

Rutland County Council

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Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND SIXTY FOURTH (Special) MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **11 September 2017 commencing at 6.00pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

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/my-council/have-your-say/public-questions-and-speaking-at-meetings/

Helen Briggs
Chief Executive

A G E N D A

1) **APOLOGIES**

To receive any apologies for absence.

2) **DECLARATIONS OF INTEREST**

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) **REQUESTS TO SPEAK ON PLANNING APPLICATIONS**

To receive any requests to speak in accordance with Procedure Rule 28(4) and the Rutland County Council Public Speaking Scheme.

4) **REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL** (Pages 3 - 16)

To determine matters where a decision taken by a Committee has been referred to the Council in accordance with the provisions of Procedure Rule 110.

In accordance with the provisions of Procedure Rule 110, Mr Baines, Mr Lammie, Mr Stewart and Mr Cross referred the decision of the Planning and Licensing Committee on 29 August 2017 to Council for determination.

To receive Report No. 175/2017 from the Director for Places (Environment,

Planning and Transport).

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TO: MEMBERS OF THE COUNCIL

Mr K Bool – Chairman of the Council

Mr E Baines – Vice-Chairman of the Council

Mr I Arnold

Mr N Begy

Miss R Burkitt

Mr R Clifton

Mr W Cross

Mr R Foster

Mr R Gale

Mr J Lammie

Mr T Mathias

Mr C Parsons

Mr A Stewart

Mr A Walters

Mr G Brown

Mr O Bird

Mr B Callaghan

Mr G Conde

Mr J Dale

Mrs J Fox

Mr O Hemsley

Mr A Mann

Mr M Oxley

Mrs L Stephenson

Miss G Waller

Mr D Wilby

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THE COUNCIL'S STRATEGIC AIMS

Sustainable Growth

Safeguarding

Reaching our Full Potential

Sound Financial and Workforce Planning

COUNCIL

11 September 2017

PLANNING APPLICATION (2017/0419/FUL)

13 CHURCH LANE, MORCOTT

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

Strategic Aim:	Sustainable Growth		
Exempt Information		No	
Cabinet Member(s) Responsible:		Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
Contact Officer(s):	Gary Pullan, Development Control Manager		01572 720950 gpullan@rutland.gov.uk
Ward Councillors	Mr E Baines, Martinsthorpe		

DECISION RECOMMENDATIONS

That Council:

1. Approves the application in accordance with the decision of the Committee and the recommendation to the Planning and Licensing Committee on 29 August 2017.

1 PURPOSE OF THE REPORT

- 1.1 To consider planning application 2017/0419/FUL 13 Church Lane Morcott.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 At its meeting on 29 August 2017, the Planning and Licensing Committee considered the above application.
- 2.2 The committee resolved to approve the application. This decision was subsequently referred to Council by 4 members of the Planning and Licensing Committee in accordance with Procedure Rule 110.
- 2.3 Other background information, including the main issues, are included in the original report and Addendum Report in the Appendix.

3 CONSULTATION

- 3.1 As set out in the original report.

4 ALTERNATIVE OPTIONS

- 4.1 If the application is not approved in accordance with the original Planning and Licensing Committee decision, Council must refer the decision back to the Committee for re-consideration and final decision.

5 FINANCIAL IMPLICATIONS

- 5.1 If the application is approved in accordance with the original committee decision, it is unlikely that there will any financial implications.
- 5.2 If the application is referred back to the committee and refused there may be some costs associated with an appeal. If the Appellant chose a Public Inquiry the costs would be considerably more than in an exchange of written statements as Counsel would have to be appointed as advocate for the Local Planning Authority.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 See 4.1 above and the Planning & Guidance Policy section in the appended report.
- 6.2 With regards to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the duties do not allow the local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations following the cases of *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 and *R (The Forge Field Society & Messrs Barraud and Rees) v Sevenoaks DC and Others* [2014] EWHC 1895 (Admin)
- 6.3 When a local planning authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.
- 6.4 This does not mean that the local planning authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one and must be demonstrably applied. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Community safety may be a material planning consideration. All material planning considerations are set out in the appended report.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The application is recommended for approval as it is in accordance with the Development Plan. It would cause no harm to the setting of adjacent listed buildings or the character of the Morcott Conservation Area and there are no material considerations that would indicate a different decision.

