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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, Rutland, LE15 6HP on **Tuesday, 27th October, 2015** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 29 September 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. 194/2015 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 194/2015 from the Director for Places (Environment, Planning and Transport).

NB. Report No. 194/2015 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. 197/2015 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 197/2015 from the Director for Places (Environment, Planning and Transport).

NB. Report No. 197/2015 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 11 - 16)

7) REPORT NO. 195/2015 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 195/2015 from the Director for Places (Environment, Planning and Transport).

(Pages 17 - 54)

8) REPORT NO. 196/2015 APPEALS

To receive Report No. 196/2015 from the Director for Places (Environment, Planning and Transport).
(Pages 55 - 58)

9) ANY OTHER URGENT BUSINESS

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

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DISTRIBUTION

MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:

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

Agenda Item 6

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REPORT NO: 195/2015

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

27TH OCTOBER 2015

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

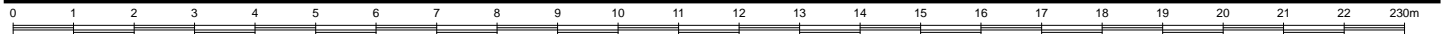
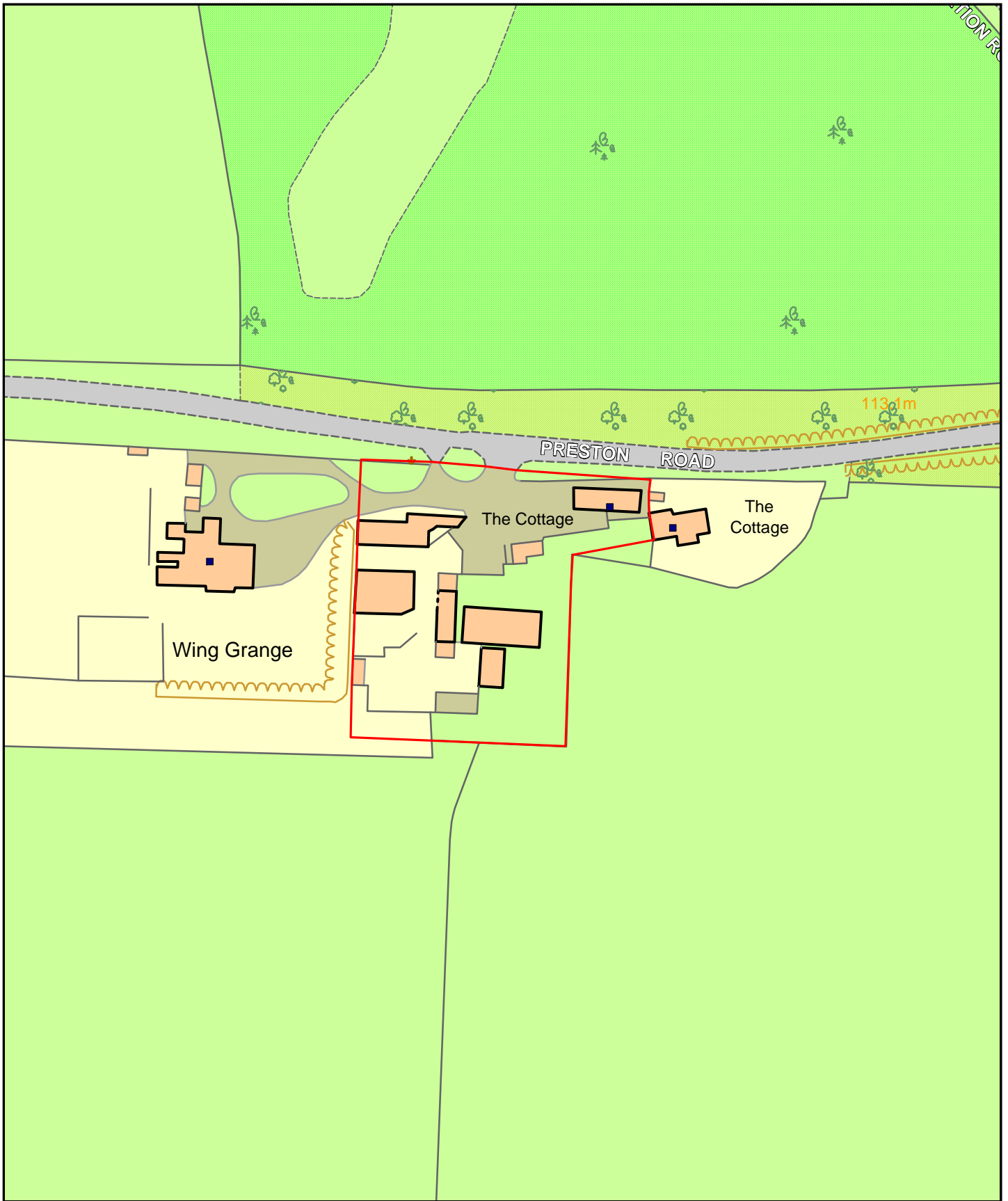
**REPORT OF THE DIRECTOR FOR PLACES
(ENVIRONMENT, PLANNING AND TRANSPORT)**

Rutland County Council

Development Control & Licensing Committee – 27th October 2015

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2015/0589/FUL	Mr William Wass The Cottage, Preston Road, Wing, LE15 8SB Minor extension and alterations to convert two dwellings into one. Removal of redundant agricultural buildings and construction of replacement dwellings (including change of use of part of the site into C3).	Refusal
2	2015/0624/FUL	Mr Fred Nicholls Land Adjacent to Seaton Road, Uppingham Hardcore standing area for horse Boxes and stables	Approval
3	2015/0705/FUL	Mrs Carolyn Welch Recreation Ground, Stamford Road, South Luffenham Proposed pavilion/hall	Refusal
4	2015/0787/FUL	Mrs Janet Collis 33 Main Street, Empingham, LE15 8PR Detached dwelling adjacent to 33 Main Street, Empingham	Refusal



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Ordnance Survey [100018056]

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Time of plot: 10:04
Date of plot: 13/10/2015



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0589/FUL	ITEM 1	
Proposal:	Minor extension and alterations to convert two dwellings into one. Removal of redundant agricultural buildings and construction of replacement dwellings (including change of use of part of the site into C3).		
Address:	The Cottage, Preston Road, Wing, LE15 8SB		
Applicant:	Mr Willam Wass	Parish	Wing
Agent:	Mr William McCormack, Harris McCormack Architects	Ward	Martinsthorpe
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	27 October 2015		

EXECUTIVE SUMMARY

The part of the proposal to erect a new dwelling in open countryside is contrary to policy and the scale of the proposal is out of keeping with its surroundings. Whilst planning permission has been granted to use 2 adjacent buildings as dwellings, that permission has not been implemented and hence there is no existing dwelling for which this could be a replacement.

RECOMMENDATION

REFUSAL, for the following reasons:

1. The proposed new dwelling is located in open countryside where new dwellings require special justification to be acceptable. There is no justifiable circumstance for this dwelling to be approved as an exception to policy. The scheme is not considered to constitute a replacement dwelling, partly as there is no implemented dwelling to replace and in any event, the policy requires the replaced dwelling to be completely removed from the site. The dwelling is not on the site of the existing (proposed) dwelling to be replaced. The proposal would thereby constitute an unwarranted intrusion into the open countryside contrary to the advice in Para 55 of the National Planning Policy Framework, Policy CS4 of the Rutland Core Strategy (2011) and Policy SP6 of the Site Allocations and Polices DPD (2014).
2. The proposed dwelling, due to its scale and design, notwithstanding the considerations of the principle of development above, is considered to be an inappropriate form of development in this prominent countryside location. The extensive glazing on the rear of the existing building would also appear unduly prominent in the wider landscape and would appear as an incongruous feature from further afield. The proposals would thereby be contrary to the advice in Section 7 of the NPPF, Policy CS19 of the Rutland Core Strategy and SP15 of the Site Allocations and Polices DPD.

Site & Surroundings

1. The site is located adjacent to Wing Grange which has recently been converted back to a dwelling after many decades of Institutional use. The Grange, the Lodge and other buildings were used as a dwelling up until the late 1960's when the site was taken over by a charity and used as a centre for ex-offenders coming back into society. This use ceased several years ago.

2. It is approximately 760m from the Planned Limit to Development on the edge of Wing village. The site comprises 2 buildings used for accommodation in connection with the institutional use of The Grange and which have recently also been granted planning permission to convert to 2 dwellings. The site of the new build proposal contains some agricultural buildings, also used in connection with the previous Institutional use.
3. One of the 2 buildings subject to the recent residential permission was the original 2 storey Lodge to Wing Grange and is nicely detailed. This currently has 6 bedrooms. The one behind is a plainer brick building with a large dormer on the rear roof slope. This has 4 bedrooms over 2½ floors.
4. The land slopes away from the road in a southerly direction. To the rear are open fields. The rear of the site is visible from further afield, albeit in longer views. The Lodge and The Grange are partly screened from the road by fencing, trees and walling.
5. There is a large open turning area in front of the agricultural buildings. To the east is a separate dwelling and garage. The conversion of the 2 buildings to 2 dwellings included a double garage at each end of the frontage for each dwelling.
6. The existing buildings are not listed and are not in a Conservation Area but nevertheless are considered to be non-designated heritage assets.

Proposal

7. The proposal is to use the 2 buildings for a single dwelling with a link element being constructed between the 2, and to build what would effectively be a replacement for one of them as a new build alongside, replacing the agricultural buildings. The new dwelling would be a large unit, having 5 bedrooms in approximately 312m² (measured externally). Because of the slope on Preston Road at this point, the new dwelling would be sited between 1m and 1.8m below road level. The front elevation would be just over 16m long with 4 half dormers to first floor windows. There would be 2 gables on the rear with a bedroom between them effectively forming a double pile. The main gables to the front part of the house would be 4.6m wide, the rear gables would project out to the rear of the front element by 5.5m giving an overall depth of the house of 10.1m. The ridge height would be 6.7m at the front and 8.1m at the rear as the rear gables are stepped down from the front part. There would be external chimney breasts at both ends of the new dwelling.
8. There would be a significant amount of glazing on the rear of both the new dwelling and the modified original buildings, designed to maximise the long distance views across open countryside at the rear.
9. See details in the Appendices.

Relevant Planning History

Application Reference	Particulars of Development	Decision	Decision Date
285/70	Use of existing building for handicrafts and machinery maintenance	Permission	20/10/1970
176/72	The conversion of the existing stables to residential use, the conversion of the existing coach house to a sewage pumping station, Wing Grange, and the construction of a sewage pumping main to Wing.	Permission	16/05/1972

79/0120	Conversion of existing stable block to staff flat.	Permission	21.3.79
F/1998/0222	Construction of three storey extension to western elevation to accommodate fire escape.	Permission	11.5.98
APP/2010/1062	Replacing single glazed timber casement and sash windows with double glazed timber casement and mock sash windows.	Approved	02/12/2010
2014/0761/FUL	Change of Use of C2 residential institution to C3 residential use.	Approved	11.12.2014
2014/0698/OUT	Demolition of existing agricultural outbuildings and construction of 2 new detached dwellings with separate garaging.	Withdrawn	28.8.2014
2015/0271/FUL	Change of use from redundant C2 Residential Institution to C3 residential use, 2 dwellings, no internal alterations.	Approved	04.06.2015

Planning Guidance and Policy

National Planning Policy Framework

Supports Sustainable development.

