobile home	Approved Oct 1996
2000/0154	Change of use of land from agriculture to mixed use of agriculture and storage of military vehicles, artefacts and other vehicles and equipment	Refused March 2001 Appeal against refusal and an Enforcement Notice allowed.
2001/0689	Removal of conditions 1 & 2 of 96/0037	Refused November 2001
2016/1128	Removal of condition 1 and variation of condition 2 of 96/0037	Refused December 2016 – Appeal withdrawn

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Promotes sustainable development. The NPPF makes no reference to gypsy and traveller sites.

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

#### CS12 – Gypsies and Travellers

Sites for gypsies and travellers and show people will be identified through the Site Allocations and Policies DPD and/or the planning application process.

The future need for sites for gypsies and travellers and show people beyond 2012 will be assessed in a review of the Leicestershire and Rutland Gypsy and Traveller Needs Assessment to be carried out in 2012.

In determining suitable sites the following considerations will be taken into account:

- a) in the case of permanent sites, there should be reasonable and convenient access to schools, medical services, shops and other community facilities;
- b) the site should be well located and provide safe and convenient vehicular, pedestrian and cycle access and adequate parking, and not result in a level of traffic generation which is inappropriate for roads in the area;
- c) the impact on landscape character and/or sites/areas of nature conservation value including the internationally designated nature conservation site of Rutland Water;
- d) the site must provide adequate on-site facilities for parking, storage, play and residential amenity (including basic essential services);
- e) the site should not be unacceptably visually intrusive nor detrimental to amenities of adjacent occupiers;
- f) adequate levels of privacy and residential amenity for occupiers should be provided.

The second paragraph of this policy has been superceded by the 2016 assessment – see below.

### **Site Allocations and Policies DPD (2014)**

#### SP15 – Design & Amenity

## Other Considerations

### Planning policy for traveller sites (Dept for Communities and Local Government - August 2015)

- Government planning policy for traveller sites is that local planning authorities should make their own assessment of the need for sites and that Local Plans should include fair, realistic and inclusive policies. They should set pitch targets for gypsies, setting a 5 year supply of deliverable sites and identifying a longer-term supply of developable sites or broad locations for growth.
- 'Deliverable' in this case means be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans
- When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community
- When considering applications, local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

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

- This states that there will be a short fall of sites in the period 2016-2036, 13 Gypsy and Traveller pitches will be required in Rutland. 8 of these would be in the period to 2021. 4 of these have recently been provided in Langham. The remainder will need to be found either through the review of the Local Plan or assessed under policy CS12 on suitable sites. A shortage at this stage does not mean that any site will be acceptable.
- It should be noted that Section 124 of the Housing and Planning Act 2016 removed the duty on local authorities to assess the accommodation needs of Gypsies and Travellers separately

### The Consultation Draft Rutland Local Plan

- This essentially repeats this same policy as CS12, at RLP18, but includes making provision for the sites identified in the 2016 assessment. The Plan does not propose allocation of traveller sites so the criteria based policy will remain. It states that future need will arise from growth of existing families in Rutland. The broad location for future gypsy and traveller sites should reflect the existing locations of sites and the nearest most suitable settlements.
- Individual applications such as this still need to be assessed against the policy.

- This Plan has not yet been subject to consultation and examination so carries little weight at this stage.

## Consultations

### 8. **Bisbrooke Parish Meeting**

At a well-attended informal village meeting, held on the 7th August, there was a discussion lasting over 45 minutes. This discussion raised points material to the consideration of this application.

In summary:

#### **Planning Policy and Implications**

- The application site is beyond the planned limits of the village, in a countryside location, where there is a general presumption against development.
- Bisbrooke has been classified as an unsustainable village in the Rutland Local Plan.
- A permanent residential use on the site would impact on the visual and residential amenity of neighbouring occupiers.
- Additional traffic to and from the A47 would not be in the interests of highway safety. Two fatalities have occurred at this junction.
- Bisbrooke is already host to an authorised showman's site. A further site of a similar nature would have an adverse disproportionate effect on a small rural community.
- There is evidence within the South Kesteven and Rutland GTAA 2016, Final Report, to demonstrate that RCC has adequately addressed Gypsy & Travellers unmet needs within Rutland's development Plan.
- In any case para 25 of the PPTS indicates that sites should not be outside allocated development areas.
- There has been no community consultation on this application contrary to the GTAA para 9.23.

#### **Various matters were raised at the meeting a brief summary of these are as follows:**

- The application is basically an amended application based on the refused application 2016/1128/FUL. The planning framework remains the same.
- There is no definition of family in the application even though "family unit" is defined in the GTAA.
- Question 1 The applicant is shown as Paul Jennings. The assumption must be therefore that this application is for his family not Joanna Smith's who has signed the form as Question 25.
- Question 3 states the change of use has not started. I understand the mobile home is being lived in.
- Question 5 refers to pre-application advice but no detail is given • Question 7 say there is no areas for storage of waste or separate storage and collection of recycling material. That is not sustainable development.
- Question 10 implies increased traffic flows, should a simple transport assessment be obtained as Baulk Road junction with the A47 is one most villagers try and avoid?
- Question 11 surely not knowing how foul sewerage is being dealt with is not acceptable or sustainable. It begs the question what happens now?
- Question 12 Can the council check which watercourse the surface water will flow into?
- Question 25 The signature contradicts question 1.



## Other Issues Raised

1. Does the applicant have Romany Gypsy status and what is the evidence?
2. In accordance with the condition of the previous permission, the LPA should now take enforcement action to remove the mobile home and restore the land.
3. Concerns that the four acres adjacent could become a larger gypsy/traveller site in the future with access taken below Prospect Cottage.

The village meeting voted on the application and there were 29 votes against the application none for and I abstained.

## 9. RCC Highways

The level of traffic that will be coming from the site is not enough to warrant a refusal. The site will be used by people visiting the residents which probably won't be every weekend. If it was a site for 20 caravans we may be more concerned; but the level of traffic and the A47 junction has good visibility, we have no objections

## Neighbour Representations

10. At the time of writing, 27 Objections have been received from local residents, including 15 who wish to remain anonymous. These are on the following grounds:
  - Contrary to Local Plan – neighbours consider CS12 criteria is not met
  - Overlooking of dwelling to the north
  - Gypsy sites should not be sited next to other properties
  - Applicant told Parish meeting that only one family was involved
  - Allows for 4 families to occupy
  - Unsustainable location
  - Visitor spaces will become permanent
  - Additional traffic adding to hazards on A47 junction, unsuitable for caravans turning in and out – site of previous fatalities
  - Previous refusal so what's different?
  - Mobile should have been removed when previous owner vacated
  - Already a showmen's site in the village, unfair to impose this site too
  - South Kesteven and Rutland Gypsy Accommodation Assessment makes it clear that these would be needed by existing families who are currently overcrowded or for new family formation within existing family units
  - Policy SP8 states that proposals for the stationing of mobile homes and caravans will only be approved on sites which would be considered acceptable for permanent dwellings
  - Amenity building is thin end of the wedge, with further applications being made
  - Will cause upset to the surrounding area and not be in keeping with the beautiful surroundings
  - Inadequate utility supplies
  - Previous violence from travellers in village<sup>1</sup>
  - Issues surrounding land to the rear (not part of this application site)

## Planning Assessment

11. The main issues are planning policy, residential amenity, highway safety and human rights considerations.

---

<sup>1</sup> This reference is not in connection with the occupiers of the application site.

## Planning Policy

12. No sites for Gypsies and Travellers were identified in the Site Allocations and Policies DPD nor in the new Consultation Draft Rutland Local Plan. This means that all applications such as this have to be considered in the light of Policy CS12 set out above.
13. The Council cannot currently demonstrate a 5 year supply of gypsy and traveller sites so the locational policies of the Development Plan are considered out of date for this purpose. Any appeal against a refusal would consider this as a significant material consideration.
14. The recent Assessment of Gypsy and Traveller needs in South Kesteven and Rutland states that there will be an estimated need for 8 plots between 2016 and 2021. 4 of those plots have already been provided on an existing site in Langham by virtue of a planning permission granted in August 2016. The provision of any other sites to meet this need still has to be assessed against the policy as was the case in Langham. Whilst the Assessment states that these plots are to meet a need for established sites, again CS12 has to be used to assess 'windfall' sites such as this.

CS12 contains 6 criteria for either allocation of sites in a development plan or for the determination of a planning application so are relevant in this case.

15. Taking each one in turn, the assessment is as follows.
  - A. *In the case of permanent sites, there should be reasonable and convenient access to schools, medical services, shops and other community facilities;*
16. This is the main criteria that needs to be carefully considered. In the previous application, which was not specifically for a gypsy/traveller site, Officers took the view that the site was in an unsustainable location for conventional housing. Electronic measurements from the site to amenities in Uppingham are as follows:
17. Using Glaston Road to access the town, the location of facilities within Uppingham are as follows:

Market Place and shops	1.8km
Uppingham Community College	2.8km
Uppingham C of E Primary School	2.6km
Uppingham Leighfield Primary	3km
Doctors Surgery	2.7km

18. Using the A47 and Ayston Road into Town, the distance to facilities is as follows:

Market Place	2.8km
Uppingham Community College	3.8km
Uppingham C of E Primary School	2.6km
Uppingham Leighfield Primary	2.7km
Doctors Surgery	2km

19. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Manual for Streets states that a reasonable walking distance is about 10 minutes (800m) to local facilities.
20. The Chartered Institution of Highways and Transportation (CIHT) recommends a preferred maximum walking distance of up to 1,200m and up to 2,000m for school trips.

21. There is no bus service that serves Bisbrooke itself. The Number 12 service from Stamford to Uppingham is a 2 hourly service Mon-Sat only. The timetable lists stops in Morcott, Glaston and Uppingham. There is no bus stop near Bisbrooke.
22. It is therefore likely that most journeys from this application site in Bisbrooke to any facility in Uppingham or beyond would be by car, although it is possible to walk. The site occupier schools her children at home so there are no school trips, but in any event there is a school bus service which picks up children from next door. Neighbours consider that this criteria is not met due to the difficulty accessing Uppingham on foot.
23. On the face of it the site is not in a sustainable location, although it is not entirely isolated as it is located between 2 other dwellings. There is also 2 other dwellings on the A47 nearby and a commercial contractors yard further to the south. In allowing an appeal for change of use of a barn to offices in Seaton, an Inspector found that that site was sustainable as it was close to Uppingham. He stated:

*“I do not consider this to be an especially remote location; Uppingham is less than 3 miles from the site along a two lane road, providing access by cycle or a short car journey.”*

24. The application also points to an appeal at Toll Bar on the edge of Great Casterton in September 2016 where an Inspector allowed a site for a permanent dwelling as, although it was contrary to policy, it would benefit from access to facilities in Great Casterton and Stamford. There is one pub in Great Casterton and the site is approximately 3000 metres from Red Lion Square in Stamford which is further than the current site is from any facilities in Uppingham.
25. The appeal at Harrier Close in Cottesmore found that 1200 metres from the post office to the site was unsustainable but that was based on a new Neighbourhood Plan policy which was supported by the local community and contrasts markedly with the Seaton case. A sustainable location is therefore subjective. On its own, it is not considered that this issue is sufficient to warrant refusal but this needs to be balanced with lack of a 5 years supply of gypsy/traveller sites and the other criteria below.

*B. The site should be well located and provide safe and convenient vehicular, pedestrian and cycle access and adequate parking, and not result in a level of traffic generation which is inappropriate for roads in the area;*

26. If the location is established in A above, the site itself provides adequate access and parking for vehicles likely to be associated with the use. Parking is shown on the submitted plans. There is extra land to the rear which is in the applicant's ownership that could be used for temporary overspill parking on an occasional basis. The road outside the site is straight and visibility is adequate. Traffic generation from one family site is no different to those sites adjoining the application site. This is an existing access which has been allowed for use to include commercial and agricultural use on the land to the rear. It has also been in residential use for over 20 years.
27. Objectors are sceptical that the layout shown on the submitted plan can work and consider that the junction on the A47 is dangerous. However, it appears to show the mobile at its correct size and the touring van pitches are consistent with the length and width of touring caravans. The parking spaces are also of sufficient dimensions to accommodate a car or small commercial type towing vehicle.

*C. The impact on landscape character and/or sites/areas of nature conservation value including the internationally designated nature conservation site of Rutland Water;*

28. The site is as well screened as adjacent properties and there is no impact on the wider landscape character, which is what this refers to. The mobile home has been on site for over 20 years so there is no additional impact from that. The amenity building would be built towards the rear of the site and would utilise brick or stone.
29. Neighbours consider that the site will be over-populated and have an impact on landscape character.
30. Together with the surrounding residential enclave, there is no wider landscape character impact. The site is not close to Rutland Water or other designated sites. This criteria is complied with.

*D. The site must provide adequate on-site facilities for parking, storage, play and residential amenity (including basic essential services);*

31. Whilst neighbours consider that the site is too cramped for amenity space to be available, there is adequate space on site for parking etc. as set out above. The overall site provides adequate amenity space and at least as much as many modern dwellings that are considered acceptable. . This criteria is complied with.

*E. The site should not be unacceptably visually intrusive nor detrimental to amenities of adjacent occupiers;*

32. The ordinary residential use of the site will not impinge on neighbour's amenity any more than vice versa. The site is for a single family and does not impinge on the settled community in the way a large multi-family site on the edge of a village might do. The criteria is met. Some objectors claim that the use of the site has caused disturbance but normal residential occupation should not do so. Members cannot lend weight to the potential activities of one specific set of occupiers any more than they could on a normal application for a dwelling.

33. The neighbour to the north has supplied a photo showing overlooking from the door of the mobile home, the top of which is visible over the boundary fencing.

*F. Adequate levels of privacy and residential amenity for occupiers should be provided.*

34. The site is generally well screened and there is scope for additional screening from the neighbouring properties if required. There is some direct overlooking from the door of the mobile home towards the dwelling to the north as it is raised on a plinth so higher than the new fencing. However, this is at a distance of some 20 metres. This relationship has existed for a long time and has not caused a problem in the past when the mobile home has been occupied for residential purposes. The new fencing provides some additional screening but a view is still available. An update on this issue will be made at the meeting.
35. Policy SP8 of the Site Allocations and Policies DPD that some objectors have quoted is not applicable to gypsy and traveller sites and the Plan makes this clear in Para 6.7.
36. On this basis, the balanced debate surrounding the sustainability of the location is outweighed by the compliance with the other criteria in CS12 and the other issues set out below.

### Residential Amenity

37. The use of the site is for residential purposes, as set out under criteria CS12(F) above. Whilst there had been some complaints about commercial activities and bonfires on the site, particularly the land to the rear, these have to be dealt with separately by Planning and Environmental Protection Officers. A residential permission now does not grant or imply approval for commercial use.
38. On the basis that this is a residential use adjacent to existing residential uses, there is no issue of impact on residential amenity through normal use of the site. The buildings on site are single storey so other than the one overlooking issues set out above there would be no loss of privacy from overlooking and no overshadowing of properties.

### Highway Safety

39. The access is wide enough for the proposed use and is set back behind a grass verge, allowing adequate visibility. There is adequate parking within the site for occupiers and visitors. The proposal is acceptable from a highway safety point of view.

### Human Rights / Rights of the Child / Public Sector Equality Duty

40. The application and the Leicestershire Travellers Liaison Officer confirm that the occupier of the site is a Romany Gypsy and therefore does have gypsy status. The Liaison Officer knows the occupiers parents from a site elsewhere.
41. The occupier of the site is due to give birth to a baby in the near future and already has one child who is approximately 13 years old.

### Human Rights

42. The Human Rights Act 1998 ("the HRA") incorporates the provisions of the European Convention on Human Rights and Fundamental Freedoms ("the ECHR") into English law. As a result, the Council must act compatibly with these Rights must take into account the impact that its decision would have on those Rights,

The Rights that would be of relevance in this instance are:

### Article 8 and Article 1 of the First Protocol

43. Article 8 provides that everyone has the right to respect for his private and family life, his home and his correspondence. The Article also provides there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
44. Article 1 of the First Protocol provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law...
45. However, these are qualified rights, The Council may take a decision which amounts to an interference with those Rights if it can demonstrate that the decision:
- Is in accordance with the law;
  - Serves a legitimate aim; and
  - Is necessary and proportionate in the particular circumstances of the case.
46. However, as the recommendation is to grant planning permission, there can as a matter of fact be no interference with the Rights of the applicant and their family and thus the Human Rights Act would not be engaged.

47. In the event of a decision to refuse planning permission, such a decision would be in accordance with the law as the Town and Country Planning Act expressly recognises that planning permission may be refused and the statutory framework for determining planning applications and otherwise controlling development afforded by the Town and Country Planning Act 1990 has been held to be compliant with Human Rights provided decision makers properly consider and weigh material considerations. Whether the decision serves a legitimate aim and was necessary and proportionate would depend upon the reasons for refusal. However, providing that the decision-maker only takes into account relevant material considerations and acts to protect the public interest in matters of acknowledged planning importance then any such decision would amount to a lawful interference with these Rights.

#### Article 14

48. Article 14 provides for the right to freedom from discrimination. Under this Article, the Council must not in performing its functions discriminate against any person on grounds, which include race, national or social origins, associations with a national minority or their status.
49. Save to the extent that the Council is specifically required to take into account the identity of the applicant and their family, the identity of the applicant has had no bearing on the decision.

