

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
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Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held via Zoom: <https://zoom.us/j/96573101616> on **Tuesday, 22nd September, 2020** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Interim 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/my-council/have-your-say/

A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 28 July 2020.

3) 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.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

On Monday 14 September 2020, Full Council will be making a decision regarding public participation in public meetings. Details can be found below:

<https://rutlandcounty.moderngov.co.uk/ieListDocuments.aspx?CId=145&MId=272>

A supplement to the agenda will be published following the meeting detailing

the petitions, deputations and questions arrangements.

5) PLANNING APPLICATIONS

To receive Report No. 116/2020 from the Interim Strategic Director for Places.
(Pages 3 - 68)

6) APPEALS REPORT

To receive Report No. 117/2020 from the Interim Strategic Director for Places.
(Pages 69 - 72)

7) ANY OTHER URGENT BUSINESS

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

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr I Razzell (Chairman)	
Mr P Ainsley	Mr W Cross
Mr E Baines	Mrs S Harvey
Mrs K Payne	Mr N Begy
Mr D Blanksby	Mr M Oxley
Miss M Jones	Mr A Brown
Ms A MacCartney	

OTHER MEMBERS FOR INFORMATION

REPORT NO: 116/2020

PLANNING AND LICENSING COMMITTEE

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

**REPORT OF THE DEPUTY DIRECTOR OF PLACES
(ENVIRONMENT, PLANNING, TRANSPORT & HIGHWAYS)**

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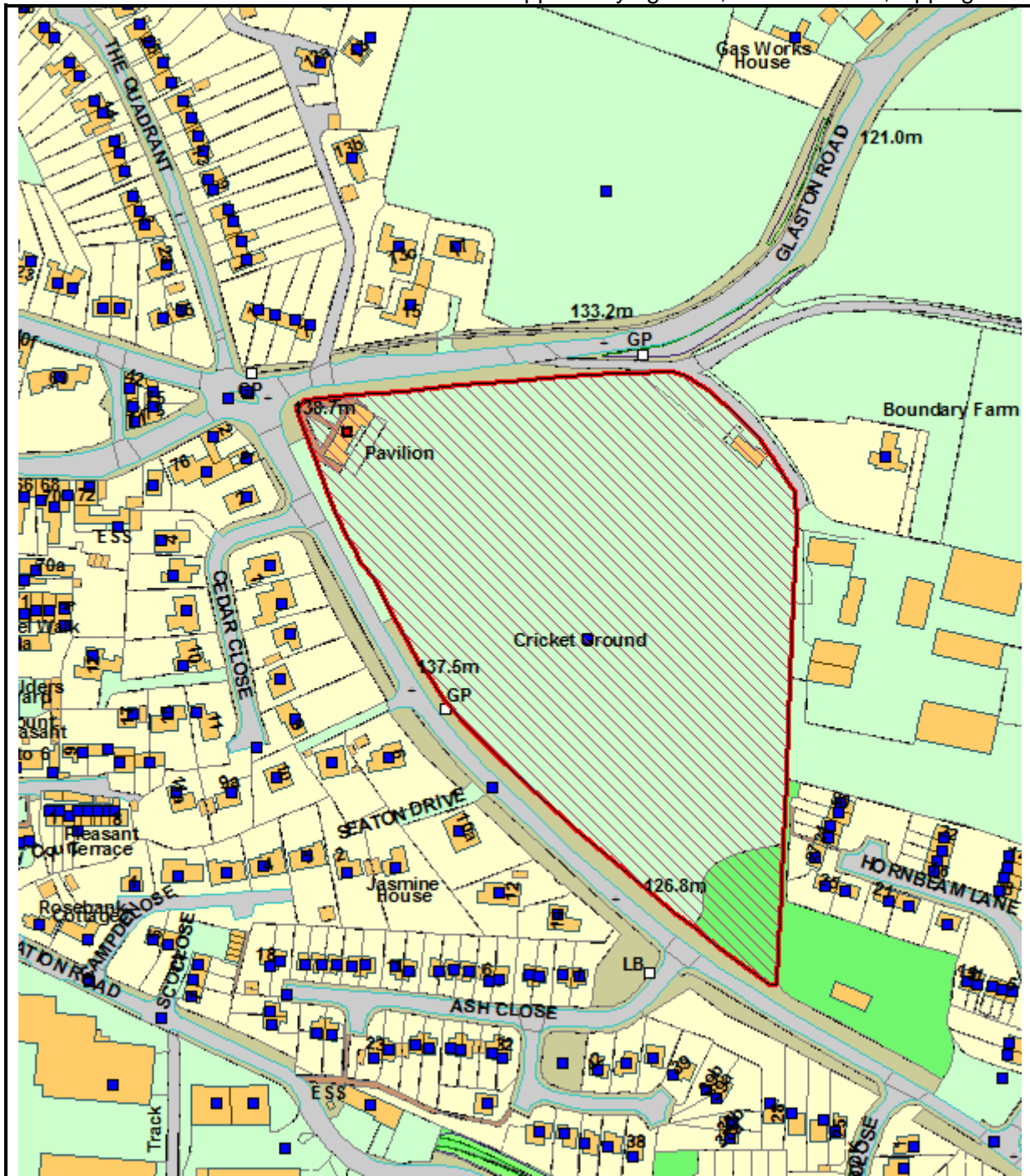
Rutland County Council

Planning & Licensing Committee – Tuesday 22nd September 2020

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1	2019/0076/FUL 2019/0147/LBA	Uppingham School Uppingham Cricket Pavilion Glaston Road Uppingham Alterations, upgrading and Extension with balcony to the Uppingham School First XI Cricket Pavilion.	Approval	7
2	2019/1082/MAF	C/O Agent – Ross Thain The Garden House Ketton Road, Hambleton Demolition of existing dwelling and associated outbuildings. The Erection of a 1 no. new build private Dwelling.	Approval	35
3	2020/0620/FUL	Mr Michael Lambert 3 Queens Road, Uppingham Single storey rear extension	Approval	51
4	2020/0699/FUL	Mr M Mitchell 7 London Road, Uppingham Reserved matters application in Relation to 2017/0657/OUT (Erection of dwelling).	Approval	55
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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0076/FUL & 2019/0147/LBA	ITEM 1	
Proposal:	Alterations, upgrading and extension with balcony to the Uppingham School First XI Cricket Pavilion		
Address:	Upper Playing Field, Glaston Road, Uppingham		
Applicant:	Uppingham School	Parish	Uppingham
Agent:	Stephen Lucas – Lucas Land & Planning	Ward	Uppingham
Reason for presenting to Committee:	Objection from Historic England		
Date of Committee:	22 September 2020		

EXECUTIVE SUMMARY

The proposal to alter and extend this listed building has attracted an objection from Historic England on the basis that the proposals will cause substantial harm. Officers consider that the impact will be less than substantial and when balanced against the public benefits, can be recommended for approval on the basis that it preserves or enhances the setting of the building and the conservation area and thereby satisfies national and local policies.

RECOMMENDATION

APPROVAL, subject to referral to the Secretary of State if approved, 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 works shall begin before the expiration of 3 years from the date of this consent.
REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004] (for Listed Building Consent application).
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
 KEP-XX-XX-DR-A-5020-0011_Site Ownership Plan (1.500) REV1
 KEP-XX-XX-DR-A-5020-0010_Site Plan REV2
 KEP-XX-00-DR-A-7060-0001_Level 00 Plan (1.50) REV2
 KEP-XX-02-DR-A-7060-0002_Roof Plan (1.50) REV2
 KEP-XX-XX-DR-A-7080-0010_Section A-A (1.50) REV2
 KEP-XX-XX-DR-A-7080-0012_Section B-B (1.50) REV2
 KEP-XX-EL-DR-A-7030-0010_North Elevation (1.50) REV1
 KEP-XX-EL-DR-A-7030-0020_South Elevation (1.50) REV2
 KEP-XX-EL-DR-A-7030-0030_East Elevation (1.50) REV1
 KEP-XX-EL-DR-A-7030-0040_West Elevation (1.50) REV1
 KEP-XX-XX-DR-A-2510-0101_Bay Study 1 REV1
 KEP-XX-XX-DR-A-2510-0102_Bay Study 2 REV1
 KEP-XX-XX-DR-A-2510-0103_Bay Study 3
 KEP-XX-XX-PP-A-8520-0200 - Historic England Post Meeting Notes
 Keppie Architects document
 Design and Access Statement REV 1
 Design and Access Statement – Appendix 01 – Schedule of Accommodation REV 1

REASON: For the avoidance of doubt and in the interests of proper planning.

4. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction, details of rainwater goods and large scale details of doors and windows have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and the setting of the listed building and because no details have been submitted with the application.

5. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

REASON: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

6. The development shall be carried out in compliance with the recommendations in section 5 of the Bat Assessment – Roost Characterisation Surveys (Ecolocation, December 2018). Alternative bat roosting location shall be created in the form of bat boxes (details to be clarified before issue).

REASON: In order to ensure the local wildlife is suitably protected.

7. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority 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.

Notes To Applicant:

During development you should be aware that:

- a) There is no diminution in the width of the right of way available for use by members of the public
- b) No building materials are stored on the right of way
- c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- d) Vehicle movements are arranged so as not to interfere with the public's use of the way
- e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- g) The safety of members of the public is ensured at all times

Your Ecologist has indicated that a Natural England Licence will be required for this development. It is your responsibility to liaise with your Ecologist to ensure that this is in place prior to the commencement of the works and to ensure that all conditions of the licence are

adhered to.

Site & Surroundings

1. The site is located on the playing field between Seaton Road and Glaston Road in Uppingham. It has been used as a cricket facility by Uppingham School for many years.
2. The cricket pavilion is dated 1923, built in the Arts and Crafts style and was recently listed, Grade II, as being of special architectural or historic interest. The pavilion faces the cricket square and is wedged in a tight corner at the north-west end of the site with little space either side.
3. The eastern extremity of the Uppingham Conservation Area ends on the opposite side of the road to the pavilion. The site adjoins but is outside the Planned Limit to Development.
4. The site is surrounded by hedgerows and trees. There are a small number of buildings elsewhere on site used for machinery/maintenance etc.
5. The site is generally flat but slopes down at the southern end following the contours of the adjacent roads. There are practice nets on the lower level at the southern end of the site. There are houses on the opposite sides of the adjacent roads and a farm complex to the east of the site.
6. A public footpath crosses the site towards the southern end. There is no formal parking on site but there are defined parking spaces along Seaton Road outside the site. An overspill area for parking is indicated on the plans off Glaston Road.
7. The site is used not only by Uppingham School but also by a private club and Leicestershire County Cricket Club Academy.



Original Pavilion as built in 1923

Proposal

8. These applications are for planning permission and listed building consent to alter and extend the pavilion. The pavilion has become outdated and is not fit for purpose for the provision of co-educational cricket and for the use by LCCC Academy.
9. Following an options appraisal as to the optimum way to provide facilities required and to limit the impact on the existing building, It is proposed to build an extension to the south of the building, using lightweight links to the 2 elements at the rear of the existing rear gables. A glazed single storey section in the centre would form a larger space in the centre of the building when used in connection with the main space inside the existing building. The rear of the original building would still be visible through the glazing. The proposal would also re-instate a balcony on the rear of the building to replace the original that was removed for safety purposes around 20 years ago.
10. Alterations to existing changing rooms, kitchen and toilets would also be undertaken to make that part of the original building fit for purpose.
11. An explanatory letter from the agent is at Appendix 1 to this report. Some details of the Scheme are at Appendix 2. There is also an applicant's response to Historic England's comments on the web site (June 2020). Also on the web site is an updated Historic Building Report from Donald Insall Associates, the Schools Conservation Specialists.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework

Chapter 8 – promoting healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 16 – Conserving the Historic Environment

The Rutland Core Strategy (2011)

CS4 – Location of Development

CS19 – Promoting good Design

CS22 – The Historic & Cultural Environment

Site Allocations and Policies DPD (2014)

SP7 – None residential development in the countryside

SP15 – Design & Amenity

SP20 – Historic and Cultural Environment

Uppingham Neighbourhood Plan

Policy 8 – Design & Access

Policy 10 – Environment and Preservation of Important Open Space

No development other than amenities will be permitted on green space within the plan boundary beyond that proposed in the plan. (The application site is not a designated important open space in the NP).

Consultations

12. Uppingham Town Council

Recommend approval but would prefer to see an alternative finish rather than cladding to the exterior.

13. Historic England

The school seeks listed building consent to extend and enlarge the building in order to provide additional facilities. The justification put forward is that the current form of the pavilion fails to provide the requisite of facility to meet the requirements and expectations of co-educational and other mixed-sex sporting activities and LGBT needs.

We appreciate that there are difficulties with the cricket pavilion in terms of the facilities that it currently offers, and we recognise the public benefits that an enhanced facility would provide. However we consider that the proposed alterations and extension of the building would cause substantial harm to the significance of the listed building, in particular the extremely deleterious impact upon the form and fabric of the south-eastern principal elevation. We do not consider that the public benefits would outweigh the substantial harm caused. Nor do we consider that the substantial harm is necessary or justified, particularly as we believe that there are opportunities to provide alternative solutions that would avoid or minimise the harm to the significance of the pavilion as a designated heritage asset.

Accordingly Historic England regrettably objects to the application on heritage grounds. We consider that it fails to meet the requirements of the National Planning Policy Framework (NPPF) in particular paragraphs 192, 193, 194 and 195. However we consider that there are potentially acceptable ways of providing additional facilities and we would be happy to explore less harmful alternatives with the applicant and your authority. We therefore believe that the best way forward would be for us to attend a meeting with your authority and the applicant in order to discuss possible alternative solutions. We believe that there is an opportunity to provide a well-designed addition that complements and preserves the existing pavilion - a build whose architectural distinctiveness makes a worthy contribution to the character of the school - and we encourage the school to pursue this further.

Historic England Advice

Significance

The cricket pavilion at Uppingham School is listed grade II in recognition that it is a building of special architectural and historic interest within a national context. Built in 1923 to the designs of Sir Walter John Tapper in a distinctive Arts and Crafts style, on a U-shaped plan, and consists of a central range with flanking wings at each end. The exterior is characterised by white painted walls and large thatched roof, with scalloped ridge, central bell-turret with weather vane and clock (south-east elevation), and stone, mullioned windows with leaded lights to the south elevation; timber casements to the north elevation. Although it has been subject to alterations in the mid C20 and early C21, the building is substantially intact. The interior retains much of the original fixtures and fittings including wooden panelling with commemorative inscriptions, decorative plasterwork, panelled doors and decorative window ironmongery.

A key feature of the building's significance is that it has two principal elevations. This means that not only does it have a distinct presence within the townscape, but also and more importantly, it addresses the cricket pitch to achieve the functional and symbolic connection with 'the game' when matches take place. The solid to void ratio and

symmetrical arrangement of the fenestration help give the elevation rigorous architectural expression, and imbue it with a sense of considered composition, and is an intrinsic part of its Arts and Crafts character.