Para 55 states that isolated new dwellings in the countryside should be avoided unless there are special circumstances, for example as a farm workers dwelling, it would constitute the optimum use of a heritage asset, it would re-use redundant buildings leading to an enhancement or, be so truly outstanding or innovative in the nature of its design, helping to raise standards in rural areas generally and reflect the highest standards in architecture (the latter principle was first introduced in PPS7 by John Gummer when Secretary of State in 1997).

Paras 56-68 – Requiring Good Design

The Rutland Core Strategy (2011)

Wing is designated as a Smaller Service Centre in the Core Strategy (CS3).

CS4 – Location of Development – Development in the Countryside will be limited to that which has an essential need to be located in the countryside, restricted to particular types of development to support the rural economy and meet affordable housing needs.

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside

Including:

SP6(5) 'Replacement Dwellings'

Proposals for the replacement of an existing dwelling in the countryside with a new dwelling will be permitted provided that the existing property is completely removed. The new dwelling will only be acceptable providing it involves only a modest change in the size of the building, does not increase the number of dwelling units and is accommodated within the existing curtilage of the dwelling being replaced, unless an acceptable significantly less visually intrusive location within the site is available.

The pre-amble to SP6 states that the re-use of rural buildings in the countryside will be acceptable where they are sustainable, defined as within 500m of a smaller service centre.

SP15 – Design & Amenity

Consultations

10. RCC Highways

No Objections subject to the following conditions:

Surface Material. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

Gates. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

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

11. LCC Ecology Unit

It appears from aerial photographs that some of the buildings to be demolished are traditional style buildings with tiled roofs. These buildings will be demolished as part of the application. The buildings are directly adjacent to mature gardens, trees and hedgerows, which all provide good bat foraging habitats. There is therefore a strong possibility that bats may be using the building as a roost. For these reasons, in accordance with Trigger A1 of our local validation criteria, we recommend that a bat survey of the building is carried out and submitted before the planning application can be determined. This should involve an external and internal inspection of the building by an appropriately licensed bat worker. Depending on the results of this, an emergence survey may also be required. Emergence surveys can only be carried out between May and mid-September. Whilst on site, the ecologist should also be asked to complete a barn owl survey of the building and design suitable mitigation, should they be found to be present. Please note that ODPM Regulations require bat surveys to be submitted prior to the determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System).

12. Wing Parish Council

The consensus of opinion is that the planning application should go to Design Review recommended in the NPPF. It is architecturally totally inappropriate in such a prominent position in open countryside sitting high on the ridge when viewed from the south and will extend the mass of red brick with a Victorian pastiche. This development is in open countryside and should come under paragraph 55 of the NPPF and should therefore be of exceptional architectural merit. Therefore consent of the plans as presented should be considered for refusal

Neighbour Representations

13. None

Planning Assessment

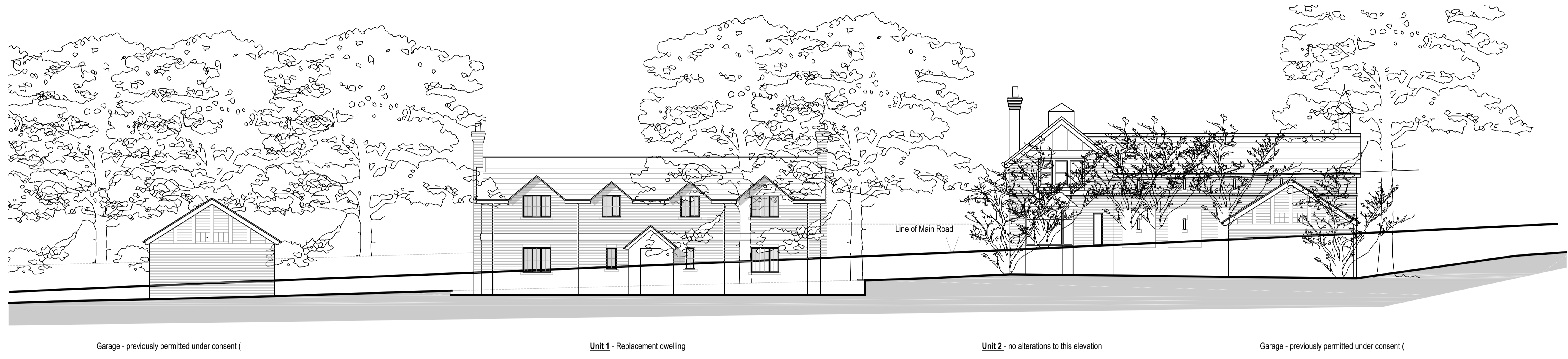
14. The main issues are policy (development in the countryside), design and the wider visual impact.
15. The permission to use the Lodge and the building to the rear as 2 dwellings has yet been implemented so the proposal is to convert the former institutional buildings to a single dwelling.

Policy

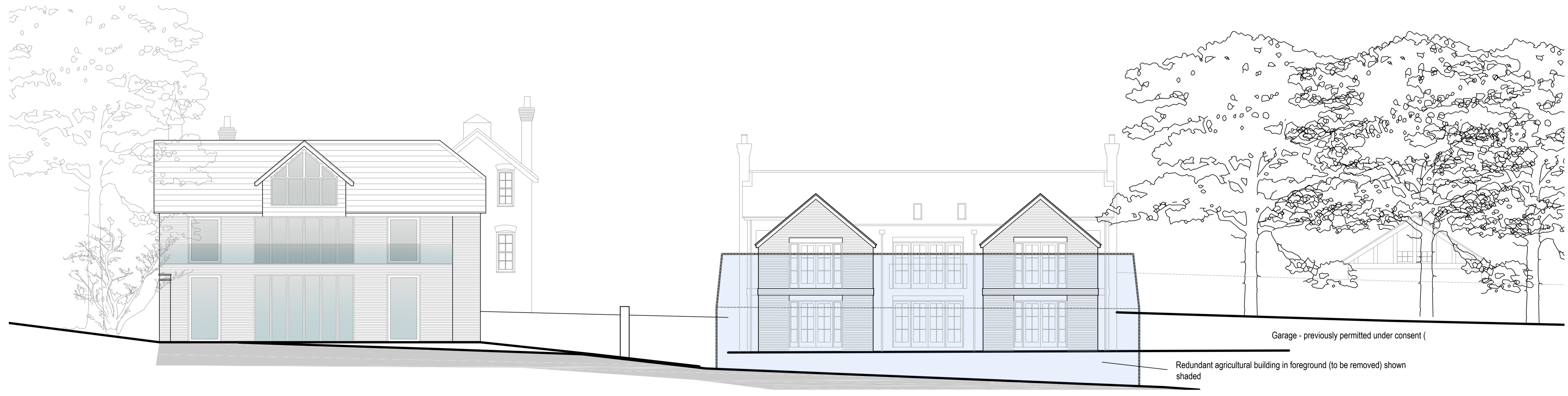
16. The scheme is not considered to meet any of the exceptions set out in Para 55 of the NPPF and similarly does not meet the criteria in CS4.
17. In terms of SP6, the argument in favour of the scheme is that it constitutes a replacement dwelling, replacing one of the 2 recently approved. However, those dwellings have not yet been implemented so there can be no replacement. SP6 requires the dwelling being replaced to be completely removed, which is not happening in terms of physical removal of buildings in the open countryside. The applicant points to the floorspace of the rear unit and to the agricultural buildings being removed as a justification for the new residential floorspace. The agricultural buildings amount to some 395m² according to the plan and the existing rear 'residential' unit is approximately 330m².
18. The argument for a replacement is on the grounds of replacing agricultural buildings which, whilst not attractive, are not unduly prominent or injurious to amenity. The proposal would be much more prominent from the road and from further afield to the rear. This issue does not therefore merit much weight as a justification for a decision contrary to policy.

Design

19. The scale of the proposal is such that it would appear as a prominent feature in the open countryside. Notwithstanding the policy issue, advice had been given on scale at pre-application stage and it was stressed that any acceptable scheme would need to be modest. The proposal at over 300m² is not considered modest. The large areas of glazing at the rear on both the proposed and alterations to the existing building would be visible from longer views and would appear out of keeping. The design does not respect local traditions with external chimneys and a front elevation dominated by large non-traditional forms of dormer type windows. Whilst Wing Grange and its coach house are not listed they are richly detailed examples of their type that make a positive contribution to the landscape. They are a non-designated heritage asset and their setting would be harmed by the proposed dwelling.



NORTH ELEVATION - SITE ELEVATION FROM PRESTON ROAD



Unit 2
NOTE: ALTERATIONS
FACINGS : Red brick to match adjacent plot
ROOFS : Clay plain tiles to match adjacent plot
JOINERY : painted timber

Unit 1 - Replacement dwelling
NOTE: REPLACEMENT DWELLING
FACINGS : Red brick to match adjacent plot
ROOFS : Clay plain tiles to match adjacent plot
JOINERY : painted timber

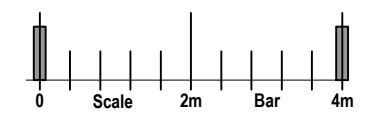
SOUTH ELEVATION - SITE ELEVATION

Revisions	
Project WING GRANGE COTTAGES PRESTON ROAD LE15 8SB	
Drawing Proposed Site Elevations	

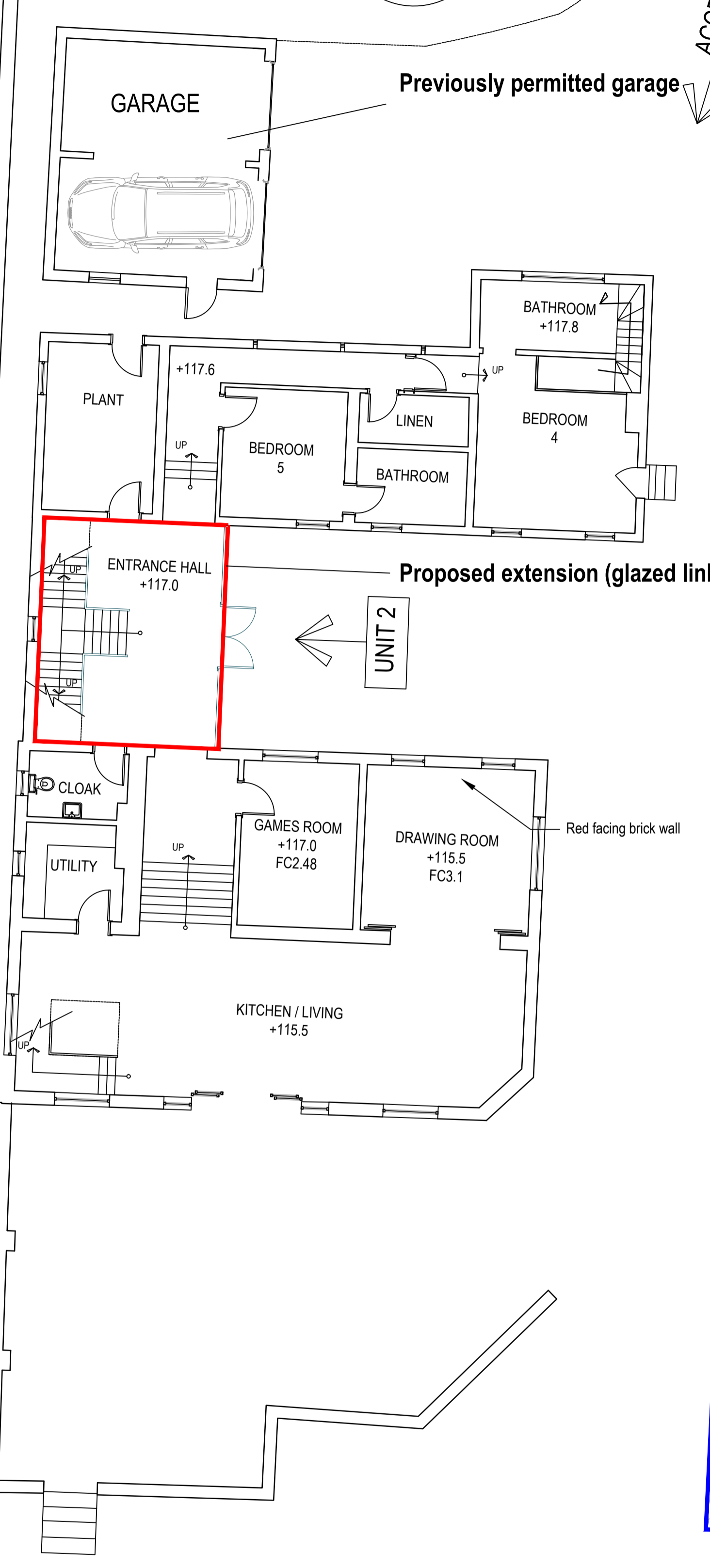
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Date June '15	Scale 1:100 @A1	Checked
Job No. 15~401	Drawing No. 121	Revision PL



