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Rutland County Council

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

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham on **Tuesday 1 September 2015** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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

A G E N D A

APOLOGIES

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 4 August 2015.

2) DECLARATIONS OF INTERESTS

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

3) PETITIONS, DEPUTATIONS AND QUESTIONS

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

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

Committee Administrator 15 minutes before the start of the meeting.

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

4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS

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

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

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

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

5) REPORT NO. 159/2015 PLANNING ENFORCEMENT REPORT TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT AT ARMLEY LODGE FARM, KETTON ROAD, HAMBLETON

To receive Report No. 159-2015 from the Director for Places (Environment, Planning and Transport)

NB. Report No. 159/2015 contains exempt information. Should detailed discussion take place, Members might wish to consider the exclusion of the public and press in accordance with procedure rules.

(Pages 5 - 10)

6) REPORT NO. 157/2015 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 157/2015 from the Director for Places (Environment, Planning and Transport)

(Pages 11 - 34)

7) REPORT NO. 158/2015 APPEALS REPORT

To receive Report No. 158/2015 Appeals Report from the Director for Places (Environment, Planning and Transport)

(Pages 35 - 38)

8) ANY OTHER URGENT BUSINESS

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

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DISTRIBUTION

MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:

Mr E Baines (Chairman)

Mr J Lammie (Vice-Chair)

Mr G Conde

Mr W Cross

Mr J Dale

Mr T King

Mr A Mann

Mr T Mathias

Mr M Oxley

Mr C Parsons

Mr A Stewart

Mr D Wilby

OTHER MEMBERS FOR INFORMATION

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Agenda Item 5

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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Agenda Item 6

REPORT NO: 157/2015

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

1ST SEPTEMBER 2015

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

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

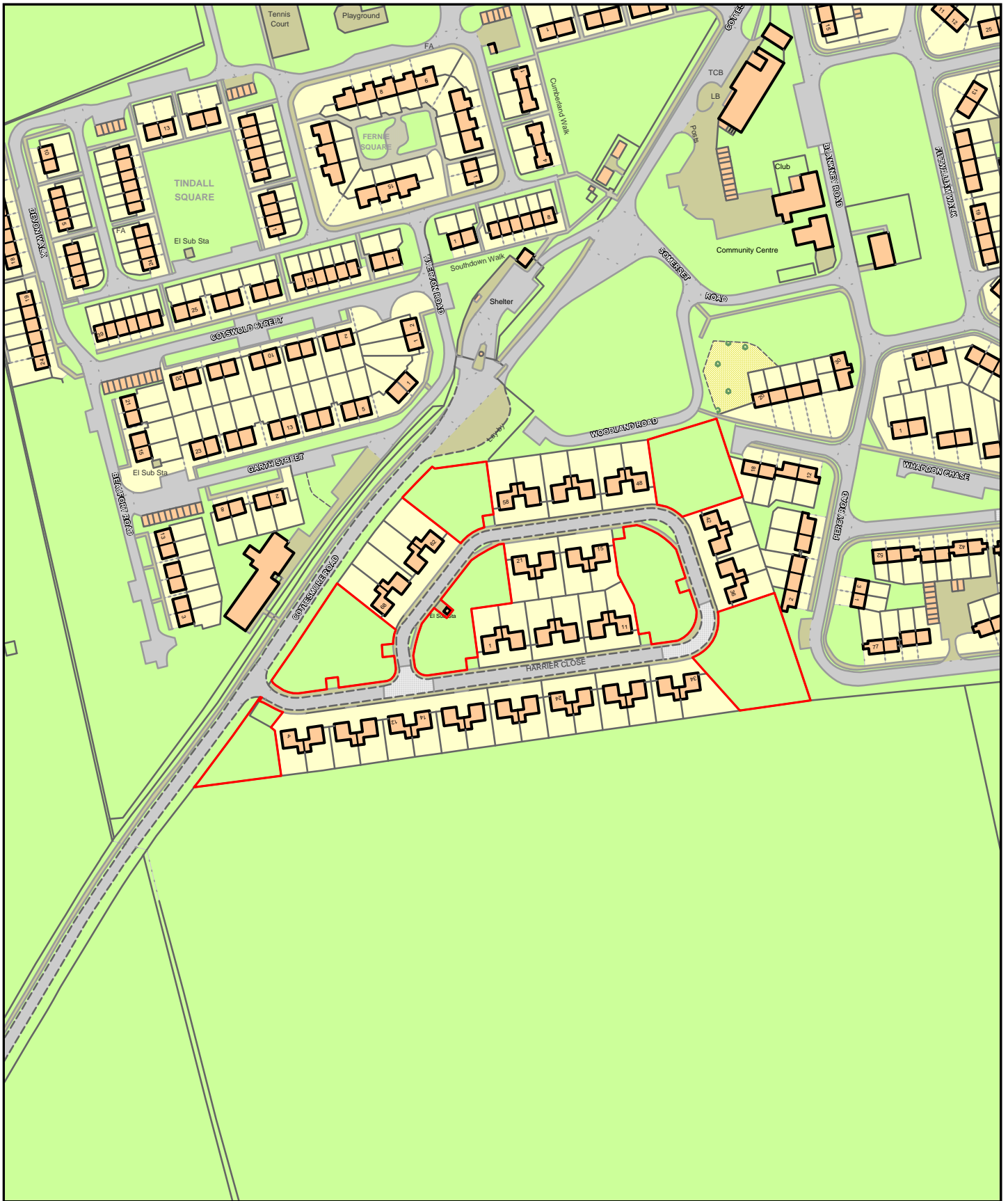
Rutland County Council

Development Control & Licensing Committee – 1st September 2015

Index of Committee Items


Item	Application No	Applicant, Location & Description	Recommendation
1	2015/0272/FUL	Abbey Developments All Green Space Around Harrier Close, Cottesmore Residential infill development comprising 22 dwellings including 8 affordable dwellings along with open space and parking.	Approval
2	2015/0635/LBA	Mr Kevin Hawkes 1 Rectory Farm Cottage, Rookery Lane, Stretton, LE15 7RA Fit solar P.V. panels to extension roof east facing.	Refusal
3	205/0636/FUL	Mr Kevin Hawkes 1 Rectory Farm Cottage, Rookery Lane, Stretton, LE15 7RA Fit solar P.V panels to roof on extension west facing	Approval