#### Rights of the Child

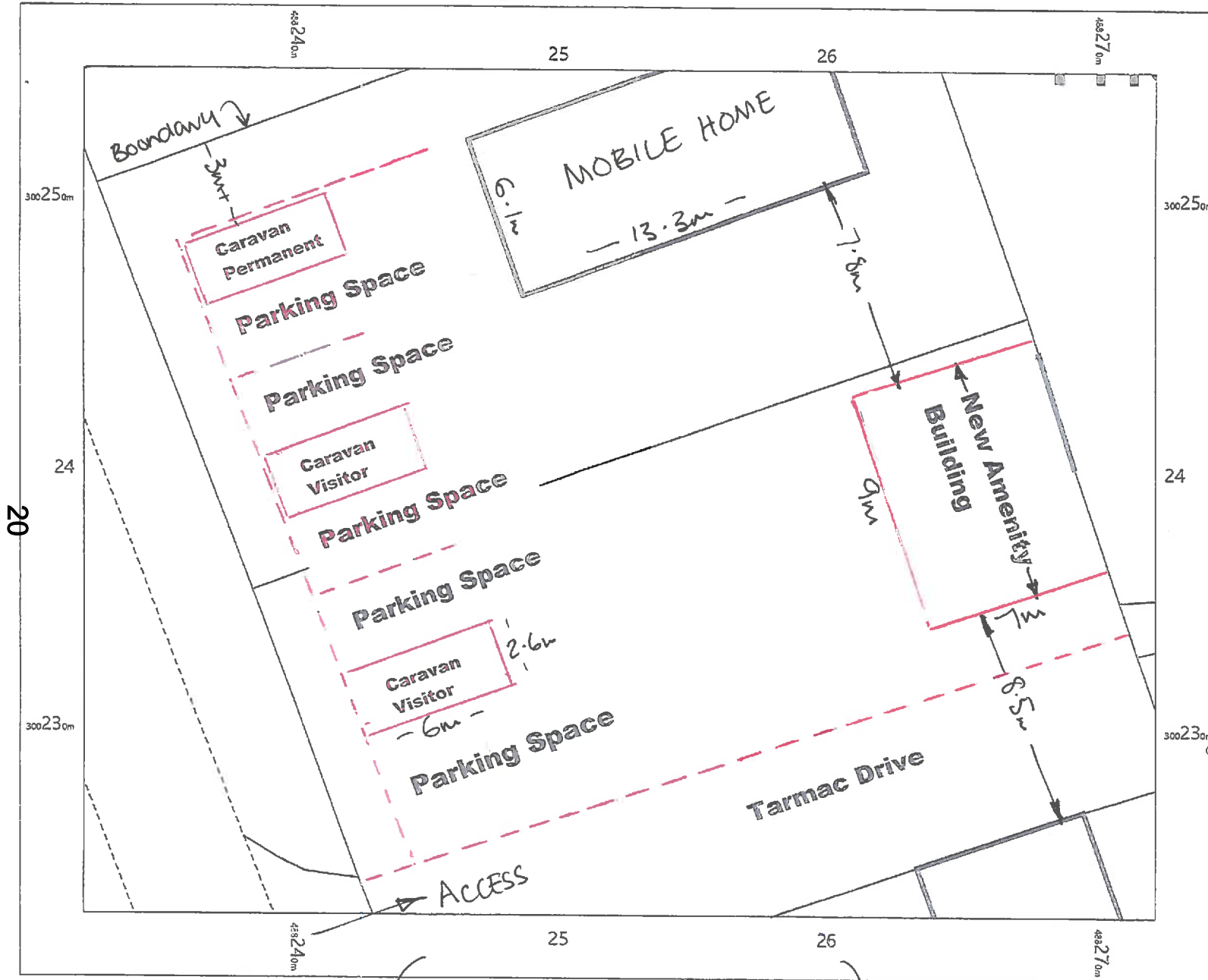
50. Incorporated into the obligation as regards proportionality in Human Rights are the obligations set out under the United Nations Convention of the Rights of the Child ("UNCRC"), and in this case specifically Article 3. .In the assessment of proportionality there is an explicit requirement to treat the needs of the children as a primary consideration (UNCRC, Article 3) and to safeguard and promote the welfare and wellbeing of the children (Children Act 2004, section 11(1)).
51. Thus in making any decision the Council must be mindful of the impact it would have on the children currently in occupation of the land. As before any decision to grant planning permission is unlikely to engage this right. However, it would be engaged were the Council to refuse planning permission (and in any subsequent decision to take enforcement action).
52. In *Collins v Secretary of State for Communities and Local Government* [2013] EWCA Civ 1193; [2013] PTSR 1594, a case involving a statutory challenge of the planning inspector's decisions to uphold an enforcement notice and refuse to grant planning permission for a travellers site occupied by a group of 78 travellers, including 39 children, the Court of Appeal held that:-
1. Where a planning decision engaged a child's right to private and family life under Article 8 of the ECHR, the child's best interests would be a primary consideration for the decision-maker, but that those interests, once identified, were not determinative of the planning issue;
  2. However, no other consideration was to be regarded as more important or to be given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case;
  3. When examining all material considerations and making a planning judgment on the basis of the best interests of any child, the decision-maker had to keep those interests at the forefront of his mind and assess whether any adverse impact of any decision he might make on the interests of a child was proportionate;
  4. Whether the decision-maker had properly performed the exercise was a question of substance not form;
  5. It was not necessary for the planning decision-maker, or inspector appointed to hold a public inquiry and make recommendations to the Secretary of State, to

- hear directly from children affected by the relevant decision, since their wishes and best interests would normally be conveyed sufficiently through evidence from other sources;
6. The decision-maker had to be equipped with sufficient evidence on which to make a proper assessment of the child's best interests, but where an applicant for planning permission was professionally represented the decision-maker was entitled to assume that the relevant evidence had been placed before him unless something showed the need for further investigation; and
  7. It would not usually be necessary for the decision-maker to make his own inquiries as to evidence that might support the child's best interests.

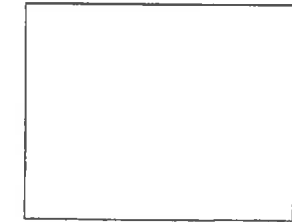
### Public Sector Equality Duty

53. Any decision may also engage the public sector equality duty within section 149(1) of the Equality Act 2010, which includes a General Duty to have "due regard" to the three aims identified in section 149(1), namely the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
54. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
55. The public sector equality duty covers the following protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race – this includes ethnic or national origins, colour or nationality
  - Religion or belief – this includes lack of belief
  - Sex
  - Sexual orientation
56. In this regard it is important that the decision-maker is conscious of the effects that the development (or any refusal of permission) is likely to have on those with protected characteristics and can demonstrate that due weight should be given to those effect in reaching their decision.

# JS - 17 SLP SITE LOCATION PLAN



(All dimensions are approximate.)



OS MasterMap 1250/2500/10000 scale  
Monday, July 3, 2017, ID: JEW-00536735  
maps.johnwright.com

1:200 scale print at A4, Centre: 488252 E,  
300239 N

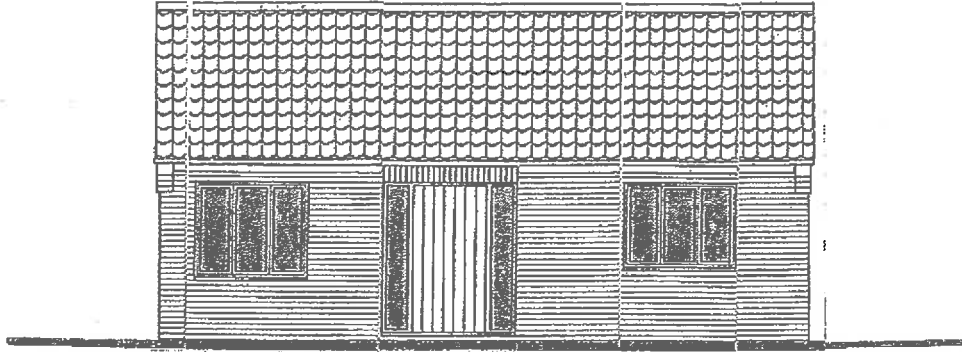
© Crown Copyright Ordnance Survey. Licence  
no. 100025568



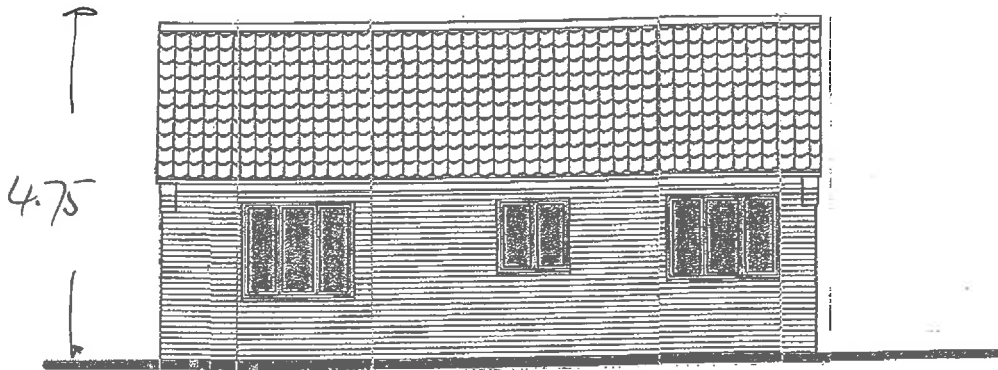
**johnwright**

leicester.maps@johnwright.com  
tel: 0116 255 6030

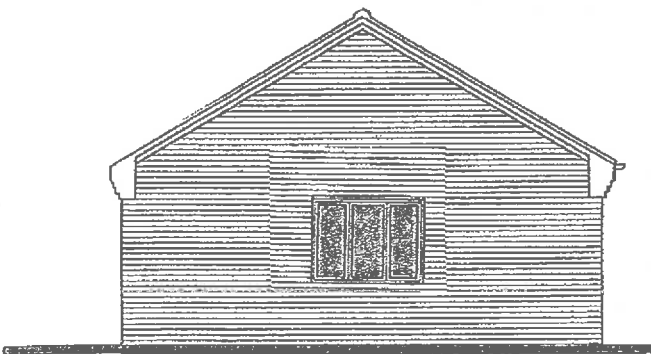




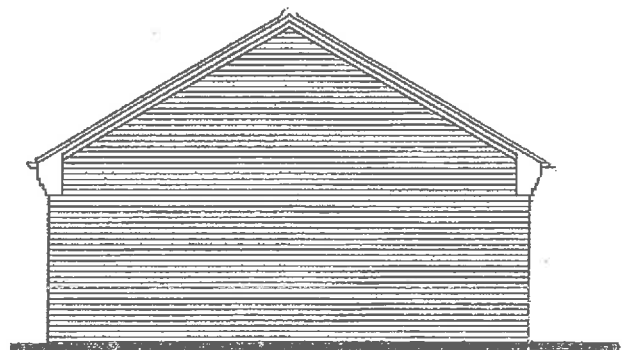
**WEST (FRONT) ELEVATION**



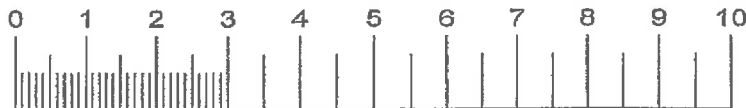
**EAST ELEVATION**



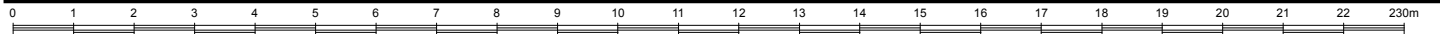
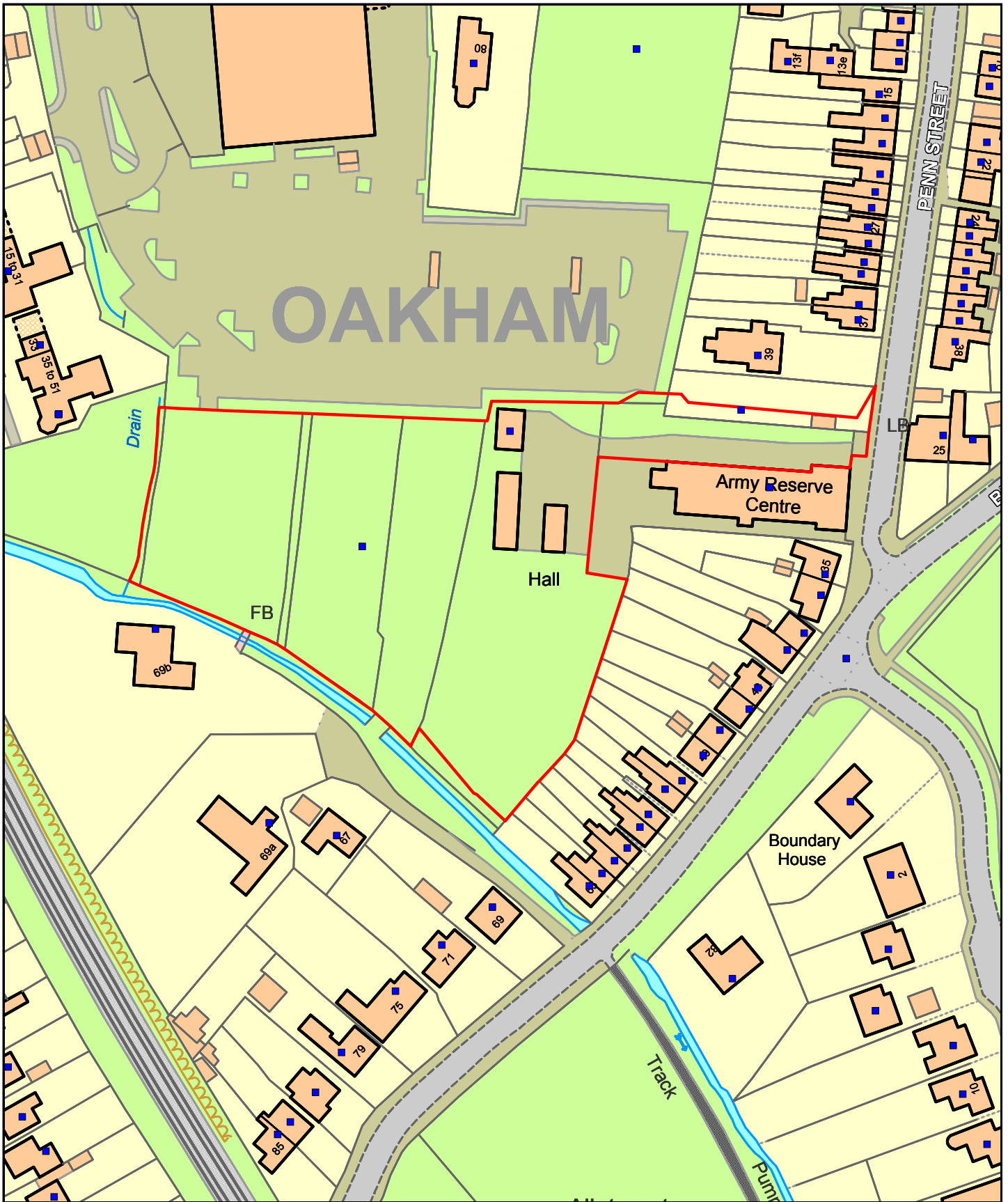
**SOUTH ELEVATION**



**NORTH ELEVATION**



**This page is intentionally left blank**



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

Scale - 1:1250  
Time of plot: 12:14  
Date of plot: 14/08/2017

23

**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2016/0537/MAJ		ITEM 2
Proposal:	Erection of assisted living (Extra Care) (C2) accommodation for the elderly including provision of communal facilities, access, car parking, landscaping and ancillary development.		
Address:	Assisted Living Apartments, Penn Street, Oakham, Rutland		
Applicant:	Your Life Management Services Ltd	Parish	OAKHAM
Agent:	Mr Neil Martyn, The Planning Bureau Ltd	Ward	Oakham South East
Reason for presenting to Committee:	Extent of public objections		
Date of Committee:	29 August 2017		

## EXECUTIVE SUMMARY

This proposal is for specialist residential accommodation for elderly persons, in a sustainable location within Oakham Town Centre, but not where it would constrain any town centre commercial use. Site-specific concerns such as access, parking, design and landscaping are either addressed by the submitted plans or by the recommended conditions.

The scheme therefore accords with the development plan, and there are no other material considerations that would dissuade from this view.

## 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; EM 294 01 AL 015 Rev. A , 001 Rev. L, 002 Rev. F, 003 Rev. J, 004 Rev.H, 005 Rev. C, and 15771-SK240 Rev. E.

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

3. The approved assisted living development shall only be used for the provision of residential accommodation and care, being a use within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification). The living accommodation (excluding staff and guest accommodation) shall only be occupied by persons of 70 years of age or older and any partner, or a surviving partner of any deceased former resident.

Reason - For the avoidance of doubt and because a change to other forms of residential development may require a provision of affordable housing, additional parking provision and enhanced access arrangements.

4. Prior to first occupation of the development, the communal facilities indicated on the approved plans shall be provided in full and retained as such thereafter.
- Reason - For the avoidance of doubt, by ensuring that these facilities remain available as part of the approved Class C2 use.
5. No development shall take place until the existing trees on the site, shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
6. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
- Reason - To allow proper investigation and recording of the site, which is of known archaeological significance.
7. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, including boundary treatments and any proposed changes in ground levels. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
- Reason – To address the loss of existing trees within the central and northern parts of the site, whilst strengthening the existing tree cover elsewhere on the site, thereby enabling the development to be assimilated into the well landscaped character of this part of Oakham. Also, to ensure that boundary treatments and levels maintain an acceptable standard of amenity for neighbouring residents, and because sufficient detail was not submitted with the application.
8. No development above ground level 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 publicly visible building, where appropriate materials are an essential requirement, and because insufficient such details were submitted with the planning application.

9. No residential occupation shall take place on site unless the parking and turning spaces indicated on approved plan EM\_2294\_01\_AL\_001 Rev.L have been made available and hard surfaced in accordance with the approved details. Such facilities shall thereafter be used for these and no other purposes.

Reason - To ensure that appropriate parking, loading/unloading and manoeuvring facilities are available on site, thereby avoiding any pressure for parking or waiting on the local road network, in the interests of highway safety.

10. No development shall take place unless it is fully in accordance with the Sustainable Drainage Scheme indicated in Appendix G of the Flood Risk Assessment Ref: 15771 Rev.A, prepared by bsp consulting and submitted with the planning application. The Scheme shall be completed in its entirety prior to first occupation of the development and then maintained thereafter, both in accordance with the relevant approved plans/document.

Reason - To ensure effective drainage of the site and to minimise flood risk, via sustainable measures.

11. Other than for its conclusions regarding badgers, no development shall take place unless it is fully in accordance with the Recommendations on pages 28 - 31 (inclusive) of the Ecological Appraisal (Ref: RSE\_453\_01-V1), prepared by Ramm Sanderson Ecology Ltd. and submitted with the planning application.

Reason - In order to safeguard the protected wildlife species and their habitats that are known to exist on site.

12. No development shall commence until a survey to confirm (or otherwise) the presence of badgers on the site has been submitted to and approved in writing by the Local Planning Authority. If badgers are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason - In order to safeguard badgers (a protected wildlife species) and their habitats, and because this information was not submitted with the planning application.

Advisory Notes:

1. With regard to Conditions 3 and 4, the developer is reminded that any potential change to a fully residential use (Class C3 of the Town and Country Planning (Use Classes) Order 1987, as amended,) rather than the approved "assisted living" use (Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended) would, if relevant policies of the current development plan are still in use, require the a contribution towards the provision of affordable housing, either on-site or off-site.
2. With regard to Condition 6, the detailed advice of the Council's Archaeological Consultant is attached for reference.
3. With regard to condition 8, the developer should select materials that accord with the Oakham vernacular, including dark red bricks and a state roof.
4. With regard to Conditions 11 and 12, the advice of the Council's Ecological Consultant is attached for reference.
5. The comments of Network Rail are attached, with regard to the potential impact of railway noise on the amenity of future occupants.