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ACCESS TO
UNIT 2

EXISTING
ACCESS

REPLACEMENT DWELLING (UNIT 1)

ORIGINAL DWELLING (6 BEDROOMS)
REPLACEMENT DWELLING (5 BEDROOMS)

110sqm FOOTPRINT
156sqm FOOTPRINT

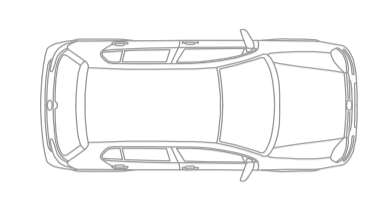
UNIT 1

Proposed extension (glazed link)

UNIT 2

Red facing brick wall

Previously permitted garage



GARAGE

STORE

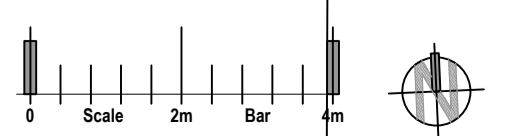
Existing Trees (unaffected by proposals)

NOTE:
OUTLINE OF REDUNDANT FARM BUILDINGS
and HARDSTANDINGS TO BE REMOVED ARE
SHOWN in BLUE
395sqm FLOOR AREA (approximate)

REPLACEMENT DWELLING - in RED
156sqm FOOTPRINT

NOTE: PREVIOUS CONSENT (2015/0271/FUL) FOR CHANGE OF USE TO TWO DWELLINGS: PROPOSAL TO CONVERT INTO ONE DWELLING (with minor extension) and CONSTRUCTION OF REPLACEMENT DWELLING ON ADJACENT LAND

BLOCK PLAN



Revisions	
Project	WING GRANGE COTTAGES PRESTON ROAD LE15 8SB

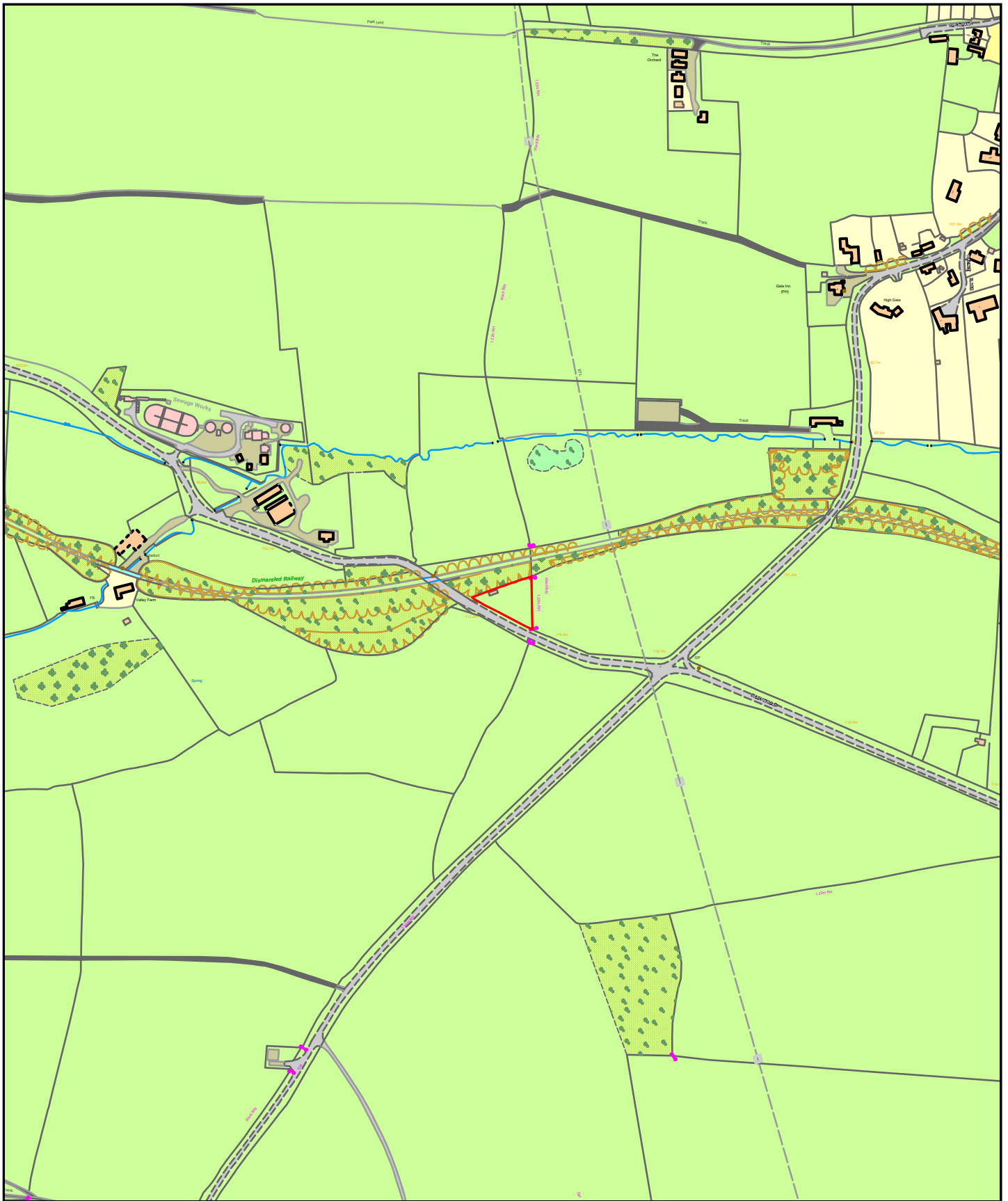
Drawing	Proposed
	Block Plan

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Job No.	Drawing No.	Revision
15~401	115	PL

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Time of plot: 10:09
Date of plot: 13/10/2015



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0624/FUL	ITEM 2	
Proposal:	Hardcore standing area for horse boxes and stables.		
Address:	Land Adjacent To Seaton Road, Uppingham		
Applicant:	Mr Fred Nicholls	Parish	Uppingham
Agent:	Mr Graham Hassall	Ward	Uppingham
Reason for presenting to Committee:	Referral by Vice Chairman		
Date of Committee:	27 October 2015		

EXECUTIVE SUMMARY

The deposition of hardcore on the ground to provide standing /turning for vehicles and a horsebox is acceptable. It has a beneficial impact on highway safety and is not visually harmful as the site is well screened.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number LPA 1.
2. Or the avoidance of doubt and in the interests of proper planning.

Note to Applicant

This permission relates only to the laying of hardcore shown on the approved plan and does not relate to the erection of any buildings on site. The use of the land for the keeping of horses may require a separate planning permission.

Site & Surroundings

1. The site is located on the north side of Seaton Road approximately 130 metres west of the Bisbrooke/Lyddington crossroads. It comprises a roughly triangular shaped piece of land extending to 1450m² (0.145ha/0.35acre). There is a central vehicular access into the site and a stable of corrugated metal and timber building along the northern boundary.
2. The site is surrounded by hedges and trees. Some trees within the site have been removed but they were not protected. The former railway line to Seaton runs to the rear of the site and has heavy tree cover.

Proposal

3. The application states that it is to lay hardcore on the site to accommodate standing and turning of horseboxes and stables. There appears little space to site stables on the base and none are shown. This will be clarified for the meeting. No applications for the use of the land for equestrian /grazing use or the erection of stables have been made.
4. Some hardcore has already been laid on site so the application is part retrospective. The submitted plan shows a specific area for the hardstanding which is shown in the **Appendix**.

Relevant Planning History

5. None

Planning Guidance and Policy

The Rutland Core Strategy

CS4 – Location of Development – 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

Site Allocations and Policies DPD (2014)

SP7 - Sustainable development in the countryside will be supported where it is:

- essential for the efficient operation of agriculture, horticulture or forestry;
- essential for the provision of sport, recreation and visitors facilities for which the countryside is the only appropriate location;
- essential investment in infrastructure including utilities, renewable energy and road side services required for public safety purposes;
- a rural enterprise comprising small scale alterations, extensions or other development ancillary to an existing established use appropriate to the countryside;
- new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities;
- farm diversification that supports waste management development.

Provided that:

- the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;
- the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;
- the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;
- the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and
- the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

SP13 – Agricultural, horticultural, equestrian and forestry development
Development comprising new agricultural, horticultural, equestrian and forestry buildings and structures will only be acceptable where:

- it is not unduly prominent, particularly on the skyline, and will not detract from the appearance of the street scene or the landscape;
- wherever possible it is well integrated with existing buildings;
- it will not lead to an increase in pollution, through for example, the disposal of effluent;
- it will not have any undue adverse effect on residential amenity in terms of noise, dust, smell or disturbance;
- no undue disturbance will arise from vehicular movements;
- an adequate, safe and convenient access will be provided;
- it will not be detrimental to environmental and highway considerations generally and;
- it will have no adverse impact on biodiversity, habitats and species.

Consultations

6. RCC Highways
No Objection subject to conditions regarding surfacing, gates set back and drainage.
7. Uppingham Town Council
The Committee is unable to comment further due to the lack of information relating to; size, number and design of the stables. Additionally no information had been provided about ancillary buildings or services to keep animals on site. It is noted that as hardcore is already on site this application is retrospective. Committee noted the comments from RCC Highways and this concern is shared

Neighbour Representations

8. A Resident of Seaton has commented as follows:

Works are already underway with regards to this application. The site is now very open and the proposal is already an intrusion in a predominantly rural setting. In particular the access is very poor as demonstrated 04.08.15 when a vehicle was trying to reverse into the site as I drove up the hill. There is insufficient space within the site to allow safe ingress and egress to the site, nor onto the road which has poor visibility splays not only for the site users but other road users in general. The significant gradient makes ingress and egress unsafe as well, especially in poor weather. The previous use was low key, very screened and rural, requiring only vehicular parking on the verge layby. I object to the proposal on grounds of highway safety as well as intensified an inappropriate use in a rural location

Planning Assessment

9. The main issues are visual impact and highway safety.
10. The hardcore itself does not have any detrimental impact on the open countryside as the site is reasonably well screened from the road by a hedge and gates. The former railway line to the rear is heavily screened.