Appeals Report



Scale - 1:2500
 Time of plot: 14:50
 Date of plot: 19/08/2015

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Rutland County Council
 Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2015/0272/FUL	Item 1	
Proposal:	Residential infill development comprising 22 dwellings including 8 affordable dwellings along with open space and parking.		
Address:	All Green Space Around, Harrier Close, Cottesmore, Rutland		
Applicant:	Abbey Developments	Parish	Cottesmore
Agent:	Mr John Brindley, CMYK (Planning & Design)	Ward	Cottesmore
Reason for presenting to Committee:	Major Development – Significant Local objections		
Date of Meeting	1 September 2015		

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development but comprises infill plots on an otherwise built up development. It is not so remote from a sustainable village so as to make it unacceptable. One of the previous reasons for refusal, aircraft noise, no longer applies and the application can be supported as fulfilling the Government's aim to create new housing in sustainable locations.

RECOMMENDATION

APPROVAL, subject to:

- a) The satisfactory completion of a S106 Agreement to deal with developer Contributions; and
- b) the following conditions:
 1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1482/P/02C, 1482/P/03-20 inclusive, Abbey19669-11B 1 of 2, Abbey19669-11B 2 of 2, the Arboricultural Impact Assessment and Method Statement and the Landscape Specification.
Reason - For the avoidance of doubt and in the interests of proper planning.
 3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details are submitted with the application.
 4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown

on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

5. No development shall take place until details of the implementation, maintenance and management of the sustainable surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime

Reason: To ensure that the risks of flooding from surface water are minimised.

6. No unbound material shall be used in the surface treatment of the vehicular accesses within 5 metres of the highway boundary, but the construction details used shall be porous.

Reason: To ensure that loose material does not spill onto the highway to the detriment of highway safety and to ensure that the materials used are sustainable.

7. The open space and Local Area for Play shown on drawing no. ABBEY19669-11B shall be provided on site in their entirety before any dwelling hereby approved is first occupied and shall thereafter remain on site and available for use by the public at all times.

Reason: To ensure that the play area is delivered in good time and that the public facility is available for local children in the long term.

Notes to applicant:

You will need to obtain a Highways Licence from Rutland County Council Highways department before any work can commence on the new access. This will require that the access is built to a standard specification and that contractors are sufficiently insured against public liability whilst operating in the highway. A Licence will be required for each access.

Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

Site & Surroundings

1. The application sites are pockets within a now established residential enclave known as Harrier Close. They were gaps that remained undeveloped following the

construction of the existing houses about 10 years ago.

2. The sites comprise open grassland, which is effectively unused as it was not required as formal open space (as it had permission to be developed) and is not maintained as such, being owned by the original developer.
3. The sites were part of a larger area that was granted outline planning permission for residential development in 1960 and were indicated on a layout plan that was approved in 1972, from which the existing buildings were constructed much later, by virtue of the development having started in 1975 and hence kept alive. As no details of the plots the subject of this application were submitted for approval, the outline planning permission for those particular plots lapsed.
4. The site is outside of the Planned Limit to Development for Cottesmore which ends some 470m to the south on Rogues Lane. Harrier Close is 850m from the junction of Rogues Lane with Toll Bar and Hall Close. The entire Kendrew Barracks and the surrounding residential areas are also outside the PLD and whilst the barracks have some facilities, only the school is accessible to civilians.
5. There are approximately 372 dwellings on Kendrew Barracks and Harrier Close, forming this enclave away from the main part of the village.

Proposal

6. The proposal is to erect 22 dwellings, including 8 affordable units, on 7 separate plots around the Close. There would be 12 detached, 2 pairs of semi detached and 2 x blocks of 3 units. 8 units would be affordable, 3 x 2 beds and 5 x 3 beds. All would be 2 storey, some with garages and some with open off street parking.
7. Two separate areas of open space would be retained, totalling about 1190m². A small Local Area for Play (LAP) is proposed on one of these spaces. The layout is shown in the **Appendix**.

Relevant Planning History

Application	Description	Decision
190/60	Site for residential development (Outline)	Approved
141/72	Erection of 40 dwellings	Approved
74/0252	Residential development	Refused (Open countryside)
2005/1134	Erection of 12 dwellings	Refused. Appeal dismissed January 2007 ¹ .

Planning Guidance and Policy

¹ This was dismissed on the grounds of planning policy (countryside) and that the residents would suffer from undue aircraft noise.

National Planning Policy Framework

Para 14 of the Framework sets out that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

The Framework promotes sustainable development but confirms that development that is not in accordance with an up to date development plan should be refused unless material considerations indicate otherwise. Local Authorities should maintain an up to date 5 year supply of deliverable sites for housing. Para 55 sets out the policy for development in the countryside and states that this should only be permitted where there is a justifiable need for someone to live there.

Para 49 states that where a 5 year housing land supply cannot be demonstrated, the policies of the Development Plan should be considered out of date. Para 14 states that where a development plan is out of date (i.e under Para 49 circumstances) permission should be granted for development unless there are significant adverse impacts that would outweigh the Framework as a whole or that specific policies in the Framework indicate that the development should be resisted (e.g. protected wildlife site, SSSI/s AOBNB, National Parks, areas at risk of flooding etc.). This description does include 'Local Green Space' but the application site does not fall within that category for reasons stated elsewhere.

