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Rutland County Council

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

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, 12th April, 2016** 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 15 March 2016.

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. 80/2016 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 80/2016 from the Director for Places (Environment, Planning and Transport.)

NB. Report No. 80/2016 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. 79/2016 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 79/2016 from the Director for Places (Environment, Planning and Transport).

(Pages 11 - 46)

7) ANY OTHER URGENT BUSINESS

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

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DISTRIBUTION

MEMBERS OF THE 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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REPORT NO: 79/2016

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

DATE 12TH APRIL 2016

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

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

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Ordnance Survey [100018056]

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Time of plot: 09:07
Date of plot: 29/03/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0997/FUL	ITEM 1	
Proposal:	Installation of 13 no. rooflights; 1 no. window to side elevation; external staircase and walkway to rear elevation; 1.9 metre high boundary wall and gates; enlargement of 2 no. window openings to create new windows; patio style access door and re-instatement of a chimney (part retrospective).		
Address:	14A Queen Street, Uppingham, Rutland, LE15 9QR		
Applicant:	Mr Giles	Parish	Uppingham
Agent:	Mr Tom Riozzi, The Martin Design Partnership	Ward	Uppingham
Reason for presenting to Committee:	Neighbour Objection		
Date of Committee:	12 April 2016		

EXECUTIVE SUMMARY

This application was deferred at the meeting of the Committee on 22nd December 2015 for reconsideration as a result of information provided in a deputation. The current (partly retrospective) application, including replacement upvc windows in different designs, is recommended for refusal because of the detrimental impact upon the character and appearance of Uppingham Conservation Area.

RECOMMENDATION

REFUSAL, for the following reasons:

1. Windows A, C and E through the use of UPVC rather than timber frames and through their forms and sizes are out of keeping with the character and appearance of this part of the Uppingham Conservation Area. As such, the works fail to preserve or enhance the character and appearance of the Area, contrary to policies CS19 and CS22 of the adopted Rutland Core Strategy (2011), and to policies SP15 and SP20 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014). These works are also contrary to heritage guidance contained in paragraphs 131 and 134 of the National Planning Policy Framework (2012) in that the harm, although less than substantial, would not be outweighed by any wider public benefits.
2. The proposed balcony, due to its size, location, and potential for use as an outdoor seating area, would result in an unacceptable level of overlooking and potential for noise nuisance to neighbouring dwellings, creating a detrimental impact upon the private residential amenity of their occupants. This would be contrary to policy CS19 of the adopted Rutland Core Strategy (2011), and to policy SP15 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014).

Site & Surroundings

3. 14A Queen Street is a first and second floor flat accessed from a public car park behind Uppingham Library. The property is sited above a shop which fronts High Street East.
4. The building dates from the early 19th Century, is constructed of red brick, and situated within the Uppingham Conservation Area.
5. The immediate surrounding properties to the rear of the building are predominantly residential and include flats, dwelling houses and the library.

6. The rear elevation of the property incorporates two separate elements; a three storey gable at the east and a two storey area at the west, under a hipped roof. The main entrance is at first floor level on the gable end.

Proposal

7. The current application follows an earlier permission for the creation of 2 flats above the retail store with some fenestration changes and the conversion of an outbuilding to a dwellinghouse. However this 2010 approval was not implemented in accordance with the approved plans. As a result the alterations are not currently lawful. This application seeks in part to regularise these unauthorised works.
8. The application seeks permission retrospectively for 13 roof-lights, the installation of a window to the first floor east elevation and the installation of a 1.9 metre high wall and gates to enclose private amenity space.
9. Permission is also sought retrospectively for fenestration changes to the rear elevation which includes 2 window openings and a patio style door.
10. Following the 2010 permission a chimney was removed from the rear of the property. This application seeks to re-instate it.
11. In addition, an unauthorised 3.5 metre deep balcony at the first floor with an external staircase has been constructed to provide access into the property. This application now seeks to replace this with an external staircase leading to a 1.8 metre wide landing which would access a 1.5 metre wide balcony.
12. Appendix One contains the application plans.