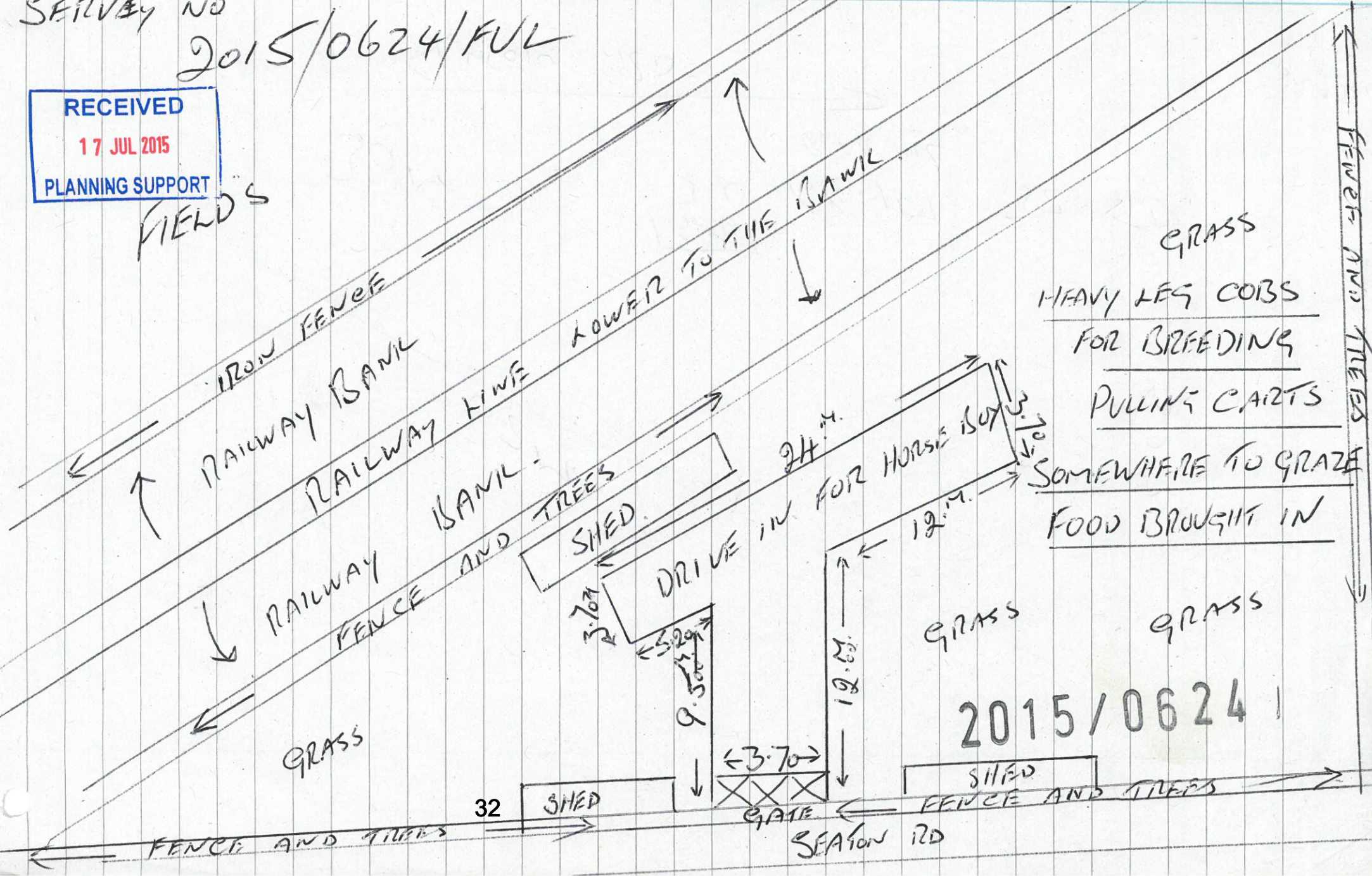
11. The Environment Agency rang on 18 Sept to query rubbish amongst the hardcore that has been tipped. The applicant confirmed to the Enforcement Officer on 21 September that he had cleared much of that waste over the previous weekend.
12. The objections from the highway authority and a resident are noted. However, the access to the site exists and could be used by vehicles at any time. The laying of the hardcore does not impinge on the visibility. The improved hard surfacing makes the access safer by not trailing mud onto the road and providing a more level access with better grip for vehicles pulling out.
13. The application states that the land will be used for breeding heavy cob horses which is not an agricultural use which would require a separate permission. This submission is not for the use of the land which would be required separately (and subject to a separate fee), as would the erection of any further stable(s).
14. Members must only address the application that is in front of them. The actual proposal is acceptable.

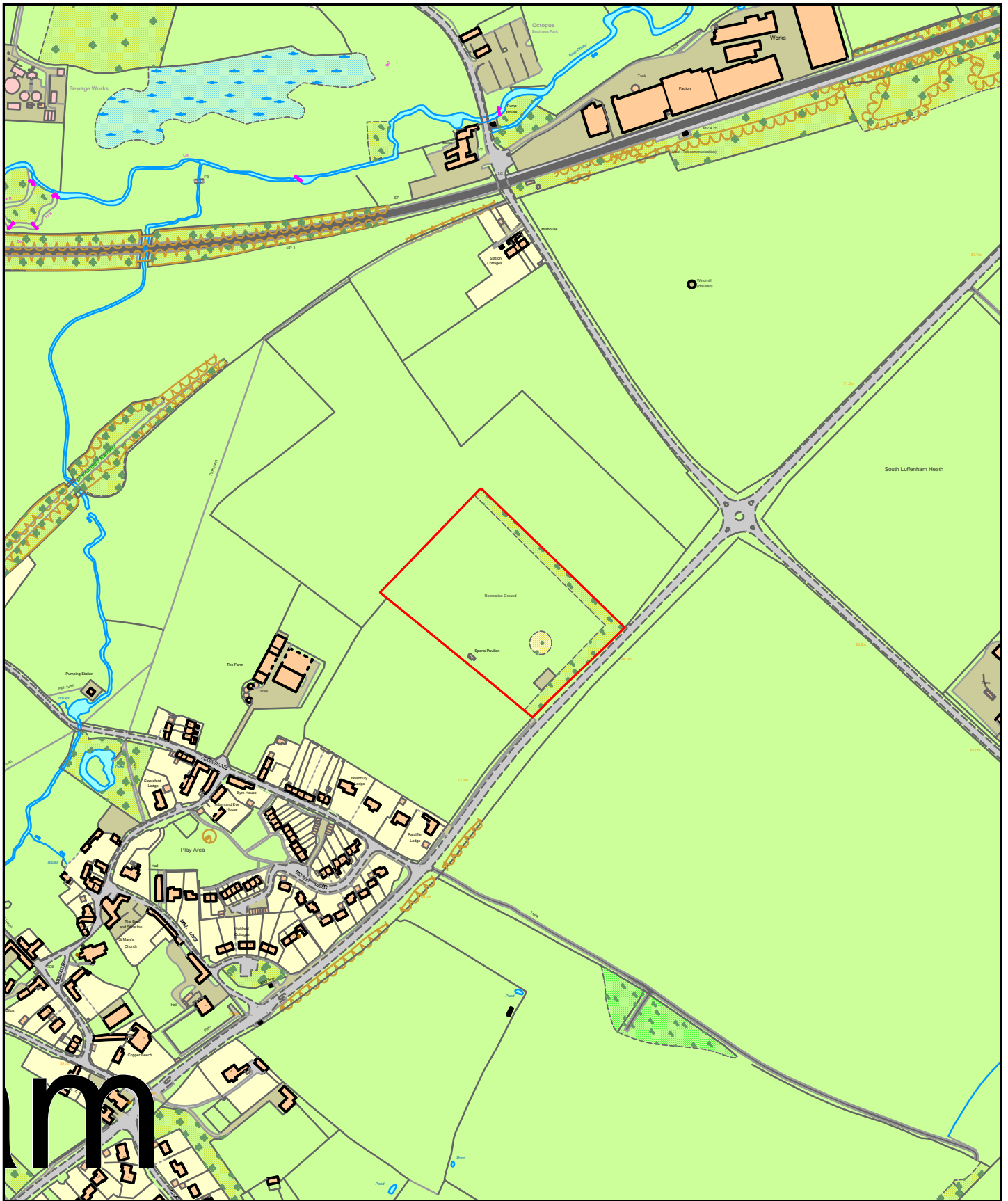
MARIL KONGHURST

SURVEY NO
2015/0624/FUL

RECEIVED
17 JUL 2015
PLANNING SUPPORT

FIELDS





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Date of plot: 13/10/2015

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0705/FUL	ITEM 3	
Proposal:	Proposed pavilion/hall		
Address:	Recreation Ground, Stamford Road, South Luffenham, Rutland		
Applicant:	Mrs Carolyn Welch	Parish	South Luffenham
Agent:	Mr Tony Ansell, Rutland Planning	Ward	Normanton
Reason for presenting to Committee:	Ward member request		
Date of Committee:	27 October 2015		

EXECUTIVE SUMMARY

The principle of a new village hall/sports pavilion on this site is considered to be acceptable but the design and use of materials is considered to be inappropriate for this prominent site in open countryside, thereby being detrimental to visual amenity and contrary to national and local policies. In addition the application does not follow published guidance on how to address drainage matters.

RECOMMENDATION

REFUSAL, for the following reasons:

1. The proposal, by reason of its scale, bulk and overall design together with the use of inappropriate materials would appear as an incongruous element in open countryside, including from longer views on the southern edge of North Luffenham, and would thereby be detrimental to visual amenity, contrary to the advice in the National Planning Policy Framework and Policies CS19 of the Core Strategy (2011) and SP7 and SP15 of the Site Allocations and Policies DPD (2014).
2. The application contains no information about sustainable drainage and proposes a septic tank for foul drainage. This is in conflict with the Development Plan as set out in Policy CS19 of the Core Strategy (2011) and national policy as set out in the National Planning Policy Framework and Planning Practice Guidance.

Site & Surroundings

3. The site is located on the north west side of the A6121 Stamford Road to the north east of the village of South Luffenham. The site is used as a recreation ground with a small hard surfaced play area/basketball court being located behind a substantial tree/hedge screen on the road frontage. There is also a small building which appears to be a former railway structure, on the south west boundary that was used for changing, although it appears disused at present. There is no evidence that the site is used for organised formal sports at present although it was once used as a cricket pitch. A cricket square is visible on 1999 and 2006 aerial photos.
4. There is a tightly knit group of 3 mature Horse Chestnut trees in the centre of the site, measuring approximately 18m in diameter.
5. There is an existing (grassed) vehicular access towards the centre of the site that would need to be improved.
6. The site slopes down to the north away from the road. Whilst there is a good hedge around the site, due to the slope, it is visible from further afield, especially leaving North Luffenham on Station Road.

7. The land is designated Village Green.

Proposal

8. The existing village hall is an ex-army timber structure on a narrow site on Hall Lane in the village and dates back to the First World War. It is no longer fit for purpose and the site is so tight and lacks any space for parking that it is not conducive to re-development.
9. The proposal is to erect a new village hall/sports pavilion on the playing field on the edge of the village.
10. The building would be rectangular in form, measuring 30.7m x 16.4m overall. The building would comprise a main hall with capacity for 192 seats, office space, kitchen, wc's and changing for sports teams.
11. The building would be up to 7.5m high with lower elements around the periphery. Materials would be a 20° pitch concrete tiled roof, rendered blockwork with brick piers, aluminium doors and windows with solar panels covering the roof on the southern (roadside) slope. The building would be sited between the Horse Chestnut group and the eastern boundary hedge.
12. The original plan showed a new 34 space car park between the building and the roadside boundary and 5 spaces for the disabled. A revised plan submitted following highway recommendations shows a further 64 spaces plus 2 coach parking spaces further into the western part of the playing field.
13. There has been no indication that any formal sports have been arranged to use this pavilion. The local cricket team was abandoned around 2011 and went to join North Luffenham.
14. See details in **Appendix 1**.