Proposal and impact

The proposal is to extend the pavilion on the pitch side in order to provide improved facilities that meet the school's co-educational and sporting requirements, for which a pressing need has been put forward. The scheme includes extensions to both wings in the form of timber-clad gabled ranges that adjoin the existing wings by way of small glazed links.

It is also proposed to increase the floor area of the existing central range by approximately 100%, by removal of the stone window surrounds and the majority of the masonry, and installation of a glazed curtain wall that is set back approximately 3 metres between the proposed wing extensions. It is also proposed to create a viewing terrace above the extended area that would be accessed via a spiral stair.

The proposed scheme would result in the loss of original fabric and features - in particular the stone window surrounds, leaving only fragments of the original ground floor principal façade remaining, all of which would in any case be obscured by the proposed extensions and the glazed wall, losing any sense of the original design intent below roof level. The choice of materials and colours would also result in a significant change to the visual appearance and aesthetics of the elevation. The distinctive and striking contrast of the white render and dark brown thatch would be entirely obliterated from view externally, save for the small area of white render on the clock tower, due to the introduction of dark stained weather boarding and glazed curtain wall.

We also consider that the proposed glass curtain wall and the large plain glass rectangles in the gable ends of the proposed wings are totally at odds with the carefully considered proportions and composition of the Arts and Crafts architecture that are a defining part of the heritage asset's significance. All sense of the original architectural expression is therefore lost - including the existing solid to void ratios and fenestration proportions, and crucially, all sense of this being a principal elevation in the Arts and Crafts style is also lost. The considerable level of alteration to the character and appearance of the cricket pavilion would in our view also have a negative effect upon the way that it is experienced and appreciated particularly in terms of its important relationship to the cricket pitch, which we believe would be significantly diminished.

We consider that the impact of the proposal upon the significance of the heritage asset would equate to substantial harm.

Policy context

As the proposal affects a listed building, the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest (s.16, Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when determining this application.

Our advice is provided in accordance with the National Planning Policy Framework (updated NPPF2019), the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including Managing Significance in Decision-Taking in the Historic Environment.

Paragraph 184 of the NPPF makes it clear that heritage assets are an irreplaceable resource that should be conserved in a manner that is appropriate to their significance;

and paragraph 193 of the NPPF states that great weight should be given to an asset's conservation.

We consider that the proposed loss of, and alteration to, both form and fabric would not preserve the special interest of the listed building. Also we do not consider that it has been demonstrated that the proposed scheme meets all of the tests of paragraph 195, nor do we consider that it is necessary, particularly as it is likely that a similar level of public benefit can be delivered by less harmful means.

Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to secure substantial public benefits that would outweigh that harm, or all of the following test apply:

- a. The nature of the heritage asset prevents all reasonable uses of the site; and
- b. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c. Conservation by grant-funding or some form of not-for-profit, charitable or public ownership is demonstrably not possible; and
- d. The harm or loss is outweighed by the benefits of bringing the site back into use.

Historic England Position

We appreciate that Uppingham School has a genuine need in terms of providing sports facilities that meet the expectations and requirements of all those who use them. Whilst we understand that the proposed development would provide public benefits, we do not consider that they are sufficient to outweigh the substantial harm that would result. Nor do we consider that the proposed scheme is necessary or justified. We are not convinced that the school's requirements in terms of improved changing facilities cannot be provided by way of a less harmful alternative, say, a separate auxiliary building adjacent to the existing one, or extensions to the side of the existing pavilion.

Accordingly we object to the application on heritage grounds. However, we would be happy to explore less harmful alternatives with the applicant and your authority. We therefore believe that the best way forward would be for us to attend a meeting with your authority and the applicant in order to discuss possible alternative solutions. We believe that there is an opportunity to provide a well-designed addition that complements and preserves the existing pavilion - a building whose architectural distinctiveness makes a worthy contribution to the character of the school, and we encourage the school to pursue this further.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 192, 193, 194 and 195.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with the above Direction.

Following a re-consultation on the revised details and justification, Historic England has repeated its objection and considers that the public benefits do not outweigh the substantial harm that the proposal would do to the building.

14. Public Rights of Way Officer

On the basis that the proposed development will not affect the footpath (E310) to Bisbrooke I have no objections. However please make the applicant aware that even if (planning) permission is granted they must ensure that:

- a) There is no diminution in the width of the right of way available for use by members of the public
- b) No building materials are stored on the right of way
- c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- d) Vehicle movements are arranged so as not to interfere with the public's use of the way
- e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- g) The safety of members of the public is ensured at all times

15. Forestry Officer

No objection

16. Archaeology

We have previously discussed the proposals with the applicant prior to submission and from those discussions they have already commissioned an archaeological company to undertake archaeological works.

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon remains (already summarised in the WSI). In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological

advisors in this Department's Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.

The applicant has already obtained a suitable Written Scheme of Investigation (WSI) for the archaeological recording from an archaeological organisation acceptable to the planning authority and we have already approved that document directly with ULAS.

The WSI complies with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice". It includes a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

1. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording The WSI must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

17. Ecology

The Ecological Impact Assessment submitted in support of the application (Ecolocation, January 2019) identified the majority of the site as comprising amenity grassland, surrounded by hedgerows. A small woodland is present in the southern section of the site. Evidence of badgers was recorded on the site boundary, and tracks were found throughout the woodland. No setts were found on site. Section 5 of the report provides recommendations to minimise the disturbance of the development to local wildlife and we would recommend that these are followed.

The Preliminary Bat Roost Assessment (Ecolocation, December 2018) recorded no evidence of bats within the building, but recommended further bat activity surveys due to the potential for bats to be present. This was completed in the Roost Characterisation Survey (Ecolocation, December 2018). During the emergence survey 2 Common Pipistrelle bats were recorded emerging from the building, indicating that a roost is present. In the absence of mitigation it appears that this roost will be destroyed.

Section 5 of the Roost Characterisation Survey provides a mitigation plan. This plan is satisfactory and proportional to the findings of the surveys. However, at this stage I have

not seen evidence that these recommendations have been incorporated into the proposed development plans. I would therefore recommend that the proposed location of the bat boxes are added onto the proposed elevations, which will allow a condition to be recommended.

Later ecology Comments

We would now have no objections to the application, but would request that compliance with the recommendations in section 5 of the Bat Assessment – Roost Characterisation Surveys (Ecolocation, December 2018) is required via a condition of planning.

Alternative bat roosting location should be created in the form of bat boxes.

Additionally, the applicant should be aware that their ecologist has indicated that a Natural England Licence will be required for this development and we would recommend that this is noted in a Note to Applicant. It is the applicants responsibility to liaise with their ecologist to ensure that this is in place prior to the commencement of the works and to ensure that all conditions of the licence are adhered to.

18. English Cricket Board (ECB)

The ECB have actively been involved with the design of this facility throughout the design process. The current layout meets ECB design compliance and the ECB therefore supports the proposal.

19. Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

The proposed pavilion extension would be constructed adjacent to the existing cricket outfield. As part of our assessment we have consulted with the England and Wales Cricket Board (ECB)

The proposed development does not impact on the current playing facility Following initial engagement the ECB have been working with the applicant on the design of the building - these discussions are ongoing and the latest iteration of the designs which are more compliant with ECB technical specifications have been uploaded on the LPA application website (and are the subject of this consultation).

There are still some minor elements associated with full step free access to the playing

area and the location of the cleaners cupboard but ECB have no objection to the design.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.' It is noted that some details may change but the detail changes are unlikely to amend.

This being the case, Sport England does not wish to raise an objection to this application. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

20. Highways

No objections following the submission of the additional information relating to the use of the building received 11/2/2019 Reference - RE: 2019/0076/FUL Cricket Club Uppingham

Neighbour Representations

21. Local Resident, Seaton Road

I object to this planning proposal for the following reasons:

Looking at the design and access statement, in visual terms the overriding objective of the plan is to preserve and enhance the views of the pavilion from the cricket field side, but the views of the elevation bordering Seaton Road are extremely ugly and overbearing and not in proportion to the scale of the existing building, and are not in sympathy with its surroundings.

The scale of the proposed extension, which will make the building almost double its original size, has implications for its future use. At the moment, it seems to be proposed for sporting and educational use only, but the description of the building in the proposal as a 'function room' implies that it may be used for social events, and not only by the school. This obviously has implications for both noise and parking, which will impact on the local community. Parking bays along Seaton Road are always filled by members of the public and there does not appear to have been any analysis of the increased number and type of vehicle (eg coaches) which will require parking when visiting the site. Seaton Road is a busy road which is occasionally congested with coaches when the Upper is used for events with visiting teams.

It is also important that the venue is not licensed for public entertainment and the consumption of alcohol. Noise will be a particular menace especially carrying from the proposed new balcony.

22. Resident of Uffington

I am writing in support of the above application in various capacities - as Hon. Secretary of the Uppingham Rovers (the Club for all Old Uppinghamian cricketers), as an old boy of the school (1968-73), as a parent of a child who has attended the school, as Chairman of Bourne Cricket Club and also Chairman of the Lincolnshire Premier League.

The reason for initially outlining my experience is that I feel I have significant experience of being on or around the areas cricket grounds to make some comments on the application to, at last, refurbish and significantly extend the current pavilion which to be honest is long, long overdue.

I first played on the Upper as a 14 year-old back in 1969 and nothing has changed since then - whilst it remains the best of grounds to play cricket the state of the pavilion remains back in the early 20th century. It is no longer fit for purpose and this year when our Club reached the semi-finals of the Cricketer Cup it was at times embarrassing when we played prestigious matches with pavilion facilities that lacked some of the basic needs of players, officials, caterers, supporters and visitors.

As an individual and as Club we are delighted that the school has taken a fundamental review of the facility and decided to invest substantial resources into extending and enhancing the pavilion to underline the school's commitment to sport in general and cricket specifically. Recent brand new pavilions at both Oakham and Oundle schools make the need even more important especially with Uppingham's support for youth cricket in Rutland and the Leicestershire community.

We, as a Club, have been involved in the consultation process as our members play a substantial amount of cricket in different parts of the country and at different levels. Individually I am, with my Lincolnshire hat on (and involved in some grant funding challenges), fully aware of the ECB guidelines on design for pavilions in the modern age where due consideration must be given to the increased participation of women and girls and the welfare of officials (umpires changing room and suitable space for scorers). Without this enhanced pavilion there is no way that cricket could be progressed at the school.

The plans proposed by the school meets all the requirements for the future but it also retains and celebrates the past history of those that have played at the school.

The proposal represents a brave approach to the heritage of cricket on the Upper and the extension, by using different materials, actually, in our opinion, highlights the existing building more than it would by adding on more of the same.

We, as a Club, and personally as an individual commend this planning application and hope that the Council will look favourably upon it and enable it to progress to completion as quickly as possible.

23. Resident of Shropshire

Whilst the Upper Pavilion is a beautiful building it needs to be renovated to make it fit for purpose both for the school and teams which use it during the summer.

Updating the pavilion would also allow for improved facilities for girls which are currently almost non existent and made playing for Uppingham 1sts more challenging. By improving the facilities at the Upper it will help girls get more involved in cricket at Uppingham and will also allow for disabled access. The plans will keep the heritage of the Upper which is vital to such an old bastion of cricket at Uppingham but upgrades need to be made.

24. Resident of Plaxtol, Kent

I am a member of the Uppingham Rovers Cricket Club and an Old Boy of the School. Our home ground is The Upper where this proposal to upgrade the pavilion is based. I strongly support the proposal for the following reasons:

The pavilion in its present state and layout is no longer fit for purpose and does not provide the facilities required.

The proposal is to upgrade the facilities to provide a proper base for girls and boys at the school and in the local community. As it stands it cannot provide this opportunity.

The Rovers are founding members of the Cricketer Cup competition which is played each year between 32 public schools. The facilities need to be improved and extended to meet the needs of those players.

Leicestershire County Cricket Club wishes to use the Upper as the base for U15 and U17 cricket. The facilities as they stand are not sufficient for this purpose.

The proposed development retains many of the attractive features of the building and is true to the original concept.

Unless the facilities are upgraded cricket at Uppingham and in Leicestershire and Rutland will eventually suffer.

The designs have been put together in consultation with the ECB. The proposal offers opportunity to the local community and to the school. Many people will benefit from a new pavilion that is designed to meet all these new needs. I ask that the proposal is allowed to proceed as it will bring benefits to many

25. Mr R (no address given)

We have followed with interest the applications made by the school for the improvement, enhancement and extension of the cricket pavilion at Seaton Road We entirely agree with the details shown in the submission scheme and the sentiments expressed by the school's consultants. We speak with some knowledge of the cricket pavilion as our son for many years was at Uppingham School.

It has been clear for some years that the pavilion needed extending and improving as a suitable home base for the school First XI. The lack of up to date facilities and space is somewhat of an embarrassment and with the knowledge that the Upper Playing Field will be the home base for the Leicestershire and Rutland County Cricket Academy and county under 17 side leads to the conclusion that improvements to the cricket offering and spectator facilities can no longer wait.

The plans and the arguments expressed are entirely persuasive and appropriate and we hope that the applications can be expeditiously approved so that the school and town can enjoy a cricket facility which will enhance both playing and spectator facilities.

It goes without saying that cricket is now gender neutral and the proposed changing room and shower facilities show that the school have taken on board advice from the ECB and Sport England on this and matters relating to LGBT requirements.

Our final comments are that the school needs to be congratulated in putting together a design package which retains the old world charm of the pavilion and yet seeks to look after modern playing and spectator requirements-all in all a difficult job, but to our minds the school have achieved that with these proposals.

26. Sir David S, Melton

Fully supports proposal – requirements are changing with more girls playing cricket. Will ensure many years of use and meet needs for the future. Design has been carefully thought out.

27. Andy Siddall (Leics CCC)

Supports the proposal

28. Resident of London (Former pupil)

Supports proposal. Played there regularly when at the school. Proposals will enhance the facility. Alternatives have been considered but not practical. Separate building would risk obsolescence of the listed structure. Design is only sensible solution.

29. Resident of Shropshire

Former pupil and father of first girl to play for school First XI at Uppingham, fully supports the proposal to provide much needed inclusive facilities.

Planning Assessment

- 30.** The main issue is the impact on the setting and character of the listed building in the light of Historic England's comments. Furthermore, regard needs to be had to, the impact on the conservation area, impact on adjacent residents and highway safety.
- 31.** At the Statutory level, Sections 16 (2) and 66 (1) of The The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
- 32.** As the site also lies adjacent to a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
- 33.** It is also desirable to keep the existing building in its original use which is the best way of securing its long term survival as an historic building.
- 34.** As set out above, the primary reason for this proposal is to provide updated enhanced facilities for the provision of mixed use and elite cricket at the site. The existing building is not fit for purpose even for boys cricket at present.
- 35.** Several alternative options have been assessed including a stand alone new pavilion at the southern end of the site, separate buildings adjacent to the existing pavilion, and new structures adjacent to the existing with lightweight links. These have been discounted for various reasons, the new option at the south would leave the existing pavilion redundant and likely to fall into disrepair. The location of the building in a tightly constrained corner, together with the presence of trees close to the building means it is difficult to develop adjacent to the current building. The provision of separate buildings adjacent, whether linked or not does not provide for the use of and flow through space efficiently. The Options Document is on the web site.
- 36.** The proposal would partly obscure the elevation of the pavilion that currently faces the cricket square. The main front or principal elevation could be argued to be that which faces the road on the west side, but the functional front faces the pitch. This is much altered due to the removal of the balcony shown in the photo above.