Development Plan

The Rutland Core Strategy (2011)

CS1 – Sustainable Development Principles

CS2 – The Spatial Strategy

CS3 - The Settlement hierarchy. Cottesmore is classified as a Local Service Centre where CS4 indicates that a level of growth can be accommodated mainly through small allocated sites, affordable housing sites, infill and conversions.

CS8 - Developer Contributions

CS9 – Provision and distribution of new housing

CS10 – Housing Density and Mix – 30 Dwellings per hectare in the villages

CS11 – Affordable Housing – Minimum target of 35%

CS19 – Promoting Good Design

CS23 – Green Infrastructure and Open Space

Site Allocations and Policies Development Plan Document:

SP1 – Presumption in favour of Sustainable Development

SP6 – Housing in the Countryside

SP9 – Affordable Housing

SP15 – Design & Amenity

Other Considerations

Supplementary Planning Document – Developer Contributions

Supplementary Planning Document – Affordable Housing

Cottesmore Neighbourhood Plan

The Cottesmore Neighbourhood Plan was published as a first consultative draft in late 2014 and went through its 2nd consultation period in February/March 2015. It was formally submitted in July and will go through Examination and a Referendum before adoption. It therefore carries limited weight at this stage. The Plan would not support the proposed development as it states that new housing development should be provided within the defined village envelope. It also states that any new housing development should meet the principles of sustainable development and should be located within 800m walking distance of the centre of village (i.e. Post Office). Harrier Close is 1200m (0.75 mile) from the Post Office.

Consultations

8. Cottesmore Parish Council

The Parish objects to this planning application for the following reasons

- 1) The site is not in a suitable location - it is an isolated location with poor links to local services and public transport
- 2) It is outside of the PLD - The houses are too far from the Village amenities
- 3) Highway Issues - Traffic Generation and Highway Safety. There is an identified speeding problem on Rogues Lane highlighted frequently by the community. Adding to this will be another Battalion coming into Kendrew this year! Harrier Close has only one access road in and out. The existing residents have no footpath on their side and have to judge a busy road to get to the path on the other side.
- 4) Traffic problems - 44 more vehicles will cause major problems on this already narrow development road, and that's not including visitors to these properties!
- 5) The Children have to play on the road as they have not been provided with anywhere else to play - The small area of open space in the proposal is not adequate and in the wrong location - it is too close to the busy road and entrance road. Cottesmore Parish Council supports the resident's concerns.

9. RCC Highways

No objection on parking and access subject to conditions and notes to applicant.

RCC as Lead Local Flood Authority

No Objections subject to the following condition

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime

Cottesmore Neighbourhood Plan Group

10. Objection on the grounds of planning policy (outside the village), planning history locally and that the scheme does not comply with the Neighbourhood Plan.

Neighbour Representations

11. There have been 42 objections from residents on Harrier Close. These relate to the following issues:
 - Site is outside the Planned Limit to Development so should be refused
 - Previous appeal has been dismissed and there is no change in circumstances
 - Residential amenity
 - Loss of amenity space
 - Cramped development
 - Danger to pedestrians
 - Rogues Lane already suffers from speeding drivers
 - Sceptical that the proposed play area will be well maintained

Planning Assessment

12. The primary issue here is planning policy, together with residential amenity, highway safety and developer contributions.

Planning Policy

13. The proposal site for 22 dwellings at Harrier Close, referred to by the applicants as a number of small 'infill' parcels of land is defined as 'countryside' in planning policy terms and does not meet the NPPF definition of Previously Developed Land.
14. The proposal is contrary to Policies in the Core Strategy and the Site Allocations & Policies DPD in relation to the location of development; housing in the countryside and the fact the Council can demonstrate a five year land supply as set out below:
15. Core Strategy Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Cottesmore as a Local Service Centre, this is one of the largest villages in Rutland with a range of facilities and access to public transport - The proposal is outside the planned limits of development, as such it is defined as open countryside in Policy CS3.
16. Policy CS4 states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable local housing needs - The proposal is for market housing with an element of affordable on site so doesn't fully accord with this policy.

Site Allocations & Policies DPD (October 2014)

17. Policy SP1 relates to the presumption in favour of sustainable development. This Policy states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of sustainable development in line with Paragraph 14.

18. Where there are no policies relevant to the application or relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

Five year Land Supply

19. The Council can demonstrate an up to date five year land supply with an additional 20% buffer using the Sedgfield method, which incorporates figures correct at 1st March 2015. This was confirmed by the Inspector at the recent Greetham Garden Centre appeal.
20. Therefore, the exceptional release of this land for residential development would need to be justified.
21. Further consideration needs to be given to this application in the light of the recent Greetham Garden Centre appeal decision, which despite the Council having a five year supply of land, allowed residential development outside the planned limits of development on the basis of paragraph 14 of the NPPF. Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social, and environmental. The main factor to consider is whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development. In that decision the Inspector noted that the site would appear as part of the village and not part of the surrounding countryside. Consequently it would not intrude into countryside or harm the setting of the village. The Inspector concluded:
- “the positive attributes of the development, in terms of the economic, social and environmental gains, means that the scheme would constitute sustainable development. Consequently the Framework’s presumption in favour of sustainable development applies.*
- The appeal proposal constitutes sustainable development and would generate various economic and social benefits, including a number of much-needed affordable housing units. I consider that these other material considerations should be accorded very significant weight and, when added together, outweigh the identified conflict with local planning policy. These findings constitute compelling grounds for allowing the appeal.”*
22. The same could be said on Harrier Close as the site(s) are surrounded by other housing and do not appear part of the open countryside.
23. It is considered the proposal meets the economic dimension of NPPF Paragraph 14 by providing housing to support economic growth and the social dimension met by the affordable housing. The main issue is whether the proposal will meet the environmental dimension and whether this proposal for 22 dwellings constitutes sustainable development given its distance from Cottesmore.
24. It is considered the accessibility of this site is the same for the existing houses on Harrier Close and the Barracks and can be accessible by foot or bicycle and via public transport. There is a two hourly bus route to Oakham or Melton and a bus stop approximately 300m from the site at the main gate at Kendrew Barracks. The proposal is not considered

isolated development in the countryside, as it consists of developing 'infill plots' on an existing residential development, so it is unlikely the proposal will harm the character and setting of the countryside.