Relevant Planning History

Application	Description	Decision
31/49	Creation of sports pavilion	Approved March 1949
546/72	Erection of changing room	Approved Oct 1972
85/0128	Extension to cricket pavilion	Approved May 1985

Planning Guidance and Policy

National Planning Policy Framework

Promoting Sustainable Development

Requiring Good Design

Para 58. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Para 63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Para 64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Promoting Healthy Communities

The Rutland Core Strategy (2011)

Policy CS3 – the Settlement Hierarchy

Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies South Luffenham a Smaller Service Centre, this is a village with a more limited range of facilities.

Policy CS4 – The Location of Development (Development in open countryside).

Policy CS7 – Delivering socially inclusive communities

Policy CS7 states that support will be given to proposals that will enhance the provision, quality or accessibility to community facilities that meet the diverse needs of all members of the community. The proposal should take account of the needs and requirements of all people in the community.

Policy CS19 – Promoting Good Design

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

All new developments will be expected to meet high standards of design that:

- are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside;
- reduce the opportunity for crime and the fear of crime and support inclusive communities, particularly in terms of access and functionality;
- incorporate features to minimise energy consumption and maximise generation of renewable energy as part of the development;
- minimise water use and the risk of flooding to and from the development including the use of Sustainable Urban Drainage Systems wherever possible;
- minimise the production of waste during their construction and operation and maximise the re-use and recycling of materials arising from construction and demolition and;

- allow the sorting, recycling and biological processing of waste through the development's operational life.

Policy CS23 - Green Infrastructure, Open Space, Sport and Recreation

The proposal will involve the loss of some of the recreation ground for the pavilion/hall and car parking. Policy CS23, states that proposals involving the loss of green infrastructure which includes sports fields will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided to meet local needs that is both accessible and of equal or greater quality and benefit to the community.

The proposal accords with Policy CS23 if it is considered the proposal is of a greater quality than existing and will meet local needs and requirements.

Site Allocations and Policies DPD (2014)

Policy SP7 – Non-residential Development in the Countryside

SP7 allows for sustainable development in the countryside for sport, recreation and visitors facilities for which the countryside is the only appropriate location providing:

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

The proposal accords with Policy SP7 if it is considered to meet the above-mentioned provisos including the need to justify the provision of this proposal in the open countryside.

Policy SP15 – Design & Amenity

All new developments will be expected to meet the requirements for good design set out in Core Strategy CS19. The detailing and materials of a building must be of high quality, respect and contribute to enhancing the local vernacular in respect of building traditions and appropriate to its context. New development should employ sustainable materials, building techniques and technology where appropriate.

Landscape Character Assessment (Development Plan Evidence Base)

The site is located in High Rutland (Aii, Ridges and Valleys).

Recommended Landscape Objectives High Rutland - Ridges and Valleys

To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stone built conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges.

The former Countryside Design Guidance (SPG 2004) stated that in this landscape area, "the villages tend to be more visible from distant views and the settings and edges of villages are sensitive to new development". One of the objectives of that Guidance was to protect the setting and edges of villages in exposed locations.

Another consideration will be the suitability of the sports/changing facilities of the proposal in terms of the requirements to satisfy Core Strategy Policy CS23.

Planning Practice Guidance

The Governments on-line PPG contains a section on Design which is reproduced in **Appendix 3**.

Consultations

15. LCC Archaeology

Having appraised the available information on the planning website, against the Leicestershire and Rutland Historic Environment Record (HER), we believe that the above application area lies within an area of good archaeological potential and that the submitted proposals may impact upon any buried archaeological remains that are present (NPPF Section 12, para. 128-129).

- We therefore recommend that any planning permission be granted subject to the following planning condition to safeguard any important archaeological remains potentially present:
- No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.
- No development shall take place other than in accordance with the Written Scheme of Investigation.
- Reason: To ensure satisfactory archaeological investigation and recording

16. RCC Highways

No objection on the basis of the revised plan showing visibility splays and conditions relating to surfacing and any gates being set back.

17. Lead Local Flood Authority
Objection

- There has been very little drainage information submitted as part of this application and as such does not meet the latest requirements of the NPPF.
- All major planning applications must ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Currently this application does not meet with this legislation.
- I would suggest that the applicants discuss the implementation of SUDS with the LLFA regarding this site at their earliest opportunity to help remove this objection.
- The applicant should also demonstrate how they meet with the governments national standards for SUDS. (The agent has been asked to clarify SUDS and an update will be made in the Addendum).

18. Sport England

- It is understood that the site forms part of, or constitutes a playing field, 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 (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'
- Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.
- Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

This being the case, Sport England does not wish to raise an objection to this application.

In coming to this conclusion Sport England is aware that:-

- The draft Playing Pitch Strategy has identified this site as unused and currently surplus to formal sports pitch use.
- That this site was the base for a cricket team until approximately 2011 when the cricket team relocated to an existing site a North Luffenham. Issues such as pitch size, quality, ancillary facilities being cited as the reasons for the move
- The proposed pavilion does not impact upon the main usable area of playing field
- The proposed pavilion gives a potential for the reuse of the site as a sports facility, by the provision of changing and other ancillary facilities.
- The proposed hall gives the potential for indoor sports and other recreational activities.
- Potential for the increased use of the existing basketball court.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.

Neighbour Representations

19. None

Planning Assessment

20. The main issues are policy, design, highway safety and drainage.

Policy

21. In terms of Policy, the development plan, comprising The Rutland Core Strategy and the Site Allocations and Policies DPD provide for some development outside the Planned Limits to Development, providing certain criteria are met. The initial pre-application proposal was for a replacement village hall, which would not have sat comfortably with the policies. The applicant then proposed to include sports facilities to the project which means that there is more scope to favourably consider a development on this site as SP7 states that sustainable development in the countryside will be supported where it is (inter alia) essential for the provision of sport, recreation and visitor facilities for which the countryside is the only appropriate location, provided that new build is kept to a minimum and that the development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of villages.
22. Policy CS23 requires the development to provide better facilities than exist if a playing field is lost. Sport England does not object to the loss of this small portion of playing field so this criteria is considered to be met.
23. Overall, the proposal to build a multi-functional sports pavilion/villages hall on the recreation field is considered acceptable in principle subject to detailed matters i.e. particularly in relation to Policies CS19 and SP15.
24. Whilst the proposal would give an opportunity to provide formal outdoor and indoor sports and recreation, there is no indication that any formal use of the playing field as a result of this proposal has been organised.

Design

25. Once it had been established that the principle was likely to be acceptable, pre-application discussions took place in relation to the design of the building. Views were expressed by Officers that the design was bulky, bland and did not reflect local distinctiveness, particularly as the building is in a prominent location in open countryside.
26. It was suggested that a building with a more agricultural theme might be more appropriate, an example of such a scheme elsewhere was shown to the agent. It was also suggested that the building would be better broken down into separate elements or wings to break up the rectangular bulk. However the application has been submitted without change to the design.
27. This is a major development and regulations require the submission of a design and access statement. This normally takes the form of a separate professionally prepared document. All that was submitted was a supporting statement that has brief design comments. The application could arguably have been treated as invalid but to try to assist the applicant this approach was not taken. The applicant and their designer knew that design was a key issue. The regulations set out what is required in terms of design principles and concepts and appraising the context of the development. Unfortunately this information is lacking. Had this professional work been undertaken this should have informed the design and avoided the concerns that officers have raised.
28. The development is considered to be inappropriate in this prominent open countryside location, by reason of its bulk, overall design and use of materials and it is therefore contrary to the design advice in the NPPF and various policies set out above.