Assessment of impact on Heritage Assets

Heritage Assets affected:

- Uppingham Cricket Pavilion.

- Uppingham Conservation Area.
 - 44 North Street East.
37. The Uppingham School Cricket Pavilion was built in 1923 and is a Grade II Listed building located on the northern side of 'The Upper' playing field on the eastern edge of the town. It is a recent Listing (October 2018).
 38. Grade II Listed buildings are of special interest. Some 97.7% of all Listed buildings in England are categorised as Grade II. The building is Listed for both its architectural and historic interest and for its value as part of a group with 44 North Street East as well as with many listed buildings along High Street East which runs westward from the pavilion.
 39. Its architectural interest derives from it being a picturesque, well preserved and detailed Arts & Crafts design and because the Architect, Sir Walter John Tapper, was of national renown.
 40. It is of Historic interest because it was designed by a nationally renowned architect and retains many historic features, including the internal honours boards bearing the inscriptions of individual names making up the cricket teams dating back to 1856, some of whom went on to become nationally renowned players. It replaced an earlier pavilion that was located to the south against the boundary to Seaton Road.
 41. Uppingham Conservation Area was designated in 1981. The eastern boundary of the designated Area terminates on the opposite side of the High Street East/North Street East/Glaston Road/Seaton Road junction.
 42. Whilst the original interior survives largely unaltered, the pavilion has lost a couple of its original and most prominent external features, a balcony that occupied the space between the wings projecting southward at either end of the building and a thatched projection that was supported by the balcony and housed a scorers box and scoreboard with a clock above. A clock is now positioned in the gable of the surviving dormer but the space below is blocked-off.
 43. The Architect was obviously conscious that both the front and rear of the building would be of equal importance with the north elevation being readily exposed to view from the adjacent road junction and because there is a formal entrance to the playing field on this side, where attention is focused on the main entrance door to the pavilion by the symmetrical layout of the paths, lawns and planting beds. This side of the building is largely unaltered, both from its origins and as proposed.
 44. To either side (east and west) of the pavilion are mature trees that contribute to its setting by framing views from the both northern and southern directions.
 45. The proposals are to add extensions onto the southern end of both the projecting wings with a new balcony in the space enclosed by these projections. Internally, there would be some remodelling to provide accommodation to meet modern requirements for buildings used in connection with modern cricket.
 46. The applicants have considered several alternatives to the proposals put forward for formal decision and each of these, including wholly separate buildings and various options for extending the existing pavilion, all of which have been discounted for valid functional and heritage impact reasons. See Option Appraisal, Nov 2019 on the web site)
 47. In my opinion, the proposed alterations and extensions to the existing pavilion have been carefully considered and a sensitive scheme arrived at that minimises harm to the fabric of the building and its architectural and historic significance.

48. The degree of harm to this heritage asset would, in my opinion, be less than substantial. There will be a loss of some historic fabric and the setting of the building will, I have to agree, be adversely affected, in particular when viewed from the playing field. However, against this must be considered the future of a building that is no longer fit for its original purpose and cannot meet 21st century requirements. The proposed additions will preserve the buildings' established floorplan and a positive element of the proposals would be the proposed reinstatement of a balcony to the south-eastern side. As with the original, this will infill most of the space between the two projecting wings onto which the proposed extensions will be added.
49. The applicants have satisfactorily demonstrated that the existing building cannot fulfil its original purpose in today's more inclusive and regulated environment.
50. The enhanced facilities the extensions and alterations will not only be of benefit to pupils of the school, comprising nowadays both girls as well as boys, but also of benefit to the wider sporting community by encouraging participation in one of the Country's national sports by a wider cross section of society. There will also be benefits to the local community arising from the ability to stage higher status matches than current facilities allow.
51. The improved facilities will also allow the 'Upper' to be used as a base for the Leicestershire County Cricket Club's Academy team as well as enabling the staging of the under 17 ECB National (Bunbury Festival) and the various inter-county games and a range of other tournaments that are not possible at present with the restricted and outmoded facilities available.
52. As the Applicants Planning Agent explains, a former entirely private school facility will be opened up for a more public sporting use to benefit both Leicestershire and Rutland cricket in a manner quite different from that of a purely private use when the pavilion was constructed in 1923. Without the extensions and alterations the building will no longer be able to serve the purpose for which it was originally designed. It may thereby fall into decline.
53. Paragraph 193 of the NPPF (February 2019) requires that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any harm amounts to 'substantial' or 'less than substantial' harm to its significance.
54. Paragraph 196 of the NPPF states that in cases where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is a long-established principle of good conservation practice that the best use for a building is that for which it was originally built and without the alterations and extension proposed this building could become redundant and used for other, non-cricketing purposes.
55. In cases where it is concluded that proposals will result in 'less than substantial harm' to a heritage asset it is for the decision maker, in this instance the Planning Committee, to conclude whether any harm is outweighed by public benefits arising from the proposals.
56. As stated above, the application site is not within the Conservation Area but is just outside and therefore has the potential to impact on the character and appearance of the designated Area. The northern elevation of the building that is observed from the eastern end of the nearby Conservation Area will not be altered and the street scene will therefore be largely unchanged and the character and appearance of the designated Area will be preserved. This would not be achieved by side extensions.

57. The thatched roof of the original building would still be visible over the new balcony and only the 2 rear projecting gables would disappear, to be replaced by gables of similar proportions on the new extension.
58. The extension would be linked to the 2 gables by narrow sectioned structures to retain the integrity of the original gables. The latest revised scheme also includes retention of stone mullioned windows in the south elevation of the main body of the building which it was originally proposed to remove to allow better circulation space. This has had a bearing on determining whether the impact is less than substantial.
59. The materials would contrast with the original building but this is good practice as it clearly demarcates the difference between the 2. The rear gables would be in dark stained timber with glazed curtain walling on the main ground floor south elevation. The roof of the gables elements would be
60. When weighed against the public and heritage benefits, and the need to secure the optimum viable use of the building, I agree with the applicants that the public benefits outweigh the harm that the proposals will cause to the building and its setting. Any harm to the historic building has been reduced to the minimum necessary to deliver the public benefits, and the benefits cannot be delivered without the harm. Paragraph 194 of the NPPF is engaged and, in my opinion, the proposals meet the criteria set out in the NPPF, the 1990 Act and national and local policies (including those of the Uppingham Neighbourhood Plan) relating to the conservation and enhancement of heritage assets.
61. I appreciate that my conclusions on the proposals are at variance with those of Historic England, who are of the opinion that they will result in substantial harm, but I nonetheless concur the applicants heritage specialists that the proposals will result in less than substantial harm and that resultant harm is outweighed by the resultant public benefits.
62. If the application is to be approved, then a condition requiring the submission of the following would be appropriate:
- Samples of materials
 - Details of rainwater goods
 - Large scale details of new doors and windows.

Residential Amenity

63. The existing use of the site and the buildings thereon is for sports, particularly cricket, which is primarily played in summer. This will not change. Any increased use of the extended pavilion in connection with this primary use will have minimal impact on local residents.

Highway Safety

64. The highway authority has no objection.

Conclusion

65. This is clearly a finely balanced proposal in terms of how it impacts on the listed building. The concerns of Historic England are recognised but the applicant has done a considerable amount of options appraisal. The proposal will not be visible from the street in front of the building, unlike side extensions suggested by Historic England. It will preserve the building in terms of securing its long term future in its original use, all of which is in addition to the public benefits which it will bring to the area in terms of access

to cricket and potential trade for local businesses when County games are played. On that basis it is recommended for approval.

- 66.** If members resolve to approve the application it will need to be referred to the Secretary of State in the light of Historic England's concerns.



25 March 2020

Planning Officer
Rutland County Council
Planning Support Team
Catmose
Oakham
LE15 6HP

For the attention of Nick Hodgett:

Dear Nick.

2019/0076/FUL AND 2019/0147/LBA PLANNING AND LISTED BUILDING APPLICATIONS THE UPPER CRICKET PAVILION SEATON ROAD UPPINGHAM FOR UPPINGHAM SCHOOL:

Further to our meeting at your offices on the 29 November 2019 with you and the Conservation Officer which we found most useful, we attach an updated Design and Access Statement and Historic Building Report. The Statement sets out to address the comments made by the Historic England representatives and has been revised to accord with our recent discussions, we apologise for the time this has taken.

At The risk of repeating information already made in the various application statements we thought it useful to clarify some simple points. We think it expedient to draw on the approved planning policy constraints in respect of the cricket pavilion location as those policy limitations are fundamental considerations to the way the School has set about designing the pavilion extension. These aspects are noted in the updated Design and Access Statement and in this covering letter.

All the page references in this text refer to the Design and Access Statement.

Background:

- The Cricket Pavilion is over 96 years old: it is not suitable for the current and future educational and sporting requirements of the school-it is quite simply not fit for purpose: it is now an extremely limited, outdated sports building which was built as a basic male only sports facility. Clearly If the building now has no purpose, it has no use.
- The pavilion was built when the school was purely a single sex male educational establishment of 485 pupils.
- The current student establishment is over 800 mixed gender students of which girls form 42% of the School roll and who now represent a significant and growing part of the school cricketing population: the building is simply completely unsuitable as a female, LBGTQ or mixed user sports facility.
- The School have an agreement with Leicestershire County Cricket Club to host all the county cricket clubs academy, under 18 home cricket fixtures at the Upper Pavilion. This is a prestigious arrangement for the School, Leicestershire and Rutland cricket and the wider local community.

- The pavilion and ground are now a public cricketing facility and not a purely private School facility.
- The arrangement sees Leicestershire and Rutland emerging young county cricketers playing at the Upper Playing Field and hosting other county cricket teams from across the country in a variety of one day, two day and three-day tournament matches with teams staying in the area and spectators visiting and watching cricket. This is an obvious economic and community benefit for Rutland and Uppingham.
- The successful conservation of an historic building (unless it becomes purely a museum) of course depends on its continued use. Continued use depends on the adaptation of the pavilion to present day standards which in turn inevitably requires changes in some of the constructional or structural features of the building thereby extending the use of the facility for current and future generations- which has always been the aim of this project. This of course accords with the sustainability aims of the National Planning Policy Framework.
- Doubtless 96 years ago in an entirely different era the pavilion was then a suitable private cricket pavilion. It is not suitable today as a mixed gender cricketing facility or as a wider public community cricket facility catering as the showcase location and building for the emerging cricketing talents of the county of Leicestershire and Rutland in tournament games with other counties and with appropriate public spectator facilities and services.
- Due respect has been paid by the School to the site setting of the pavilion, hence the continuing preference for Option A.
- In this context it is useful to note the Local Plan Inspectors comments of June 1999 regarding the cricket ground. *“The cricket ground is a very attractive area of open land which occupies an elevated position on the south-eastern edge of Uppingham. Because of its elevation there are extensive views across the site from the Seaton Road frontage of the countryside to the north-east, east and south-east. In my opinion the Objection Site is part of the countryside setting of Uppingham, contributing significantly to the landscape quality of the setting. Visually the site is inseparable from the countryside beyond and in my view, both its physical characteristics and its setting role entirely justify its exclusion from the Planned Limits of Development.”* (Appendix Inspectors Report June 1999-attached).
- Hence, the Schools preferred pavilion application proposals (Option A) were designed at the outset to respect the adjacent town conservation area, **the open quality of the site setting** (referred above and in Appendix 1) and the important public views south from High Street and Seaton Road.
- There was at the outset of the project a commitment to retain the original fabric of the principal elevation and not to allow any new building on the important town facing public elevation of the pavilion (Page 32 refers). **Hence the real concern to retain the open singular site setting of this open countryside pavilion and the fundamental need to avoid attached wings to the or other extraneous buildings on the ground which would cause harm to the site setting which was so eloquently described by the Local Plan Inspector and which now forms part of approved planning policy.**
- In addition, the south facing, or private pitch pavilion elevation has been designed to retain the basic symmetry of the original 1923 elevation including a new balcony (Page 31 refers).

- The design shows a screened and expanded ground floor extension to provide essential match day spectator space with seating space shown for 26 persons. This area is also the area set aside for cricket coaching, lectures and teaching when not used on match days.
- The original 1923 pavilion had a sheltered spectator viewing area beneath the balcony which was all removed in 2000/2001 (Page 31) shows the difference between the original 1923 building and the current pavilion. Page 30 shows the comparison of the plans but of course the existing building plan (of 2001) does not show the original 1923 (as built) sheltered spectator viewing area which was located south of the *Main Room* and sheltered on three sides by the pavilion.
- The design aim in the application proposals has been to conserve the two main elevations (north and south); to limit the need for extraneous ancillary buildings which would cause significant harm to the site setting, taking cognisance of the important views of the pavilion, as noted by the Inspector and to provide an **integrated** functional modern and future-proofed cricket pavilion built to user standards, according to ECB (England and Wales Cricket Board) and Sport England guidance—hence the preference for Option A.
- The important mature trees surrounding the pavilion retained in Option A are intrinsically part of the attractive and unique open countryside setting of the pavilion and as such entirely worthy of conservation.
- Other design options have been reviewed as detailed in the Design and Access Statement. These are *Option B side extensions* pages 14 to 22: *Ancillary Buildings* pages 36 to 41 and *Option C (Side Extension and Ancillary)* pages 43 to 52: the latter reflects the inadequacy of Option B in terms of required floorspace etc. The options all fall short for reasons specified in the Design and Access text **and would cause significant harm to the countryside site setting of the pavilion.**
- The application site was of course appraised in some detail prior to any application submission and the various approaches were discussed at our initial meeting with the conservation officer, which followed our on-site meetings. Page 12 of the Site Analysis refers to the various approaches.

Uses:

- The operational use of the Upper Cricket Pavilion and Upper Playing Field School throughout the summer period is intense and varied. The School cricket matches start the last week in April and go forward to the last week in June with home matches every Saturday and many weekdays. This is aside from practice matches and coaching use.
- The Leicestershire County Cricket Academy has various home team fixtures from May to September inclusive with a variety of matches throughout the week.
- The ground also hosts the national Cricketer Cup Matches for Uppingham Rovers and occasional fixtures for touring teams.
- The cricket matches include one day fixtures with 11:30 or 10:30 starts; two day and three day matches which may involve county teams from all over the country. Last year for example teams from the Lancashire, Durham and Northumberland county academies played at the ground. Many teams and supporters stay in the local area.