25. The Council has set out its position to accessibility with regard to sustainable development meeting the environmental dimension of NPPF paragraph 14 in Paragraph 5.27 of the Site Allocations & Policies DPD. Albeit in relation to the reuse of buildings in the countryside, which is to ensure that buildings are in sustainable locations and not in remote, inaccessible locations far removed from services. It provides a guideline that a property would expect to be located either adjacent or within 1000 metres from a local service centre. The proposal site is in accordance with this approach as it is well within 1000 metres of the planned limits of development for Cottesmore, which is classed as a Local Service Centre with a range of facilities and services and access to public transport.
26. Overall, the Council needs to be satisfied that the proposal constitutes sustainable development in accordance with the NPPF and that it is unlikely to have any adverse impact on the surrounding character of the area. It is considered this proposal does represent sustainable development, as it will not result in isolated development in the open countryside. It is well related to the existing housing at Harrier Close and the surrounding housing, is an efficient use of underutilised land, and will not result in the significant loss of a green field site. Therefore, it meets the requirements of the NPPF without giving rise to adverse impacts. It is considered therefore that in the light of Government policy on the delivery of housing, the outcome of an appeal today would be very different to that in 2007, especially as the second reason for refusal has already disappeared with the loss of aircraft from the base.
27. The announcement by the Chancellor in the recent Budget that planning laws will be relaxed even more to fulfil the Governments housing supply targets is an indication that sites such as this are even less likely to have a refusal upheld on appeal as although this is not brownfield land, they are essentially infill plots in an otherwise built up area where no harm would be caused to the character of the countryside.
28. As stated above, the Cottesmore Neighbourhood Plan can only be lent limited weight at this stage and that is not considered to be sufficient to outweigh the Government's policy on sustainable development set out above.
29. On the basis of the above, it is considered that there are material considerations in this case that would outweigh a decision in line with the Development Plan.

Residential Amenity

30. The layout of the proposal is of a density that is similar in character to the existing development on Harrier Close. There would be no undue overlooking, loss of light or privacy. Residential development adjacent to existing residential development is not considered to be a reason for refusal per se. As stated above, the land is not formal open space. It is considered therefore that the development would not have a harmful impact on amenity in accordance with Policy SP15 of the SAPDPD.
31. The provision of the Local Area for Play is sited such that it is the requisite distance from the nearest house. A larger LEAP (Locally Equipped Area for Play) would not meet these requirements so cannot be accommodated on site. A LAP is a small area with play equipment typically for toddlers. Its location and use is unlikely to cause disturbance to neighbouring properties.

Highway Safety

32. No objections are raised regarding the proposal subject to conditions being attached to deal with surface material, gates set back from the highway boundary, and informatives to the applicant. It is not considered that it is necessary to impose a condition requiring gates set back in this cul-de-sac location and the other properties have no such restriction. Gates are unlikely to be erected in a suburban environment such as this. Whilst there is a problem with speeding traffic on Rogues Lane, this is not considered to be a reason for withholding planning permission on this site.

Lead Local Flood authority

33. The developer has recently carried out tests on site to examine the suitability of the ground for the use of soakaways. The outcome has resulted in the Lead Local Flood Authority advising that there are no objections subject to imposing a condition, as set out above.

Developer Contributions

34. A schedule of developer contributions has been sent to the developer who has agreed to enter into a formal agreement to deliver those contributions in the event that permission is granted.



Key

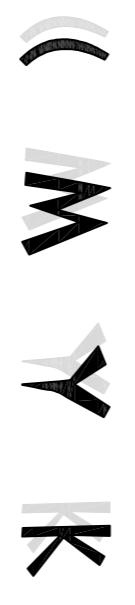
- Existing trees to be retained
- New indicative trees.
- Existing trees to be removed
- Existing dwellings on Harrier Close
- Garage
- Existing Site Station
- 1.5m high close board fence with 0.5m trails.
- 1.5m high close board fence & gate.

Key

- 1.5m high brick wall with pier.
- Site level - subject to Engineers detail design
- Ground level - subject to Engineers detail design
- Travel standing for refuse collection point.
- Number indicates allocated parking space.
- UN indicates unallocated parking space.
- V indicates vater parking space.

Accommodation Schedule

Private Houses	Affordable Houses	Total Affordable Dwellings	Grand Total Dwellings
Type G 4 bed house x 3	HN3 2 bed house x 3	3	22
Type E 4 bed house x 2	HN1 3 bed house x 5	7	
Type N 4 bed house x 1		1	
Total Private Dwellings		14	



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Abbey
New Homes

Abbey Developments Ltd.
Abbey House,
2 Southgate Road
Potlens Bar, Herts,
EN6 5DU

Site Layout

Job: Land off Harrier Close, Cottlesmore, RUHland.