6. The advice of the Environment Agency is attached, regarding the need for further approvals from the Agency, particularly regarding works within the vicinity of the watercourse at the south of the site.
7. The developer is invited to prepare a Construction Vehicle Access Plan, in consultation with the Highway Authority, to ensure effective management of construction traffic within the narrow streets in the vicinity of the site.

## Site & Surroundings

1. The application site extends to some 0.8Ha, at the south of the Tesco supermarket on South Road. It is accessed from Penn Street, via an existing driveway at the north of the Territorial Army Centre.
2. The northern boundary of the site faces the car parking area for the Tesco supermarket, whilst the eastern boundary is to the rear of dwellings on Penn Street and Brooke Road. The southern boundary runs along an open watercourse (River Gwash – north arm), beyond which are further dwellings accessed via a shared driveway from Brooke Road. At the west of the site is a play area and amenity space serving the residential area of The Sidings.
3. The site is within the Oakham Town Centre Area, as defined in the Site Allocations and Policies Development Plan Document.
4. Penn Street and the immediate part of Brooke Road are within the Oakham Conservation Area, with the area boundary running along the eastern boundary of the application site. The Territorial Army Centre on Penn Street is a (grade II) listed building.
5. The site contains a number of mature trees and shrubs and is overgrown in places.

## Proposal

6. The current application proposes an “Assisted Living” facility for elderly persons (70 years of age and above). This is within Use Class C2 (Residential Institutions) rather than C3 (Dwellinghouses). The facility would be managed by “Your Life Management Services Ltd.” on behalf of McCarthy & Stone.
7. In detail, it comprises an “L shaped” residential block; mainly three storey with limited two storey areas. The building contains 28 one-bedroom and 28 two-bedroom apartments, spread across all three floors. Central facilities are concentrated on the ground floor, including a visitor reception area, kitchen and dining area, function room, laundry, refuse area and buggy store. In addition to a limited care package included in the resident’s management charges, various additional levels of care are then available for purchase.
8. Vehicular and pedestrian access is provided via an upgrade of the existing access from Penn Street. The residential block then faces northwards towards the Tesco Car Park, and eastwards towards the rear of the dwellings on Penn Street. There are two car parking areas (providing a total of 28 spaces) located between the residential block and these respective boundaries. There is a shared garden and other landscaped areas at the rear (south and west) of the new building.

9. Amended plans have been submitted to address comments about access, layout, design and materials; these are currently out to consultation. All responses received to date are included in the “Consultations” section of this report. Any further responses will be included in the Addendum Report. The latest layout plan is included as an Appendix.

## Relevant Planning History

Application	Description	Decision
FUL/2010/0388	Extension to Class A1 retail store, provision of additional car parking on land to south and east.	Approved 15 March 2011
2014/0134/FUL	Variations of conditions 2, 13, 17, 19, 20 and 25 of planning permission FUL/2010/0388 – extension to store, and additional car parking.	Approved 13 March 2014

The current application site is within the southern part of the site of the above two permissions. It was indicated on both as an additional car parking area for the extended supermarket.

Pre-commencement conditions imposed on the 2014 approval were subsequently discharged and a lawful commencement of development was undertaken. This ensures that the 2014 permission remains available in perpetuity, unless this is no longer possible due to the implementation of any subsequent planning permission.

## Planning Guidance and Policy

### National Planning Policy Framework

- Section 2 - Town Centres
- Section 4 - Sustainable Transport
- Section 6 - Housing
- Section 7 - Design
- Section 10 - Climate Change and Flooding
- Section 11 - Natural Environment
- Section 12 - Historic Environment

### The Rutland Core Strategy (2011)

- CS1 - Sustainable Development
- CS3 - Settlement Hierarchy
- CS4 - Location of development
- CS7 - Socially inclusive communities
- CS17 - Town Centres and Retailing
- CS18 - Sustainable Transport
- CS19 - Design
- CS21 - The Natural Environment
- CS22 - The Historic Environment

### Site Allocations and Policies DPD (2014)

- SP1 - Sustainable Development
- SP5 - Built Development on Towns and Villages
- SP12 - Town Centre Area
- SP15 - Design and Amenity
- SP19 - Biodiversity
- SP20 - Historic Environment



## Draft Local Plan

The Consultation Draft Rutland Local Plan (CDRLP) is now at the consultation stage, with a closing date of 25 September 2017.

Although this Plan is a material consideration, it has not been subject to the full public consultation period or subsequent examination, and therefore carries only limited weight at this stage. It does not outweigh the current development plan.

## Consultations

### 10. **Oakham Town Council**

First Consultation:

No objections, subject to due consideration of:

- Parking
- Traffic Flow
- Conservation
- Flooding

### 11. **Environment Agency**

First Consultation:

No objections, subject to an Advisory Note on any planning permission referring the developer to the need for an Environment Agency Permit for works in the vicinity of the watercourse at the south of the site.

Second Consultation:

No further comments

### 12. **Lead Local Flood Authority**

First Consultation:

Detailed technical comments offered, to be resolved via an amended sustainable drainage system.

### 13. **Anglian Water Services**

First Consultation:

No comments on surface water drainage as this is outside AWS's responsibility, but concern that insufficient capacity available for treatment of wastewater, and that the on-site proposals for foul sewerage are adequate.

### 14. **Highway Authority**

First Consultation:

The submitted tracking diagram for refuse vehicles accessing the site must be revised as these vehicles appear to travel too close to an on-street parking area on Penn Street. Access for construction traffic must also be considered.

### 15. **Ecology Consultant**

First Consultation:

Development should proceed in accordance with the recommendations in the submitted Ecology Report, but a further badger survey and (if required) mitigation proposals should be undertaken before any commencement of development.

### 16. **Archaeology Consultant**

First Consultation:

The applicant's archaeological Desk-based Assessment confirms previously understood archaeological potential within the site. On-site investigations are now required, including trial trenching, followed by a programme of mitigation. This can be secured via a

condition on any grant of permission.

## 17. **Network Rail**

First Consultation:

No objections, subject to:

- drainage being directed away from the railway
- adequate soundproofing being installed to avoid potential noise nuisance complaints from new residents
- new lighting being directed away from the railway

Second Consultation:

No amendments to first response.

## **Neighbour Representations**

### 18. First Consultation:

A total of 16 responses have been received, of which 14 used the same pro-forma. 10 respondents were in support of the proposal; the other six raised the following concerns:

- Height of the building is out of keeping with the immediate area
- Design is inappropriate for Oakham
- Stone could be used rather than render
- Bricks should match the existing red bricks in the immediate area
- More of the existing vegetation should be retained, particularly given its benefits for wildlife.
- Further new planting is required
- Boundaries with neighbouring dwellings should be properly installed and maintained
- Access needs to be carefully considered due to current on-street parking and proximity to the junction of Penn Street and Brooke Road
- Drainage proposals must ensure no further flooding of neighbouring dwellings

19. Although not a planning issue, one respondent suggested that Oakham needs more affordable accommodation for the elderly, but that this could be expensive for future residents.

### 20. Second Consultation:

To date, one further response has been received. This asks if the scheme could be amended to include parking for dwellings on Brook Road, or to incorporate a rear access via the site to these dwellings.

## **Planning Assessment**

### 21. The main issues are:

- Principle of Development
- Access and Parking
- Flood Risk
- Archaeology
- Layout, Design, and Landscaping
- Residential Amenity
- Historic Environment
- Ecology
- Developer Contributions

### Principle of Development

22. The current application proposes a specialist facility for elderly members of the community, located within the Planned Limits to Development of the town, and in a central location close to town centre facilities. This accords with central government guidance and key development plan policies regarding sustainable development.
23. The application site is also within the defined town centre boundary and is part of a larger site that has an available planning permission for retail development (a key town centre land use). However:
- it is also the furthest part of the town centre from the primary shopping frontage along the High Street
  - the only available access for the greater volume of traffic associated with a retail use would be through the Tesco site
  - Tesco has indicated that it no longer wishes to expand into the current application site and has put that land on the market
  - although the site is within the defined town centre area, it is not specifically allocated for retail or any other form of development
24. Consequently, the current proposal would not be harmful to the vitality and viability of the town centre by blocking potential retail or other commercial development.
25. The principle of development is therefore acceptable.

### Access and Parking

26. Vehicular and pedestrian access is proposed from Penn Street, via an enhancement of the existing access at the north of the Territorial Army Centre. This involves a widening of the accessway with consequent loss of trees, fencing and an outbuilding. Replacement planting is then proposed.
27. Penn Street is a relatively narrow residential street, further constrained by resident's on-street parking, and restricted to a (north-south) one-way flow away from the town centre. There are residents parking spaces immediately opposite the site access.
28. Tracking diagrams submitted with the planning application indicate that the available manoeuvring space for larger vehicles is very tight because of the on-street parking area on the opposite side of the carriageway. Given the existing constraints elsewhere on Penn Street, it is not possible to relocate these spaces, but the Highway Authority has suggested that a small adjustment to the proposed access and a review of the tracking diagrams would overcome this concern. This is being addressed by the applicant; members will be updated via the Addendum Report.
29. Given that this is an assisted facility for persons of 70 years and older, and given its sustainable central location, the relatively modest traffic generation (as set out in the submitted Transportation Assessment) would have only a limited impact on highway and amenity concerns. For the same reasons, the 28 space car parking provision is also adequate. This is based on the developer's previous experience elsewhere, and has been assessed by the case officer at one of their other "assisted living" developments. There is also a proposed pedestrian link from the front of the proposal, direct into the Tesco site, immediately to the north. Given that the current application is for an "assisted living" facility, this incorporates a ramp, rather than steps, to deal with the change in ground levels.
30. Although a highways issue rather than planning, some concern has been raised about the impact of construction traffic, particularly given the narrowness of Penn Street. The Highway Authority has suggested that the developer be invited to prepare a voluntary Construction Vehicle Management Plan, intended to direct construction traffic to and from the site entrance via the most direct route from the nearest access point on the

Oakham Bypass (avoiding the town centre). This is set out in one of the recommended Advisory Notes for any grant of permission. It is understood that the applicant may prepare a draft proposal prior to the committee meeting; members will again be updated via the Addendum Report.

31. Given all this, the proposed access and parking arrangements are in accordance with relevant Development Plan policies.
32. The suggestion from a resident of Brooke Road that the development should incorporate parking spaces or rear access for neighbouring dwellings is noted. However, it isn't required to make the current proposal acceptable, and is therefore not taken forward.

#### Flood Risk

33. Most of the site is within Flood Risk Zone 1 (low risk) as defined by the Environment Agency. The southernmost area, closest to the existing watercourse is then in Flood Risk Zone 2 (medium risk). Residential accommodation, as in the current application, is defined as a "more vulnerable" land use for the higher risk areas. However, the current proposal locates the residential block at the north of the site with none of it in the higher risk (Zone 2) area.
34. A detailed Flood Risk Assessment (FRA) was submitted with the application. This included an assessment of the current site drainage and then a proposed new Sustainable Drainage Scheme (SuDS), intended to maintain a more natural (rather than over-engineered) means of site drainage.
35. The Environment Agency (EA) has raised no objection to this, subject to an Advisory Note on any grant of permission. The Lead Local Flood Authority (LLFA) has raised no objection, but has asked for some detailed amendments. These have now been received and are under consideration; members will be updated via the addendum report. Pending this, the current proposals are in accordance with relevant Development Plan policies.

#### Layout, Design, and Landscaping

36. The proposed layout makes best use of the available site and minimises conflict with existing constraints.
37. However, as initially submitted, the proposed external materials did not accord with the Oakham vernacular. To address this, the amended plans now propose a greater use of dark red bricks, to compliment the existing buildings on Brooke Road and Penn Street. This is also consistent with the McCarthy and Stone retirement accommodation currently under construction on Barleyhorpe Road, Oakham.
38. This amendment is particularly significant for the larger northern arm of the proposed "L shaped" building, as it directly faces onto the Tesco car park, which a publicly accessible location. To provide further visual interest, particularly on this elevation, the use of ironstone is proposed on selected gable features.
39. The amended plans also indicate that existing mature hedging will be retained on this northern boundary with the Tesco car park and (where currently open to view) the existing timber fencing will be replaced by a dwarf wall and railings. This all helps to maintain an appropriate setting for the proposed development.
40. A planting plan was submitted with the application, but it does not include sufficient replacement planting to ensure that the current green character of the area is maintained. The amended plans now indicate additional areas of planting.

41. Notwithstanding the amended plans, conditions are recommended to ensure that further details of the proposed external materials are made available for approval, and that a fully detailed scheme of replacement planting and boundary treatments is implemented and maintained.

#### Residential Amenity

42. The only concern is the potential impact of three storey development at the eastern arm of the proposed building, on the residential amenity of existing dwellings at Penn Street and Brooke Road, which back on to the site. At its closest, the three storey part of the proposal is 47 metres from the rear elevation of one of these dwellings and 20 metres to its rear garden boundary. However, any overlooking at that distance would be at an angle. The shortest distances when viewed in a straight line from a second floor window in the proposed development would be 50 metres to a rear elevation and 15 metres to a rear garden boundary. At its closest, the two storey part of the proposal is 42 metres from the rear elevation of one of these dwellings and 16 metres to its rear garden boundary. The proposed development is also at the west of the existing dwellings. Given all this, the impact on existing residents would be within acceptable limits.
43. As the larger northern arm of the building faces onto the Tesco car park, it would not have the same potential impact on residential amenity. Its two-storey area is some 30 metres at an angle, from the residential area of the Sidings. The proposed three-storey element is also some 40 metres from here, again at an angle.
44. Notwithstanding the amended plans, further attention should be paid to the boundary treatments between all neighbouring dwellings and the development site, and to the details of new planting in these areas, to help soften the visual impact of the new development and maintain reasonable amenity for these neighbouring dwellings. This is included in recommended condition 7, above.
45. The suggestion from Network Rail that a scheme of noise attenuation be required, to help avoid potential complaints from new residents about railway noise, is not taken forward. This is because there are existing dwellings already located closer to the railway line and because the proposed development is a single managed facility (residential institution) where the operators would be in a better position to provide such a scheme if requested by the residents, rather than would be the case with a housing scheme of individual owner-occupiers. However, an Advisory Note is recommended above, drawing this to the applicant's attention.

#### Historic Environment

46. Given the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to pay special attention to the desirability of:
- preserving or enhancing the character and appearance of a conservation area
  - preserving the historic and architectural interest of any listed building and its setting.
47. In this case, the proposal preserves the character and appearance of the conservation area, given that the new development is at the rear of existing houses, with only limited views available from the highway. It would be much more prominent from the existing Tesco car park at the north. This is addressed above, but it is outside the conservation area.
48. Since the application was first received, the Territorial Army (TA) Centre on Penn Street has been listed (Grade II). The list description focusses on the prominent two-storey part of the building on the Penn Street frontage, and also on a more modest two storey element at the rear (ie closer to the proposed new building). The central section of the building, between these two elements, is single storey and of more limited interest.

49. There is no direct impact on the listed building, but attention must be given to the impact of the proposed new access and new three-storey building on the setting of this heritage asset.
50. The clearance of old scrub, various trees of limited value, an outbuilding and fencing of limited quality, to be replaced with a more open and formal landscaped entrance, will open up wider views of the characterful two-storey elements of the listed building, albeit that the less significant single storey section will also be more visible. The proposed use of block paving for the new access is also more appropriate than the existing tarmac.
51. The north-east corner of the proposed new building is some 30 metres from the rear two-storey part of the TA Centre. As a three-storey structure, it could cause detriment to the setting of this part of the listed building. However, the separation distance, boundary treatments and complementary materials ensure that such harm would be less than substantial. Given the public benefits of providing the proposed assisted living facility in this sustainable central location, such minimal harm would be outweighed by the public benefits of the proposal.
52. The proposal thereby accords with heritage policies within the Development Plan, and with relevant paragraphs of the national Planning Policy Framework. The Conservation Advisor also accords with this view.

#### Ecology

53. A "Preliminary Ecological Appraisal" was submitted with the planning application. This included both the area of trees and grassland across the site, and the area around the watercourse at the south of the site.
54. The Council's Ecological Consultant has reviewed this and advised that development should proceed in accordance with the recommendations in the submitted Appraisal. This includes the provision of a 5 metre wide undeveloped buffer along the watercourse at the south of the site. Such a buffer is available via the site layout plan submitted with the application.
55. However, the Consultant also recommends that a further badger survey be undertaken before any commencement of development and (if required as a result of the survey) a package of mitigation proposals should be agreed with the developer.
56. This is all taken forward via the recommendations at the front of this report. Overall, the current proposal has a lesser impact on ecological interests than the previously approved Tesco scheme. This is mainly due to the much reduced area of hardsurfacing within the site and the greater scope for enhancing the on-site planting.

#### Archaeology

57. The Council's Archaeological Consultant has reviewed the applicant's Desk-Based Archaeological Assessment. This document concluded that there is a high potential for pre-historic, Roman and medieval remains on the site. On advice from the Council's consultant, an appropriate condition is recommended to address this. Such an approach is also consistent with the outcome of the previous Tesco proposal.

#### Developer Contributions

58. No developer contributions are being sought from this proposal, given that the Council's community infrastructure levy is not applicable, and development plan policy does not require any affordable housing provision from such Class C2 land uses.

59. However, much discussion took place with the applicant regarding the use class of this proposal, given that an affordable housing contribution would be required if the scheme were regarded as Use Class C3 (dwellinghouses). The critical point in these discussions was the acceptance by your officers that this proposal is a genuine care facility rather than “retirement living” for more ambulant older persons. This was based on an analysis of other “assisted living” schemes throughout the country where the relevant local authority had accepted the use as Class C2 (residential institution) and not therefore requiring an affordable housing contribution. This was also backed up by appeal decisions in other cases, where the Inspector found in favour of the appellant. The only exceptions were cases where the policy of the relevant Council was to require such contributions from care facilities as well as from dwellinghouses. This is not the case in Rutland.
60. The above comments are also supported by the case officer’s observations when visiting an “assisted living” development, operated by the same applicant, elsewhere in the region.
61. If it were a “retirement living” scheme, or any other form of residential use, an affordable housing contribution would be sought prior to the grant of any planning permission. Two conditions, based on those used by other Local authorities and also as specified in appeal decisions elsewhere are recommended for any approval of the current scheme to ensure that it remains in Class C2 use. An Advisory Note is also recommended specifying that, under current policy, any subsequent change to retirement living or other residential use would require an affordable housing provision.