Relevant Planning History

Application	Description	Decision
FUL/2010/0363	Conversion of a single residential unit into 2 No. flats above shop; change of use of outbuilding to dwellinghouse.	Approved 14/07/2010
2015/0414/FUL	Conversion of existing loft space into 1 bedroom, including raising the roof height, insertion of 2. No Dormers, removal of existing chimney and installation of additional flat roof.	Withdrawn 26/06/2015
2015/0725/FUL	Raise the existing roof height by 500mm and conversion of existing loft space into 1 bedroom including removal of existing chimney. Retrospective application to be included as part of this submission for 4 existing windows and first floor balcony.	Refused 05/10/2015

Planning Guidance and Policy

National Planning Policy Framework
Section 12 – Historic Environment

The Rutland Core Strategy (2011)
CS19 – Promoting good design
CS22 – The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and amenity

SP20 – The historic environment

Consultations

13. Uppingham Town Council

“The building has been converted into one dwelling. A number of changes have been made further to the application that was approved in 2010. This includes additional Velux windows, additional windows and the removal of a chimney on the rear elevation. Other internal alterations have been made to suit the new layout. Proposed that the retrospective applications be rejected and asked that Rutland County Council ensure the applicant complies with the original applications and that they should take the necessary steps to enforce this outcome.”

Neighbour Representations

14. 6 Queen Street

- Doors A and E and window B overlook private amenity areas
- Use of PVC double doors onto landing will allow use of landing space as extension to inside living space
- Out of character with local conservation area
- Flooding to Boots the Chemist as no provision made for drainage

15. Asbury Associates on behalf of 6 Queen Street – (8th and 11th September 2015)

- Unauthorised balcony/seating area to first floor
- Loss of privacy and unacceptable noise
- Balcony built into historic wall which is becoming cracked and distorted
- Private amenity area enclosed by a boundary wall which does not appear to have permission.
- Loss of chimney stack
- Loss of sash sliding window in place of patio doors
- Overlooking from retrospective window B

16. Boots the Chemist, 26 High Street East

- Existing balcony protrudes over A/C condenser units affecting air flow and inability to access to upgrade
- Drainpipes not connected causing excess water to track into rear stock room
- Other concerns relate to a previously withdrawn application – request a structural surveyor is instructed to review loadings due to increase in height of existing roof.

Planning Assessment

17. The main issues are

- Impact upon Uppingham Conservation Area
- Impact upon residential amenity

18. Due to the numerous alterations, these issues are assessed together for each of the specified alterations. The comments of neighbouring residents are duly noted and are also addressed within this.

19. With regard to the impact on the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in exercising planning powers special attention should be paid to the desirability of preserving or enhancing the

character or appearance of a conservation area. This carries significant weight in considering planning applications.

20. In considering the impact on residential amenity, attention is given to Policies CS19 and SP15.

Roof Lights

21. The unauthorised roof lights were not part of the previous planning permission in 2010 but have been installed since then without planning permission. On their own, the 13 roof-lights would be acceptable. They cannot be seen from any public vantage point, are not detrimental to the character and appearance of Uppingham Conservation Area, and would not result in any additional unacceptable impact upon private residential amenity.
22. Three of the roof lights could create a perception of increased overlooking and potential additional loss of privacy for the occupants of the adjacent property (No 24 High Street East). However any potential additional overlooking would be from roof-lights P, Q and R which serve a bedroom where there is already an existing window. Although the roof lights are only 1.5 metres above floor level, any overlooking of the adjacent property would be not greater than that of the existing bedroom window. It should be noted that the bedroom window is as existing prior to the 2010 application.

Window to Utility Room

23. Window B was not part of the planning permission granted in 2010. It has been subsequently installed, in a upvc frame, at first floor level in the eastern side elevation of the property. This faces the rear elevation of neighbouring properties at a distance of ten metres. It is now being applied for retrospectively.
24. The window is of modest size (1metre x 0.5 metre), and serves a utility room not a habitable room. Therefore, any overlooking of the neighbouring properties on Queen Street would be minimal, despite it looking directly at several windows in those properties. On this basis, it would not cause an unacceptable level of harm to the occupants of neighbouring properties, in particular to 6, and 8 Queen Street.
25. The window is constructed of UPVC. It can only be obliquely seen from any public viewpoint within the conservation area. In conjunction with its small size it does not cause harm to the character or appearance of the conservation area.