Scale: 1/500 @ A1

Date: December 2014

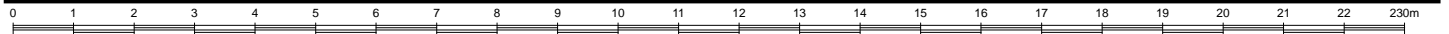
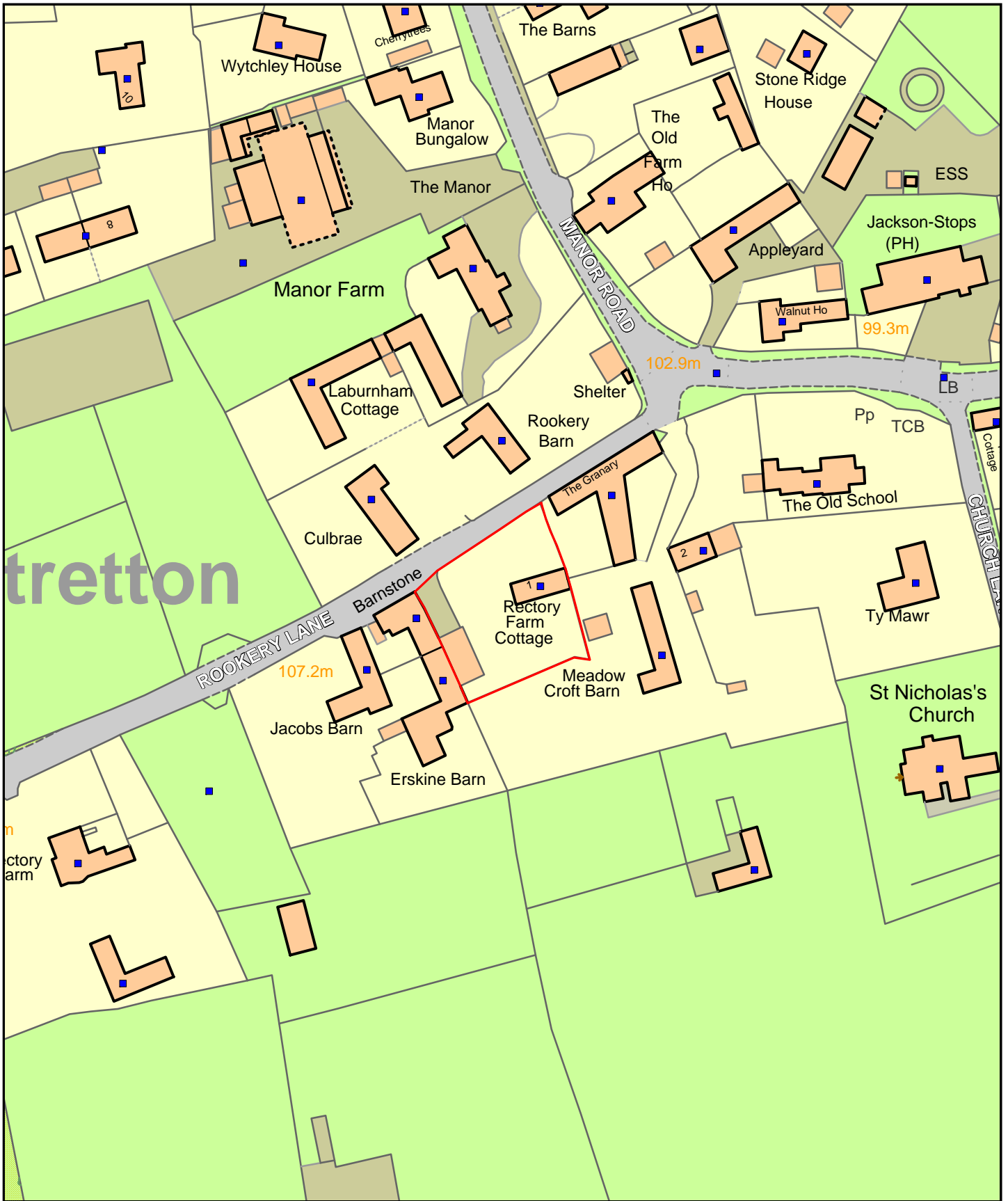
Drawn: CMYK

CMYK Ref: 1482

Rev. C

Dwg. No: 1482/P/02

Rev B - May 2015 - LVF added.
Rev B - Jan 2015 - Layout adjusted to accord with latest survey information.
Rev A - Jan 2015 - Open space adjacent to Plot 1 incorporated into rear garden.



Scale - 1:1250
Time of plot: 14:51
Date of plot: 19/08/2015

24

Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0635/LBA	ITEM 2	
Proposal:	Fit Solar P. V. panels to extension roof east facing.		
Address:	1, Rectory Farm Cottage, Rookery Lane, Stretton, LE15 7RA		
Applicant:	Mr Kevin Hawkes	Parish	Stretton
Agent:		Ward	Greetham
Reason for presenting to Committee:	Local interest		
Date of Committee:	1st September 2015		

EXECUTIVE SUMMARY

The installation of solar panels on the east facing roof slope of the building would cause harm to the character and appearance of Stretton Conservation Area and to the setting of adjacent listed buildings.

RECOMMENDATION

REFUSAL, for the following reason:

The proposed solar panels would be unduly prominent when viewed from adjacent properties within Stretton Conservation Area and would cause harm to the setting of adjacent listed buildings. As such, the proposal would be contrary to policy CS22 of the Rutland Core Strategy and policy SP20 of the Site Allocations and Policies Development Plan Document, which seek to protect the appearance of conservation areas and the setting of listed buildings. The proposal would also be contrary to national policy on the historic environment, specifically paragraph 134 of the National Planning Policy Framework in that the harm to the appearance of the conservation area and the setting of a listed building, although less than substantial, would not be outweighed by wider public benefit.