REVISED

2016/0537/MAJ

Rec'd 10/08/17

REVISIONS

Rev.	Description	Date	By
Rev A	Drawing rev to Planner comments (bays added to North, East & South of building).	21-01-16	JNK
Rev B	Site entrance / access road revised.	12-02-16	JNK
Rev C	Boundary increased. Building relocated 0.6m to the West & car parking redesigned due to existing ditch course & Highways requiring 5.5m long parking bays.	09-03-16	JNK
Rev D	Boundary revised.	11-03-16	JNK
Rev E	Exist building & works to Tesco car park added.	11-03-16	JNK
Rev F	FFL & Sub-station added. Layout updated.	18-04-16	JNK
Rev G	Apartment handed next to Stair 3.	20-04-16	JNK
Rev H	Road entrance radius revised.	10-05-16	JNK
Rev J	Building relocated 1.5m West. Car parking layout revised, hard landscaping added, sub-station relocated, paving added to FE.	27-07-17	JNK
Rev K	Road junction radius rev, gate relocated, steps replaced with a ramp, dwarf wall & railings partly removed to North boundary & refuse tracking revised.	08-08-17	JNK
Rev L	Sub-station relocated & bays 6 & 7 rotated.	11-08-17	JNK



**THE PLANNING BUREAU LIMITED**  
 Town Planners • Architects

Orion House, Orion Way, Kettering,  
 Northamptonshire, NN15 6PE  
 Telephone: 01536 220700  
 Fax : 01536 414670

Client

**YourLife**  
 Care and Management

ALL DIMENSIONS TO BE CHECKED ON SITE  
 WORK TO FIGURED DIMENSIONS ONLY  
 REPORT DISCREPANCIES TO THE ARCHITECT  
 AT ONCE BEFORE PROCEEDING

© McCarthy & Stone Retirement Lifestyles Limited

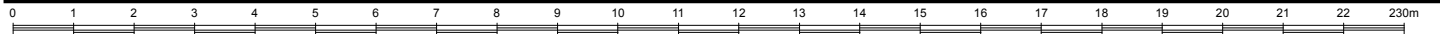
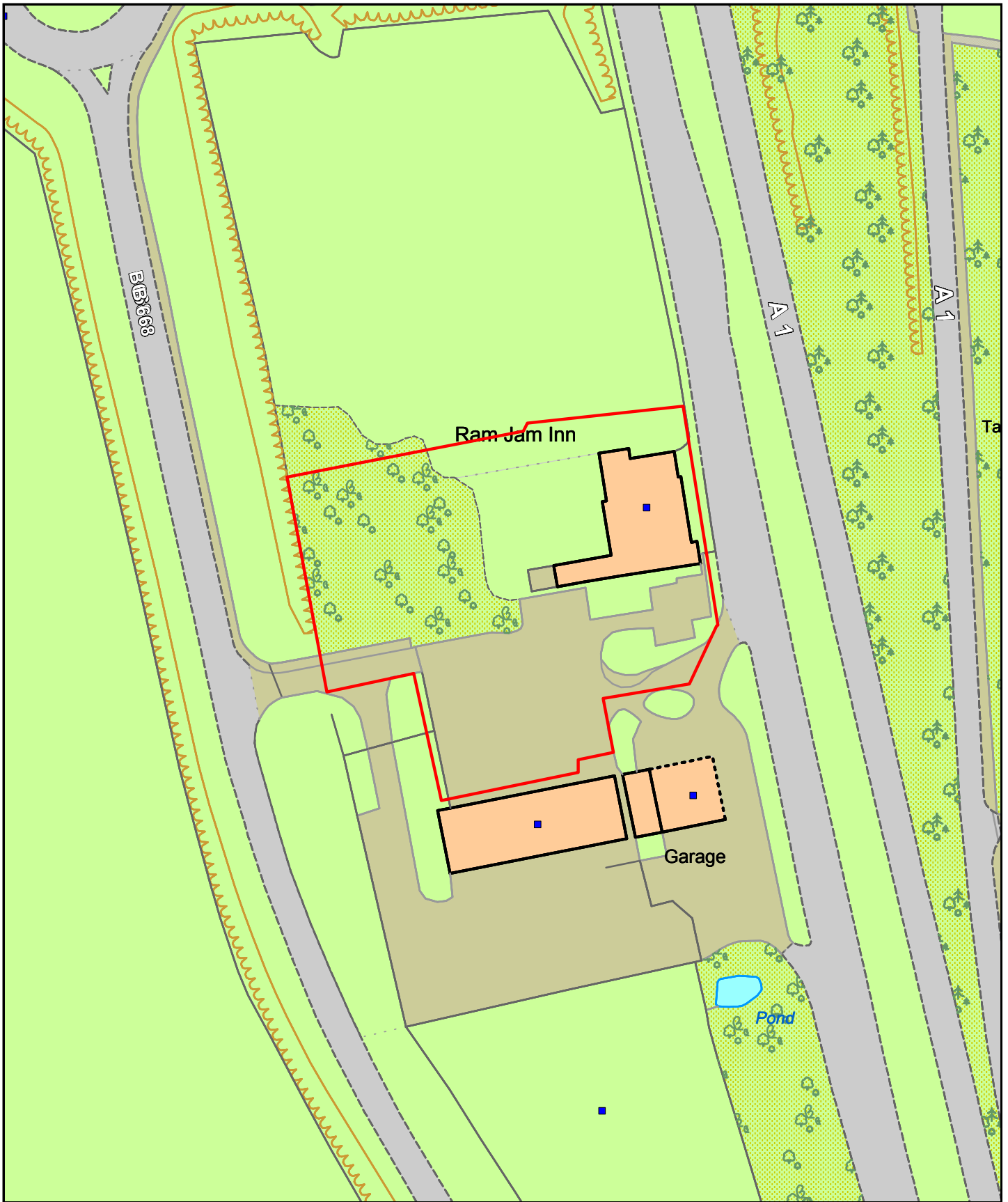
Project Title  
 Proposed Assisted Living Development  
 Penn Street, Oakham, Rutland.

Drawing Title  
 Site Plan

Scale 1:500@A3	Date Jan 2016
Drawn JNK	Checked PDG
Drawing No.	Rev.
EM_2294_01_AL_001	L

CAD plot date: 11 Aug 2017 - 01:17pm





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

Scale - 1:1250  
Time of plot: 11:54  
Date of plot: 14/08/2017



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2016/0278/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Mixed use development</b>		
Address:	<b>Ram Jam Inn, Great North Road, Greetham, Rutland, LE15 7QX</b>		
Applicant:	<b>Mr Sam Burt, Carlton Street Trading Ltd</b>	Parish	<b>GREETHAM</b>
Agent:	<b>HSSP Architects Ltd, Melton Mowbray</b>	Ward	<b>Greetham</b>
Reason for presenting to Committee:	<b>Policy/Neighbour Objections</b>		
Date of Committee:	<b>29 August 2017</b>		

## EXECUTIVE SUMMARY

**The scheme is for furniture sales, a café and new employment uses in the open countryside but on previously developed land surrounded by other commercial uses. The site location is not close to a sustainable settlement but the proximity of the A1 and other uses on site mean that the scheme can be supported. It will not have any adverse impact on residential amenity or highway safety.**

## 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 7316-03-01A, 7316-03-02, 7316-03-11A, 7316-03-12A, 7316-03-21A, 7316-03-31A, 7316-03-32, and The Flood Risk Management June 2017 Report Ref: 22286/06-17/4927 - Rev A and Drawing Number 22286\_01\_230\_01 Drainage Strategy Rev C  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. The first floor of the Ram Jam Inn and the proposed 2 new units shall only be used for purposes falling within Classes B1, B2 or B8 of the Town and Country Planning Use Classes Order (1987) (as amended). The proposed larger retail unit on the ground floor of the Ram Jam Inn shall only be used for the sale of comparison goods.  
Reason - The site is located in open countryside where unrestricted retail sale of convenience goods and other retail uses would generate additional car journeys and may harm the viability/vitality of nearby retail centres, contrary to the advice in Section 2 of the NPPF.
4. No work on the new buildings hereby approved shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."  
Reason - To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development and because no details have been submitted with the application.

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

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

6. The new buildings hereby approved shall not be occupied until the sustainable surface water scheme shown on the approved drawings has been installed and is operational.
- Reason - To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network.

7. The parking and turning facilities show on approved plan 01A shall be provided on site and made available for their respective units before those units are brought into use.
- Reason - To ensure that adequate parking and turning is provided in the interests of highway safety.

Note to Applicant:

You are advised to display official signage on the A1 to direct traffic to this site via the B668. This will require the approval of Highways England.

## Site & Surroundings

1. The site is located in open countryside adjacent to the A1 junction at Stretton, 12.8 kilometres (8 miles) east of Oakham and 2.5 kilometres (1.5 miles) east of the edge of Greetham.
2. The application site has an overall area of approximately 0.67 Hectares (1.66 acres).
3. The site comprises the historic Ram Jam Inn, an area of overgrown open land, a large car park and several mature trees. The Inn has been closed for around 4 years. Whilst it has historic associations with Dick Turpin, it is not listed.
4. Adjacent to the site is the petrol filling station, (which includes a local convenience store) with access direct off the A1, to the rear of which is the newly built Greetham garage which has relocated out of the village. The main access to the Ram Jam and Greetham Garage is from the B668 Greetham Road to the west.
5. Access from the A1 is primarily for the Texaco petrol station, however there are legal access rights through the forecourt into the Ram Jam site itself.
6. The site is screened from Greetham Road by high hedging and partly from the A1 by the Ram Jam itself. An orchard was located inside the Greetham Road access but has largely been removed in the past 12 months. The trees around the edge are remaining on site at present.

## 7. **Proposal**

A mixed use development is proposed as follows;

## 8. **Existing Ram Jam Inn**

- Demolition of insensitive later additions and use of the ground floor as part retail showroom (class A1) for furniture display (comparison goods) and part as coffee shop (use class A3). The furniture store would be 268m<sup>2</sup>, the café 118m<sup>2</sup> with staff and storage areas of 51m<sup>2</sup> and circulation areas of 47.5m<sup>2</sup>. The first floor offices would amount to 260m<sup>2</sup> with additional staff and storage areas of 29m<sup>2</sup> and circulation areas of 94m<sup>2</sup>.
- First floor –change of use to offices –these are identified as small business start-ups with shared facilities. There would be a new stair/lift extension on the northern side of the building.
- This converted building would have 21 parking spaces for the retail/offices and 5 for the cafe.

## 9. **New B2 industrial units**

- 2 new 2 storey buildings are proposed providing a mix of units sizes ranging from 60m<sup>2</sup> to 297m<sup>2</sup> which, according to the applicant, have been deemed to be suitable for an identified market requirement –typically premises for smaller scale businesses. The size and split of internal arrangement of these buildings is flexible, and each could provide one to three units. One building would be on the car parking area adjacent to and 4.2m from the facade of Greetham Garage, measuring 30m x 10m, and the other on the open land to the west of the Ram Jam, at 42m x 16.5m.
- Building B would have 11 parking spaces with 3 car charging spaces and 3 overflow spaces adjacent. Building C would have 20 spaces.
- Details are attached in the Appendices.

## **Relevant Planning History**

None

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Para 14: Presumption in favour of Sustainable development. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Supporting a prosperous rural economy (Para 28):

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Other policies in the NPPF relate to good design and transport issues.

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

### **Core Strategy (2011)**

#### Policy CS1 – Sustainability Principles

New development in Rutland will be expected to:

- a) minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)
- b) maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)
- c) be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport; (see Policy CS4 and CS18)
- d) make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;(see Policy CS4)
- h) contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17)
- i) include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)

#### Policy CS3 – the Settlement Hierarchy

Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Greetham as a Local Service Centre, this is one of the largest villages in Rutland with a range of facilities and access to public transport. Stretton is classed as a restraint village.

#### Policy CS4 – The Location of Development

The site by definition is in open countryside, albeit alongside the A1, approximately 1.7 miles from the village of Greetham which will be a focus for small scale development. Stretton is clearly nearer but is a Restraint Village where new development will not be allowed unless it is appropriate to the countryside.

#### Policy CS16 – The Rural Economy

Policy CS16 deals with the rural economy and (inter alia) seeks to:

- Safeguard existing rural employment sites and encourage their improvement and/or expansion (providing other policy requirements are met);
- Support small scale developments for employment generating uses (adjacent or closely related to the local service centres or smaller settlements) provided it is of a scale appropriate to the existing development where it would be consistent with maintaining and enhancing the environment and contributes to local distinctiveness of the area.
- Support the conversions and re-use of appropriately located and suitably constructed rural buildings in the countryside (adjacent or closely related to the towns, local service centres and smaller service services) for employment-generating uses particularly where they would assist in the retention or expansion of existing rural businesses or encouragement of enterprises that have little adverse environmental impact.
- Support the retention of community facilities such as pubs and shops.

CS18 deals with Sustainable Transport and Accessibility.

#### CS19 – Promoting Good Design

## Site Allocations and Policies DPD (2014)

### SP7 - Non-residential development in the countryside

The policy allows for sustainable development in the countryside for small scale employment growth providing:

- The amount of new build or alteration is kept to a minimum
- The development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of nearby villages (Greetham & Stretton)
- The development would not adversely affect the character of, or reduce the intervening open land between settlements
- The development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

The policy also sets out where the conversion, re-use or replacement of buildings for employment use will be permitted. In particular if the building is capable of being converted and the proposal respects the form and character of the existing building. The type and scale of use must be appropriate to its location; in particular the use should not generate significant traffic movements in an unsustainable location.

SP15 – Design & Amenity - Various paragraphs on design, amenity and highway issues

## Consultations

### 10. CPRE (National Office)

1. Introduction: There can be no objection in principle to a suitably scaled commercial development on this site, providing it takes full account of the limited access available to the site and the present traffic density in this vicinity on the B668. Unfortunately, the present proposal indicates additional traffic movements and car parking requirements which are far in excess of the site capacity and which can be expected to produce unacceptable levels of accident risk and congestion from the junction of the B668 through to the petrol pumps adjacent to the northbound A1.
2. Observations:
  - 2.1 The application form shows an increase in parking spaces on the site to 63. From the site layout plan this would appear to scarcely meet the parking requirements of staff working on the site, without any additional places for shoppers and business visitors. Further parking could be expected to occur on the access road from the B668 into the site and this would create a bone way access road which would not be accessible to HGVs.
  - 2.2 The application form shows a planned increase in non-residential floorspace from 913 square metres to 1878 square metres, so more than doubling it.
  - 2.3 The application indicates suitability of the site as a potential national distribution centre. The site access using the B668 which would be necessary for all inbound traffic from the north and all outbound traffic going south is totally unsuitable for such use and would create a traffic hazard of unacceptable proportions.
  - 2.4 The junction of the B668 with the site access road is, under present traffic conditions, a serious danger area. In recent months and years there have been serious accidents at this junction involving police and ambulance services. The main danger occurs when leaving the site and turning north on the B668. The sight lines towards Greetham are very restricted, and traffic travelling from the Greetham direction are often travelling at high speed and plough into the back of slow moving traffic having just exited from the site. The additional traffic load arising from this proposal is considered to be unacceptable from a highway safety point of view.

- 2.5 The applicant has not commissioned any Traffic Impact Assessment.
- 2.6 The proposals include a delivery point inwards for a retail furniture outlet. It is submitted that vehicle sizes required for the wholesale delivery of furniture are inappropriate for the use of the B668 access road into the site.

3. Comments on the Design and Access Statement:

- 3.1 There is reference to a retail furniture showroom and 30 new jobs overall. This does not appear to us to be small scale nor could it genuinely be considered to be sustainable development on this small site in open countryside.
- 3.2 The proposals for the commercial use of the new buildings and of the Ram Jam Inn appear rather vague at this stage and potentially subject to change. They are almost comparable to an Outline Planning Application. The scope for later applications for variations is far too wide.
- 3.3 Traffic movements, including HGV movements using the B668 junction are potentially vastly greater than when the Ram Jam was an operating restaurant when most access to the restaurant was from the A1 northbound, using private motor cars.
- 3.4 HGVs turning, manoeuvring and unloading or loading will materially and adversely impact access from and back to the B668 from the petrol pumps.
- 3.5 The recently cleared ancient orchard has undoubtedly resulted in a reduction of biodiversity value of the site. An evaluation of the loss of biodiversity is required and equivalent compensation provided.
- 3.6 Unlimited and permanently unobstructed access is required between the B668 and the petrol pumps which are extensively used by local people from the B668.
- 3.7 It is not clear that any internal access network or signage will actually prevent HGV access from the A1 to the new employment areas nor that it will prevent HGVs having accessed the site from the A1, from leaving the site on the B668. Wherever delivery to the site is an end destination, HGVs arriving from the south will need to return to the south, and therefore the dangerous B668 junction will need to be used for the majority of deliveries.
- 3.8 The initial assessment TRICS 7 of projected traffic movements is not convincing. An independent TIA, professionally and independently conducted should be required.

4. Comments on Moors Commercial letter:

- 4.1 The letter speaks of a base for local and regional distribution. Access to the A1 south can only be achieved by use of the B668 and the two traffic islands on either side of the underpass both of which are unsuitable and dangerous to take the volume of traffic anticipated.
- 4.2 The letter also speaks of heavy-weight storage facilities which further indicates the anticipated use of HGVs on the site.

5. Recommendations:

- 5.1 It is recommended that the application should be refused in its present form on the grounds that it represents over-development of this small site in open countryside. The car parking proposals are likely to be exceeded in practice and will cause significant congestion on the site. The implied traffic loading on the site access with the B668 will present an unacceptable transport accident hazard at an already dangerous junction.
- 5.2 Any subsequent applications for this site should be accompanied by a professionally and independently prepared Traffic Impact Assessment.

11. **LCC Ecology**

The ecology report submitted in support of this application (CBE Consulting, May 2017) is satisfactory. No protected species were identified and no further action is required.

12. **RCC Highways**  
No Objections as per drawing 7316-03-01A Proposed Site Plan received 28/6/2017.

13. **Stretton Parish Council**  
It was resolved on 11th May 2017 that Stretton Parish Council does not object to the planning application but would seek assurance that the nature of the building is sympathetic to the conservation status of Stretton village. There are also concerns that pump, with its current supply of electricity, would not cope with the waste water, it is believed that the pump is big enough for the extra capacity but the electricity supply is not strong enough to work the pump at a larger capacity. Therefore Stretton Parish Council would seek assurance that this will be taken into account and dealt with.

14. **Greetham Parish Council**  
Supports the development of this site in principle but have the following objections: access from the B668 must be maintained for the petrol station as this an important facility for the local area; the cafe development requires many more additional parking spaces; the number of industrial units proposed requires additional parking. Note that there is nowhere else to park safely in the area. The size of the development suggests that the volume of HGV's will be problematic. There are also concerns regarding the impact on levels of traffic through the village of Greetham.