Highway Safety

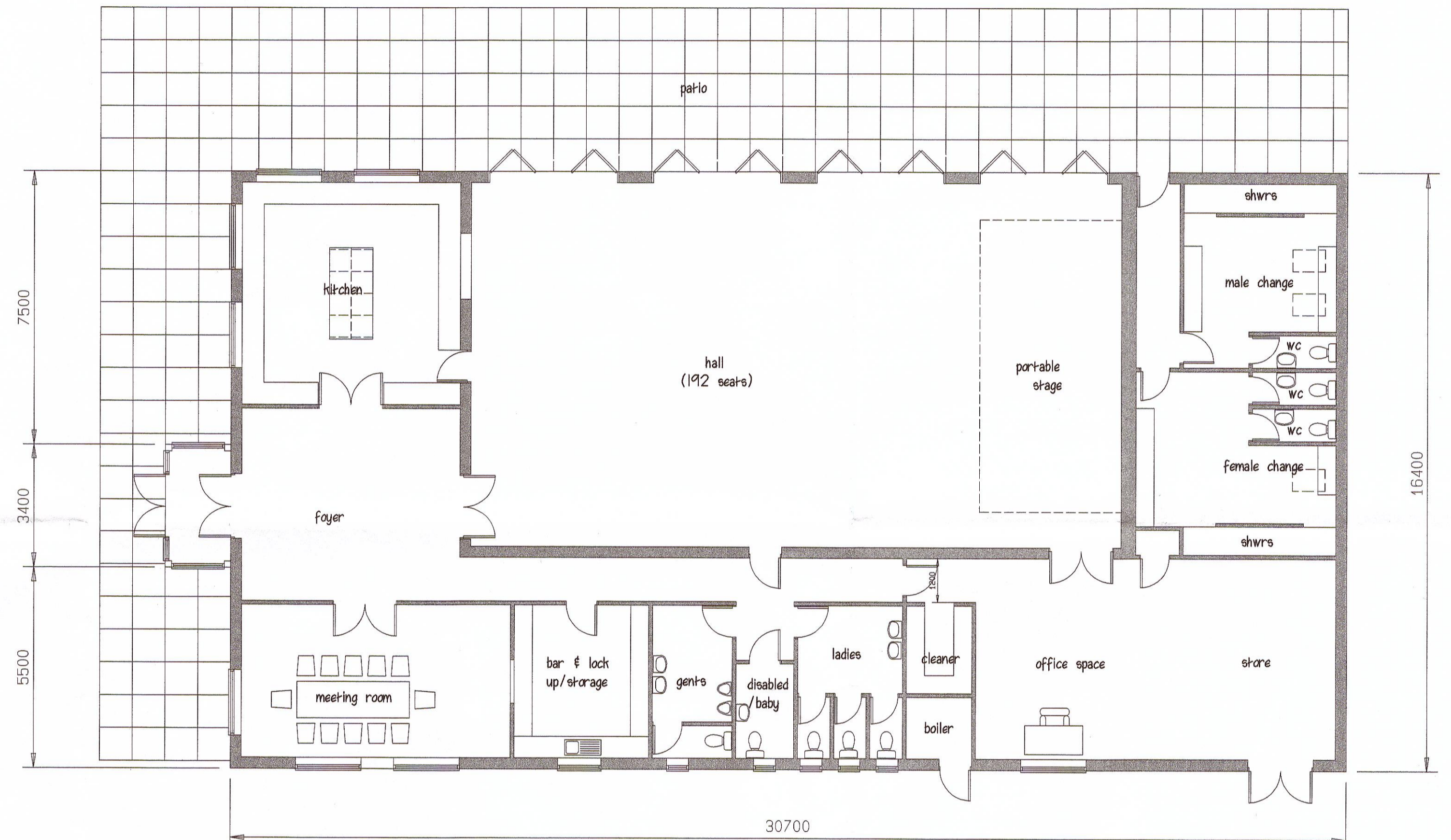
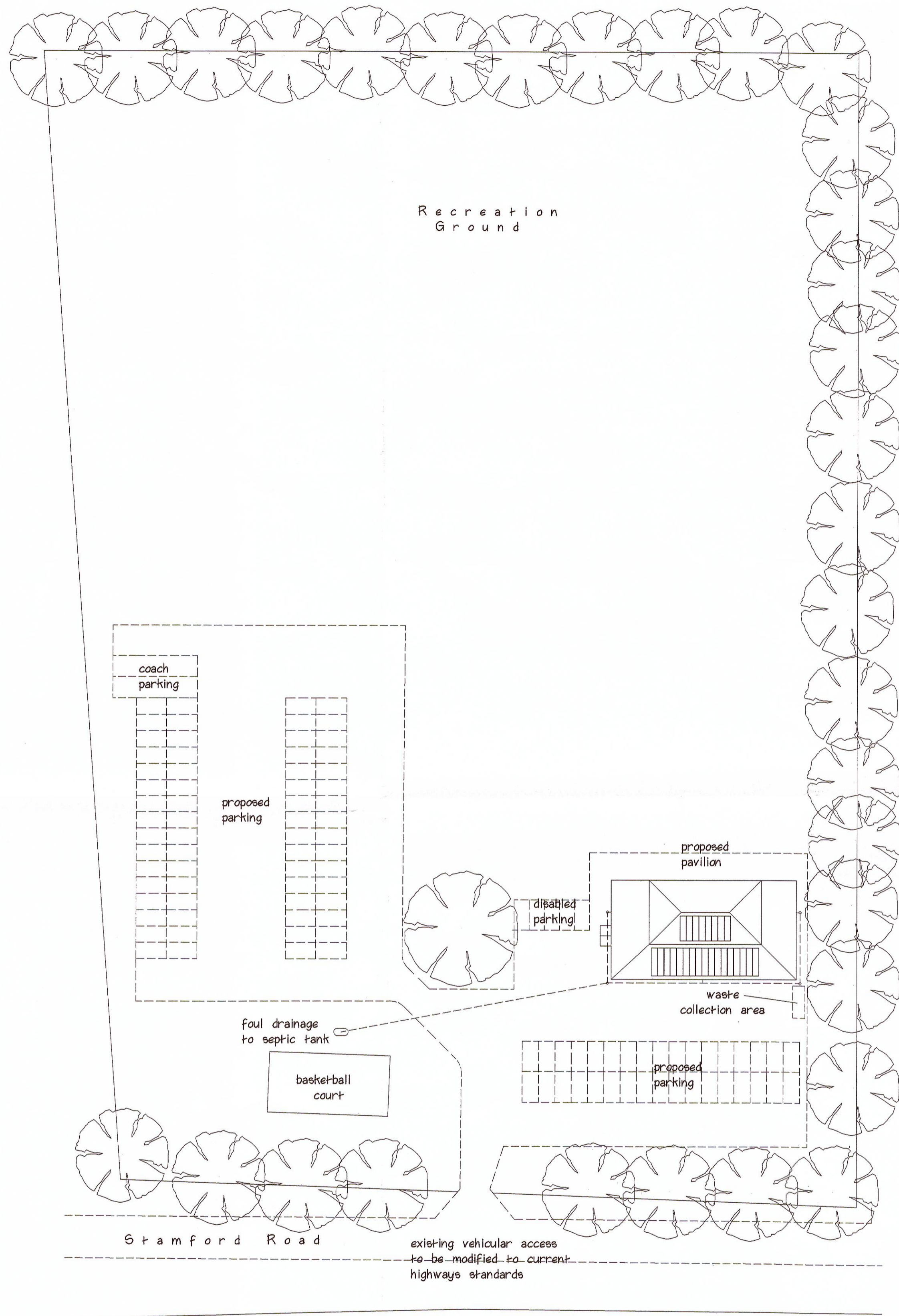
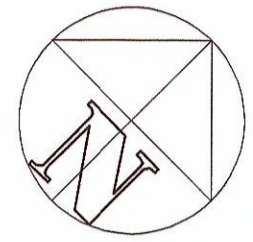
29. There is an existing access to the site that can be improved to accord with the highway authority requirements. It is not considered that there are any highway reasons to resist the proposal.

Drainage

30. Drainage in relation to this application has 2 aspects, in terms of sustainable drainage and the disposal of foul drainage.
31. The application contains a large expanse of roof, large areas for vehicle circulation and 103 car parking spaces with 2 coach spaces. As this is a full application details are needed with the application of how this potentially large run off will be addressed. Any grant of permission then needs to set out the future maintenance responsibility for the scheme. At the time of preparing this report no such scheme had been submitted. The application is therefore in conflict with the NPPF and Planning Practice Guidance. In addition it is in conflict with Policy CS19 of the Core Strategy.
32. The Government has set out in Planning Practice Guidance how foul drainage should be disposed of. The first presumption is that it should be disposed of to a public sewer. If such a connection is not feasible then a package sewage treatment plant can be considered. In this case the applicant proposes a septic tank. The Government guidance states,
33. "Septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability)."
34. The application contains no information on why a septic tank has been chosen. It is therefore in conflict with the NPPF and Planning Practice Guidance.

Other Issues

35. The issue of building on a Village Green needs to be dealt with separately by the applicant. The Parish Council have been advised to seek specialist advice.



RECEIVED
29 SEP 2015
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Ref: SLVH/03/PLANNING/2014