- The catering requirements have intensified and need to improve to provide for the hosting needs of the Leicestershire County Cricket Club Academy and visitors.
- Catering is required for a minimum of 32 people per match (24 players, 4 coaches, 2 scorers and 2 umpires). This can be more if teams bring additional staff, for example physiotherapists or analysts. The requirement is for a separate dining area-separate from spectators as shown in Option A.
- There are basic spectator requirements now that the pavilion facility is a community use facility for Leicestershire and Rutland, hosting the new under 18 county cricket championship fixtures with teams from a variety of counties including spectators who expect catering services and facilities; which of course is entirely different from the previous private school use.
- The basic team catering requirements for one day matches is one hot meal in the 40-minute break between innings. For the two day and three day matches the requirement is one hot meal at the 40-minute break lunch break (approx. 1pm) and something lighter (hot or cold) at the 20-minute tea interval (approx. 3:40pm). Often teams also require some sort of light breakfast (beans on toast, egg on toast etc.). The timing of matches sees the teams arrive 1.5 to 2 hours before start of play (often 11am). Therefore, catering arrangements must be flexible.
- The current lack of an appropriate kitchen facility at the pavilion is a real problem. There is no ability to prepare or store food on site.
- At present the catering for the cricket fixtures is undertaken in one of the kitchens in the main school and brought to the ground in a van. This is a real limitation on what can be prepared, runs a significant risk of food not being at the ground on time or even at all and has valid health and safety concerns. The aim with the extended pavilion is to offer suitable food options prepared on site for teams and spectators throughout matches.
- Many of the School cricket and Uppingham Rovers matches also attract spectators. The establishment of the Upper Playing Field and Upper Cricket Pavilion as the home venue for Leicestershire County Cricket Clubs emerging cricketing talent playing other county teams in the new county championship is likely to see members of the public attracted to the ground and Uppingham-hence the need for appropriate facilities at the pavilion.
- The provision of seating space for 26 persons in the Club Room can hardly be called excessive when looked at in the context of the current and future cricketing requirements and function of the pavilion.
- Many of the county teams travel to the Upper Playing Field in coaches or minibuses which are then parked at the School Coach Park off Leicester Road. Spectator parking is allocated off the Glaston Road entrance to the Upper Playing Field as noted in the current planning application.
- The vision for cricket at Uppingham will involve additional community use.
- The Director of Cricket at Uppingham aims to provide a cricket programme for local children in the hope that this will be supported by the MCC via the MCC Foundation to create a lasting partnership between the School and the local community providing positive and engaging cricket opportunities all year round. The agreement with Leicestershire County Cricket Club is but the first stage to enhance cricket opportunities in Leicestershire and Rutland.

Support is drawn from Government guidance in the National Planning Policy Framework (Paragraph 94 (b)) and the Planning for Sport Guidance of 2019. We have followed the guidance and 12 principles outlined and have engaged proactively with you and the conservation officer over the past 12 months.

The preferred pavilion extension (Option A) has been designed to promote sporting inclusivity and social interaction for both the School and the wider cricketing community needs of Leicestershire and Rutland - hence the need for appropriate and requisite public facilities quite aside from the necessary School requirements.

We can confirm that revised details have been sent to the ECB representative and to Sport England. You will be aware that previously the application details have been approved by both bodies.

We thank you and the Conservation Officer for your valuable assistance and interest in this project and we hope we can now move forward expeditiously and positively.

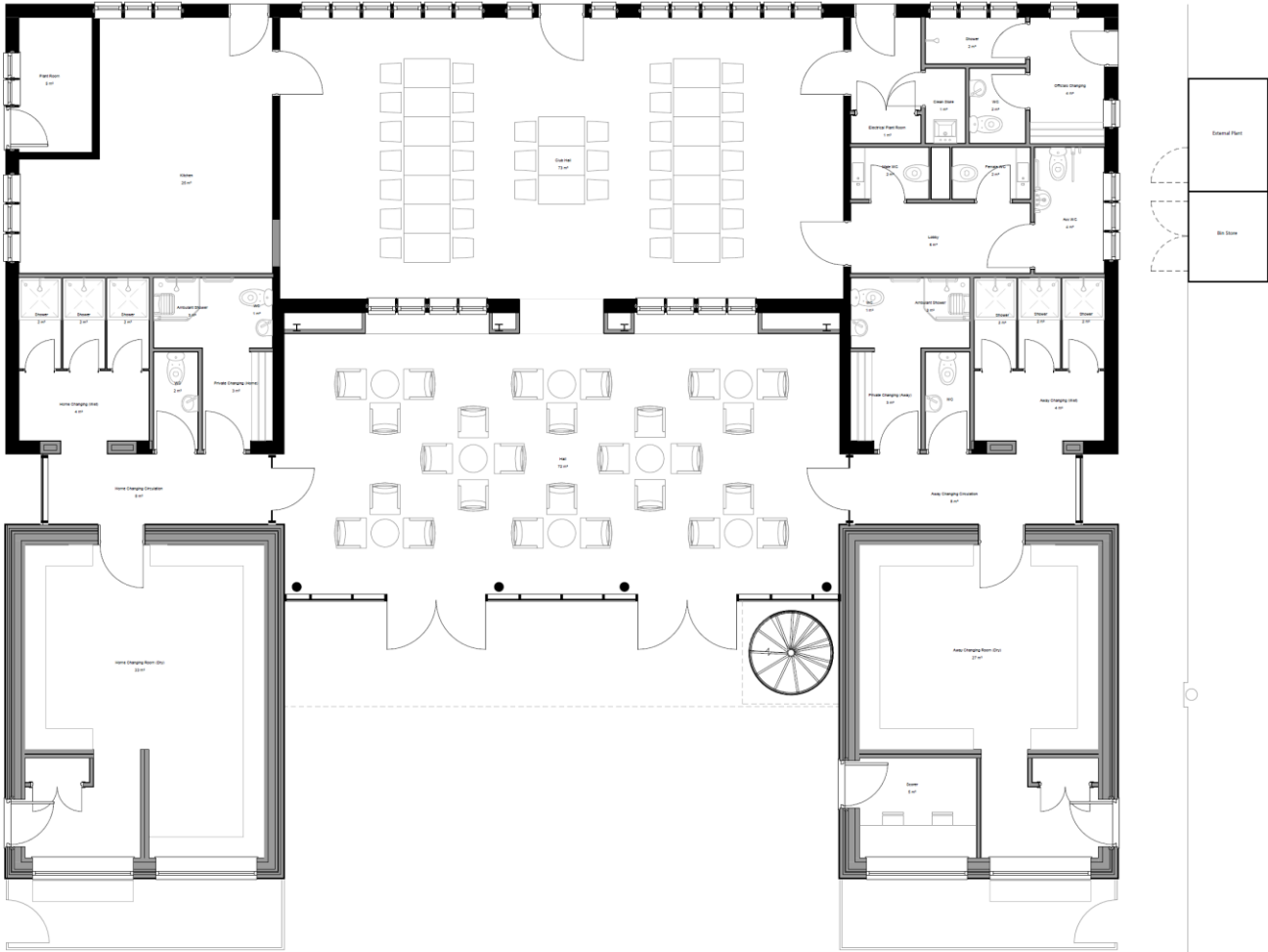
We look forward to hearing from you in due course.

Yours sincerely

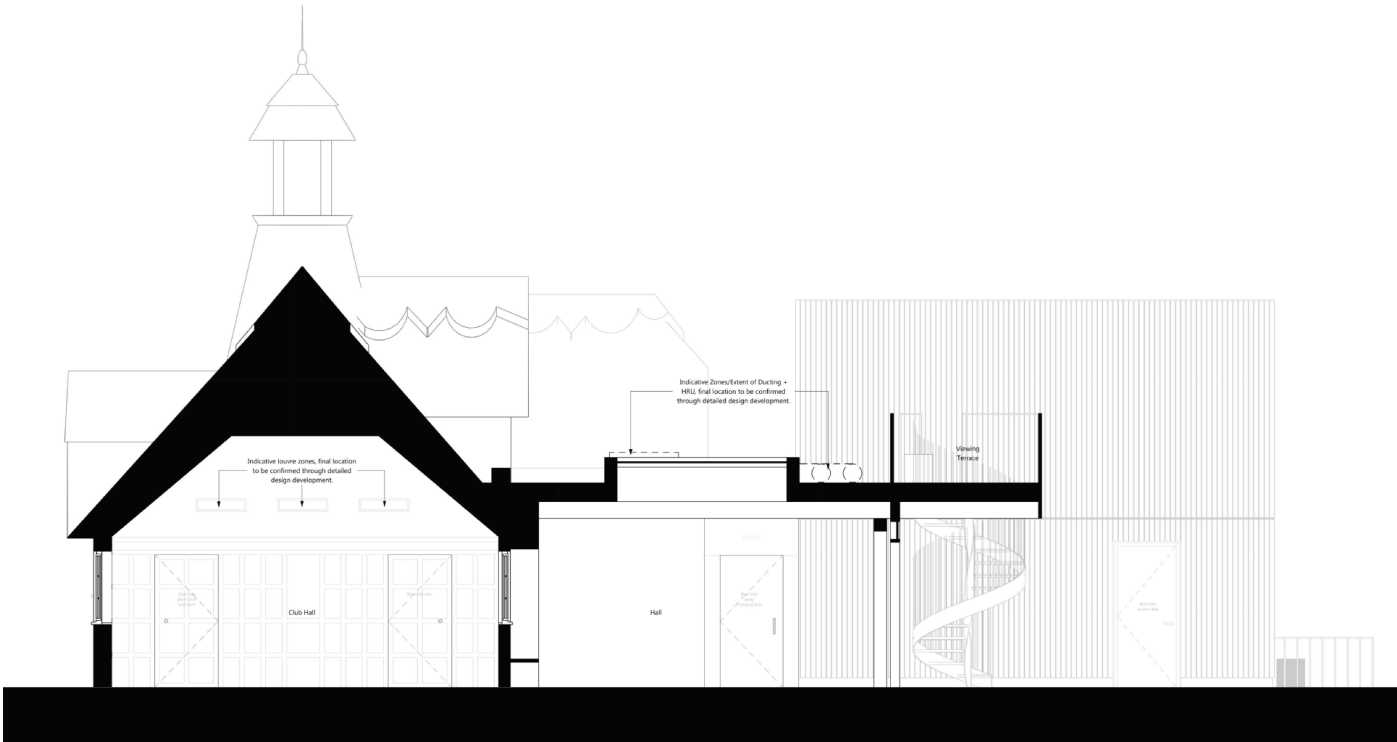
STEPHEN LUCAS MRTPI
LUCAS LAND & PLANNING

Appendix 1: Local Plan Inspectors comments June 1999:

**Moulton Park Business Centre Redhouse Road Moulton Park Northampton NN3 6AQ
info@lucasland.co.uk**



GF Plan



Section (West)