Further to comments already made GPC express concerns regarding disposal of sewage from this site. As the village has recently had a development of 17 houses with a further 30+ in the building stage the disposal of all waste is of concern. This particular site is for industrial use and will entail additional sewage, which will be pumped through the village. There are also concerns regarding the possibility of contaminated waste and strongly request that this is carefully considered.

15. **Highways England**  
We raised concerns in relation to proposals for accessing and egressing the proposed site from the A1 trunk road through the existing petrol filling station. Having reviewed the latest information submitted by the applicant in support of this application, we have no objections to the proposed land use change and quantum of development, as we consider that the traffic generated by the proposed development can be suitably accommodated on the existing network.

In summary, following additional correspondence with the applicant and after further consideration our previous outstanding concerns regarding the A1 Trunk Road access have been overcome.

Our consultant AECOM has reviewed the latest drainage documents submitted in support of the application. There is no objection on drainage grounds subject to the imposition of the following condition:

Condition to be attached to any grant of planning permission:

The development hereby permitted must be implemented in accordance with the approved drainage strategy details as shown in MEC Drawing No. 22286\_01\_230\_01 Rev C (or as amended by Detailed Design).

Reason for the above Condition: To maintain the integrity of the A1 Trunk Road drainage asset.

16. **Anglian Water**

- Foul drainage is to Cottesmore WTW which has capacity to cope with the development.
- Foul network: No objection, network has capacity.
- Surface Water - should be to SUDS.
- Trade effluent - Discharge to sewer requires STW consent



17. **Lead Local Flood Authority**

No Objections if built in accordance with The Flood Risk Management June 2017 Report Ref: 22286/06-17/4927 - Rev A and Drawing Number 22286\_01\_230\_01 Drainage Strategy Rev C and subject to a condition ensuring its delivery:

## Neighbour Representations

18. 2 letters have been received from residents of Stretton. One from Spinney Lane (on the other side of the A1) states that hers is the only residential property with direct line of sight to the proposed development and has concerns about the potential visual impact of viewing an industrial unit and the negative affect on property value. Concerned about the resulting increase in traffic on the southbound entry slip road adjacent to our property. Due to the extremely close proximity of this slip road to their boundary (1.5m), any notable increase to current traffic levels on this slip road would be detrimental to our quality of life. For the majority of the time, the slip road currently serves local traffic only, and this is highly likely to change if the development goes ahead.
19. The other, from Rookery Lane, expresses concerns about sewage, viability of the cafe, access/highways, comments should be sought from the Conservation Officer as its close to a Conservation Area and loss of orchard.
20. The owner of Greetham Garage states:
1. We would prefer it if no garage, car repair workshop or car sales businesses were to be situated in the new units.
  2. We ask that access to the entrance to our garage is not affected in any way, either during building work or after completion.
  3. We also ask that the boundaries to Greetham Garage, some of which are outside our fence, are respected both during the building work and after completion.
  4. Traffic density to the whole estate from the B668 may increase and we hope that this is managed, for example, with a mini roundabout if needed.
  5. Litter from a fast food outlet is often a problem and we hope that this issue will be dealt with and the site kept clean at all times.
  6. We feel that some development will be far preferable to the current situation. The Ram Jam Inn is an eyesore and the lorries that habitually park overnight in the car park are a hazard, dropping litter or worse and pushing our trees and fences over when reversing into them. An active commercial site with facilities and food outlets which would benefit us and our staff could be an improvement.
  7. However, there is clearly insufficient parking here and although we do not know what type of businesses will be on the site, it is reasonable to assume more parking than this would be needed for staff and customers. Inadequate parking provision will lead to vehicles parking on the B668, our access road or the Ram Jam service station forecourt, which is an unacceptable situation.
  8. It is difficult to comment in detail without knowing the exact nature of the business intended for the units and we would like more details about the intended development.
21. The garage owner has made subsequent representations regarding a private right of way, a right to light and air to the north of his building and the position of the western boundary of the site in his deeds.
22. The prospective owners of the petrol filling station states MPK Garages Ltd is presently engaged in the acquisition of Ram Jam Filling Station, located immediately adjacent to the site of the planning application and states that they would not wish to allow closure of the access and rights of way which run between the A1 highway and the B668 across the forecourt of the petrol filling station and neighbouring application site. They are

concerned that if consent is given for A1 retail use of a unit for use as a furniture store then that could subsequently be changed to another retail use which may not be appropriate to the location.

23. The petrol filling station offers convenience goods for sale as a service to its fuel customers as ancillary to the petrol forecourt operation and any proposal to add a dedicated convenience store to this proposed out of town scheme would be contrary to planning policy and would create an inappropriate out of town retail centre. We note that within the Design & Access Statement there is an offer made on behalf of the applicant to accept some type of legal restriction precluding the use of the Ram Jam for sale of convenience goods. We would encourage the implementation of such a condition within any planning consent granted. I would be grateful if you will consider the above points when arriving at your decision on the merits of the proposed scheme.

## Planning Assessment

24. The main issues in a case such as this will be planning policy (including sustainability), design, highway safety and residential amenity.

### Policy

25. The Town & Country Planning (General Permitted Development) Order 2015 permits a change of use from a drinking establishment (Class A4) to uses falling within Use Classes A1 to A3 inclusive. This would include a café or restaurant, but not a hot food takeaway which is Class A5. On that basis the Ram Jam itself could be used for retail purposes without the need for a formal planning application. This fallback position involving the change of use in particular to A1 is a material consideration in determination of the application.
26. The agent states that the applicant is prepared to accept some type of legal restriction precluding the use of the Ram Jam for sale of convenience goods. It would normally be sufficient to restrict this by use of a condition. In this case this is considered necessary to prevent the site from being used for the sale of convenience goods which may otherwise attract further car journey and impact on the viability of town /village centres.
27. The proposal for change of use of the Ram Jam Inn for employment uses is acceptable in principle, providing the development is small scale and the amount of development kept to a minimum. The Council will need to be satisfied that the proposals are of an appropriate scale and whether the location is considered an accessible, sustainable location and will not generate an unacceptable increase in the amount of traffic movements.
28. In terms of retail development, and notwithstanding the permitted change of use from A4 to A1 set out above, a large scale retail facility on this site may cause problems both in terms of policy and parking. Any retail permission beyond a local facility will need to be limited to comparison goods. Class B1/B2 uses and a (especially roadside related) food outlet would not cause a problem if the principle of development is acceptable.
29. The strategy aims to support the economy of rural areas by allowing the re-use of suitable rural buildings for employment uses which are appropriate to a rural area, including diversification. Economic development in the countryside should be of scale and type that reflects its surrounding.
30. As such, small scale employment proposals are supported where directed towards the local service centres where possible taking advantage of existing buildings and previously developed land. The proposal is on previously developed land in open countryside so the main consideration to ensure it accords with Policy CS16, is whether the site is closely related to Greetham.

31. The Core Strategy retail policy, CS17, is silent on retail proposals in the countryside but clearly seeks to steer them to town centres. It does call for an impact assessment on schemes of 500m<sup>2</sup> gross or more for town centre uses outside of town centres, which is a considerably lower threshold than the 2500m<sup>2</sup> set out in Section 2 of the NPPF. However with a limit on comparison goods only this is not considered a significant issue. The thrust of Para 28 of the NPPF is supportive of the development.
32. The development of the new buildings is not 'small scale' compared with the existing building on site, but neither are they a major development. The scheme provides an opportunity to use previously developed land for employment generating purposes which, without the new build may not lead to the re-use of the existing buildings. A letter from Commercial Agents to the Architects sets out the likely demand for this type of premises in this sort of location. This is attached at Appendix 3.

#### Design

33. The design of the new units is unusual with relatively flat pitches on the roofs. Discussions have taken place with the Architect on this issue but the eaves have been set at 6m internally to make the units more commercially attractive. Without increasing the overall height the pitch cannot be made steeper. Higher buildings would appear out of character with their surroundings which is not desirable.
34. The choice of materials for the new buildings includes stone panelling as a nod towards local traditions. Other materials are conventional modern industrial cladding and roofing.

#### Highway Safety

35. Highways England initially had concerns about potential access to this site direct from the A1 via the petrol station forecourt. However, since the owners of the respective properties have provided evidence that such a right has a legal basis, there is no objection from Highways England.
36. The local highway authority is satisfied that the scheme provides adequate access and parking.
37. With regard to parking, the standards are set out in Appendices to the Site Allocations and Policies DPD (2014).
38. For the ground floor retail element of the Ram Jam, the requirement would be 13 spaces and 21 are provided. For the café, 8 are required but 5 provided. The 2 new units would require 10 and 23 spaces respectively if occupied for B1 (Office) uses or 5 and 12 if for non-office B uses. 11 and 20 are provided respectively. One lorry parking space is provided on site together with tracked HGV access and turning facility.
39. Overall there is adequate parking to meet the Council's adopted standards.
40. Whilst access to the site via the B668 is desirable, this would be difficult to enforce. Signs on the A1 to direct traffic off at the junction to the south would be desirable and would be subject to the approval of Highways England.

#### Other issues

41. The issues raised by the owner of Greetham Garage are largely private legal matters.





Site Area  
6746m<sup>2</sup>  
(1.66acre)



**COPYRIGHT NOTICE:**  
This drawing is the copyright of the Architects and may not be reproduced or used except by written permission.

© Crown copyright and database rights 2011. Ordnance Survey. Licence number 100047314

Notes:  
This drawing is to be read in conjunction with all relevant drawings and specifications.  
Do not scale from this drawing. Use figure dimensions only. All areas and dimensions to be checked on site. All levels and construction details are to be brought to the immediate attention of the client.  
Reservatory capacity is not to be exceeded. The capacity of any reservoir is to be checked on site.  
Copyright reserved. This drawing may only be used for the client and location specified in the title block. It may not be copied or otherwise used without the prior written consent of the architect.  
Prior to any work commencing, the engineer is to be contacted regarding the current status, revision or regulatory approval of the drawing.  
All services and/or cables are to be installed in accordance with the relevant regulations and standards.  
The drawing is to be read in conjunction with all relevant drawings and specifications.  
The drawing is to be read in conjunction with all relevant drawings and specifications.

- Existing tree retained
- Proposed new planting
- Existing foul and storm drainage reused
- Permeable paving
- Block paved pedestrian paths
- Tarmac roads
- Speed Table
- Sign 1  
No HGV through route

28.06.17 Speed table and no hgv signage added, disabled parking spaces altered, turning area added to building A parking TDG RJC

Rev.	Date	Drawn



Pera Innovation Park, Nottingham Road  
Milton Mowbray, LE13 0PB

Telephone: 01664 563 288 Fax: 01664 503 360  
E-Mail: info@hssparchitects.co.uk Web: www.hssparchitects.co.uk

Project:  
Commercial Development  
Ram Jam Inn  
Great North Road  
Stretton, Oakham

Scale	Drawn	Checked	Date
1:200	TDG	RJC	Feb 2017
Drawing No.	Revision		
7316-03-01	A		



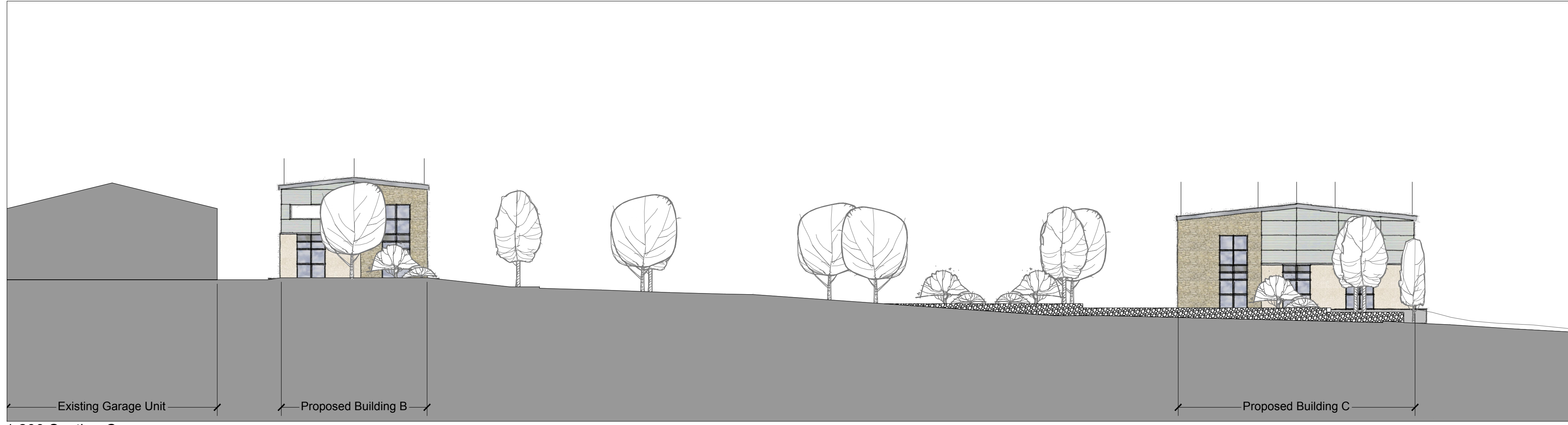
**Notes**  
This drawing is to be read in conjunction with all relevant drawings and specifications.  
Do not scale from this drawing. Use figure dimensions only. All areas and proportions to be checked on site. All level and structural developments are to be brought to the immediate attention of all parties involved. No responsibility can be accepted for alterations or other omissions from the design without prior acknowledgement of HSSP Architects Ltd.  
Copyright reserved. This drawing may only be used for the client and location specified in the title block. It may not be copied or distributed in any other form without prior written consent from HSSP Architects Ltd.  
Prior to any work commencing on site, the engineer is to be contacted regarding the current status, revision or regulatory approval of the drawing.  
All work is to be done in accordance with the applicable codes of practice and standards. All work is to be completed in accordance with the relevant standards and specifications.  
All drawings are to be checked and approved by the architect and the engineer. All drawings are to be checked and approved by the architect and the engineer.  
This drawing is to be used in conjunction with all relevant drawings and specifications.



1:200 Section A



1:200 Section B



1:200 Section C

Rev.	Date	Drawn



Pera Innovation Park, Nottingham Road  
Melton Mowbray, LE13 0PB

Telephone: 01664 563 288 Fax: 01664 503 360  
E-Mail: info@hssparchitects.co.uk Web: www.hssparchitects.co.uk

Project:  
Commercial Development  
Ram Jam Inn  
Great North Road  
Stretton, Oakham

Title:  
Proposed Site Sections

Scale	Drawn	Checked	Date
1:200	TDG	RJC	Feb 2017
Drawing No.	Revision		
7316-03-02	-		

2017/0278/FUL  
Rec'd 20/03/17

2017/0278/FUL

Rec'd 25.3.17

moores  
commercial.com

Our Ref:  
Your Ref:

36 High Street  
Oakham  
Rutland  
LE15 6AL

Tel: 01664 431330

HSSP Architects  
PERA Innovation Park  
Nottingham  
Melton Mowbray  
Leicester  
LE13 0PB

[keith@moorescommercial.com](mailto:keith@moorescommercial.com)  
[www.moorescommercial.com](http://www.moorescommercial.com)

3<sup>rd</sup> March 2017

Dear Richard,

Re: Stretton – Proposed Industrial Units

Further to our recent conversation, I am delighted to confirm that we have looked at the proposals for the former Ram Jam Inn and are delighted to put forward our comments regarding the likely demand and interest levels.

We firmly believe that the location of the site is ideally suited for companies who require the flexibility of accommodation to provide the workshops and storage facilities together with the possibility of creating office space from which to base local and regional distribution. Formation of office areas could be achieved within mezzanine areas in the new builds, creating a self-contained multipurpose unit, or separately in the proposed offices areas offered by the Ram Jam refurbishment.

Of Primary interest is the ability to access the A1 from the North and South, as well as local road networks. We would see the ability to direct traffic off the A1 from the South onto the A668 and then back onto the A1 via the same route as a benefit.

We are currently seeing a market demand coming from individuals and smaller companies who entrenched during the recession now seeking to take on units that allow them to expand and to locate their office and workspace into one unit rather than working from home and from secondary workspace/distribution. The smaller units of around 500 – 1,000 sq ft will appeal to this market and we have pre-registered interest from furniture makers, a cleaning company who need to expand and from a classic car owner who simply needs secure storage.

We are in contact with a company who provide Electricity Charging points for vehicles who have registered an interest and indeed have made a proposal for taking a unit at the site and providing 3 or 4 charging points for vehicles travelling North or South on the A1.

We have a Vintners seeking an outlet from which they can base their regional distribution and office with the main appeal being the access to the A1 North and South. They would not require access for articulated lorries as their delivery and distribution would be on smaller transport.

The Hotel and Pub market is currently struggling to attract consistent and serious interest as evidenced by the failure of the Ram Jam as a Hotel/Pub outlet despite experienced and reputable operators owning it over the years. We do not consider that individual letting rooms in this location would attract serious interest.

The larger units will have appeal to companies who require the heavy weight storage offered by these units (we have recently let a unit to a marquee company who would have been interested here but could not wait). Relocation of this type of company is likely to attract new local jobs.

Within the Ram Jam itself, we would see the Ground Floor as appealing to a destination outlet (such as a furniture, Tiles, Kitchen Outlet) rather than one who attracts passing trade.

Our experience of the location has shown that it is considered a meeting point for both local residents and A1 users and we foresee demand for small offices and combined workshop/office will be high.

We hope this information is of value to you and if we can be of any further assistance to you at this stage, please do let us know.