Windows and patio style door

26. Window C is located at first floor level on the two storey (eastern) part of the rear elevation. The 2010 permission approved the replacement of an existing vertical emphasis timber window in this location with a timber window of appropriate (sliding sash) design. The existing plans submitted in 2010 indicate this window as a small modern casement with a top fanlight. The size of the opening was unchanged. However, the window opening has since been changed and a upvc window of a different horizontal emphasis design then installed. The replacement window has also lost the off centre position of the original. It is now being applied for retrospectively.
27. This window is prominent in the public view from the library car park. The changes to what was approved have been harmful to the appearance of the conservation area. The original opening needs to be reinstated to remove the harm that has been caused.
28. Window E is located on the second floor of the three storey rear gable. The existing elevation submitted as part of the 2010 application indicates that this window was of a modern design with a single fan light at the top, and constructed in timber. The approved

plans in 2010 replaced this with a timber window of more appropriate design. Since then an unauthorised full length window with a Juliet balcony has been installed which is not acceptable.

29. The current application seeks to replace this window and Juliet balcony with a sash window that is still larger than previously existed but smaller than what currently exists. This is welcomed, however upvc is still proposed, causing harm potentially to the character and appearance of the conservation area as there are no details of the design or how the window opens. This window is prominent in the public view from the library car park.
30. There would be no detrimental impact upon private residential amenity given there would be no direct overlooking of any neighbouring properties from this new window, but this does not overcome the above concerns.
31. With regard to the patio style doors (Window A) at first floor level on the rear elevation; these provide the primary entrance to the dwelling, via the external stairs and balcony. They are being applied for retrospectively albeit that the amended plans now propose that these are to have glazing bars added in an attempt to recreate a more traditional finish.
32. Evidence is now available to indicate that a traditional wooden sash window was removed and replaced with the current UPVC patio doors. This window is prominent in the public view from the library car park and the conservation area. The design indicated on the amended plans is more appropriate than the existing design, but the primary material is still UPVC which fails to preserve or enhance the character and appearance of the conservation area.
33. The 2010 application recognised the importance of the retention of the sash window and proposed the installation of a new timber door to the right of it in a new opening. The removal of additional material to create such a further opening here would result in a further detrimental impact and the original sash window is now lost. This is a far from ideal position caused by the applicant failing to comply with the approved plans. The applicant has accepted that the existing patio door will be removed. As the application stands the need to have special regard to the conservation area is not met. Your officers view is that if the patio doors were removed and replaced in well-designed painted timber and if the other door was not installed that the overall impact would be neutral and could be accepted. To be clear the patio door as it exists or with the applicant's proposed changes is not acceptable.
34. Windows C and E and the patio-style doors are unacceptable. The use of UPVC results in an unacceptable level of harm and fails to preserve and enhance the character and appearance of Uppingham Conservation Area.

Chimney

35. The previously approved 2010 application showed a chimney to the apex of the rear gable. This has since been removed. Chimneys are an important feature on historic buildings and are prevalent in this part of Uppingham Conservation Area. Therefore the reinstatement of this chimney stack would repair the harm that has been done to the character and appearance of the Conservation Area. If the application had been recommended for approval a condition could have been recommended to secure its reinstatement.

Access and Walkway

36. The property is currently accessed via an external staircase which leads to a 4.7 metre wide by a 3.5 metre deep balcony area. This balcony is currently unauthorised and an

application was not invited to regularise it, given its unacceptable impact upon the private residential amenity of the adjacent occupants.

37. The 2010 application approved an external staircase and a smaller walkway of 1 metre depth and not as wide.
38. A brick store is currently sited under the existing unauthorised balcony. The proposal seeks to retain this building at its current size. As such the balcony area could potentially be extended in the future to infill an area of exposed store-room roof. Railings are proposed to prevent the use of this area of roof but this would not overcome the potential future pressure to utilise this area.
39. Revised drawings have since been received in an attempt to reduce the size of the balcony. The proposal indicates an external staircase to access the property. This would lead to a landing area 1.8 metres deep before narrowing to a 1.5 metre walkway. This would still be larger than the walkway approved in 2010.
40. The proposed staircase and walkway would only be publicly visible from the adjacent car park. Therefore given the limited views of it from the conservation area, it would not be harmful to the character and appearance of Uppingham Conservation Area.
41. However, the revised smaller walkway could still give rise to potential overlooking of the private rear amenity areas of the neighbouring occupants, in particular 6 and 8 Queen Street. It would equally be large enough to accommodate the outdoor furniture associated with private residential amenity use leading to unacceptable levels of overlooking and noise at first floor level.
42. On this basis the proposed balcony would result in a detrimental impact upon the occupants of the neighbouring properties numbers 6 and 8 Queen Street.