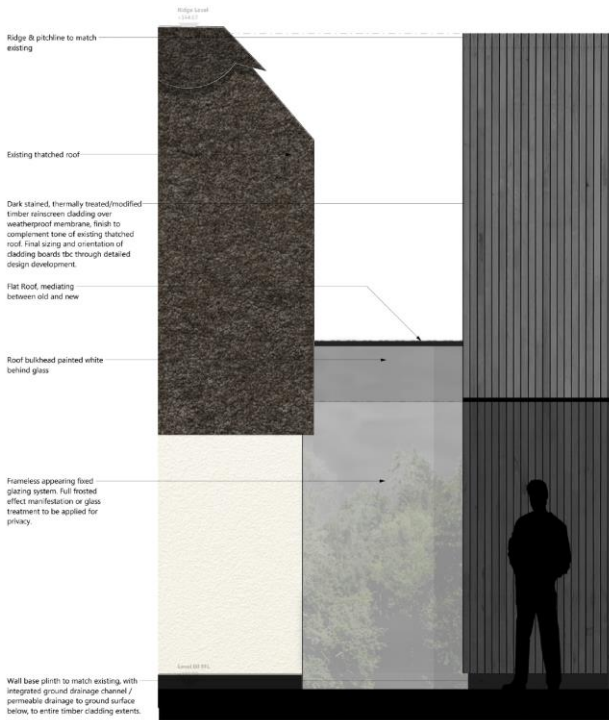


th Elevation (Pitch Facing) - Colour Elevation

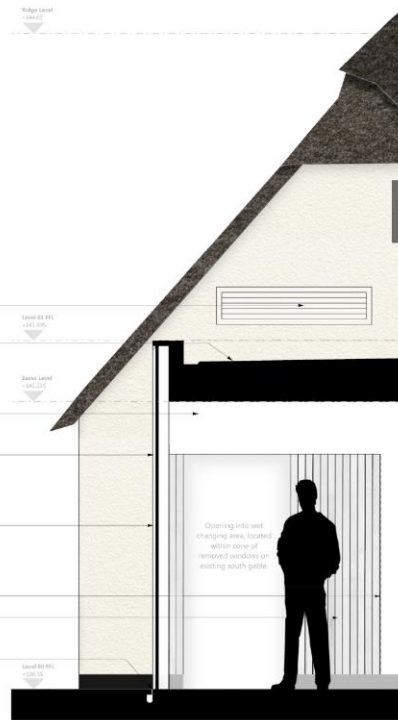
South Elevation



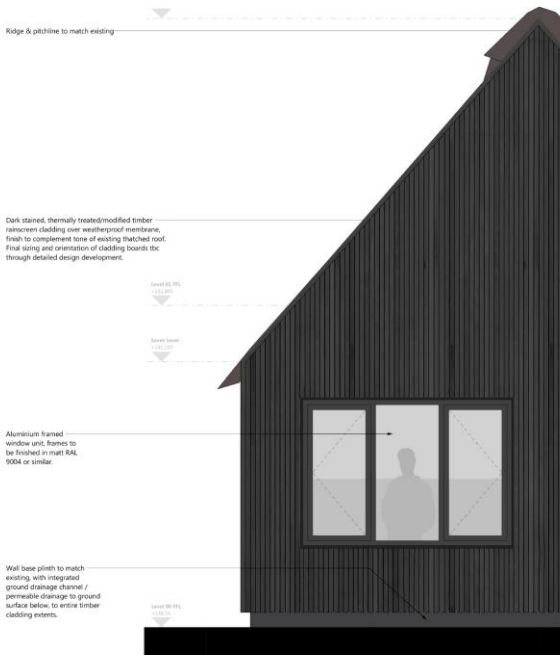
East Elevation



Existing / Extension Junction Elevation
Scale - 1:20



Existing / Extension Junction Section
Scale - 1:20



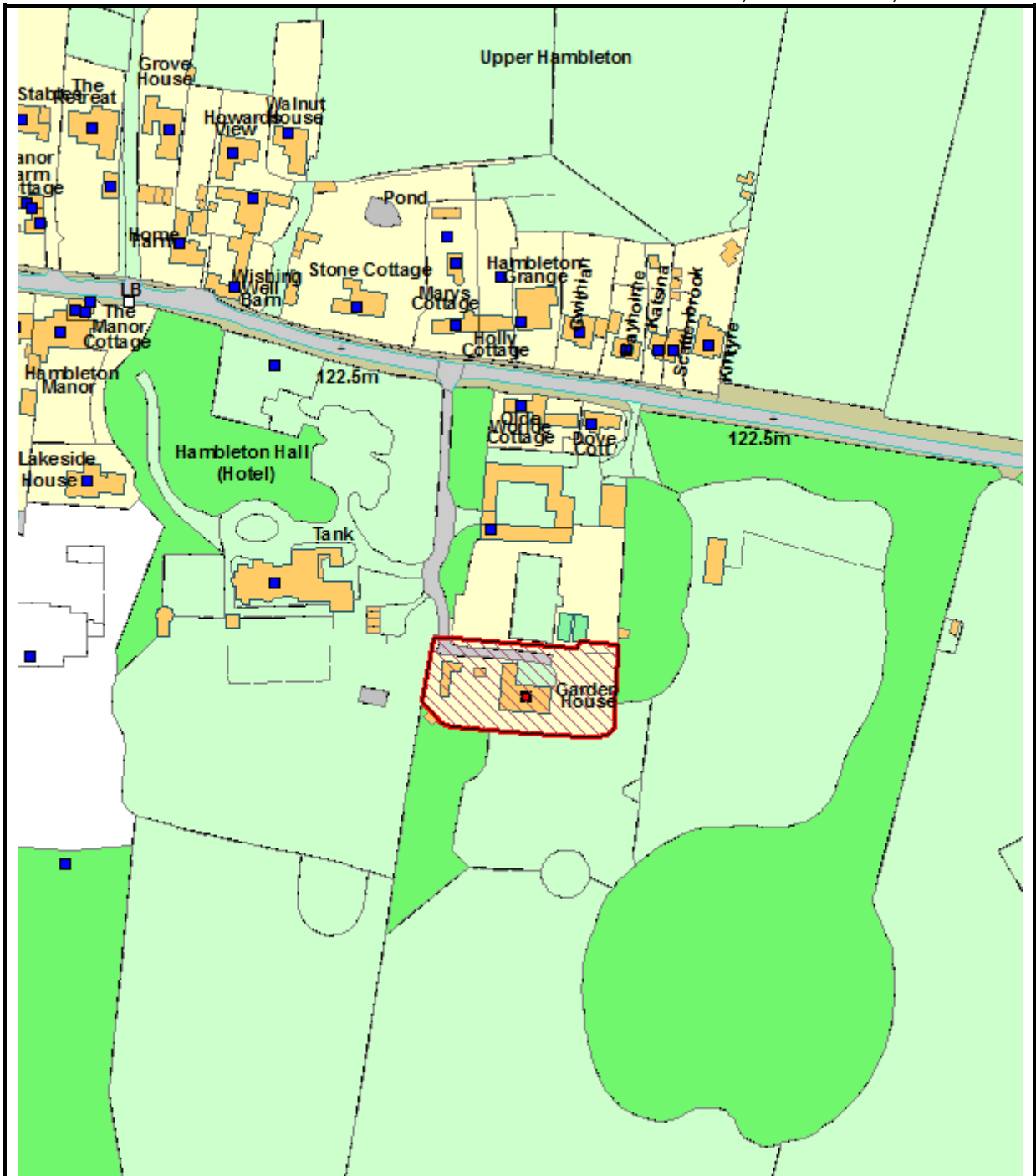
South Timber Gable Elevation
Scale - 1:20



South Timber Gable Section
Scale - 1:20



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/1082/MAF	ITEM 2	
Proposal:	The Demolition of existing dwelling and associated outbuildings. The erection of a 1 no. new build private dwelling.		
Address:	The Garden House, Ketton Road, Hambleton, Rutland, LE15 8TH		
Applicant:	c/o The Agent	Parish	Hambleton
Agent:	Ross Thain Architects	Ward	Hambleton
Reason for presenting to Committee:	At the request of the Chairman		
Date of Committee:	22nd September 2020		

EXECUTIVE SUMMARY

This is a replacement dwelling considered to conform to both local and national policy which is not outweighed by other material considerations.

RECOMMENDATION

<p>APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> <p>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.</p> <p>The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing Numbers:</p> <p>Drawing Number: 1351-01P Rev D Drawing Number: 1351-02 Rev B Drawing Number: 1351-04P Drawing Number: 1351-08P Rev A Drawing Number: 1351-09P Rev A Drawing Number: 1351-10P Rev A Drawing Number: 1351-11P Rev A Drawing Number: 1351-12P Rev A Drawing Number: 1351-21 Drawing Number: 1351-22 Drawing Number: 1351-29 Drawing Number 1351-31</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>The development hereby approved shall be carried out strictly in accordance with the details contained within the Arboricultural Assessment by Eden Arboriculture Professional Tree Care Ref: EA-2019- 088 (AIA) Rev D dated 2nd July 2020 and Tree Protection Plan Ref: EA - 2019-088 (TPP) Rev D. Each tree shall be protected in the agreed manner in accordance with BS 5387: 2012 for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground</p>

level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. 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.

5. All tree protective measures required for works to be carried out along Route B, of which the route location is shown in the Construction Management Plan document, shall be removed and the ground made good within 2 months from first occupation of the dwelling hereby approved.
Reason: To protect important trees and maintain the character of the area.
6. Before the development hereby approved is commenced final details of the foundation design for parts of the annexe building and proposed dwelling that are within the root protection areas of all retained trees as specified within the Arboricultural Assessment by Eden Arboriculture Professional Tree Care Ref: EA-2019- 088 (AIA) Rev D dated 2nd July 2020 shall be submitted to and approved in writing by the local authority. The development shall be carried out strictly in accordance with the approved details.
Reason: Trees make an important contribution to the existing landscape and protective measures are required.
7. In accordance with the Arboricultural Assessment by Eden Arboriculture Professional Tree Care Ref: EA-2019- 088 (AIA) Rev D dated 2nd July 2020, no service trenches, soak-aways or other drainage features shall be positioned within the root protection areas (RPA'S) of any of the retained trees on or directly adjacent to the site.
Reason: To protect important trees that contribute positively to the landscape.
8. The landscaping scheme shall be fully completed, in accordance with the details shown on Drawing Number: 1351-31, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
Reason: Landscaping is an important part of the development and will assimilate the proposal with its surroundings.
9. Before the development hereby approved commences final details of all hard surfaces and supporting Arboricultural Method Statement shall be submitted to and approved in writing by the local authority. The development shall be carried out strictly in accordance with the approved details.
Reason: To protect important trees that contribute positively to the landscape.
10. The development shall be completed in accordance with the finished floor levels as shown on Drawing Number:MD1904(A)02_G before the first dwelling is occupied.
Reason: To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings
11. The materials used in the development hereby approved shall be in accordance with the details shown on the following drawing numbers:

Drawing Number: 1351-08P Rev A

Drawing Number: 1351-09P Rev A

Drawing Number: 1351-10P Rev A

Drawing Number: 1351-11P Rev A

Reason: To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings.

12. No development above ground level shall be commenced until precise details, including samples, 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: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

13. The works to demolish and re-build the existing wall that is on the site shall be carried out strictly in accordance with the details shown on Drawing Number: 1351-29.

Reason: The wall is an important historical feature on the site and its re-use will integrate the development with its surroundings.

14. The development hereby approved shall be carried out in accordance with the bat mitigation contained within Section 6 of the Bat Survey (BJ Collins, July 2019).

Reason: In the interests of the protection of wildlife and their habitat.

15. Before the dwelling or annexe hereby approved is occupied the location of the bat tube shall be submitted to and approved in writing by the local authority. The Bat Tube shall be erected in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the protection of wildlife and their habitat.

16. Before the dwelling or annexe hereby approved is occupied the type and location of 3 No. Swift boxes shall be submitted to and approved in writing by the local authority. The Swift boxes shall be erected in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the protection of wildlife and their habitat.

17. The development hereby approved shall be carried out strictly in accordance with the Great Crested Newt Mitigation Proposal (BJ Collins, November 2019).

Reason: In the interests of the protection of wildlife and their habitat.

18. The development hereby approved shall be carried out in accordance with the sustainability statement and all measures contained within shall be implemented and maintained and shall remain as such in perpetuity.

Reason: In the interests of securing a sustainable form of development.

19. The annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

20. Before occupation of any of the dwellings hereby approved the boundary treatments shall be erected in accordance with the details shown on Drawing Number: MD1904 (A) 02_G and shall remain as such in perpetuity unless otherwise agreed in writing with the local authority.

Reason: To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings.

21. Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and

finished floor levels of all buildings] with reference to [neighbouring properties/an off-site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

22. Before any building/dwelling hereby permitted is occupied/brought into use, the finished floor levels for that building shall have been constructed in accordance with the approved land level details.

Reason: In the interests of the visual amenities of the area.

23. No floodlighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity to reduce the impact of night time illumination on the character of the area.

24. The development hereby approved shall be carried out in accordance with the submitted Construction Management Plan document.

Reason: In the interests of highway safety and protection of residential amenity.

25. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except with prior planning permission.

Reason: To enable the local authority to control future development of the site.

26. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), within the curtilage of the dwellinghouse no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be erected or carried out except with prior planning permission.

Reason: To enable the local authority to control future development of the site.

Notes to Applicant

1. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning

Portal: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

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| <p>2. An application for a European Protected Species Licence will be required before undertaking Protected Species mitigation works.</p> |
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Site & Surroundings

1. The site comprises of a detached property and associated outbuilding in a prominent location on higher ground within Upper Hambleton.
2. The Hambleton Hall Hotel (Listed Grade II) accessed from the centre of the village is located to the west of the application site with the Grade II Hambleton Hall stables to the north. The site extends southwards down the slope towards the southern arm of Rutland Water. The northern most part of the site, including the existing dwelling, is within the Planned Limits of Development (PLD) of Hambleton, which is a restraint village in accordance with our local policy of which I will touch on later. The site frontage is also within the village Conservation Area.
3. The applicants land ownership extends beyond the Planned Limits of Development for Hambleton. This southern slope of Hambleton village is visible from across Rutland Water. It has the appearance of a collection of individual dwellings in a woodland setting.

Proposal

4. The application proposes a replacement dwelling including an associated annexe building, the dwelling and annexe are sited within the PLD with a terrace and swimming pool being sited outside of it.
5. The existing house, including outbuildings amounts to a size of around 550 sq metres.
6. The new property is larger in footprint and, including all outbuildings, amounts to circa 1150 sq metres.
7. The low profile, flat roof dwelling will run horizontally across the site creating a linear effect across the full length which sits below the ridge height of the existing structure.
8. Areas of the new dwelling include overhangs, cantilevered elements and large glazed openings.
9. The façade of the new dwelling was originally to be constructed from three main materials these being; natural stone, Corten steel cladding and smooth through coloured render – the colour of which is indicated as an off white.
10. During the planning process and, more specifically, in response to the design midland's appraisal, the render was removed from the facade and replaced with a darker textured zinc cladding. The building also incorporates Larch cladding.
11. The main bedrooms (5no.) are situated on the ground floor level. These all feature South facing views and direct access to the external terraced areas. Also situated at this level are the various support and utility spaces.
12. The circulation space providing access to these areas has been situated to the North including wc's, storage areas and the cinema room.

13. The first floor accommodates the main living and social areas. A large open plan kitchen, dining and family space incorporating an enclosed external terrace area. This area also accommodates a home office/study, utility room, kitchen support spaces and a separate staircase providing access from the west side of the dwelling.
14. To the east is a secondary social space which has lightweight demountable internal partitions to create smaller spaces within this main space. The master bedroom suite is situated at first floor level to the south-east corner of the dwelling.
15. The lower ground floor provides a small cellar incorporating a tasting room and wine storage area centrally located beneath the main entrance and circulation space.
16. Externally there will be terraced areas and a reflection pool to the rear, constructed below ground level and therefore concealed from view.
17. There is a new single storey garage structure is situated to the east of the application site. The garage will provide secure storage for up to four vehicles as well as providing space for a dedicated plant room and cycle storage area.
18. The small self-contained annexe to the west of the site will provide additional accommodation separate from the main dwelling. Its use is intended to be ancillary to the main dwelling and not to act as a separate independent residence.
19. The existing house is not considered to be of any significant architectural merit and has a limited value within the context of the Conservation Area. The Local Authority does not object to the demolition of the existing house and outbuildings.

Key design issues for consideration

- Views towards the site –
 - a) lakeside looking up the hill and
 - b) longer distance across Rutland Water from golf course;
- Relationship within these views with the adjacent Hambleton Hall and associated buildings, including the clock tower and buildings that sit behind and adjacent to the site;
- Proximity to Hambleton Hall –the clock tower sits close to the site and is visible;
- Old wall within the site;
- Mature trees within site;
- Adjacent paddock with open views in to site;

Architectural response to the context

- Local character and materials;
- Views and relationships with surrounding context (above);
- External material choices;
- Response to the brick wall on site;
- Response to the clock tower;
- Response to building in the root protection zones of some trees – special foundation design (trees T2 and T5);

Landscape response to the context

- Residential curtilage and extent of the garden – and how this sits within the landscape setting;
 - Character and materials of the landscape proposals, including hard and soft (steps,pools, planting etc);
 - Adjacent Paddock Land;
20. The OPUN (Design Midlands now) Panel is made up of wide range of experts from the built environment field i.e. architects, urban designers, landscape architects, surveyors, sustainability experts etc. who provide expert, independent, impartial advice.
21. The design review forms an important part of the assessment of this planning application. The review if it supports an application will also help to justify the scheme and if not may offer recommendations of how it can be improved to be deemed acceptable.
22. The Design Midlands review and the submission of all supportive information assists the local authority's determination if an application could be considered to accord with Paragraph 131 of the NPPF.
23. Para 131 states:
1. *“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
24. The application has had a full review with Design East Midlands who within their summary stated that opportunity to pursue a contemporary design approach which relates more strongly to the site context was welcomed

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 7 - Ensuring the vitality of town centres

Chapter 10 - Supporting high quality communications

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Site Allocations and Policies DPD

SP1 - Presumption in Favour of Sustainable Development

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

SP23 - Landscape Character in the Countryside

Core Strategy DPD

CS01 - Sustainable Development Principles

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS09 - Provision and Distribution of New Housing

CS21 - The Natural Environment

CS22 - The Historic and Cultural Environment

Consultations

25. Highway Department

No objections. The construction traffic management plan is appropriate for the development

26. Conservation Officer

No objection. Requests conditions removing permitted development rights for extensions and for garden structures, a sample panel of the principal materials on-site for inspection and a lighting strategy

27. Ecology

No objections. The GCN Mitigation Proposal (BJ Collins, November 2019) is satisfactory. As a Condition of the development:

- The location of the bat tube should be submitted for approval.
- Type and location of swift boxes to be submitted for approval
- All works to be in accordance with Section 6 of the Bat Survey (BJ Collins, July 2019). Bat tube to be incorporated.
- Three Swift boxes to be incorporated.
- All works to be in accordance with Section 6 of the Great Crested Newt Mitigation Proposal (BJ Collins, November 2019).

28. Archeology

No objections. The proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

Neighbour Representations

29. Eight responses received; one supported the development in principle, with most of these concerned at the impact of construction traffic on either road safety, road maintenance, or the amenity of roadside dwellings.
30. The comment supporting the proposal stated that the building of a new modern designed eco-friendly property has to be encouraged and I believe will only enhance our village.
31. Other detailed comments are offered

proposed design show no sensitivity at all to the local heritage or reflect the historical architectural language of Hambleton.

It would set a dangerous precedent to allow such a development to take place.

The proposal is for 2 detached houses, not one as stated in the application.