Site & Surroundings

1. The application is to install solar panels on the roof of a modern two storey extension on the rear of a grade II listed building on the south side of Rookery Lane, within Stretton Conservation Area. The rear extension was granted consent in 2006 and is visible from adjacent properties but is not prominent from Rookery Lane itself.
2. To the east and south of the application site is the garden of a house called Meadow Croft Barn. To the north-east is a converted grade II listed barn (The Granary) and a further listed building, No.2 Rectory Farm Cottage. To the west is the rear elevation of properties known as Barnstone and Erskine Barn, both unlisted.

Proposal

3. The application is for listed building consent to install 15 solar panels on the east facing roof slope of the extension. The application is one of two that have been submitted to install solar panels on both roof slopes of the extension and was

requested following a complaint that work had commenced to a listed building. The panels on the east roof slope had not been installed at the time of writing.

4. Solar panels have already been installed on the south elevation of the building, with permission granted in 2011.
5. In support of the application, it is stated that heating an old property is more costly than a modern house and, unlike other houses in the village, it does not benefit from oil-fired central heating. The panels currently installed are only sufficient for one or two heaters and any surplus will be fed back to the National Grid. The panels are black, conservation-style and chosen to have minimum visual impact; they are designed to be temporary and can be removed when no longer useful. The applicant states that the panels cannot be seen from the front and, although a matter of personal taste, do not detract from the aesthetics of the building.

Relevant Planning History

Application	Description	Decision
2006/0531/FUL & 2006/0532/LBA	Two storey and single storey extension to rear	14/7/2006
2011/0480	Installation of photovoltaic panels to south roof elevation	24/8/2011

Planning Guidance and Policy

National Planning Policy Framework

Paragraph 97 – To help increase the use and supply of low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources;

Paragraph 98 – When determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable energy; even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are acceptable.

Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building or conservation area) great weight should be given to the asset's conservation.

Paragraph 134 – Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

The Rutland Core Strategy

Policy CS20 – Energy efficiency and low carbon energy generation (supported where effect on built environment is acceptable)

Policy CS22 – The historic and cultural environment (all developments expected to protect historic assets and their setting)

Rutland Local Plan (SAPDPD)

Policy SP18.2 – Low carbon energy generation developments (proposals supported where they are acceptable in terms of the historic environment)

SP20 - Designated heritage assets (development only acceptable where the form would preserve or enhance the character or appearance of conservation areas and protects the setting of listed buildings)

Consultations

6. Stretton PC: At a special planning meeting, the Parish Council did not want to make any comments on the applications

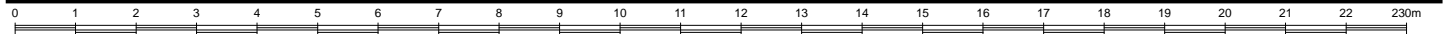
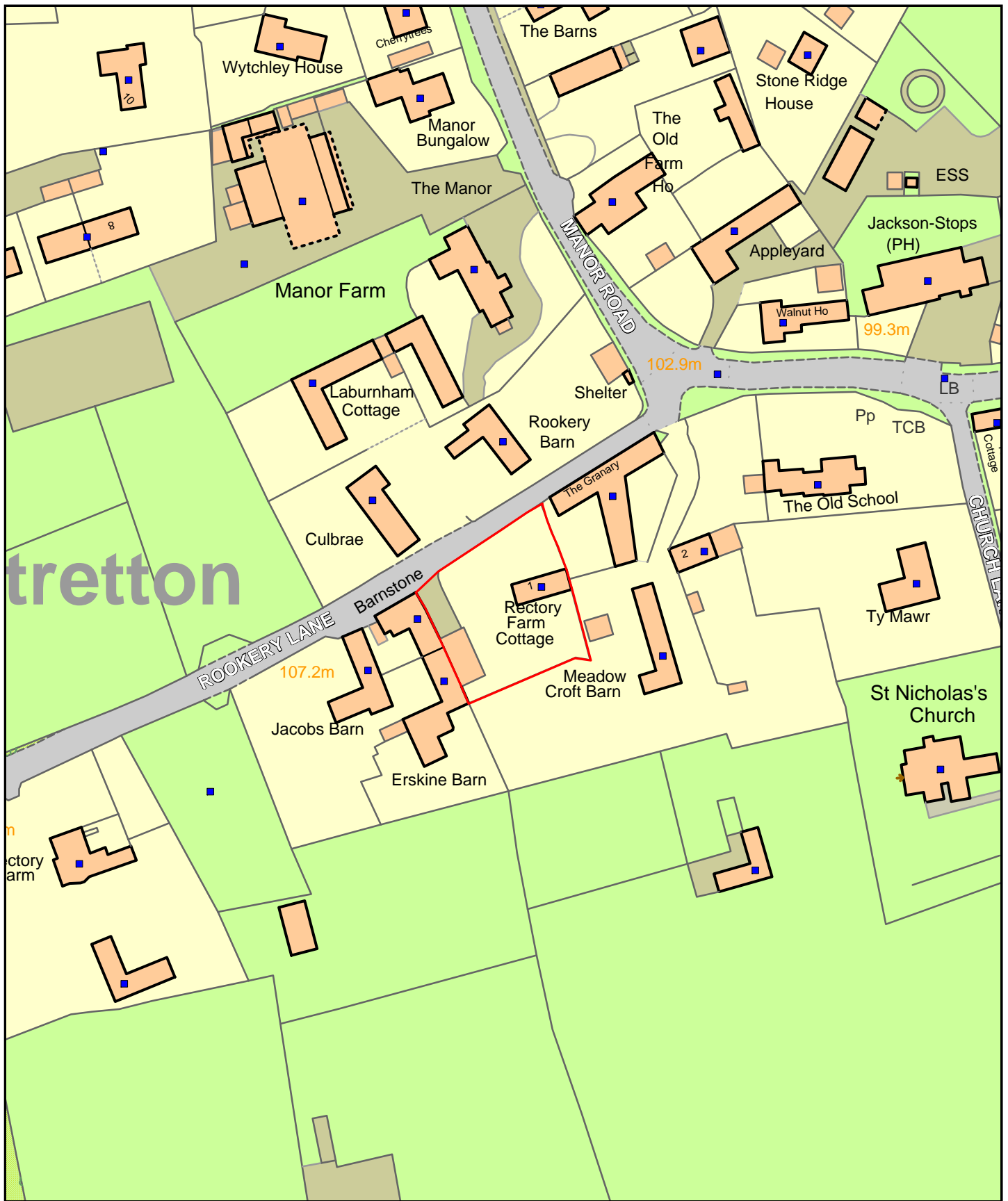
Neighbour Representations