Gates and Wall

43. The installation of the 1.9 metre high wall and pair of double gates seek to provide a physical boundary between the private amenity space of the application site and the public car park to the rear. The wall is constructed of a similar red brick to match the existing property. This contributes positively to the conservation area given the traditional brick and coping details. The timber gates, however, neither contribute nor detract leaving a neutral impact upon the Conservation Area.

Other Matters

44. Should members refuse planning permission, in accordance with the officer recommendation, various unauthorised works would still remain in situ on and around the building. Officers will discuss with the landowner the option of a further application being submitted for the elements that have not led towards the current recommendation for refusal, and revised proposals for those elements that are currently unacceptable. Officers will also consider a separate report recommending enforcement action against the unacceptable unauthorised works.
45. The submitted comments from Boots the Chemist are duly noted. However given that the comments relating to access of the air conditioning units and drainage facilities are not material planning considerations, they are not wholly relevant. The comments relating to a structural survey request, are relevant to the previously refused application 2015/0725/FUL.

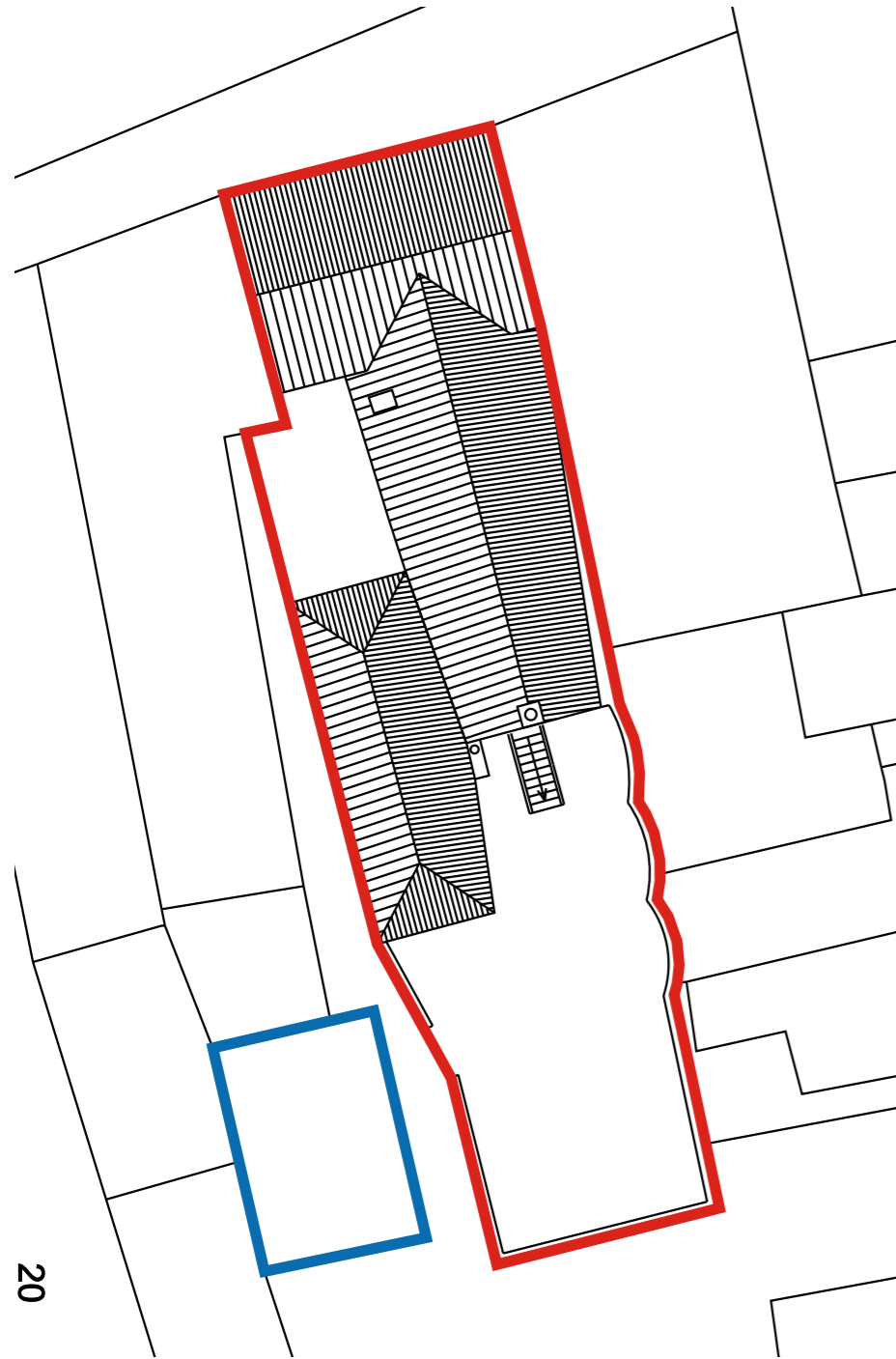
PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM