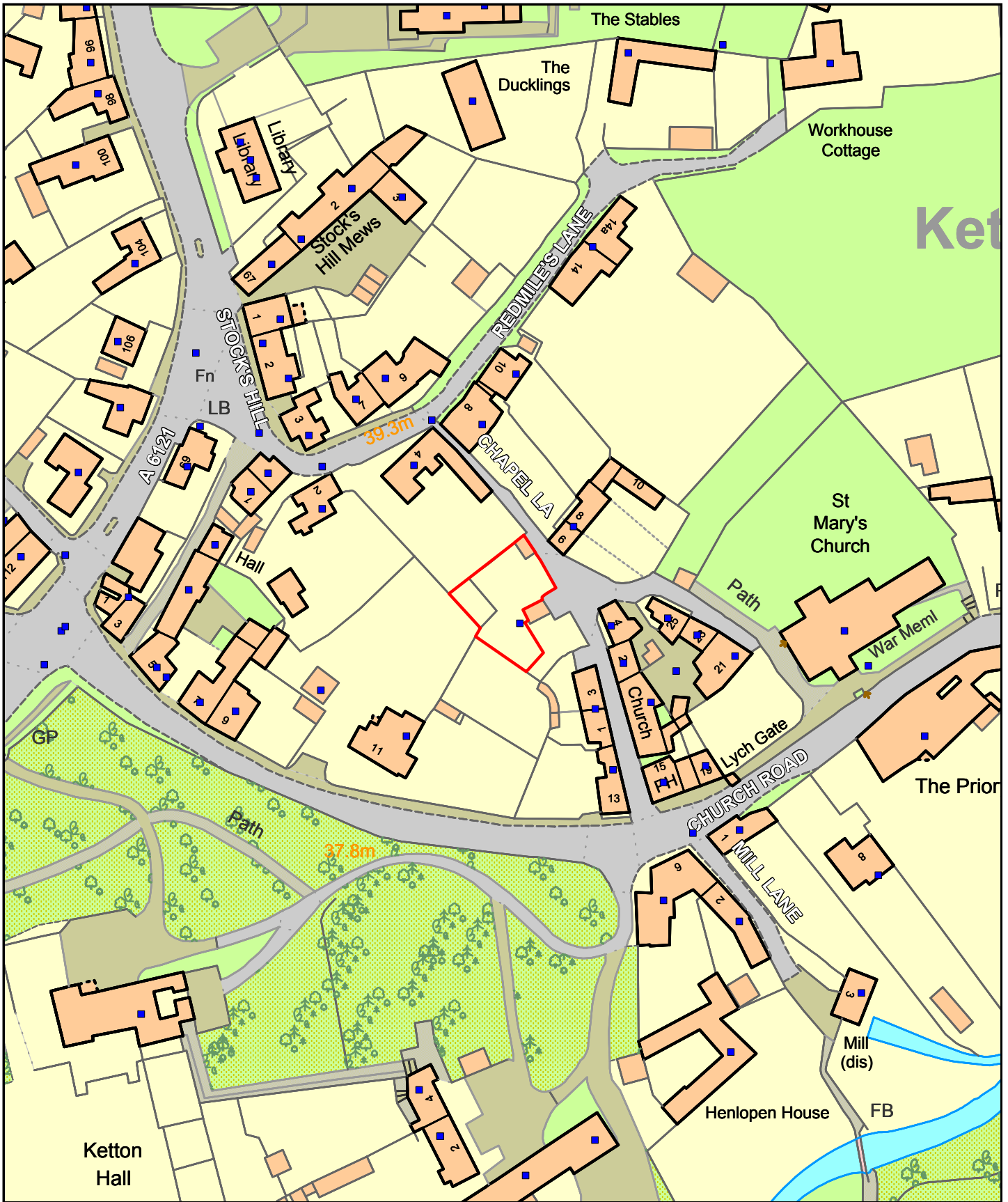
Yours Sincerely,

Keith Pepperdine  
Moores Commercial



**This page is intentionally left blank**





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

Scale - 1:1250  
Time of plot: 12:05  
Date of plot: 14/08/2017



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2017/0245/FUL	ITEM 4	
Proposal:	Erection of a two storey dwelling and extension to existing garage.		
Address:	Land to the South East of 4 Redmiles Lane, Ketton, Rutland		
Applicant:	Towngate Developments Ltd	Parish	KETTON
Agent:	Mr Lewis Smith, Robert Doughty Consultancy Ltd	Ward	Ketton
Reason for presenting to Committee:	Previous committee resolution to take enforcement action		
Date of Committee:	29 August 2017		

## EXECUTIVE SUMMARY

This revised proposal for a detached dwelling is in response to the concerns raised by the part-implementation of an earlier planning permission. The unauthorised development is 1.6 metres higher than approved, and thereby not in accordance with the approved plans.

The currently proposed changes have reduced the height, but not fully addressed these concerns, and are not therefore in accordance with the development plan. There are no other material considerations that indicate otherwise.

## RECOMMENDATION

**REFUSE**, for the following reason:

1. The proposed dwelling is on a prominent site, on higher ground than the remainder of Chapel Lane, Ketton, and is of greater height than the neighbouring dwellings. This is out of keeping with the immediate area, creating an over-dominant impact on this part of the Ketton Conservation Area and on the setting of adjacent listed buildings within Chapel Lane. This all fails to preserve or enhance the character and appearance of the Ketton Conservation Area and also has a detrimental impact on the setting of the listed buildings. As such, the proposal is contrary to policies CS19 and CS22 of the adopted Rutland Core Strategy (2011), to policies SP15 and SP20 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014), and to paragraphs 131, 132 and 133 of the National Planning Policy Framework (2012).

## Site & Surroundings

1. The application site is located on the western side of Chapel Lane, Ketton, but was previously a part of the rear garden of a neighbouring property at 4 Redmiles Lane. It is within the "Planned Limits to Development" of Ketton.
2. Chapel Lane is accessed from Church Road at the south. It then extends northwards as a narrow roadway with long-established development located on the highway boundary, on both sides. This creates a very tight-knit and enclosed character. However, it then has a wider and more open character further north, beyond which there is no further vehicular access, just a public footpath extending onwards to Redmiles Lane. The

application site is on the western side of this more open area. Ground levels also rise gently from south to north, with the application site being at the highest part of the Lane.

3. Chapel Lane is also within the Ketton Conservation Area. Most of the neighbouring dwellings to the application site are listed. The tall spire of St Mary's Church dominates views to the east. The Lane is within a characterful and sensitive part of the conservation area.
4. A two-storey detached dwelling is under construction on the site, albeit that works were halted earlier this year. due to significant variances from the approved plans (Ref: 2014/0747/FUL).

## **Background to the Application and Details of the Current Proposal**

5. The current application proposes a new dwelling, incorporating some amendments to that previous planning permission (Ref: 2014/0747/FUL).
6. As set out in the next section of this report, recent history involves three previous applications for a detached dwelling. These are all relevant to consideration of the current application.
7. The first of these (Ref: APP/2011/0179) was refused permission because of its design and potential overlooking of a neighbouring dwelling on the opposite side of Chapel Lane. The design involved an "L shaped" footprint with a hipped roof, and dormer windows to front and rear.
8. A revised design (Ref: APP/2012/0536) was then submitted. This replaced the hips with gable ends. First floor windows were then incorporated into the main walls rather than as dormers. This was now considered to be an acceptable design. However, an appeal was lodged against non-determination, with the Council then resolving that it would have otherwise refused permission due to potential overlooking of a neighbouring property and the absence of any developer contributions (including for affordable housing) as then required by Council policy. The appeal was dismissed, albeit just because of the absence of developer contributions.
9. The third application (Ref: 2014/0747/FUL) for the same design was then submitted and approved. Developer contributions were no longer required due to a change in policy at that stage.
10. Implementation of that permission commenced in late 2016, but it was reported to the Planning Enforcement Officer in December 2016 that development was not progressing in accordance with the approved plans. Following a site visit, it was established that ridge and eaves height were both higher than approved because:
  - the dwelling was not dug in far enough at the back and front, thereby creating a higher ground floor level
  - The ground floor to eaves height was also greater than approved, further stretching the height of the building.
11. Although the roof timbers were in place, the slates had not been attached. The total increase in height was measured as 1.6 metres.
12. The impact of this increased height on the character of the immediate area, and on the setting of the neighbouring listed buildings, was not considered acceptable, and so the committee resolved at its meeting of 17 January 2017 to take the necessary enforcement action to secure the demolition of this unauthorised dwelling.

13. However, no further action has been taken, given that the current application was submitted for a revised design. This is intended to overcome the issues arising from the unauthorised development, whilst avoiding any need for demolition. Without prejudice to the outcome, it is reasonable to give consideration to any such application before considering if the resolution to take enforcement action should be actioned.
14. In essence, the current application involves removal of the roof structure and then reconstruction at a lower ridge and eaves level, with the first floor windows now incorporated into dormers. This reduces the ridge and eaves height by 0.9 metres, so that the dwelling would then be 0.7 metres above the previously approved scheme, rather than 1.6 metres. It also proposes a revised internal layout, thereby creating a fourth bedroom on the first floor.
15. Amended plans were then submitted to address some of the issues that arose during initial consideration of the application. These amendments do not include any changes to the height or design of the proposed dwelling, but do illustrate some of the details more clearly, including levels, cross-sections and variance in height from neighbouring dwellings. They also incorporate changes to the site frontage, and its access arrangements..
16. These amended plans are currently out to consultation. All responses received to date are included in the "Consultations" section of this report. Any further responses will be included in the Addendum Report.

## Relevant Planning History

Application	Description	Decision
APP/2011/0179	Erection of a two-storey dwellinghouse and associated works	Refused 18.10.2011
APP/2012/0536	Erection of a two-storey dwellinghouse and associated works	Appeal against Non-determination Dismissed on 26 .04.2013
2014/0747/FUL	Erection of new dwellinghouse. Adaptation and extension of store located within the curtilage of a listed building. Formation of vehicular entrance.	11.02.2015

## Planning Guidance and Policy

### National Planning Policy Framework

Section 7 - Design  
Section 12 - Historic Environment

### The Rutland Core Strategy (2011)

CS1 - Sustainable Development  
CS3 - Settlement Hierarchy  
CS4 - Location of development  
CS19 - Design  
CS22 - The Historic Environment

## Site Allocations and Policies DPD (2014)

SP1 -	Sustainable Development
SP5 -	Built Development on Towns and Villages
SP15 -	Design and Amenity
SP20 -	Historic Environment

## Draft Local Plan

The Consultation Draft Rutland Local Plan (CDRLP) is now at the consultation stage, with a closing date of 25 September 2017.

Although this Plan is a material consideration, it has not been subject to the full public consultation period or subsequent examination, and therefore carries only limited weight at this stage. It does not outweigh the current development plan.

## Consultations

### 17. **Ketton Parish Council**

First Consultation:

Object to the variance from initial approval, especially that the height is still 0.7 metres above the approved level and the building appears to be constructed closer to the highway boundary.

### 18. **Highways Authority**

Second Consultation:

No objections if built in accordance with the proposed block plan.

## Neighbour Representations

### 19. First Consultation:

Eighteen separate letters of objection were received, raising the following concerns:

- Proposed amendments are still a significant breach of the initial planning approval.
- Current proposal is still higher than the surrounding cottages on Chapel Lane
- The building would still be out of proportion with its surroundings
- Although a lower roof height is proposed, ground floor level is still too high and therefore out of keeping with the character of Chapel Lane.
- The building would still impact on the outlook from neighbouring dwellings
- The building would still have a detrimental impact on views through the conservation area, including from the church
- The design of the amended proposal is out of keeping with the other properties in the lane, and with the wider conservation area
- Dormer windows are not in keeping with Chapel Lane and were previously rejected by both the County Council and an appeal inspector
- The dwelling has been constructed closer to the highway boundary than shown on the approved plans, thereby reducing the site frontage and available parking area, and becoming contrary to other Highway Authority requirements.
- The proposed dwelling now includes four bedrooms rather than the previously approved three.
- Insufficient capacity available for the parking spaces required for a four bedroomed dwelling, and insufficient capacity at the junction of Church Road and Chapel Lane for this additional traffic
- Pedestrian hazard, especially for the elderly and for children en route to school

- RCC Planning Department should not accept such disregard for its rules and regulations.
- Current plans are of poor quality and do not assist comparison with the previously approved scheme
- The supporting document does not adequately explain how the various discrepancies arose
- Toleration of variances from the approved plans could set a precedent for other schemes to be amended, to the detriment of Rutland's towns and villages
- The proposed means of addressing the unauthorised development is a low cost "corner cutting" exercise
- Demolition of the partly constructed building should be pursued.

#### Second Consultation:

Three responses have been received to date, all commenting that the proposed height and size of the dwelling, have not been reduced. Reference is also made to the number of bedrooms, to the potential increase in traffic, and that previous objections have not been addressed.

## Planning Assessment

### Introduction

20. The key issues in considering this application are:
- Whether the proposed height reduction overcomes the concerns raised by the current unauthorised development ?
  - Whether the proposed dormer windows are acceptable ?
  - Other proposed amendments
  - Concerns raised by local residents that there may be other unauthorised departures from the previously approved scheme

### Does the proposed height reduction overcome the concerns about the current unauthorised development?

21. Given the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to pay special attention to the desirability of:
- preserving or enhancing the character and appearance of a conservation area
  - preserving the historic and architectural interest of any listed building and its setting.
22. The key concern raised by the current unauthorised works on site, is that its increased height, and consequent greater bulk, do not preserve or enhance the character and appearance of the Ketton Conservation Area and do not preserve the setting of the various listed buildings on Chapel Lane and elsewhere in the immediate vicinity. This partly arises from its location at the north end of Chapel Lane, where the gradual rise in ground level ensures that any development will have a more dominant impact. A related concern is that this greater height and dominance has an overbearing impact on neighbouring dwellings to the detriment of their residential amenity.
23. This all warrants a comparison of the proposed amendments against the previously approved scheme and the current unauthorised development. Cross-sections of the existing and proposed schemes, as provided by the applicant, have assisted this process.

24. In undertaking this analysis, the previous approval has to be accepted as a non-negotiable commitment. The developer could have implemented this in accordance with the approved plans, and could now (either voluntarily or via an enforcement notice) demolish the existing structure on site and then rebuild in accordance with the previously approved plans. Given this, there is nothing to be gained by assessing any concerns about that scheme, as approved. Consequently, some of the objections raised via the public response to the current application, particularly regarding its footprint, are not discussed further in this report.
25. Part of the increased height, as currently on-site, results from the building not being sufficiently set down below existing ground level, thereby creating an increase in the ground floor level of the new dwelling. This level is not changed by the current application and, as presently set out on site, creates an unsatisfactory appearance of the southern part of the new dwelling being suspended above the surrounding area.
26. The cross-sections submitted with the current application indicate that ground levels at the front and side of the dwelling will be re-contoured before completion of the scheme. This could soften the present stark increase in levels but, as indicated on the amended plans, would still leave the building at a higher level out of keeping with the remainder of Chapel Lane, rather than set down below existing ground level, as per the previous approval.
27. The other key component of the increased height of the part-constructed building is the greater distance between the ground floor and ridge. This is directly addressed in the current application by the proposed removal of the roof and lowering of the wall plate. The roof would then be reconstructed at this lower eaves and ridge level, thereby reducing its height by 0.9 metres to 0.7 metres above that of the previous approval. Although a noticeable reduction, this doesn't lower it to the same level as on the previous grant of planning permission, and doesn't overcome the impact of the higher ground level.
28. Overall, this still has a dominant impact on the immediate area, detrimental to the setting of the neighbouring listed buildings and failing to preserve or enhance the character and appearance of the Ketton Conservation Area. For these reasons, the current application is not in accordance with the development plan, and is therefore recommended for refusal.

Are the proposed dormer windows acceptable?

29. The reduced eaves level also causes the first floor accommodation to be partly within the roofspace, with the first floor windows therefore converted to dormers.
30. Such dormers are a significant feature within Ketton Conservation Area but, even though there are some views from Church Lane of dormers on existing dwellings on Redmiles Lane, there are no dormers on Chapel Lane itself.
31. Were the current application site within the more close knit section of Chapel Lane, further south, the introduction of dormer windows would be clearly out of character. However, their impact is less significant within the more open character of the lane, further north. The new dwelling does not relate so closely to the more close-knit development further south, and so the introduction of such a feature does not cause detriment.

32. That said, the first application for a new dwelling on this site (APP/2011/0179) was refused because of its impact on the residential amenity of neighbouring dwellings and also because of its design, as below:

1. The shape and design of the proposed new dwelling, incorporating its first floor accommodation within a large and complex hipped roof (including dormers), is out of keeping with other dwellings (all listed buildings) on Chapel Lane. These other premises are two-storey, and of a consistent traditional simpler design with gable ends and no dormers. The proposed dwelling would be an inappropriate and incongruous addition to the street scene, detrimental to the setting of the neighbouring listed buildings and would fail to preserve or enhance the character and appearance of the Ketton Conservation Area. As such, the proposal is contrary to adopted policies CS2 and CS19 of the Core Strategy, saved policy EN5 of the adopted local plan, and to government guidance in PPS5 (Planning for the Historic Environment) specifically policies HE7.5, HE9.1, and HE10.1

33. This refers to the proposed dormers, within the context of a complex hipped roof, creating a total impact that was detrimental to the conservation area and to the setting of the adjacent listed buildings.
34. The current proposal also includes dormers, but in the context of a simpler roof design with gable ends. Given that the application site is not within the more close knit section of Chapel Lane, further south, and given that the roof design has otherwise addressed that previous reason for refusal, it is concluded that the dormers (on their own) no longer cause the same level of harm to these heritage assets.
35. Consequently, the proposed dormers are not included in the recommended reason for refusal.

#### Other proposed amendments

36. The revised plans indicate a low boundary wall along the site frontage, with an un-gated gap to provide vehicular and pedestrian access. There is no scope for vehicles to turn within the site and exit in forward gear, but this is not a concern at the end of a cul-de-sac where other vehicles would be moving slowly. Given this, and that the low wall would provide adequate sight lines for vehicles reversing out of the premises, any potential conflict with pedestrians does not provide an additional recommended reason for refusal. Furthermore, the Highway Authority has not raised objection to these proposals.