The proposed floor area is double that of the existing.

The proposed buildings occupy 83% of the back of the site, with no or minimal gaps to the boundaries either side and form a barrier on the ridge.

The over-development necessitates the removal of a large number of trees, including T6 a Persian Ironwood and T7 an Oak Area for Narrow Route B under risk

Concerned about condition of Ketton Road during and after completion of the construction

Location of the compound should be outside of the village

Design, Massing and layout of the building,

Another very large house spoiling the village

One respondent does not comment on the development itself, but raises concern about the impact of construction traffic, particularly if directed southwards and along the water's edge. The final respondent suggests that the dwelling is too large for the village and that it would be preferable to retain three separate dwellings

Planning Assessment

32. The main issues are:

Principle of Development

Heritage Impact

Impact on the Character of the Area

Impact on the neighbours' residential amenities

Highway Issues

Trees and Landscaping

Ecology

Principle of Development

33. The proposal is acceptable in principle within the PLD of a Restraint Village, given that it involves the replacement of existing housing without any net increase in the number of dwellings.
34. The application includes a smaller building at the west of the site, identified as annexe accommodation. This is acceptable in principle as it is within the PLD and can have a condition attached limiting it to ancillary accommodation only.
35. The applicant has submitted a sustainability statement. The south facing house is designed according to 'Passivhaus' principles: sustainable insulation, air tightness, heat recovery, and maximisation of passive solar gain.

36. Other measures includes, triple glazed windows, solar water heating, installation of rainwater collection tank and the use of non-toxic building materials.

Heritage Impact

37. The boundary of the Hambleton Conservation Area includes the frontage of this site.
38. The proposal would therefore impact on views from and into the Conservation Area, particularly longer distance views from the south.
39. The Hambleton Hall Hotel (Listed Grade II) accessed from the centre of the village is located to the west of the application site with the Grade II Hambleton Hall stables to the north.
40. The proposed house and annexe are sited within the Hambleton Conservation Area.
41. It is considered that the removal of the existing house and outbuildings will be an overall enhancement of the setting of both Hambleton Hall and Hambleton Hall Stables when viewed from the opposite side of Rutland Water.
42. The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.
43. Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
44. In addition to this, Policies CS22 of the adopted Core Strategy and policy SP20 of the Site Allocations and Development Plan Document require that all new developments protect and where possible enhance the historic assets and their settings, maintain local distinctiveness and the character of identified features.
45. This all carries significant weight in considering planning applications.
46. The Conservation Officer has been consulted, taking in account the submitted drawings, Design and Access Statement, Heritage Impact Assessment and all supporting information, and does not object to the proposal.
47. The design concept set out in the submitted Design and Access Statement is for the creation of modern dwelling .The choice of materials for the new building, a dark limestone as its core element, dark coloured zinc above, with dark windows and corten steel that has an almost ironstone texture will ensure that the building sits comfortably within its setting.

48. This would replace a dwelling of limited architectural merit.
49. The low profile and design of the new dwelling and annexe, their distance from neighbouring properties and retention of most of the existing trees on that boundary all ensure an acceptable impact on Hambleton House Hotel to the west and Hambleton Hall Stables to the north.
50. The ridge height of the main house is lower than the existing dwelling and the majority of the mature trees surrounding are being retained. Given this, it will have a lesser impact on views from within the Conservation Area.
51. Photomontages submitted in support of the application indicate a series of long distance views of the application site, taken from the opposite side of Rutland Water.
52. These compare the existing dwellings with the current proposal. They indicate that the impact of the current proposal on views into the Conservation Area would be that of a low profile building set within a wooded landscape which visually blends into its surroundings. The lower ridge height also allows views of the clock tower to the north of the site.
53. The only remains of any historical structures on the site is a brick wall which runs along the north east corner boundary between the existing site and the tennis court. The return, which now sits within the land of The Garden House, may have been the remnants of a building that might have stood in that corner post-dating the construction of Hambleton Hall.
54. The section of wall that sits within The Garden House site is to be demolished with the bricks being re-used within the construction of the proposed annexe.
55. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.

Impact on the character and appearance of the area

56. The design takes the form of a low profile two-storey linear form that spans across the site from east to west, positioned in a similar location to the existing dwelling.
57. The north, east and west facing elevations have been designed to be quite minimalist in appearance and apart from the main entrance and stairwells there are minimal glazed openings on these façades.
58. There is a two-storey high and full width picture window forming the extent of the South elevation. This glazed wall is designed to allow an extensive view over Rutland Water. The ground floor layout has been designed to provide occupants with these south facing views.
59. The lower levels of the dwelling has been designed to have the load bearing capacity and utilises heavyweight materials. In this case the scheme uses traditional local stone to anchor it into the landscape and is an acknowledgement of materials that are used in properties within the village.
60. Corten steel and larch will be used for the lightweight cladding materials. The gradual weathering of the Corten steel and larch will provide an organic looking surface finish with

the Corten steel creating a reddish-brown colour combination with the wood allowing these parts of the dwelling to merge into the natural surroundings.

61. The site is well screened from within the village, by a mature tree planting to the east and western boundary and Hambleton Stables to the north. The existence of the mature tree band together with the retention of the paddock land to the south, it is considered that the development would not in itself have a major significant visual impact on this side of the village. It is well related to the PLD with the majority of the development being within the boundary.
62. The close relationship of this site to the existing buildings on this part of the Hambleton is of considerable importance. Immediately to the west of the site there is the large built form of Hambleton Hall and further to the west is The Hermitage, the recently constructed large residential property. Upon viewing the village from the opposite side of Rutland Water the site, and the buildings thereon, appear as being within this band of properties within this part of the village and not part of the surrounding countryside. The existing buildings on the site mark the extent of the built-up part of the village along the south side of the peninsula. Beyond these properties there are open fields and further tree coverage. Consequently the proposed scheme would not intrude into the surrounding attractive countryside or harm the rural setting of the village.
63. The current non-descript appearance of the existing house does not contribute positively on view towards Hambleton peninsula from across Rutland Water or enhance the character of the local area. Given its location in proximity to other large buildings in this part of Hambleton, the sites re-development with this sensitively designed scheme would enhance the character and appearance of this part of the village. The proposal, therefore, would not harm the rural setting of the village and would enhance the character and appearance of this part of Hambleton.
64. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, streetscene and surrounding context in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbours' residential amenities

65. There is no detriment to the residential amenity of neighbouring dwellings arising from any overbearing impact, overlooking or loss of light. There would not be any harm given the distance from neighbouring dwellings and the reduced height of the proposed dwelling.
66. Taking into account the nature of the proposal, appropriate scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

67. The application includes a Construction Management Plan.
68. There are two rights of way from Ketton Road onto the site, Access Route A through the main entrance to Hambleton Hall, and a second, Access Route B leaving Ketton Road via the track immediately to the East of Dove Cottage and proceeding South to the site. The Construction Management Plan proposes that use of Access Route A will be limited to vehicles below 5 tonnes laden weight.

69. Access Route B will take all major deliveries to an on-site compound at the South end. This will provide space for parking of all vehicles and for vehicles, including large vehicles, to turn around and thus be able to exit onto Ketton Road in a forward gear.
70. The proposal, though larger than the existing house, is still a single residential property and the traffic that it will generate will not be considered excessive.
71. The Highway Department has no objection to the development in terms of access and parking and are satisfied with the Construction Management Plan.
72. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Trees and Landscaping

73. Demolition of the existing buildings and construction of the new dwelling will pose some threat to existing trees within the site. However, the Arboricultural Impact Assessment and Tree Protection Plan, submitted with the application, have identified relevant trees for retention and protection. This has been assessed on site by the Council's Arboriculture Consultant, then amended in accordance with his guidance. This is now acceptable subject to the recommended condition on tree protection and implementation of the submitted method statements.
74. The proposal involves the removal of some trees and shrubs, these are fully identified and detailed within the application tree report and tree protection plan. The vast majority of these are small insignificant shrubs (graded C). There are however three category B trees that do require removal. It is considered that they are not particularly high-quality specimens and their loss will have no detrimental effect on the locality when considering the amount of trees that are to be retained.
75. The installation of foundations for the new buildings will sit within the Root Protection Areas (RPAs) of T2 and T5. The use of conventional strip footings in these areas would result in root severance which would be damaging to the trees.
76. In order to mitigate the impact, it is suggested that the building should be installed using a Housedeck foundation system. This information should be secured through a pre-commencement planning condition.
77. Paving exterior to the buildings is likely to pass through the RPAs of T2 and T5. Any paving in these areas should be installed using a no dig surface and a porous wearing course. The detail on hard surfaces and supporting arboricultural method statement is to be secured through a pre-commencement planning condition.
78. Materials for the construction of the development will be transported in along the farm track to the east of the site known as Route B. Tree protection barriers and temporary ground protection will be installed along the route.
79. As the access drive is not suitable for HGV vehicles beyond the north section, delivery vehicles will be brought carefully into site and unloaded onto a specified area. From here the materials will be brought into a further storage area using a single 4-wheel drive forklift built onto a tractor type machine. The weight of the incoming vehicle will be no more than 7.5t fully laden. The maximum width of the access track with ground protection will be 2.5m.

80. In offering these comments, your Officers are again mindful of the special duty imposed on the Local Planning Authority regarding heritage assets. The landscaping proposals will maintain the character of this part of the southern edge of Hambleton Conservation Area, including the quality of views into and out of the Area.
81. Regarding landscaping, there is no proposal to alter the landscape outside the proposed domestic residential curtilage.
82. Within the extended residential curtilage the area of former paddock land is to remain as grazed meadow.
83. A stone ha-ha will provide a perfect visual break between the formality of the upper areas and the return to agricultural use below.
84. It is considered that the proposed landscaping scheme conforms with the 2003 Assessment of Landscape Character for Rutland.

Ecology

85. The local authority consultant Ecologist has no objections to the proposal. The applicant has submitted a Great Crested Newt Mitigation Proposal and a Bat Survey which are considered satisfactory. Conditions are attached which require the submission of details in relation to the location of the bat tube, type and location of 3 No. Swift boxes.
86. An advisory note is also recommended regarding the need to apply for a European Protected Species Licence before undertaking mitigation works.

Crime and Disorder

87. It is considered that the proposal would not result in any significant crime and disorder implications.

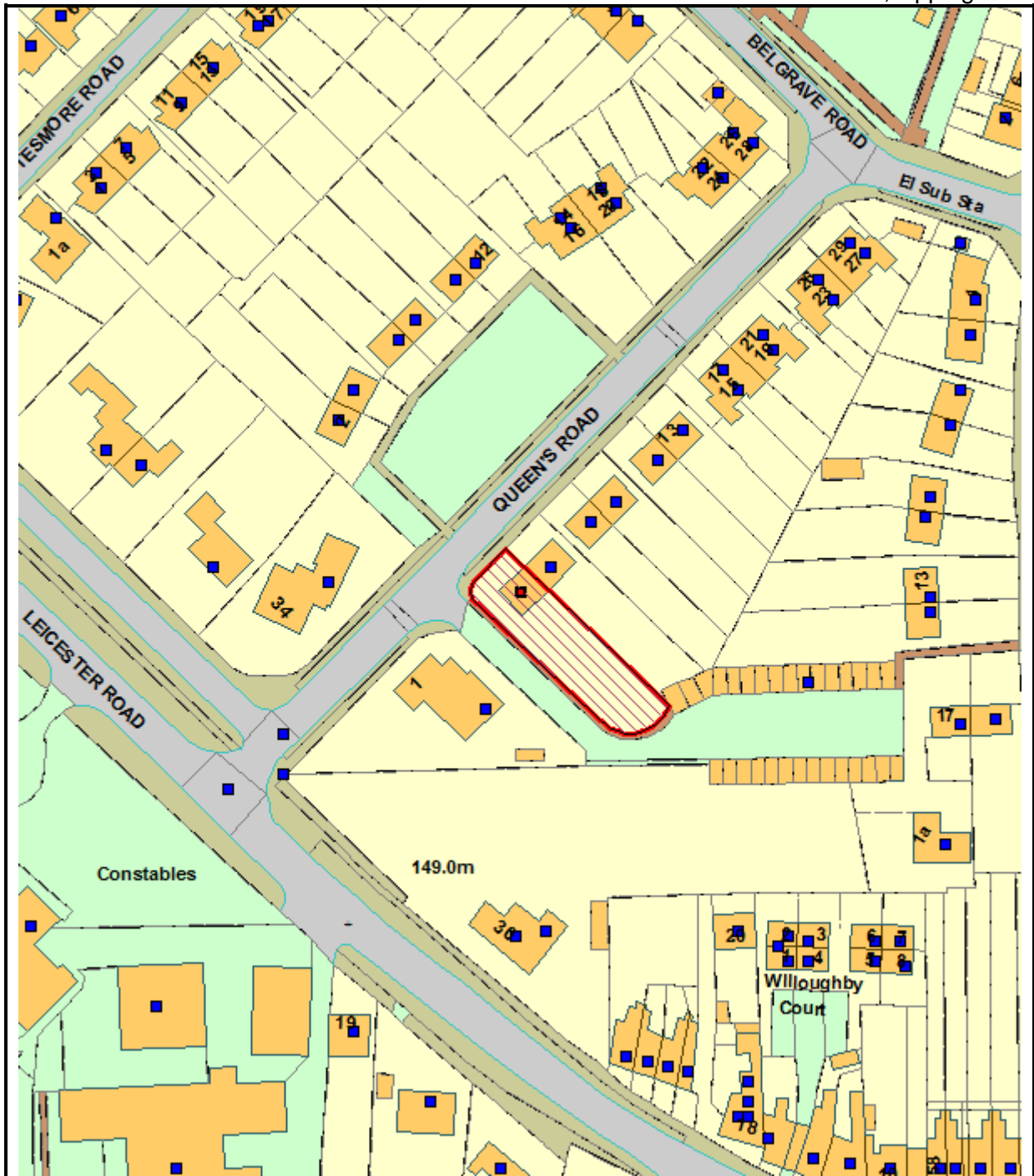
Human Rights Implications

88. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Conclusion

89. The proposal is acceptable in principle being mostly sited within the PLD of a Restraint Village and given that it involves the replacement of existing housing without any net increase in the number of dwellings.
90. The proposal having a low profile, appropriate landscaping and being constructed from sympathetic materials would not harm the rural setting of the village and would enhance the character and appearance of this part of Hambleton. Furthermore, the proposal constitutes sustainable development which would have no adverse impact on highway safety. It is considered that the scheme, as proposed, would not have significantly detrimental impact upon residential amenity. It is also considered that the scheme would also not have a detrimental impact upon the setting of the Grade II Hambleton Hall Hotel and the Grade II Hambleton Hall stables.
91. These material considerations have been accorded significant weight and when added together, outweigh any perceived harm from the development. These factors constitute compelling grounds for approving the application subject to conditions.

92. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 2, 9, 16), Policies CS3, CS4, CS 19 and CS22 of the Rutland Core Strategy (2011) and Policies SP1, SP5, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.