PLANNING NOTES

ROOF TO BE CONCRETE TILE SUITABLE FOR 20 DEGREE PITCH

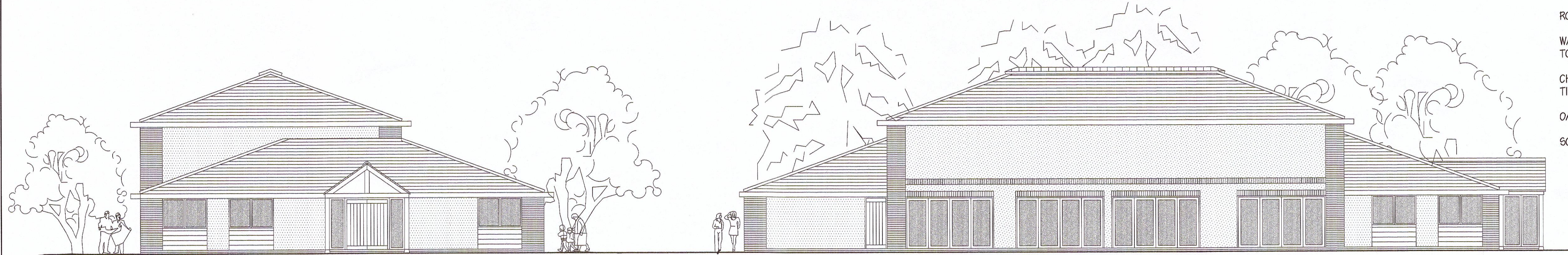
WALLS TO BE IN COLOURED RENDERED BLOCK WITH 900 BRICK PIERS TO CORNERS

CHARCOAL GREY POWDER COATED ALUMINIUM FOLDING DOORS AND WINDOWS
TIMBER DOORS

OAK FEATURE ENTRANCE PORCH

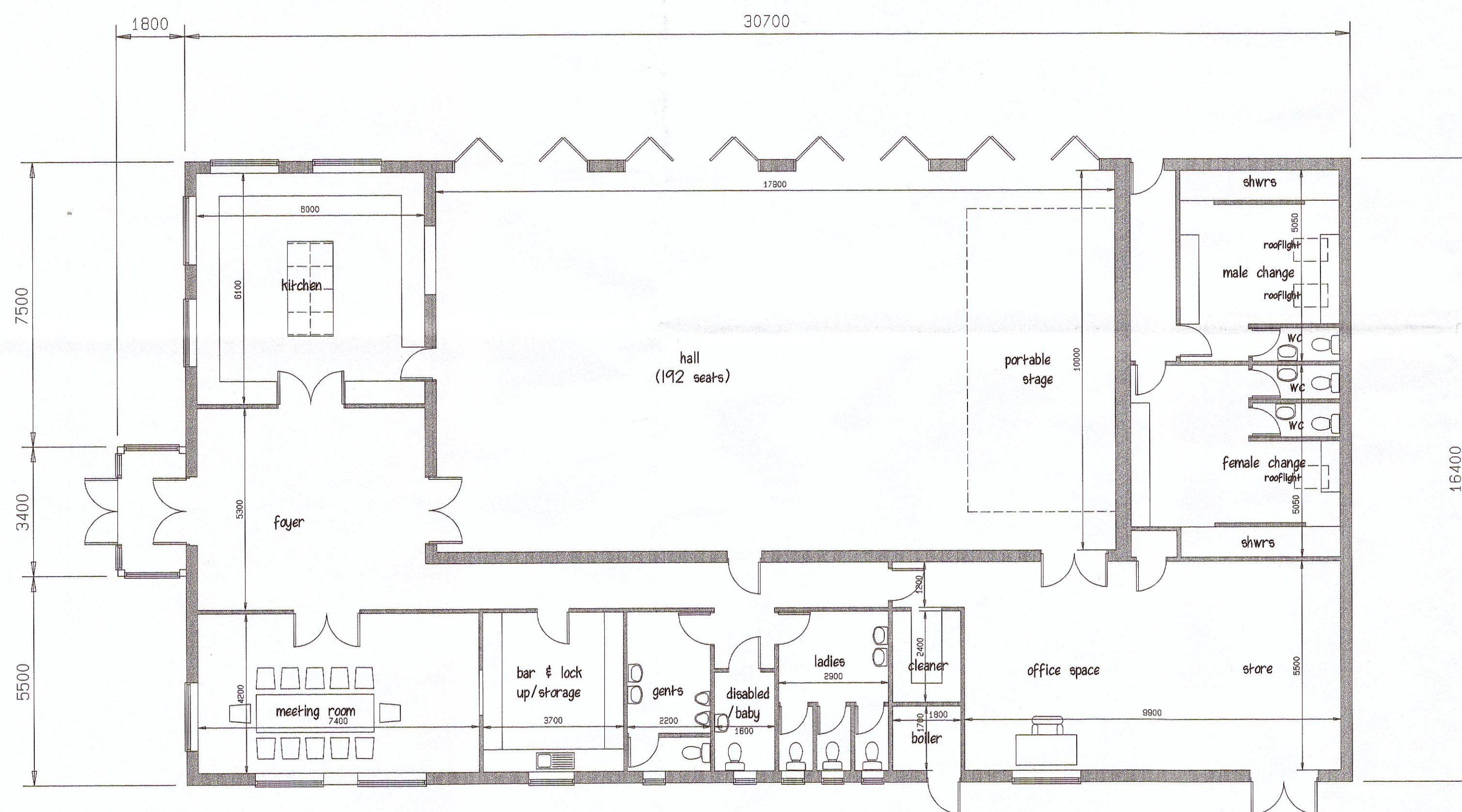
SOLAR PANELS TO SOUTH EAST ELEVATION

43

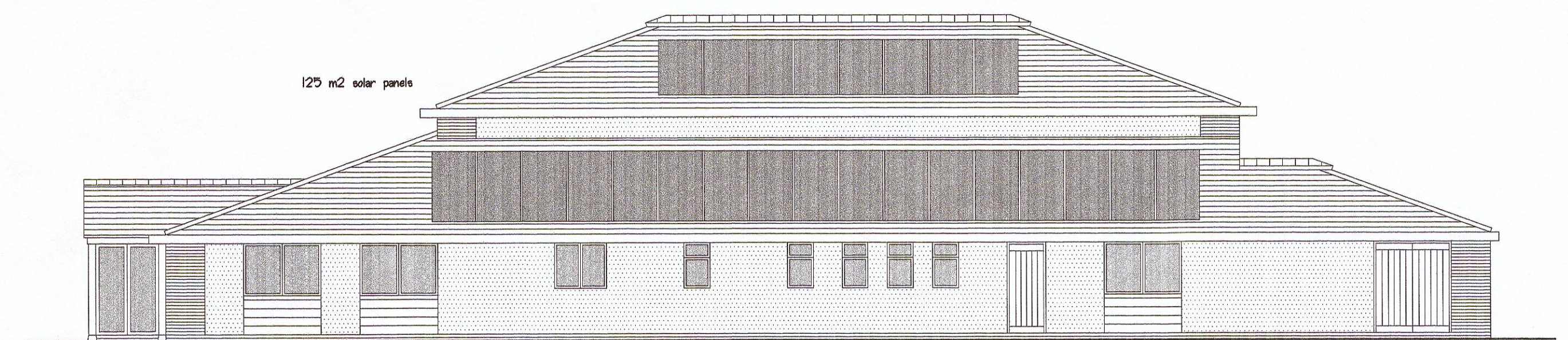


Proposed South West Elevation 1:100

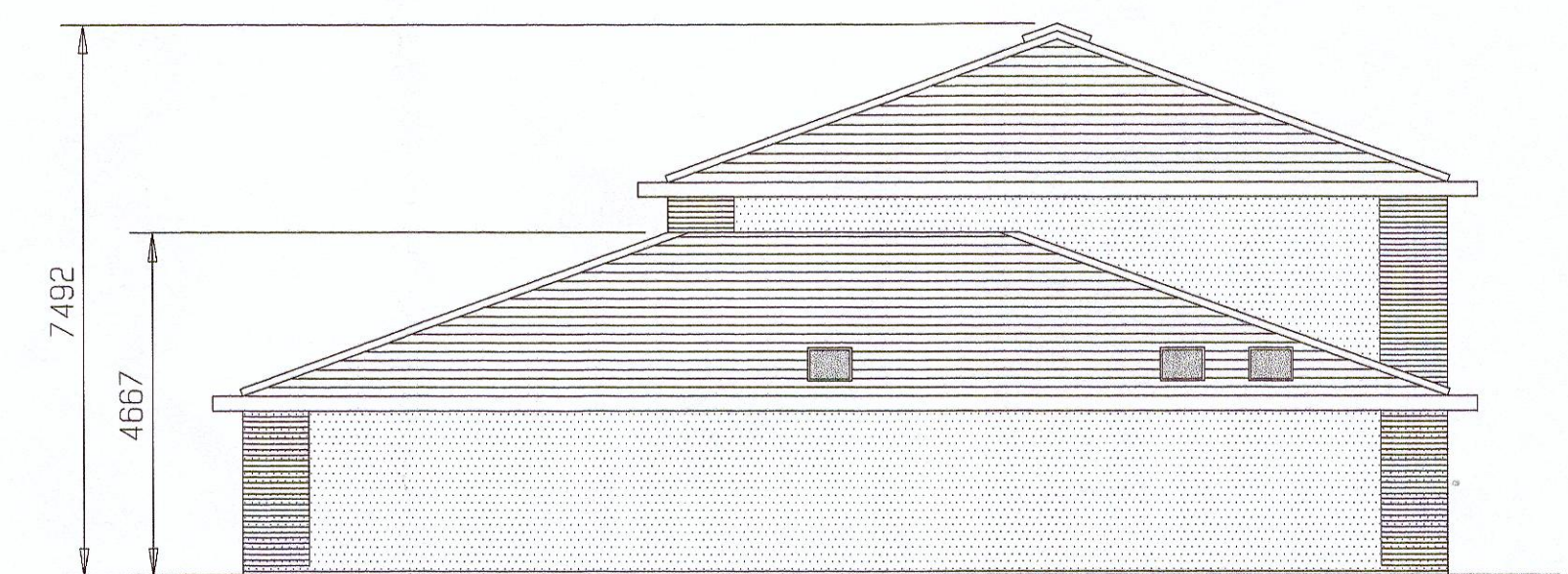
Proposed North West Elevation 1:100



Proposed Ground Floor Plan 1:100



Proposed South East Elevation 1:100



Proposed North East Elevation 1:100

Ref: SLVH/OIA/PLANNING/2014

APPENDIX 3

Planning Practice Guidance

Design

The importance of good design

Why does good design matter?

Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

What does good design achieve?

Good design should:

- ensure that development can deliver a wide range of planning objectives
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being
- address the need for different uses sympathetically.

How is good design delivered through plan making?

Local planning authorities should secure design quality through the policies adopted in their local plans. Good design is indivisible from good planning, and should be at the heart of the plan making process.

The National Planning Policy Framework requires Local Plans to develop robust and comprehensive policies setting out the quality of development that will be expected for the area. Local planning authorities will need to evaluate and understand the defining characteristics of the area as part of its evidence base, in order to identify appropriate design opportunities and policies.

These design policies will help in developing the vision for an area. They will assist in selecting sites and assessing their capacity for development. They will be useful in working up town centre strategies, and in developing sustainable transport solutions; all aimed at securing high quality design for places, buildings and spaces.

How can good design guide planning and development proposals?

Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and

techniques. Planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Related policy

National Planning Policy Framework

[Paragraph 63](#)

[Paragraph 64](#)

[Paragraph 65](#)

Who has the skills to judge good design?

By establishing sound, clear and easy to follow design policies and processes for use by both developers and local communities, local planning authorities can make design a more transparent and accessible part of the planning process.

To achieve good design the use of expert advice from appropriately skilled in house staff or consultants may sometimes be required. But design should not be the preserve of specialists, it is also important to seek the views of local communities.

Design impacts on how people interact with places. Although design is only part of the planning process it can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered:

- [local character \(including landscape setting\)](#)
- [safe, connected and efficient streets](#)
- [a network of greenspaces \(including parks\) and public places](#)
- [crime prevention](#)
- [security measures](#)
- [access and inclusion](#)
- [efficient use of natural resources](#)
- [cohesive & vibrant neighbourhoods](#)

Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- [layout – the way in which buildings and spaces relate to each other](#)
- [form – the shape of buildings](#)
- [scale – the size of buildings](#)
- [detailing – the important smaller elements of building and spaces](#)
- [materials – what a building is made from](#)

Which planning processes and tools can we use to help achieve good design?

In development plans:

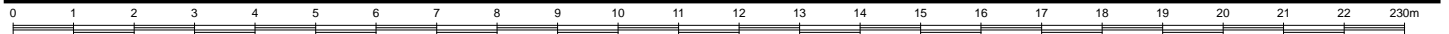
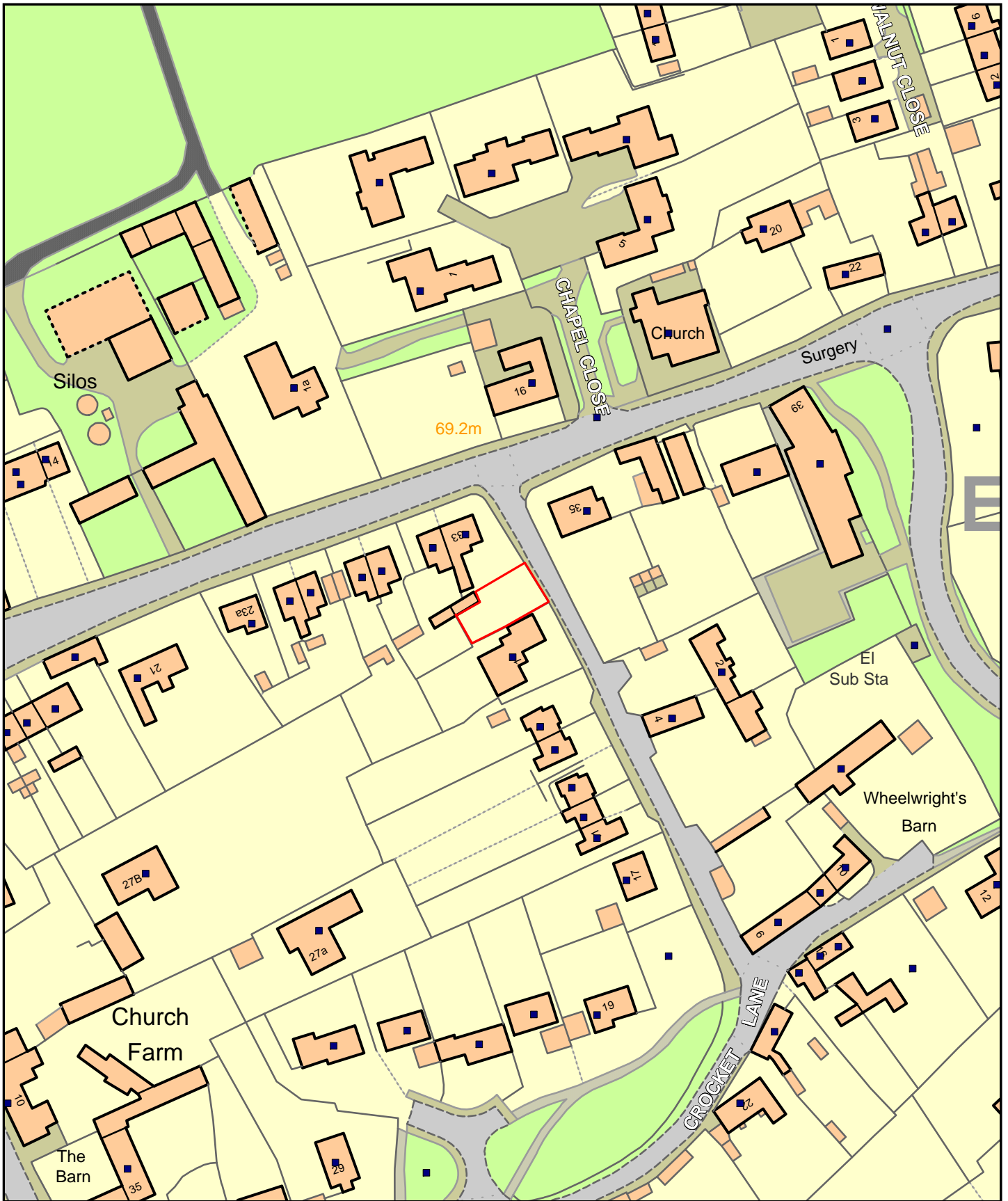
The promotion of good design should be sought at all stages in the planning process. At the development plan stage this will be carried out through:

- [careful plan and policy formulation](#)
- [the use of proper consultative and participatory techniques](#)
- [where appropriate the preparation of masterplans, briefs and site specific policies](#)

In planning applications:

In the evolution of planning applications and proposals there are established ways in which good design can be achieved. These include:

- [pre-application discussions](#)
- [design and access statements](#)
- [design review](#)
- [design codes](#)
- [decisions on applications](#)
- [the use and implementation of planning conditions and agreements](#)



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Date of plot: 14/10/2015



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0787/FUL	ITEM 4	
Proposal:	Detached dwelling adjacent to 33 Main Street, Empingham		
Address:	33, Main Street, Empingham, LE15 8PR		
Applicant:	Mrs Janet Cottis	Parish	Empingham
Agent:	Mr Tony Ansell, Rutland Planning	Ward	Normanton
Reason for presenting to Committee:	Refusal		
Date of Committee:	27 October 2015		

EXECUTIVE SUMMARY

This proposal for a dwelling within the rear curtilage of 33 Main Street, is a cramped form of development, out of keeping with the immediate street scene and failing to preserve or enhance the character and appearance of the Empingham Conservation Area. It is also detrimental to the residential amenity of the occupants of the neighbouring dwelling at 1 Crocket Lane.