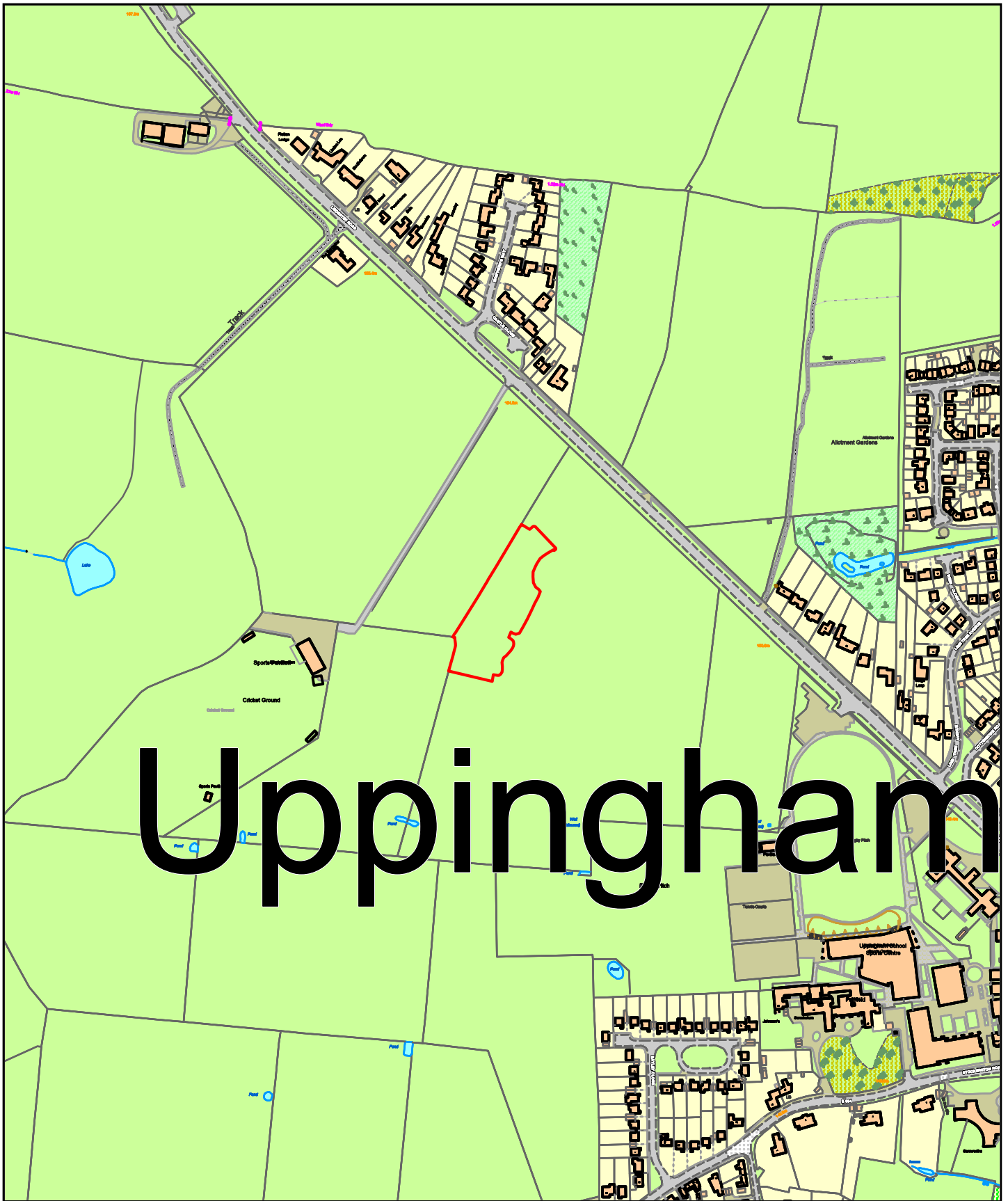
#### Other potential variances from the approved scheme

37. The submitted plans also indicate a fourth bedroom at first floor level. Some of the objectors have commented that this would require extra parking spaces to be provided, and that it would increase traffic levels in the area.
38. It should be noted, however, that such an internal layout change can be undertaken without the need for a planning application. Furthermore, the Council's parking standards for residential development require two spaces to be provided for three bedroomed dwellings and four bedroomed dwellings. Consequently this change does not require any additional parking to be provided, beyond the two spaces previously approved. With regard to additional traffic levels, it would be virtually impossible to speculate on any difference between a three bed or four bed property. The extra bedroom may increase the potential for additional occupants within the dwelling, but they may not necessarily have their own vehicle.



39. Some objectors have also commented that the new dwelling has been built closer to the highway boundary than indicated on the approved plans. This has been measured on site by the Case Officer; no such variations were found and no further action is required.

**This page is intentionally left blank**



# Uppingham



© Crown copyright and database rights [2013]  
 Ordnance Survey [100018066]

Scale - 1:5000  
 Time of plot: 11:32  
 Date of plot: 15/08/2017



**Rutland County Council**

Catmose,  
 Oakham,  
 Rutland  
 LE15 6HP

Application:	<b>2017/0422/MAJ</b>	<b>ITEM 5</b>	
Proposal:	<b>Erection of 28 dwellings with associated landscaping, open space and infrastructure (Phase 2).</b>		
Address:	<b>Land South Of, Leicester Road, Uppingham, Rutland</b>		
Applicant:	<b>Bloor Homes Ltd, Midlands Division</b>	Parish	<b>UPPINGHAM</b>
Agent:	<b>Mr Maxwell Whitehead, Bloor Homes Ltd Midlands Division</b>	Ward	<b>Uppingham</b>
Reason for presenting to Committee:	<b>Major Development</b>		
Date of Committee:	<b>29 August 2017</b>		

## EXECUTIVE SUMMARY

**The second phase of the Bloors development was originally expected to come as a future allocation for development. The delivery of this land now is sustainable and has no harmful impact on the strategy for delivery of housing.**

## RECOMMENDATION

**APPROVAL**, subject to the completion of a S106 agreement to secure the affordable housing and the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.  
REASON – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers MI107-SL-002H, MI107-EN-100H, MI107-MAT-MOE-001L, MI107-LE-MAN-001D, MI107-LS-001K, MI107-LS-002J, MI107-LS-003J, MI107-LS-006E, MI107-PD-100B, MI107-PD-101B, MI107-PD-102B, MI107-PD-103B, MI107-PD-502C, MI107-PD-503C, MI107-PD-105A, MI107-PD-106B, MI107-PD-107B, MI107-PD-108A, MI107-PD-109A, MI107-PD-110B, MI107-PD-111C, MI107-PD-112A, MI107-PD-113B, MI107-PD-500C, MI107-PD-114C, MI107-PD-750, MI107-PD-751, 2B4P-2B4PSP-PD-001, 2B4P-2B4PSP-PD-002, C313-PD-01, 3B6P25-PD-01, 3B6P25-PD-02, the Landscape and SUDS Management Plan dated 11 August 2017 and the Ecology Construction and Environmental Management Plan Phase 1 and 2, ref 552.5, dated August 2017.  
REASON - For the avoidance of doubt and in the interests of proper planning.
3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
REASON - To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to make sure it is properly maintained.

4. The open space footpaths and cycleways and associated landscaping shown on the approved plans shall be provided and laid out on site in accordance with the approved details prior to the occupation of the 15<sup>th</sup> house hereby approved.  
REASON - To ensure that the open space and cycleways/footpaths are provided at an appropriate time in the interests of the amenities of future residents and the overall appearance of the development.
5. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved landscaping plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.  
REASON - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
6. No dwelling shall be occupied until the sustainable surface water scheme shown on the approved plans is implemented and in operation in association with the scheme approved for Phase 1. The system shall thereafter be retained on site and maintained in accordance with the submitted and approved scheme  
REASON - To prevent flooding
7. No dwelling hereby permitted shall be occupied until such time as the final archaeological report for the wider site including Phase 1 has been archived in accordance with the Written Scheme of Investigation.  
REASON - To ensure that the archive is deposited within a reasonable time period.

Note to Applicant:

It is your responsibility to ensure that protected species are not disturbed or harmed in any way. The Council's Ecology advisors recommend that an updated Badger survey is carried out before development starts.

## Site & Surroundings

1. The site extends to 1.08 hectares of open land on the south western side of Leicester Road, adjoining Phase 1 of the development which was approved by this Committee in May 2017. Land to the west is agricultural, beyond which is the access road to Uppingham Cricket Club.
2. The site has no frontage to Leicester Road as Phase 1 wrapped around the north side of this site.
3. The site forms part of Site C which is allocated for development in the Uppingham Neighbourhood Plan. A remaining part of Site C is to the south-east, between Phase 1 and the School Sports Centre Car Park and is in different ownership and was not included in the submission for Phase 1.

## Proposal

4. The proposal is for Phase 2 of the Bloors development following the approval of Phase 1 in May 2017. This scheme has been recently reduced from 29 to 28 dwellings comprising the following:
5. 20 market dwellings, 2 x 3 beds and 18 x 4 bed units, together with 8 affordable rented (2 x 1 bed and 2 x 3 beds) and 2 x 2 bed and 2 x 3 bed shared ownership affordable homes.
6. The layout is as shown on the previous phase 1 application but is reproduced in the Appendix.

## Relevant Planning History

Application	Description	Decision
2015/0568	Erection of 75 dwellings	Withdrawn
2016/0336/MAJ	Erection of 75 dwellings (Phase 1)	Approved 16 May 2017.

## Planning Guidance and Policy

### National Planning Policy Framework

Para 14: Presumption in favour of Sustainable development. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Para 47 – LPA's should set out their own approach to housing density to reflect local circumstances

Para 59 – Design polices should avoid unnecessary prescription and concentrate on guiding overall scale, density, massing, layout and access in relation to neighbouring buildings and the local area more generally.

### The Rutland Core Strategy (2011)

CS3 (The Settlement Hierarchy) of the adopted Core Strategy identifies Uppingham as a Small Town, This is the second largest town with a range of job opportunities, convenience shopping, education, community and health facilities but with more limited public transport links.

CS4 (The location of development) states that Uppingham will be a focus for more moderate growth mostly on allocated sites to the west or north west of the town. Uppingham has the capacity to accommodate about 16 dwellings per annum up to 2026.

CS10 Housing Density and Mix  
Development will be expected to achieve 40 dwellings per hectare within the built-up area of Oakham and Uppingham

CS11 Affordable Housing  
A minimum target of 35% affordable units is required.

CS19 Promoting Good Design

## Site Allocations and Policies DPD (2014)

- Policy SP1 (Presumption in Favour of Sustainable Development) states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of development. The NPPF also highlights that housing should be located where it will enhance or maintain the vitality of rural communities.
- Policy SP5 (Built development in the towns & villages) states that sustainable development within the Planned Limits of Development of the villages will be supported provided that:
- (i) It is appropriate in scale and design to its location and to the size and character of the settlement;
  - (ii) It would not adversely affect the environment or local amenity
  - (iii) It would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings
  - (iv) It would not be detrimental to features and spaces which contribute to the important character of the settlement and the locality.
- Policy SP9 Affordable Housing – affordable housing must be of a combination of sizes and affordable tenure which meets the proven local housing need and good practice, including the number of bedrooms, property type and floor space.
- Policy SP15 (Design & Amenity) states that development should reflect the characteristics of the site, complement the character of the surrounding area, protect the amenities of neighbours, be of a suitable scale, form and mass, use appropriate materials and make safe provision for access and parking.

## Uppingham Neighbourhood Plan (Jan 2016)

7. Policy 3 – Housing Numbers, allocates this and adjoining land for development. For Site C this Policy states that during the plan period, only around 3 hectares within the allocated site (precise location to be a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.
8. The text to follow up that policy states that of the overall 4.5 Hectares in Site C, only the pink area is supported for development.
9. For clarity, the previously approved site includes some pink land and some red land as the red land reserved for later development washes over the boundary between the applicant's site and the adjacent owners land. The developer took advantage of the 'precise location to be a matter for the developer' clause in the Plan to develop the land within its control which is nearest the town, leaving this remaining land on the outer edge of the site for later development.
10. Policy 5 – Housing Site C also states that land at the rear of this site is allocated as recreational land which will form part of any proposal brought forward on Site C, the whole of which will be subject to a Masterplan.
11. There is a statement in the Housing Summary, later in the document, that the Plan does not support the building of one-bedroomed homes. This is an aspiration, not policy, and is not backed up by any reasoned planning evidence or justification that would outweigh a proven local need. Phase 1 included 1 bed units.

## Other Material Considerations

12. Supplementary Planning Document – Developer Contributions (January 2016 – came into effect 1 March 2016)
13. This states that for schemes of 5 dwellings or more, affordable housing should be provided on site at a rate of 30% (subject to viability) and supersedes the Core Strategy requirement of 35%.
14. The Consultation Draft Rutland Local Plan (2017)
15. This Plan allocates this site together with a new site to the west for development. It also includes the red and pink land to the east and opposite for development in the new plan period and if adopted would supersede the Uppingham Neighbourhood Plan Policies.
16. This Plan has not been subject to consultation or Examination so carries little weight at this stage.

## Consultations

17. **Environment Agency**  
No objection subject to the following condition.–
  - No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
  - Reason - To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure. In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within the proposed phasing of development.
  - As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly
18. **LCC Ecology**
  - I am satisfied with the general principal of GCN mitigation contained in this document (HDA, February 2017). Compliance with the mitigation strategy will be required as a condition of the development. However, I am concerned that this document will need updating to reflect the Phase 2 location plan as at the moment it refers to the neighbouring site (I appreciate that it is intended that there will be a separate GCN licence for each phase, but assume that the mitigation will be the same).
  - No other protected species have been recorded in this Phase 2 area of the site, although it is considered that the site does have potential to support badgers. I therefore have no objections to this development (subject to the revision of the GCN mitigation red line as described above) provided that the recommendations in the Ecology Addendum (HDA, April 2017) are also followed (via a condition of the development).



- The proposed layout is acceptable, as it provides buffers to the existing hedgerows.
- Additionally, as ecology surveys are only considered to be valid for a period of 2 years, updated surveys will be required if works do not commence before May 2018.

19. **Anglian Water**

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- The foul drainage from this development is in the catchment of Uppingham Water Recycling Centre that will have available capacity for these flows.

20. **Foul Sewerage Network**

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

21. **Surface Water Disposal**

- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.
- **CONDITION** No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority. **REASON** To prevent environmental and amenity problems arising from flooding.

22. **RCC Highways**

No Objections subject to being built in accordance with Drawing Number MI107-SL-002C-COL, MI107-PD-750 and MI107-PD-751; and subject to the following conditions  
Estate Carriageway  
Construction Site Workers note to applicant.  
Road Cleaning

23. **Lead Local Flood Authority (Surface water drainage)**

No Objections subject to being built in accordance with Rev A Phase 2 Technical Note and FRA Addendum (Rec'd 20/06/2017) Appendix 4 Drawing Number MI107-EN-100E, and subject to the submission of a maintenance schedule for the SuDs features.

24. **Uppingham Town Council**

Recommend for approval

25. **Matrix Planning**

I write on behalf of the owners of the adjacent site - the 'Robinsons land' - also allocated for housing in the Neighbourhood Plan. We see no conflict in our own emerging ideas for our site. We therefore support Bloors development for the following reasons: 1. The development of this site should logically continue the development of the approved Phase 1 (permission 2016/0336). 2. It makes sense in the interests of the proper planning of this area. 3. The housing delivery target in the Neighbourhood Plan is that at least 170 homes during the period to 2026. So the current proposal plus those on the Robinsons land do not conflict with the aims of planning policy to enable the growth of Uppingham

## Neighbour Representations

26. None

## Planning Assessment

27. The main issues are the principle of development, design and layout, affordable housing provision, access/highway safety and landscaping/drainage.

### Principle of Development

28. The land has been allocated for development now and in the future in the Uppingham Neighbourhood Plan (UNP), which has community support. On the face of it the development could be deemed contrary to policy as it seeks permission to develop land that is not yet allocated for development in the UNP. The land on which Phase 2 is located is actually allocated for development now on the UNP map as it was part of the originally allocated land. The developer chose to use the option of identifying the precise boundaries of phase 1 to their preferred site, in line with the option in the Plan. That should in theory leave this site for 'future development', having been swapped for the future land in Phase 1, however, the UNP is silent on what happens in such circumstances.

29. The proposal constitutes sustainable development. It fulfils the 3 criteria for sustainable development set out in Para 14 of the NPPF and is located immediately adjacent to approved development. Uppingham is a town with all necessary services, amenities and facilities. It is an integrated rounding off of the first phase of development and makes logical sense to develop now rather than refuse and await an uncertain date in the future for its allocation. In terms of delivery of housing there is nothing to prevent this site from being developed now. It would not harm the strategy for housing supply in the County.

30. Whilst the new Rutland Local Plan carries little weight at this stage it is clear from the UNP and background work on the new Plan that the direction of travel for new development in Uppingham is in this locality.

31. The applicant has sought advice from Counsel on this issue which concludes:

- *In my opinion the phasing element in the UNP is not something which definitively determines whether there is compliance with:*
  - (i) Policy 3;*
  - (ii) the UNP, or*
  - (iii) the development plan as a whole.*
  - (iv) Indeed, to take such an inflexible approach would be contrary to guidance which courts at all levels have been giving very clearly.*

32. The proposal constitutes sustainable development and otherwise complies with policies of the development plan.

33. It is likely that an appeal against refusal on the grounds of prematurity would be successful in this location. On that basis it is not considered that a refusal would be sustainable on policy grounds.

### Design & layout

34. This follows the principle established in the Phase 1 approval. The development provides outward looking dwellings on the western rural edge, avoiding dwellings close to the site boundaries. There would be a satisfactory relationship between dwellings. The actual designs follow the previously approved scheme. The design and layout is therefore acceptable.

Affordable Housing

35. The overall provision is acceptable but some concern had been expressed about the width of parking bays and this has been addressed by the developer. A S106 agreement would be required to secure the affordable units.

Access/Highway Safety

36. Access to this site would be via the already approved access off Leicester Road for which a sum has been secured via a S106 agreement for the construction of a roundabout or highway safety improvements. Parking and access within the site is satisfactory.

Landscaping/Drainage

37. The landscaping follows the same theme as Phase 1 and the surface water scheme designed as part of Phase 1 is also used to drain this site. An updated drainage strategy has been received and sent to the Environment Agency for comments, which are awaited. Subject to those comments, these 2 issues are adequately addressed by the submitted scheme.



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP SITE SPECIFIC CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

Notes:

Accommodation Schedule			
Type	Beds	Storeys	No
304 DET	3	2	1
313	3	2	1
406	4	2	2
422	4	2	1
415	4	2	5
420	4	2	2
421	4	2	6
460	4	2.5	2
XL garage	0	0	20
HOGs	0	0	0

Rent			
Type	Beds	Storeys	No
18F01 GF	1	2	1
18F01 FF	1	2	1
38BP 25	3	2.5	2

Shared			
Type	Beds	Storeys	No
284P	2	2	2
38BP 25	3	2.5	2

<b>Total</b>			<b>28</b>
--------------	--	--	-----------

- g DENOTES INDICATIVE POSITION OF PERSONNEL GATE AVAILABLE AS OPTIONAL EXTRA AT CLIENTS REQUEST.
- DENOTES INDICATIVE PLANTING PROPOSALS - SUBJECT TO DETAILED DESIGN.
- 1.8m HIGH CLOSE BOARD FENCING.
- 1.8m HIGH BRICK WALL SCREENING.
- 0.9m HIGH METAL RAILINGS.
- 0.45m HIGH TIMBER KNEE RAIL.
- 19+ PLOT NO.
- VEHICULAR ACCESS POINTS.
- HOUSE TYPE CODE.
- PEDESTRIAN ACCESS POINTS.