7. Six objections have been received. The grounds for objection are:
 - Stretton is a conservation area and buildings are beautiful; solar panels wreck this beauty; views already dominated by solar panels already installed on the west facing roof and on the south-facing roofs
 - Stretton typifies the unique villages in Rutland; the uniqueness has to be preserved and is the reason for conservation area status and Article 4 direction; people are not allowed to install satellite dishes or roof lights but these are not as obtrusive as solar panels;
 - applicant claims proposal cannot be seen from a public footpath but the property is very prominent from the path between the Church and The Shires; views are wrecked by solar panels already erected;
 - the panels would be highly visible from other properties; surrounding buildings are listed and precedent would be set to allow solar panels on a highly visible roof;
 - panels already erected on the south-facing roof are sufficient for the needs of the property;
 - inappropriate development to a listed building in a conservation area;

- proposed panels use materials not in keeping with the rustic nature of surrounding properties;
 - proposal will affect outlook and setting of adjacent listed building.
8. Four representations in support of the proposal have also been received:
- although Stretton is a conservation village, there is a need to move with the times and conservation and green energy can work together;
 - solar power is a cleaner, safer way to generate electricity than coal or gas fired power stations; must do more to produce renewable energy;
 - the whole village should be allowed to put up solar panels subsidised by RCC;
 - there are a number of solar panel arrays that are clearly visible and do not negatively impact on village aesthetic and provide a positive example of incorporating technology into listed and non-listed buildings.


Planning Assessment

9. The main issue is
- the balance between support for renewable energy and the impact of the proposal on the historic environment.
10. National and local plan policy supports renewable energy generation and domestic solar panels can be installed on the roof of unlisted buildings as permitted development, even within conservation areas. On this particular property, solar panels were granted listed building consent on the south roof slope in 2011 on the basis that the panels were a reversible alteration and were not considered to be unduly prominent from outside of the application site.
11. In respect of the current application, the panels will be in close proximity to, and clearly visible from, adjacent listed properties, the garden of one of which (The Granary) adjoins the site, and in views from an unlisted house, Meadow Croft Barn.
12. Although the panels would be installed on a modern extension, it has been designed and constructed to “read” as part of the historic building. In this context, it is considered that the panels would be unduly prominent in views from outside of the application site and would be visually intrusive. As such, the installation in this location would fail to preserve the appearance of the building within Stretton Conservation Area and would cause harm to the setting of adjacent listed properties, notably The Granary. Solar panels have been permitted on less prominent roof slopes to this building and it is not considered that the wider public benefit of allowing additional panels would outweigh the harm to the appearance of the conservation area and the setting of adjacent listed buildings.



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Date of plot: 19/08/2015

29


Rutland County Council
 Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2015/0636/LBA	ITEM 3	
Proposal:	Fit Solar P.V. panels to roof on extension west facing.		
Address:	1, Rectory Farm Cottage, Rookery Lane, Stretton, LE15 7RA		
Applicant:	Mr Kevin Hawkes	Parish	Stretton
Agent:		Ward	Greetham
Reason for presenting to Committee:	Objections		
Date of Committee:	1st September 2015		

EXECUTIVE SUMMARY

The installation of solar panels on the less prominent west facing roof slope of the building has had an acceptable impact on the character and appearance of Stretton Conservation Area and does not affect the setting of adjacent listed buildings.

RECOMMENDATION

APPROVAL (no conditions)

Site & Surroundings

1. The application is to retain solar panels that have been installed on the roof of a modern two storey extension on the rear of a grade II listed building on the south side of Rookery Lane, within Stretton Conservation Area. The rear extension was granted consent in 2006 and is partly visible from Rookery Lane.
2. To the east and south of the application site is the garden of a house called Meadow Croft Barn. To the north-east is a converted grade II listed barn (The Granary) and a further listed building, No.2 Rectory Farm Cottage. To the west is the rear elevation of properties known as Barnstone and Erskine Barn, both unlisted.

Proposal

3. The application is retrospective and is to retain 15 solar panels on the west facing roof slope of the extension. The application is one of two that have been submitted and was requested following a complaint that work to a listed building had commenced without consent having been obtained.
4. Solar panels have already been installed on the south elevation of the building, with consent granted in 2011.
5. In support of the application, it is stated that heating an old property is more costly than a modern house and, unlike other houses in the village, it does not benefit from oil-fired central heating. The panels currently installed are only sufficient for one or two heaters and any surplus will be fed back to the National Grid. The panels are black, conservation-style and chosen to have minimum visual impact; they are designed to be temporary and can be removed when no longer useful. The applicant states that the panels cannot be seen from the front and, although a matter of personal taste, do not detract from the aesthetics of the building.

Relevant Planning History

Application	Description	Decision
2006/0531/FUL & 2006/0532/LBA	Two storey and single storey extension to rear	14/7/2006
2011/0480	Installation of photovoltaic panels to south roof elevation	24/8/2011

Planning Guidance and Policy

National Planning Policy Framework

Paragraph 97 – To help increase the use and supply of low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources;

Paragraph 98 – When determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable energy; even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are acceptable.