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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0620/FUL	ITEM 3	
Proposal:	Single storey rear extension		
Address:	3 Queens Road, Uppingham, Rutland, LE15 9SH		
Applicant:	Mr Michael Lambert	Parish	Uppingham
Agent:	B Hedges Ltd	Ward	Uppingham
Reason for presenting to Committee:	Member of places directorate.		
Date of Committee:	22 nd September 2020		

EXECUTIVE SUMMARY

The application site is within the residential estate and the property is a semi-detached dwelling. The site is outside the designated conservation area of Uppingham. The proposal is submitted by a member of the Local Authority who is involved in planning work, as a result in the interests of openness and transparency, the application should be determined by the Committee. The development is recommended for approval.

RECOMMENDATION

APPROVAL :

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 unmarked Site Location and Block Plans, ML2/20 Proposed Rear Extension – floor plan and elevations, and details specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

1. The application site is located prominently within the street view and the dwelling is semi-detached two-storey modern house. The property includes sizeable garden and previous modest extension to the rear of the dwelling. The adjacent properties include similar extensions.

Proposal

2. The proposed development seeks approval for the construction of a single-storey extension, and it would replace the existing one. The proposal would be constructed from material match to the host dwelling and would modestly enlarge the ground floor area to facilitate utility and garden room.

Planning Guidance and Policy

National Planning Policy Framework (2019)

- Achieving well-designed places

Rutland Core Strategy (2011)

CS19 – Promoting good design

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity

Supplementary Planning Document

Supplementary Planning Document - Extensions to Dwellings (2015)

Neighbourhood Plans

Uppingham Neighbourhood Plan (2014)

Consultations

3. Highways - the proposal would not affect the highways safety or parking provision.
4. RCC Property Service - no objections to the proposal.

Neighbour Representations

5. No comments received

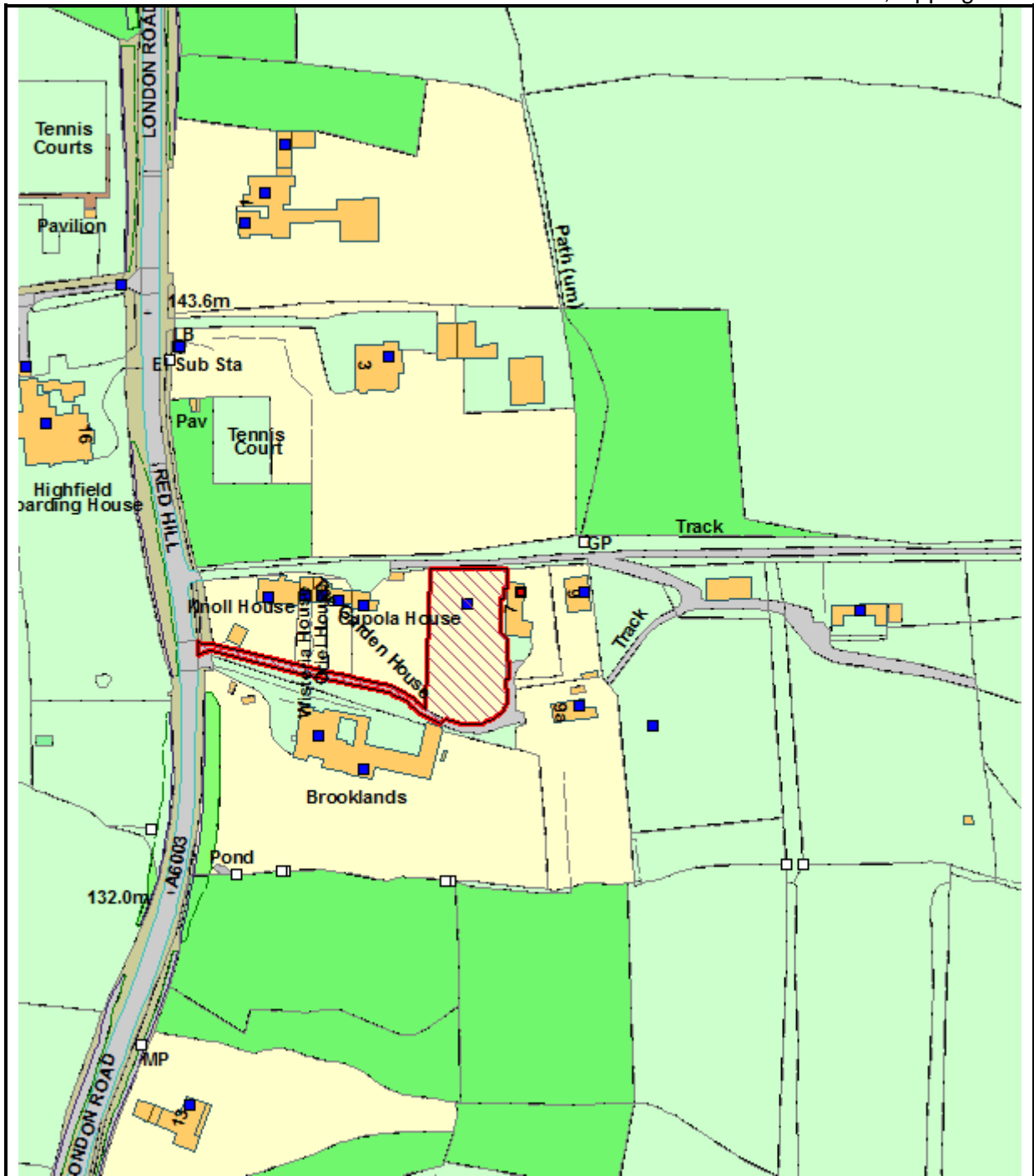
Planning Assessment

6. The proposed development would modestly enlarge the living space of the dwelling and would enhance the overall appearance of the property. Given the nature of the development, its relatively small scale and appropriate design are considered that the single-storey rear extension would not have an adverse impact on the residential amenity of the adjacent properties.

Conclusion

7. The proposal is considered acceptable regarding national and local planning policies and as such is recommended for approval.

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0699/FUL	ITEM 4	
Proposal:	Reserved Matters application in relation to 2017/0657/OUT (erection of dwelling)		
Address:	7 London Road, Uppingham, Rutland, LE15 9TJ		
Applicant:	Mr M Mitchell	Parish	Uppingham
Agent:		Ward	Uppingham
Reason for presenting to Committee:	Chairman's referral		
Date of Committee:	22 September 2020		

EXECUTIVE SUMMARY

This is a third scheme of reserved matters following an outline permission on appeal. It basically relates to alternative materials on the approved design of building.

The site is well screened from public view, towards the end of a long private cul de sac and there is no reason why a contemporary innovative scheme cannot be supported in this location.

RECOMMENDATION

APPROVAL, subject to the following conditions:

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 056(PL)02A, 056(PL)03A, 056(PL)04A, 056(PL)06A, 056(PL)07A (all amended by hand to illustrate materials and landscaping), 056(PL)09A and the Supporting Cladding Materials document.
Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

- Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

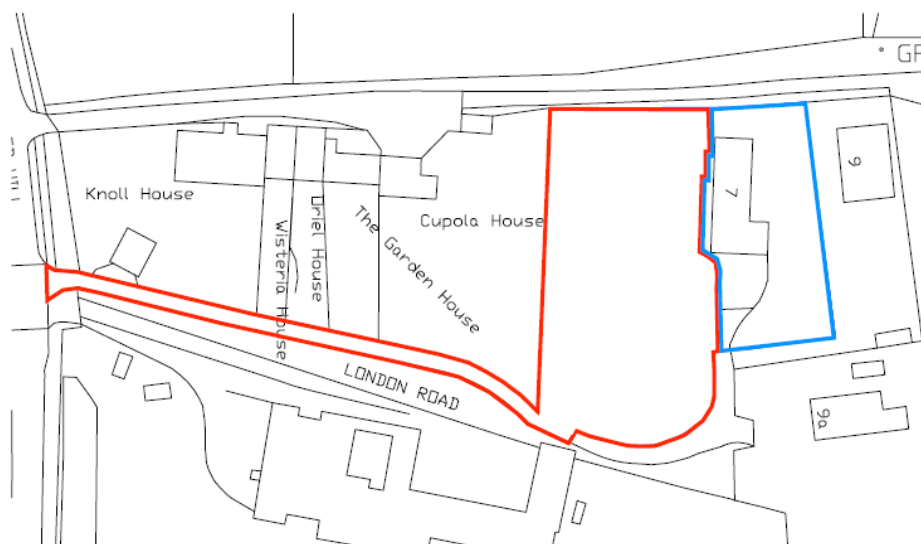
If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning

Portal: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Site & Surroundings

- The site is located off a private drive approximately 590 metres from Market Place in the centre of Uppingham. The site was the western part of the garden to 7 London Road and is approximately 107 metres from the junction with the public highway.

2. The site is outside the Planned Limit to Development for Uppingham but that was the main issue in allowing an appeal for a dwelling on the site. See Appendix 1.
3. The site is approximately 30 metres wide by 60 metres deep, and development has commenced in accordance with a previous approval of reserved matters. There is a boundary of trees on the western edge with no physical boundary to the private driveway or the host dwelling.
4. To the east is No.7 which was subject to a separate application for alterations and extensions, now complete. To the west are 5 other terraced dwellings which were formed from one original building in 2001.
5. 9 and 9a London Road are also accessed from the private driveway and to the south is Brooklands, an Uppingham School Boarding House which has its own access from the highway adjacent to the access to the application site.



Proposal

The proposal is for a revised scheme of reserved matters following an outline permission on appeal in 2017. The applicants justification for the changes are at Appendix 2.

Relevant Planning History

Application	Description	Decision
2017/0657/OUT	Outline application for dwelling	Refused by Committee – Allowed on Appeal – see Appendix 1.
2018/0778/RES	Reserved Matters for dwelling	Approved
2018/1145/RES	Reserved Matters (revised scheme)	Approved

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Uppingham Neighbourhood Plan

Policy 4 - The Uppingham Neighbourhood Plan supports the construction of up to six custom built, self build, single dwellings in the period up to 2026.

Policy 8 – Design & Access

Site Allocations and Policies DPD

SP6 - Housing in the Countryside

SP15 - Design and Amenity

Core Strategy DPD

CS04 - The Location of Development

CS19 - Promoting Good Design

Consultations

6. Uppingham Town Council

Recommends rejection of this application as the cladding type is not in keeping with adjacent buildings and would impact on character and appearance of the local area.

Neighbour Representations

Comments have been received from several immediate neighbours as follows:

7. 9A London Road

There are a number of issues which have arisen concerning the reserved matters,

1. The building now appears to have a much greater elevation than the original plan.

2. The cladding materials seem to be out of character with adjacent properties and certainly contrary to the requirements for a property adjacent to an area of outstanding natural beauty,

3. The confinement of the lane and access to number 7 making it virtually impossible for the occupants of this property to turn their car round and therefore to drive on to London Road rather than to reverse,

4. The building up of the site with increasing areas of hard standing without adequate drainage is likely to cause flooding of the lane and nearby properties,

5. It is not apparent from the drawings as to what provisions have been made for water and sewage to be disposed of from the property.

6. The potential occupancy of a property with

bedrooms could lead to traffic congestion along the lane with the sight lines obscured by the proposed perimeter walls.

We ask that you consider this proposal extremely carefully in view of its impact on all the adjacent residents.

8. 9 London Road

Thank you for your letter of 6 July 2020. We would like you to consider our comments below. We will refer to this site as No 7A as marked on the drawings. (The letter refers to the site as No7.)

1) East Elevation

If we are reading the drawing correctly, it appears that the garage previously shown in the south west corner, has been replaced by sheltered parking. This should give a more open appearance which is to be welcomed. We also think the spiced oak cladding on the ground floor is an improvement and welcome that. We are less certain about the silver cladding on the upper floor, which we fear might look somewhat industrial and will be out of character with the rest of the lane.

2) South East wall adjacent to the driveway - coloured purple on the site plan.

We note that the gates to this property have been set back by 5m. Mr Mitchell did tell us that he had been asked to provide space for vehicles to pass and we presume this space is provided so that a car waiting for the gates of No 7A to open does not block the driveway. We think it should also be available as a turning space and ask that it be designated as such. This will alleviate the turning problem created by the installation of automatic gates at No7 when Mr Mitchell renovated this property. Prior to that, vehicles delivering to No 5, 7 and 9 would turn using the first few feet of the driveways on No 7 and No 9 which formed a 'T' with the common driveway. When we raised this with Mr Mitchell he said that, in future, drivers would have to reverse down the driveway. However Mr Mitchell did subsequently lay stone on the area immediately to the west of the entrance to No7 and for the past two years vehicles have been turning there. The site plan clearly shows the proposed wall cutting off this area.

Somewhere must be provided for delivery vehicles, emergency vehicles and the waste/recycling and other service vehicles to turn. It is unacceptable that they should have to reverse all the way down the narrow twisting lane and on to the busy main road (A6003) crossing the pedestrian route used to walk to the Community College. Please note that as two of the three houses at this end of the lane have automatic gates, in general visiting vehicles will find these gates shut and be unable to turn in the properties they are visiting. Please also note that with the growth in on-line shopping, delivery vehicles are becoming more frequent.

Unless the line of the wall is changed so that the current turning space to the west of the entrance to No7 is retained, the 5m space should be designated as a passing and turning space. This will ease the turning problem, although vehicles will still have to reverse along a section of the driveway between No 7 and No 7A.

In view of this, we have some concerns about the wall adjacent to the driveway at the South East corner of No 7A. There has never been a wall in this area before. The area has always been grassed and this makes the corner appear open and gives good visibility to drivers and pedestrians using the driveway.

It is now proposed to put a 1m high wall round this corner. From an aesthetic point of view this will make the corner more claustrophobic and less welcoming. Limiting the height of the wall to one metre should allow opposing vehicles to see each other round the corner but this height is defined as approx. 1 metre. Should it not be defined as 1 metre maximum?

However there is a more serious safety issue. The wall is shown as set back from the driveway kerb, but the distance by which it is set back is not defined. The driveway is used by pedestrians including any school children living in three houses beyond 7A. Consider the situation of a vehicle reversing down round the corner between No7 and No7A, and a pedestrian approaching from the main road. That pedestrian will step towards the wall to avoid being hit by that vehicle. He or she must not be crushed against the wall. We suggest a defined minimum space be left between the driveway kerb and the wall to avoid such an injury. We would suggest a minimum of 1 metre.

In conclusion we would like to emphasise the need for a turning space to replace the one that was lost when the house at No7 was renovated and to define the height and spacing of the South East wall. Both of these are essential safety issues.

9. Cupola House

Generally supportive with the following assurances sought

1. Enough space is allocated in the drive/gate area (even with gates closed) to ensure delivery vans (e.g. Tesco grocery vans) can turn in the drive entrance of the proposed house and at the bottom near 7a, to avoid vehicles needing to reverse back up the lane.
2. Trees are retained on the site near the boundary of this property and our house

10. 7 London Road

The new landscaping plans added show that a 1m wall will be built right up to the border of the driveway that leads to properties no. 9, 9a and 7.