10 BACKGROUND PAPERS

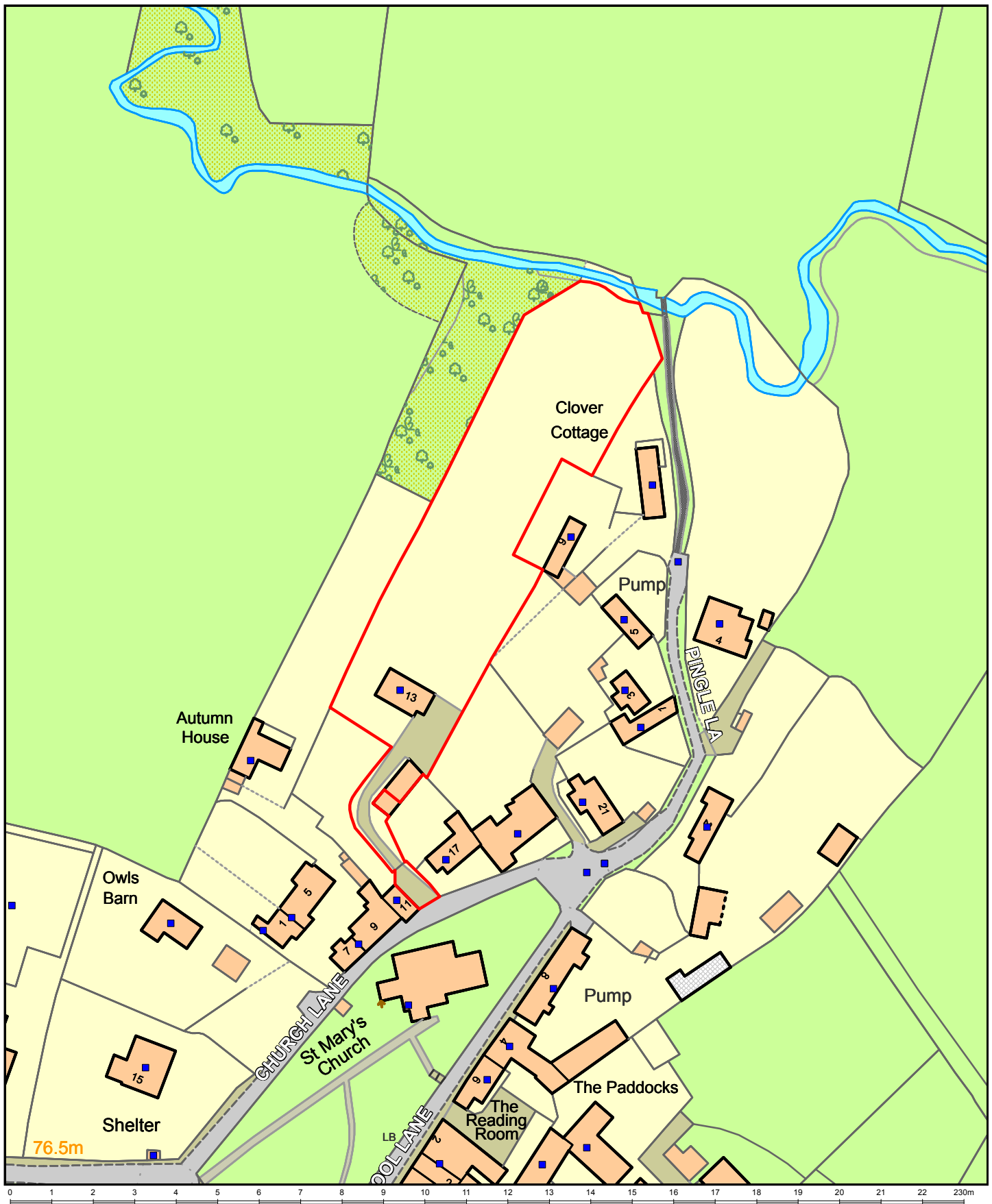
- 10.1 No additional background papers

11 APPENDICES

- 11.1 Appendix A Original Report
- 11.2 Appendix B Addendum to Planning and Licensing Committee, 29 August 2017.

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

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Time of plot: 11:56
Date of plot: 14/08/2017



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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

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 25th 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 & LICENSING COMMITTEE

29TH AUGUST 2017

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
158/2017	6	2017/0419/FUL	Mr Steve Jones	Morcott

Highways comments

No objection. 2 informative notes to the applicant have been requested. No conditions were recommended.

Further neighbour representations.

20 additional representations have been received in opposition to the scheme, with the following additional points raised beyond those addressed in the main report.

- The location plan shown in the committee report does not include extensions built to the rear of 17 Church Lane and Sundial House.
- Planning Officer's report does not indicate the significance of the Morcott Conservation Area Appraisal.
- The well on the site should be investigated.
- The digging in to the ground of the proposal will affect the hydrogeology of the locality, and could potentially affect underground water flow patterns causing adverse effects to older buildings in the locality. A full hydrogeological and environmental impact survey should be undertaken to establish the potential impacts of the development.

A letter of support has been received from the co-owner of an adjacent listed building, he considers that the scheme is sympathetic, materials are far more appropriate, that it is a modern design is of no consequence, the site is secluded and cannot be seen. Astonished at the level of objection and considers that villages should not be preserved in aspic.

Heritage Impact Assessment

An independent heritage impact assessment of the proposal has been received from the neighbouring landowner relating to the proposal. This states that it was commissioned to 'challenge' a planning application.

The assessment concludes first that the form of the new dwelling would be at odds with the criteria described in the Morcott Village Plan (2013) and the Morcott Conservation Area Appraisal (2014), in particular due to an erosion of their traditional setting causing substantial harm especially in the case of Sundial House. Secondly, the HIA concludes that the Morcott Conservation Area is unable to absorb such a starkly incongruous building. Furthermore, it states that it is possible that the site contains buried archaeological remains and that such remains are likely to be well-preserved, which would be destroyed by the proposed development but could be mitigated by a programme of archaeological investigation, excavation and recording.

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