Paragraph 132 -- When considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building or conservation area) great weight should be given to the asset's conservation.

Paragraph 134 – Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

The Rutland Core Strategy

Policy CS20 – Energy efficiency and low carbon energy generation (supported where effect on built environment is acceptable);

Policy CS22 – The historic and cultural environment (all developments expected to protect historic assets and their setting).

Rutland Local Plan (SAPDPD)

Policy SP18.2 – Low carbon energy generation developments (proposals supported where they are acceptable in terms of the historic environment).

SP20 - Designated heritage assets (development only acceptable where the form would preserve or enhance the character or appearance of conservation areas and protects the setting of listed buildings).

Consultations

6. Stretton PC: At a special planning meeting, the Parish Council did not want to make any comments on the applications.

Neighbour Representations

7. Four objections have been received. The grounds for objection are:

- Stretton is a conservation area and buildings are beautiful; solar panels wreck this beauty; views already dominated by solar panels already installed on the west facing roof and on the south-facing roofs;
- Stretton typifies the unique villages in Rutland; the uniqueness has to be preserved and is the reason for conservation area status and Article 4 direction; people are not allowed to install satellite dishes or roof lights but these are not as obtrusive as solar panels;
- applicant claims proposal cannot be seen from a public footpath but the property is very prominent from the path between the Church and The Shires; views are wrecked by solar panels already erected;
- the panels would be highly visible from other properties; surrounding buildings are listed and precedent would be set to allow solar panels on a highly visible roof;
- panels already erected on the south-facing roof are sufficient for the needs of the property;
- inappropriate development to a listed building in a conservation area;

8. Four representations in support of the proposal have also been received:

- although a conservation village, there is a need to move with the times and conservation and green energy can work together;
- solar power is a cleaner, safer way to generate electricity than coal or gas fired power stations; must do more to produce renewable energy;
- the whole village should be allowed to put up solar panels subsidised by RCC;
- there are a number of solar panel arrays that are clearly visible and do not negatively impact on village aesthetic and provide a positive example of incorporating technology into listed and non-listed buildings.

Planning Assessment

9. The main issue is

- the balance between support for renewable energy and the impact of the proposal on the historic environment.

10. National and local plan policy supports renewable energy generation and domestic solar panels can be installed on the roofs of unlisted buildings as permitted development, even within conservation areas. On this particular

property, solar panels were granted listed building consent on the south roof slope in 2011 on the basis that the panels were a reversible alteration and were not considered to be unduly prominent from outside of the application site.

11. In respect of the current application, the panels that have been installed can be glimpsed from Rookery Lane but are not prominent in views from neighbouring houses and, unlike those proposed to be installed on the opposite (east) roof slope, do not impact on the setting of nearby listed buildings.
12. Solar panels have already been installed with consent along the south facing roof slope of the listed building and it is not considered that the panels that have been added along the west facing return of the extension are any more harmful to the appearance of the conservation area or the listed building, or to the setting of nearby listed buildings, than those already granted consent.

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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

1st September 2015

APPEALS

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

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

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

2. APPEALS LODGED SINCE LAST MEETING

2.1 **APP/A2470/Z/3067591 – Marston's Plc – 2015/0130/ADV**

The Old Buttercross, Panniers Way, BARLEYTHORPE, Oakham, Rutland, LE15 7US

2 x externally illuminated individual letters with rounded edges. 1 x externally illuminated individual letters with rounded edges fitted directly on rails to match background. 3 x externally illuminated Marston's logos. 1 x

internally illuminated built up wall logo with red acrylic. 2 x externally illuminated double sided twin post signs.

- 2.2 **APP/A2470/W/15/3022931 – Mr Tony Wray – 2014/1096/FUL**
Plot 3 Land adjacent to 1 Church Street, BRAUNSTON IN RUTLAND,
Detached dwelling.
- 2.3 **APP/A2470/W/15/3131727 – Mr Richard Gale – 2015/0289/PAD**
Meadowsweet Farm, Knossington Road, BRAUNSTON IN RUTLAND,
Oakham, Rutland, LE15 8QX
Convert 3 no. existing brick built/concrete tiled buildings into 3 no.
dwellings.

3. DECISIONS

- 3.1 **APP/A2470/W/15/3006457 – Mr & Mrs C Morton – 2014/0976/FUL**
Gallery House, 2 Ashwell Hall Stables, ASHWELL, Oakham, LE15 7LH
Retrospective consent for balcony extension to listed building.
Committee Decision
Appeal – Dismissed – 24th July 2015
- 3.2 **APP/A2470/Y/15/3006456 – Mr & Mrs C Morton – 2014/0977/LBA**
Gallery House, 2 Ashwell Hall Stables, ASHWELL, Oakham, LE15 7LH
Retrospective consent for balcony extension to listed building.
Committee Decision
Appeal – Dismissed – 24th July 2015
- 3.3 **APP/A2470/D/15/3022031 – Mr & Mrs A Mann – 2014/1125/FUL**
Chestnut Cottage, 10 Wood Lane, BRAUNSTON IN RUTLAND, Oakham,
LE15 8QZ.
Single garage extension.
Delegated Decision
Appeal – Allowed – 3rd August 2015
- 3.4 **APP/A2470/A/11/2160755 – Lakeland Estates – O/96/0206 &
R/1999/0825**
Lyndon Top Farm, Lyndon Road, HAMBLETON, Oakham, Rutland, LE15
8RN
Construction of an 18 hole golf course and clubhouse.
Delegated Decision
Appeal – Allowed – 10th August 2015

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.