This will cause access issues for council refuse vehicles and other delivery vehicles as there will be no turning point for them. It's a narrow lane with a bend in so for them to reverse down it would be dangerous for any pedestrians and likely to cause damage to properties. We have 2 young children that will be walking along this lane regularly to go to school, so this is extremely concerning.

According to the planning officers report (dated Oct 18), permission was given under the impression that turning facilities would not be affected. This will not be the case if the proposed wall is built along the border.

Currently vehicles turn on the land adjacent to the entrance to no.7 and no. 9 so and this would be the ideal location for the proposed boundary wall to be altered to allow this to continue.

Planning Assessment

11. The main issues are the appearance of the building and highway safety.

Impact of the use on the character of the area

12. The principle has been established by a previous approval, on appeal and via 2 separate reserved matters approvals. This is a third revised scheme essentially for different materials and landscaping. The overall design and layout of the house remains the same as approved.
13. The site is well off the public highway some 107 metres along a private drive, total length approximately 120 metres.

The previously approved materials were:

1. Stone filled Gabion Baskets (mainly ground floor)
2. Grey aluminium glazing
3. Cementitious rainscreen cladding (mainly first floor)
4. Natural Zinc clad projection (eaves)
5. Glass balustrade

It is now proposed to use:

1. Euroclad HR Silver Horizontal Cladding, matt finish (mainly at first floor facing east but first floor and ground floor on the west side)
 2. Ecoscape Spiced Oak Vertical cladding (ground floor facing east)
 3. Flat gravel driveway
 4. Lawned area, and
 5. A 1m high retaining wall around the front of the plot clad with horizontal treated timber.
14. The steel cladding is somewhat industrial in nature but there is no reason why new techniques and some architectural innovation cannot be used on this site as it is so well hidden from public view. The proposal is an overtly contemporary design where alternative materials can be used.
15. The applicant has stated that he is looking to try and provide a complete contrast to the buildings that are on site currently, as there is a real mix of stone buildings behind, a pseudo Georgian house, a tastefully renovated modernish house and also a 1960's bungalow that has been extended with a flat roof.
16. The front of the property will have limited cladding between the glazing, it is mostly glass to the 1st floor, and he is attempting to produce a modern looking building which will stand the test of time in terms of design and siting.
17. The previous scheme to use stone gabion baskets as walling was also a little controversial but was approved on the same basis as is proposed here. This material might actually be better.
18. The applicant has confirmed that the retaining wall around the front was always proposed on previous schemes and will not exceed 1m in height.

Impact on the neighbouring properties

19. The impact is limited in terms of scale etc. as the design and footprint etc. are the same as approved. It's only the materials that have changed.

Highway issues

20. Neighbours have raised the issue of parking and turning, especially for delivery vans etc. Whilst this is a private drive and the highway authority has not commented, as it didn't have any objections before, it would be reasonable for all vehicles to exit onto London Road in a forward gear, although it's within the 30mph limit. However this site cannot be forced to provide communal turning within private land, and this is no different to how it's always been in terms of communal space to manoeuvre. The applicant has offered to set the gates back a little further to allow vehicles to turn but as he points out, 3 adjacent properties have their own driveways so delivery vehicles can turn in each property they are visiting. The gates are set back 5m already so I consider this to be sufficient. The applicant has widened the access road by 1m

Conclusion

21. The Council as Local Planning Authority has had regard to the relevant policies of the development plan and considers that subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan policies as set out above, would not materially harm the living conditions of neighbouring occupiers and would be acceptable in all other planning considerations. The Council has taken into account all other matters, none of which outweigh the considerations that have led to its' decision.

Appendix 2

Applicant's Justification for the Revised Design

The proposed building is of a lazy 'S' shape and I think it is important to try and prevent this from becoming a faceted elevation consisting of straight panels between the windows as opposed to a gentle curve along its length.

For this reason I have decided that a more appropriate material to use on the Ground Floor areas will be a composite cladding by FORMA called spiced oak, this can be fixed back and retrained using mechanical fixings to accentuate and promote the curved facade of the house.

The balcony and balustrade will still be of stainless steel and glass and follow the line of the building.

On the 1st floor, the cladding has a similar property being flexible and will provide a similar curve along the facades.

The gabion blocks on the Ground floor which I had intended to use have proved to be impossible to source in gentle curved pattern/ section, the cementitious cladding I had intended to use on the 1st floor is also not as flexible to the degree required and both these materials will give a much harsher look being faceted along the length of the elevations.

There are other reasons as well which are worth noting, I am retaining the trees on the site, these in turn give rise to leaf and bark debris and cause staining to the cementitious cladding I have found, and produce unsightly staining on the textured cementitious boards.

The matt silver grey cladding alternative proposed is smooth and has been proven to be almost self cleaning leaving the surface still fresh after many years.

The gabion blocks originally intended can also be a harbourer of dust and debris, although not to such an extent as the more exposed 1st floor areas.

The Forma cladding proposed on the Ground Floor is grooved with a grain but these run vertically and as such will disperse dust and surface water much more easily and keep the building looking fresh.

I also believe that these proposed revised finishes will enhance the building making it a crisp and modern looking property for many years to come.

In particular, with reference to the use of the silver grey cladding which some residents have referred to, should not be prevented from being used in a less conventional but more imaginative way to enhance and promote a modernist design.

The roof will be a mono pitch roof, dark grey in colour, as will be the windows and doors.

I trust this explains the reasoning behind the changes and meets with the committee's approval.

I in no way wish to build a building resembling an industrial shed, but feel that the materials chosen will provide for a modern crisp building that will stand the test of time.



Appeal Decision

Site visit made on 30 January 2018

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/A2470/W/17/3187690

'Many Bushes', 7 London Road, Uppingham, Leicestershire LE15 9TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Mitchell against the decision of Rutland Council.
 - The application Ref 2017/0657/OUT, dated 6 July 2017, was refused by notice dated 29 September 2017.
 - The development proposed is the erection of a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at 'Many Bushes', 7 London Road, Uppingham, Leicestershire LE15 9TJ, in accordance with the terms of the application, Ref 2017/0657/OUT, dated 6 July 2017, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place, and the development shall be carried out in accordance with the details thus approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall be commenced not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Preliminary Matters

2. The appeal seeks outline permission with all matters except for access reserved for subsequent approval. The position of the proposed access is indicated on the submitted plan entitled '*3.2 Proposed Footprint and Site Constraints*'. There is no dispute that all other details shown on that plan are illustrative.

Main Issue

3. The main issue in the appeal is whether the appeal site is an acceptable location for the proposed development, having regard to the relevant planning policies relating to development outside settlement boundaries, and all other material planning considerations.

Reasons for Decision

Policies relating to development outside settlement boundaries

4. The development plan includes the Rutland Core Strategy (the RCS), adopted in July 2011, and the Site Allocations and Policies (the SAP), adopted in October 2014. In both of these plans, the appeal site is located outside the 'planned limits of development' for Uppingham, and is therefore treated as part of the countryside. RCS Policy CS4 and SAP Policy SP6 permit new housing in the countryside only for various types of essential needs. None of these exceptions is relevant to the present proposal.
5. The proposed development would therefore be contrary to these adopted policies. However, planning decisions must also take account of all other material considerations.

Effects on the countryside

6. The appeal site lies within a well-defined enclave of existing development, clustered around a private driveway system, away from the main road. To one side of the site is a row of five dwellings; to the other side is the existing house 'Many Bushes', and two further dwellings; and also adjacent is Brooklands House, a residential building associated with Uppingham School. This small group of buildings, surrounded by well-established trees and woodland, forms a distinct entity, largely screened from public views, and with a mainly urban or suburban character. Physically and visually this enclave is quite separate from the more open countryside beyond.
7. The appeal site is located well within the built enclave, neither encroaching into, nor abutting, any open land. In this location, a new dwelling would not be visible from outside, but would be seen only from within the enclave itself, and even then only in the context of the existing development all around it. As such, the proposal would have no visual effect on the character or appearance of the countryside or on the landscape. It would therefore cause no harm in this respect.

Accessibility by sustainable modes of transport

8. Although the site is outside the town's planned limits, the intervening distance is little more than 400m. A further 100m or so takes one right into the heart of the town centre. In terms of distance therefore, the appeal site is as close, or closer, to the centre than are some parts of the existing built up area. In the opposite direction, the site is also within about 300m of the entrance to Uppingham Community College.
9. The connecting routes along London Road have continuous, well-used and well-lit footways, and there is a 30-mph speed limit. Along the road are a number of urban-related land uses, adding to the perception of safety. The terrain is undulating, but the gradients are likely to be manageable for most people. At the junction with South View, there is a mini-roundabout, but this does not appear unduly hazardous.
10. All in all, there seems nothing in either the distances, nor in the traffic or physical conditions, that would be likely to deter those who wish to walk or cycle. The appeal site is therefore reasonably accessible by a choice of sustainable transport modes. As such, it is neither remote nor isolated.

Locational strategy

11. RCS Policies CS2 and CS4 seek to focus new development on the most sustainable locations. Uppingham, as the District's second largest town, is one of these locations. Although the appeal site is outside the defined limits, it is well related to the town and its main facilities, for the reasons already discussed. The development now proposed therefore accords in general terms with the aim of focussing new housing in sustainable locations.

Previously developed land

12. The National Planning Policy Framework (the NPPF) seeks to encourage the effective use of 'previously developed land' (PDL), and indeed this is included amongst the 'core planning principles'¹. The appeal site forms part of the residential curtilage attached to 'Many Bushes'. It therefore falls within the description of land that is or was occupied by a permanent structure, as set out in the definition of PDL².
13. I appreciate that the definition excludes gardens which are located within a built-up area, and as noted above, the built enclave surrounding the appeal site does have some urban or suburban characteristics. But nevertheless, it seems to me that in this context the expression 'built-up area' implies a distinction between sites within a town or village, and those elsewhere. The small built enclave in the present case is much smaller in scale, and therefore cannot reasonably be regarded as a built-up area in terms of the PDL definition. It follows that the appeal site should be treated PDL.
14. The development now proposed would make effective use of the land, and would thus accord with this element of national policy.

Other matters

15. I have carefully considered all the other matters raised. However, the site is easily large enough to accommodate a dwelling, with the necessary parking and turning facilities, and with adequate garden space and landscaping. Matters relating to design and layout are reserved for approval at a later stage, but there seems no reason why a detailed scheme could not be devised which complements the character of the surroundings, protects the living conditions of neighbouring properties, and accommodates vehicular movements safely.
16. I agree that the access onto London Road requires some care, but this is an existing access used by several existing properties, and there is no evidence that points to any particular problems in the past. The development now proposed would add only one further dwelling, and the additional traffic generation would therefore be likely to be fairly modest. The Highway Authority does not appear to object, and I see no reason to disagree.
17. I note that the Uppingham Neighbourhood Plan (the UNP), made in January 2016 allocates three sites for housing development elsewhere in the town. Those sites are intended to meet Uppingham's identified needs; the appeal site is not allocated for development, and is not needed to meet any targets either at the local or District level. But nonetheless, from the information available, I see nothing to suggest that the development of one additional dwelling would conflict with any UNP policies.

¹ NPPF paragraph 17

² NPPF Annex 2

18. I also note the objections relating to the possible effects on local wildlife and the deficiencies of the existing drainage and water supply systems. But these are not supported by any relevant statutory bodies with responsibility for these matters, and in the absence of any substantiated evidence, there is insufficient basis for a refusal on any of these issues.
19. I note that prospective purchasers of the site were advised by Council officers that planning permission was unlikely to be granted, but I must judge the appeal on its planning merits. The advice referred to therefore has no bearing.

Overall planning balance

20. On the one hand, the proposed development would conflict with Policies CS4 and SP6, by being located outside Uppingham's planned limits. But on the other hand, the site is well located for access to the town and its facilities, the development would not affect the character or appearance of the countryside, and no other physical or tangible harm of any kind would arise.
21. On the positive side, the scheme would make good use of previously developed land, and would provide an addition to the housing stock, in a sustainable location that broadly accords with the District's planning strategy. This is a benefit that carries some weight. The development would also be likely to bring some additional benefits, albeit modest, for the local economy. In the absence of any actual harm, I consider that these material considerations outweigh the conflict with the development plan.
22. For these reasons, I conclude that the appeal should be allowed. Planning permission is therefore granted, subject to the standard conditions relating to reserved matters and time limits for submission and commencement.

John Felgate

INSPECTOR

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PLANNING AND LICENSING COMMITTEE

22nd SEPTEMBER 2020

APPEALS

Report of the Deputy Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Penny Sharp, Deputy Director of Places (Environment, Planning & Transport & Highways)	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 APP/A2470/W/20/3255302-Mr Emlyn & Mrs Amy Smith–2019/1381/FUL**
Land Adjacent to 89 Knossington Road, Braunston-In-Rutland
Demolition of outbuilding and construction of 1 no. dwelling.
Delegated Decision-Braunston-in-Rutland is identified as a restraint village in the adopted Rutland Core Strategy Development Plan Document (2011).

The Restraint Villages are considered unsustainable locations to accommodate further development unless development would normally be acceptable in the countryside. The proposed development would not meet any essential criteria to be located in the countryside. It is therefore considered that the proposed development would be contrary to Policies CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies Development Plan Document (2014), and National Planning Policy Framework (2019).

3. DECISIONS

- 3.1 APP/A2470/Y/20/3245746 – Mr & Mrs Richard Tyler – 2019/0849/LBA**
17 High Street, Oakham LE15 6AH
Rear single storey flat roof extension. Internal alterations. Alterations to existing shop frontage.
Delegated Decision
Appeal Dismissed – 21 July 2020
- 3.2 APP/A2470/D/20/3253517 – Mr Kevin Williams – 2020/0342/FUL**
9 Main Street, Barrow, LE15 7PE
Proposed installation of glazed privacy panels on East and South elevations, on West elevation increase height of parapet wall by 500mm with clear glass panels. Modifications in order to allow occasional recreational use of existing flat roof on single storey rear extension.
Delegated Decision
Appeal Dismissed – 11 August 2020
- 3.3 APP/A2470/W/20/3250854 – Mrs Clare Walker – 2020/0119/FUL**
The Rockies, Geeston Road, Ketton, Rutland, PE9 3RH
Loft conversion with dormer windows to the front and rear.
Delegated Decision
Appeal Allowed – 14 August 2020
- 3.4 APP/A2470/W/20/3246694 – Mr D Blount – 2019/1204/FUL**
Clipper Cottage, 15 Main Street, Lyddington, Rutland, LE15 9LR
Subdivision of site into two separate dwellings
Delegated Decision
Appeal Allowed – 18 August 2020
- 3.5 APP/A2470/W/20/3248355 – Mr & Mrs Featherstone – 2019/1140/FUL**
Land off Main Street, Clipsham, Rutland
Proposed erection of 3 no. dwellings
Delegated Decision
Dismissed – 21 August 2020
- 3.6 APP/A2470/W/20/3245832 – Mr Kevin Weston – 2019/1104/FUL**
7 The Green, Caldecott, Rutland, LE16 8RR
Change of use from dwelling in multiple use classes C1 and C3 to 2 separate dwellings: nos 6 and 7 The Green.
Delegated Decision

Allowed with Conditions – 21 August 2020

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.