REVISED  
2017/0422/MAJ  
Rec'd 09/08/17

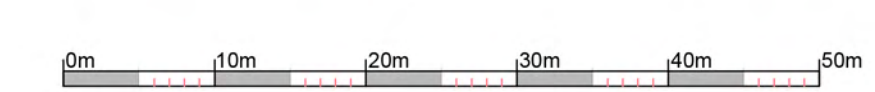
- Revision:
- A Plots 45-48 amended to allow for sewer easement & general layout updates. 07.03.17 EW
  - B House type 38BP25 size updated. Plot 67.09 block revised. 27.03.17 DL
  - C Phase 2 plots re-numbered. 31.03.17 CD
  - D Affordable tenure hatching added. 04.04.17 EW
  - E Affordable tenure mix amended. 25.04.17 EW
  - F Affordable mix amended to council comments. 12.07.17 JM
  - G 38BP 25 footprint size updated & street lighting added. 03.08.17 JM
  - H Width of parking bays between plots 94 & 95 increased following planners comments. 31.07.17 JM
  - I Private drive serving plots 88 to 91 amended. 03.08.17 JM

Job: Leicester Road Uppingham  
Title: SITE PLAN PH2  
Scale: 1:500 @ A0 Drawn: JRM  
Date: MARCH 17 Checked:

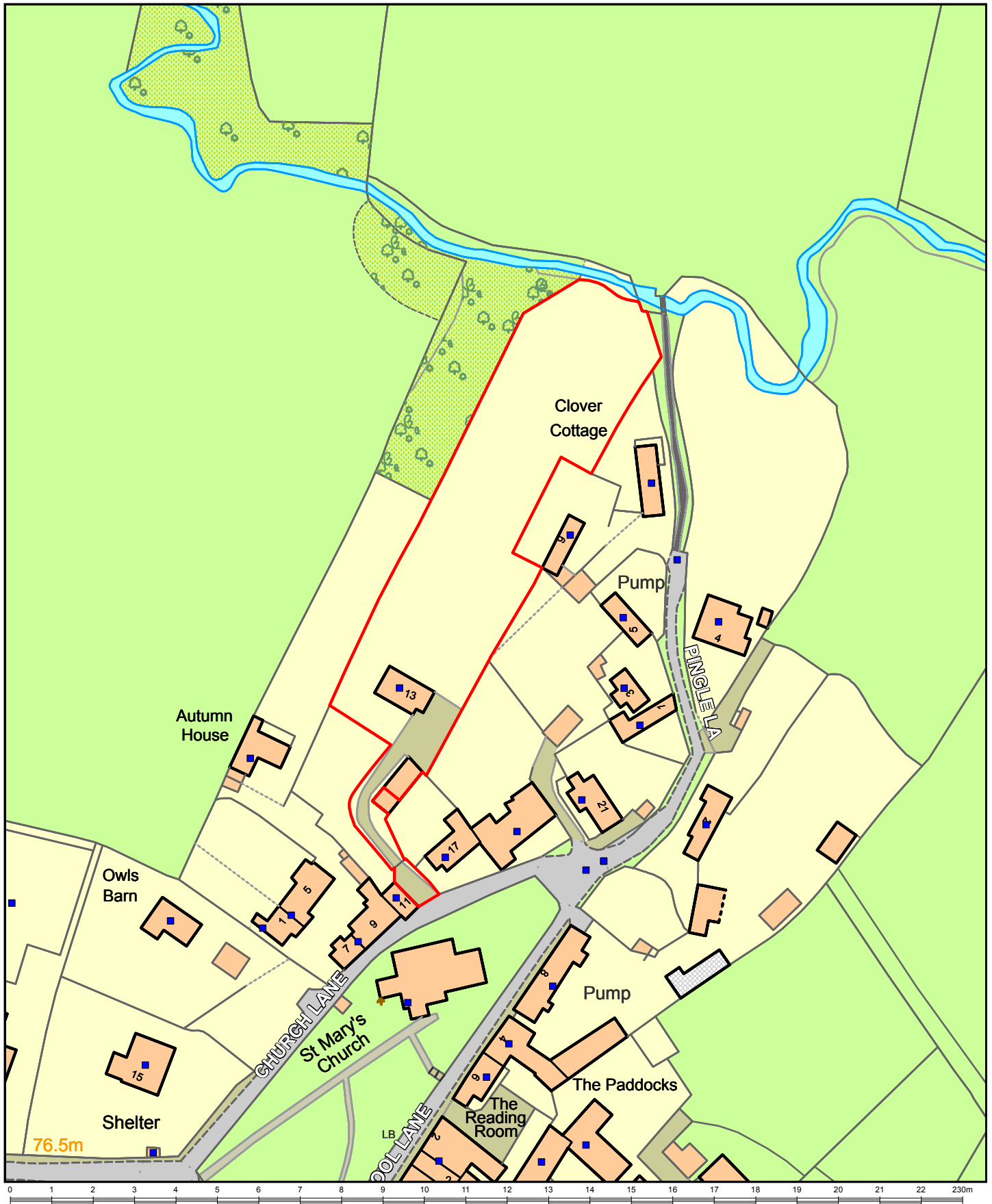
**BLOOR HOMES**  
J S BLOOR (SERVICES) LIMITED  
ASHBY ROAD, MEASHAM, SWADLINCOTE, DERBYSHIRE DE12 7JP  
TELEPHONE 01530 270100 FACSIMILE 01530 272000  
Drawing No: MI107-SL-002H-COL



# Leicester Road, Uppingham







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

Scale - 1:1250  
Time of plot: 11:56  
Date of plot: 14/08/2017



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2017/0419/FUL</b>	<b>ITEM 6</b>	
Proposal:	<b>Demolition of existing bungalow. Erection of single storey dwelling.</b>		
Address:	<b>13, Church Lane, Morcott, OAKHAM, Rutland, LE15 9DH</b>		
Applicant:	<b>Mr Steve Jones</b>	Parish	<b>MORCOTT</b>
Agent:	<b>Thomas Wilson Architects</b>	Ward	<b>Martinsthorpe</b>
Reason for presenting to Committee:	<b>Neighbour objections</b>		
Date of Committee:	<b>1 August 2017</b>		

## EXECUTIVE SUMMARY

The proposal is for the replacement of an existing dwelling on the site with a new single-storey dwelling. The neighbouring dwellings to the site are mainly listed buildings and objections focus on the modern design of the property and its impact on the setting of those buildings. The building has a positive effect on the settings of the conservation area and listed buildings. The proposal is therefore in accordance with the Development Plan and the duties imposed in the Planning (Listed Buildings and Conservation Areas) Act 1990.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1557/18, 1557/19, 1557/20, 1557/21, 1557/22, 1557/23, 1557/24 and 1557/25.
3. No development shall be commenced until samples of the external facing and slate 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.
4. Before any work commences, manufacturers details of the proposed rooflights indicating their profile, including projection above the roof of the dwelling shall be submitted to and approved, in writing, by the Local Planning Authority. The rooflights shall be installed in accordance with the approved details.

### REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. The building is located within a conservation area and is surrounded by listed buildings and the use of appropriate materials in construction are an essential part of its impact being acceptable.
4. To ensure that the rooflights to be used are appropriate in style and design to the building and its location within the wider setting.

## Site & Surroundings

1. The application site is located at the edge of the village of Morcott to the north of the Church, and is located within the conservation area. Several of the nearby dwellings are grade II listed, including the shared dry stone boundary wall to the east. Although this wall is not listed in its own right it is listed through being in the curtilage of a listed building.
2. The site is currently host to a single dwelling - a grey, rendered property of no particular architectural merit with a concrete tile roof and upvc windows and doors.
3. The site is accessed via a narrow entrance between numbers 11 and 17 Church Lane, which then splits to provide access to this site and the rear garden of 11 Church Lane. The land slopes downwards as it moves further to the north, towards a tributary of the River Chater. The lower part of the site lies outside of the planned limits of development of the village.

## Proposal

4. The proposal is for the replacement of the existing property with a new 2-bedroom dwelling, single-storey in height and with a modern, mainly flat-roofed design. The dwelling is to be constructed from a combination of limestone and cedar cladding, with the flat-roofed elements having a sedum roof, and natural slate to the pitched elements, and powder-coated aluminium windows.

## Relevant Planning History

There is no relevant planning history

## Planning Guidance and Policy

### National Planning Policy Framework

Para 60 of the Framework states that planning policies and decisions should not attempt to impose architectural style or tastes on development, although it is appropriate to reinforce local distinctiveness. Paragraph 63 notes that great weight should be given to outstanding or innovative designs that help to raise the standard of design generally in the area.

Paragraph 129 of the Framework notes that local planning authorities should identify and assess the significance of heritage assets affected by a proposal taking into account the available evidence and expertise, taking this assessment into account when considering impact on a heritage asset.

### The Rutland Core Strategy (2011)

CS1 - Sustainable Development Principles  
CS2 - The Spatial Strategy  
CS3 - The Settlement hierarchy  
CS9 - Provision and distribution of new housing  
CS19 - Promoting Good Design

### Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of Sustainable Development  
SP5 - Built development in the towns and villages

SP15 - Design and amenity  
SP20 - The historic environment

The Consultation Draft Rutland Local Plan (CDRLP) is currently undergoing a period of public consultation ending on Monday 25<sup>th</sup> September 2017.

The policies contained within it as they apply to the site in question are in line with the policy approach contained within the Rutland Core Strategy (July 2011).

This Plan has not been subject to public consultation or subsequent examination and hence can carry very little weight at this point in time. It is a material consideration but not one that outweighs the current development plan.

### **Morcott Conservation Area character appraisal and management proposals (October 2014)**

This document assesses the Morcott Conservation Area for its special interest and identifies key features and characteristics to guide future development. In particular, it identifies construction materials that are characteristic of the village (limestone walling, collyweston stone slate and welsh slate roofing) and several key principles that define the special interest of the conservation area.

### **Consultations**

5. **Morcott Parish Council** recommend refusal,
  - The proposed new development will have a detrimental impact on the surrounding listed buildings, and its design is not in keeping with the surrounding properties.
  - Parking during construction will cause considerable problems and a condition must be included to ameliorate this to the satisfaction of the parish council, whilst the access to the site for emergency services must be maintained.
  - Concerns remain over the potential damage to the churchyard wall from traffic associated with the proposal.
6. **Historic England** have confirmed they do not wish to offer comments on this application

### **Neighbour Representations**

7. There have been several neighbouring responses to the proposal, raising the following objections
  - The building proposed is not in keeping with the style of building in this area
  - The extension of the building's footprint will have an adverse impact on adjacent listed buildings
  - The proposal does not indicate how the church wall and other walls in the area are to be protected from damage during the construction process and the applicant should be required to provide an indemnity against this
  - The property is too close to Sundial House and its other neighbours
  - Aware of the advice given at pre-application to another party, and the proposal does not comply with this.
  - Access is also shared with 17 Church Lane as vehicles need to use a portion of their drive to negotiate the sharp turn.
  - Consider that alterations to the barn would need to be the subject of a separate application.
  - The proposal will adversely impact on views from Sundial House, with several elements of the scheme being unnecessary.
  - The proposal and the large stone wall will be prominent and visible from the bottom



of Church Lane/School Lane and will look out of place and detract from the setting of nearby dwellings.

- Block plan does not include distances to adjacent buildings.
- We believe that replacement dwellings should not be more than 50% larger than the original, so why is an additional 90% shown here.

8. A further representation is in support of the proposal
  - Share the access with the site, will suffer the most disruption and the view from their garden will be most impacted on by the proposal
  - Delighted the proposal is single-storey, and the plans are aesthetically and environmentally sensitive
9. One response raises no objection in principle, but that development of more than a single storey would have a huge impact on the surrounding properties.

## Planning Assessment

10. The main issues are the impact of the proposal on the setting of the nearby listed buildings, and the design of the proposed dwelling.

### Development Plan

11. Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
12. The development plan addresses built development in the towns and villages through policy SP5, noting that sustainable development will be supported provided that it is appropriate in scale and design to its location and to the size and character of the settlement, that it would not adversely affect the environment or local amenity, that it would not have a detrimental impact upon the form, character appearance and setting of the settlement or neighbourhood and its surroundings, and would not be detrimental to features and spaces that contribute to the important character of the settlement and the locality. The policy goes on to discuss matters specifically relating to residential development; however they are not relevant to this proposal as they are concerned with additional residential development rather than replacement.
13. Policy SP15 details the approach to ensuring good design within development, and requires that proposals address an extensive list of matters including siting and layout, relationship to its surroundings, amenity, density, scale, form and massing, facilities, detailed design and materials, crime prevention, energy and water consumption, landscaping, trees and hedgerows, outdoor playing space, access and parking, and impact on the highway network. Design issues in relation to this proposal are addressed below.
14. Policy SP20 explains how applications affecting the historic environment are to be treated. It reinforces the duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect and enhance historic assets and their settings, whilst maintaining local distinctiveness. It then goes on to state that development will not be acceptable if it has an adverse effect upon the immediate setting of the development, the street scene (including views into and out of the area), other environmental, amenity and highway interests and important features such as trees, hedgerows, or important open spaces. It also states that the setting of listed buildings will be protected where proposals could have an impact.

### Heritage Impacts

15. The application site is located in the conservation area, and there are 4 listed buildings that are notable within the surrounding area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving listed buildings or their settings and any features of special architectural or historic interest that they possess, and also that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. When exercising this duty it is necessary to consider the impact of the new proposal relative to the impact of the existing dwelling.
16. In order to limit the impact of the property on its neighbours by reducing the overall height, the dwelling has been set into the ground, and uses the natural slope of the site to provide accommodation at three different levels within the building. No part of the building is within 3 metres of the boundary with Sundial House to the south east, with the majority of the dwelling being located in excess of 5 metres from the boundary and more than 20 metres from the house.
17. The proposed dwelling is to be constructed mainly from limestone, with natural slate for the pitched roof elements of the building and cedar cladding to the less sensitive elevations. The overall height of the proposed new dwelling is considerably lower (approximately 2metres) than the ridge height of the existing building, with the main roof being at the same height as the existing eaves line. The nature of the proposal does however result in a wider expanse of the new property being visible from the dwelling to the south east. It is accepted that the wider expanse of wall visible from Sundial House to the south east does have a detrimental impact on the setting of that building, however the overall impact on its setting is improved as this impact is less harmful than the overall taller, and less sympathetically designed existing dwelling.
18. With regard therefore to the impact of the proposal on the setting of the nearby and adjacent listed buildings, whilst the proposal will be visible from these properties and will become a feature of their settings, the property has been designed to respect the key principles of construction within the Morcott Conservation Area, whilst being unashamedly contemporary. The limited views of the property from public areas will ensure it has a minimal impact on the conservation area, and the use of materials will ensure that the character and appearance of the conservation area is preserved.
19. The impact of the proposal on the conservation area is negligible, with any views that may be possible resulting in a neutral impact due to the sympathetic choice of materials to be used within the development.
20. Overall therefore, the proposal will have a positive effect on the setting of the adjacent listed buildings and is therefore compliant with the duties in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant policies of the development plan.
21. The conservation advisor to the local planning authority has visited the site to assess the proposal and has also concluded that the proposed development represents an enhancement of the conservation area and will not detract from the setting of any nearby listed buildings.

### Design Issues

22. The majority of buildings in the vicinity are constructed with stone boundary walls, whilst limestone is also the dominant building material in the area under (usually) collyweston slate roofs. Much of the original collyweston has been lost over the years with a variety of roofing materials having been used as replacements, including natural slate, plain tiles, clay pantiles and concrete tiles.

23. The Morcott Conservation Area appraisal notes several key features of the conservation area that contribute to its special and distinctive character. Many of these relate specifically to the proximity and detailing of buildings close to and visible from the village streets. The particular location of the application site and the proposed dwelling limit significantly any views of the site from the publicly accessible parts of the conservation area, whilst the proposed materials of construction ensure that the building is sympathetic to the particular traditions of the village. It is accepted that the single-storey nature of the proposal and the modern design are not prevalent within the conservation area, however the national planning policy framework paragraph 60 makes it clear that it is not appropriate to attempt to impose a particular architectural style on development. That is particularly significant in this case, where the public views of the proposal are so limited
24. The design of the property includes a stepped element to the south east wall, and pitched roof sections over the utility/pantry and log store to provide a visual break and interest to the building from this direction, whilst avoiding any window openings that would impact on the privacy and amenity of the neighbouring properties.
25. It is clear that the design of the building has been developed with consideration given to its relationship to the surrounding buildings, in particular its impact on their amenity and its use of appropriate materials, and whilst it is accepted that the proposed dwelling will impact on some views from those properties, this is not a material consideration relevant to the planning application.
26. The contemporary style of the proposal is raised by several of the representations received in relation to the proposal and noted as being at odds with the rest of the dwellings in the area. As noted earlier however, the local planning authority should not attempt to impose a particular architectural style on a development, and the current scheme demonstrates a careful and considerate use of style and materials to ensure that it does not have unacceptable impacts on the surrounding dwellings, or the wider setting

#### Other Issues

27. Several other matters were raised by the responses to the application, which are addressed as follows;
- i. The pre-application advice given in relation to this site is not a relevant factor in the consideration of this application, however the giving of advice encouraging a particular type of development does not preclude the acceptability of other types of proposal.
  - ii. The use of the access to 17 Church Lane is a civil issue that would need to be resolved by the applicant should it be required, and is not relevant to the determination of the current application. In any event this is already used as the access to the existing dwelling.
  - iii. The applicant has noted that any alterations to the barn would need to be the subject of a separate application, and as such this is not a matter of further concern at this stage.
  - iv. The block plan submitted has a specified scale attached to it and therefore there is no need to specify distances between parts of the site and adjacent dwellings.
  - v. The 50% requirement for replacement dwellings noted in one of the responses relates to the replacement of dwellings within the countryside, not those within the planned limits of development such as the current proposal.

- vi. Notwithstanding the comments received in relation to the proposal, the potential for damage caused by construction traffic is a civil matter that is not appropriate to be controlled by the planning system

## PLANNING AND LICENSING COMMITTEE

29<sup>th</sup> August 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 Oliver Hemsley, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 <a href="mailto:dbrown@rutland.gov.uk">dbrown@rutland.gov.uk</a>
	Gary Pullan, Development Control Manager	Tel: 01572 720950 <a href="mailto:gpullan@rutland.gov.uk">gpullan@rutland.gov.uk</a>
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 Planning & Licensing Committee and summarises the decisions made.

#### 2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/W/17/3176147 – Mr P Hawkes – 2016/1036/OUT**  
 Hawkes Rest, Cold Overton Road, Barleythorpe, Oakham, Rutland,  
 LE15 8DA  
 Erection of three new dwellings  
**Delegated Decision**

**3. DECISIONS**

3.1 None

**4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**

4.1 None

**5. ENFORCEMENT DECISIONS**

5.1 None

**6. CONSULTATION**

6.1 None

**7. ALTERNATIVE OPTIONS**

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

**8. FINANCIAL IMPLICATIONS**

8.1 None

**9. LEGAL AND GOVERNANCE CONSIDERATIONS**

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

**10. EQUALITY IMPACT ASSESSMENT**

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

**11. COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications.

**12. HEALTH AND WELLBEING IMPLICATIONS**

12.1 There are no such implications

**13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

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

**14. BACKGROUND PAPERS**

14.1 There are no such implications

**15. APPENDICES**

15.1 None

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

**This page is intentionally left blank**