RECOMMENDATION

REFUSAL, for the following reasons:

1. The proposed two storey dwelling is situated on higher ground above the Crocket Lane frontage, and in a cramped location between the existing dwellings at 33 Main Street and 1 Crocket Lane. Such an overdevelopment of the site, in addition to the proposed open frontage on Crocket Lane, is out of keeping with the immediate street scene and with the character of this part of the wider Empingham Conservation Area which is otherwise characterised by low density development, mature landscaping and spaces between buildings. This would be harmed by the proposal, which is detrimental to the immediate street scene and would fail to preserve or enhance the character and appearance of the Empingham Conservation Area causing harm which, although less than substantial, would not be outweighed by any public benefit. The proposal is therefore contrary to Policies CS19 and CS22 of the adopted Rutland Core Strategy (2011), to Policies SP15 and SP20 of the Rutland Site Allocations and Policies Development Plan Document (2014), and to paragraphs 129,131,132, and 134 of the National Planning Policy Framework (2012).
2. The proximity of the proposed dwelling to the neighbouring dwelling at 1 Crocket Lane would cause a loss of light to a ground floor window in the side elevation of the neighbouring property. It would also create an overbearing impact on that window. This would all be detrimental to the residential amenity of the occupants of the dwelling, and is therefore contrary to Policy CS19 of the adopted Rutland Core Strategy (2011), and to Policies SP5 (final paragraph) and SP15 of the Rutland Site Allocations and Policies Development Plan Document (2014).

Site & Surroundings

3. Nos. 23 to 33 Main Street comprise three pairs of semi-detached two storey Ancaster estate dwellings, on the southern side of the highway. All are constructed in red brick with red clay tiles. The application site is the easternmost of these, located at the junction of Main Street and Crocket Lane.

4. Although the boundaries of the original rear curtilages of these dwellings are now altered, most (including the application site) retain their original distinctive rear outbuildings.
5. The side boundary of the site is along the western edge of Crocket Lane and contains a mature hedge. The highway is at a lower level than the application site, with ground levels then rising across the highway verge and into the site.
6. This part of Main Street is in a central location within the Empingham Conservation Area, but none of these estate dwellings are listed.

Proposal

7. The current application proposes a new two storey two-bedroomed dwelling within the rear garden of no. 33 Main Street, but facing onto Crocket Lane. Access is taken from Crocket Lane, with two parking spaces and a turning area available within the front curtilage. A small garden is then provided at the rear, bounded in part by the existing outbuilding of no. 33. A small private garden area is also retained for no.33.
8. An amended site layout plan was submitted, to illustrate the parking and turning proposals, and demonstrate the current availability of on-street parking on Crocket Lane.

Relevant Planning History

Application	Description	Decision
75/0309	Single storey rear extension	Approved 04-11-75
85/0247	Garage and vehicular access	Approved 13-08-85
15/0322/FUL	Single storey rear extension	Approved 19-06-15
15/0323/FUL	New dwelling at rear	Withdrawn 08-09-15

Planning Guidance and Policy

National Planning Policy Framework

Section 12: Conserving and enhancing the historic environment.
(Paragraphs 128, 129, 131, 132, 134, 137 and 141)

The Rutland Core Strategy (2011)

Policies:

- CS1 Sustainable Development
- CS3 Settlement Hierarchy
- CS4 Location of Development
- CS19 Design
- CS22 Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

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

Empingham Conservation Area Character Appraisal and Management Proposals (2014)

Section 11: Buildings of Local Importance
(Paragraph 11.2.9 – Ancaster Houses)

Consultations

9. Empingham Parish Council
Objection, as detrimental to the Conservation Area. Support for the comments of the Conservation Officer and other objectors.
10. Conservation Officer
Design is an improvement on the previous application, but the proposal would still appear cramped on the site and be an overdevelopment, detrimental to the street scene and Conservation Area.
11. Highway Authority
No objection to revised plan, subject to a condition on any approval requiring any gates to be set back from the highway boundary.
12. Archaeological Consultant
Given the known archaeological finds within the area, conditions requiring an archaeological investigation should be imposed on any approval.

Neighbour Representations

13. Two letters of objection have been received. The first specifies that the new development would add to existing traffic problems in Crocket Lane, particularly given the current extent of on-street parking.
14. The second letter raises three grounds of objection
 - i. Highways and Access
 - The proposal would add to existing congestion, and be contrary to road safety.
 - The proposed new access would force existing on-street parking further down the lane, where the carriageway is narrower.
 - There may not be sufficient space to turn a vehicle into and out of the site if other vehicles are parked in the Lane.
 - Extra vehicles would be using the Crocket Lane / Main Street junction, where sight lines are impeded by vehicles parking in front of the application site.
 - ii. Conservation
 - Detrimental impact on the openness, greenery and low density of the village
 - Proposal is disproportional to the site and crammed into the available space
 - Insufficient amenity space would be available if this proposal, and the approved rear extension to no.33, were both to be implemented.
 - Support for the comments of the Conservation Officer

- iii. Application Details
 - Inconsistencies on the submitted plans regarding the distance from the proposed dwelling to the neighbouring dwelling and to the highway boundary
 - Height of new dwelling and impact on available light for the windows of neighbouring property

Planning Assessment

14. The main issues are
 - Principle of Development
 - Highways and Access
 - Design
 - Impact on the Conservation Area
 - Residential Amenity
 - Other changes from previous application 2015/0323/FUL
15. Various other matters are then addressed together at the end of the report

Principle of Development

16. In accordance with Development Plan Policy CS4, modest proposals for additional housing are acceptable in principle within the Planned Limits to Development of Local Service Centres such as Empingham. However, this is subject to all other relevant planning issues being addressed. As examined below, there are site-specific matters that remain outstanding and result in a recommendation for refusal.

Highways and Access

17. The objections received from neighbouring residents are noted. However, the amended layout plan indicates that access can be made available from Crocket Lane and that adequate parking and turning space can be made available on site. These revised arrangements accord with "Part I" of Policy SP15, and the Highway Authority has subsequently withdrawn its previous objection.
18. However, even though the amended plan is acceptable on such technical matters, the visual impact of these access arrangements raises other concerns, as examined below.

Building Design

19. The design of the dwelling subject to planning application 2015/0323/FUL was not in keeping with the immediate area. However, the current proposal takes reference from the Ancaster estate dwellings on Main Street (including no. 33). Notwithstanding the other issues examined below, this design is appropriate for Empingham Conservation Area, and therefore satisfies the relevant parts of Development Plan Policies CS19 and SP15.

Impact on the Street Scene and Conservation Area

20. The Conservation Area Appraisal of 2014 identifies the low density and space between buildings as being characteristic of the Area. It identifies the former estate houses as making a positive contribution to the area. Crocket Lane also has a rural character due to its narrow width and boundary hedgerow. The current application must be assessed in this context.

21. Due to the limited available space, the house would appear cramped on the site, creating a sense of overdevelopment. It would also block the characterful views of Empingham Church, which currently make a positive contribution to this part of the Conservation Area. This is all detrimental to the immediate street scene on Crocket Lane and Main Street, and would fail to preserve or enhance the character and appearance of the Conservation Area.
22. The visual impact of the proposed dwelling would be worsened by its location on higher ground above Crocket Lane, and by the extent of recontouring and hard landscaping necessary to provide a new access and front curtilage given the rising levels along the Crocket Lane boundary. The loss of boundary hedging to create the new access, and consequent opening up of the frontage, is also out of keeping with the immediate area. Furthermore, it would open up views into this cramped development, causing further detriment to the Conservation Area.
23. This perception of an overdevelopment of the site is also worsened by the limited garden areas that would be available to both the existing and new dwellings. This could then be further exacerbated by any implementation of the approved rear extension to no.33 (Ref: 15/0322/FUL).
24. Given all this, the proposal would be detrimental to the immediate street scene and would fail to preserve or enhance the character and appearance of the Empingham Conservation Area. Specifically, it is contrary to Development Plan Policies CS19, CS22, SP15 and SP20.
25. It is also contrary to paragraphs 128, 129, 131, 132, and 134 of the National Planning Policy Framework and to the general guidance within the Conservation Area Character Appraisal. In consequence the duty imposed on the Council through Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not satisfied.

Residential Amenity

26. As examined below, the submitted plans are unclear and inconsistent in their depiction of the distances between the proposed new dwelling and the site boundaries. However, it is clear that a ground floor window on the neighbouring property at 1 Crocket Lane would directly face the southern gable end of the proposed dwelling. This resultant overbearing impact and loss of light would be detrimental to the residential amenity of the occupants of that property.
27. Given this, the proposal is contrary to development plan policies CS19, SP5 (last paragraph) and SP15.
28. Notwithstanding the concerns raised above, regarding the combined impact of this proposal and the approved rear extension at no.33, on the character of the area, the approved extension would assist in mitigating the impact of the new dwelling on the amenity of no.33. This is because the rear of the property would now be oriented towards its residual area of rear garden, not towards the northern side gable of the proposed new dwelling.

Changes from previous application 2015/0323/FUL

29. Before the previous application for a new dwelling (2015/0323/FUL) was withdrawn, the applicant was given advice on changes that could overcome the identified design issues. Concerns were not raised at that stage about the potential overdevelopment of the site.

30. However, this has been given much closer scrutiny on receipt of the current application, given that the Case Officer's site visit identified possible inaccuracies and inconsistencies in the submitted plans and given that the impact of proximity to adjacent buildings is only clear from such a site inspection where the relative heights can be fully assessed. These concerns were then emphasised by the comments from the immediate neighbour.
31. The applicant has been asked to reconsider the proposed plans and to undertake a further site survey to check the submitted dimensions. Members will be updated via the Addendum Report.
32. From all this, Members will appreciate why the issues that have resulted in a recommendation of refusal for the current application weren't identified before the previous application was withdrawn.

Other Topics

33. There are no outstanding concerns regarding ecology or archaeology. No significant trees would be lost as a result of the proposal. There is no requirement for developer contributions via a Planning Obligation.

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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

27 October 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/D/15/3134080 – Mr and Mrs L Greaves – 2015/0482/FUL**
 6 Northwick Road Ketton PE9 3SA
 Erection of extensions
Delegated Decision

- 2.2 **APP/A2470/W/15/3134756 – Mr Nicholas Grindley – 2015/0013/FUL**
Rear of 17 High St East, Uppingham, LE15 9PY.
Erection of new detached 3 bedroom dwelling within the land to the rear of No. 17 High Street utilising existing store.
Delegated Decision
- 2.3 **APP/A2470/Y/15/3134774 – Mr Nicholas Grindley – 2015/0014/LBA**
Rear of 17 High St East, Uppingham, LE15 9PY.
Erection of new detached 3 bedroom dwelling within the land to the rear of No. 17 High Street utilising existing store.
Delegated Decision
- 2.4 **APP/A2470/D/15/3135695 – Mr Paul Partington – 2015/0455/FUL**
2 Stretton Road, Greetham, LE15 7NP.
Proposed two storey extension
Delegated Decision

3. DECISIONS

- 3.1 None

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None.

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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

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