Appendix 1

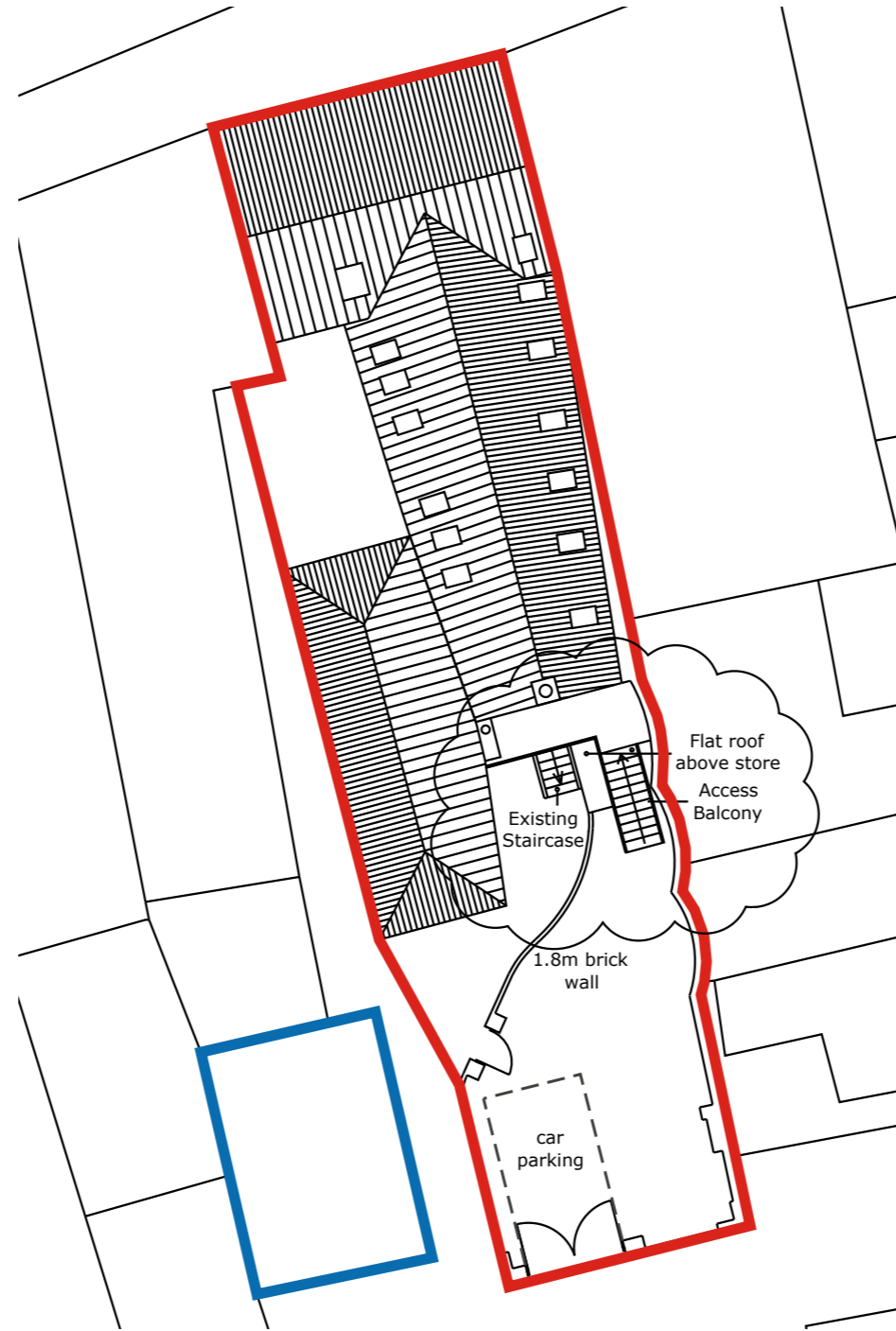
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Site Boundary to 14b

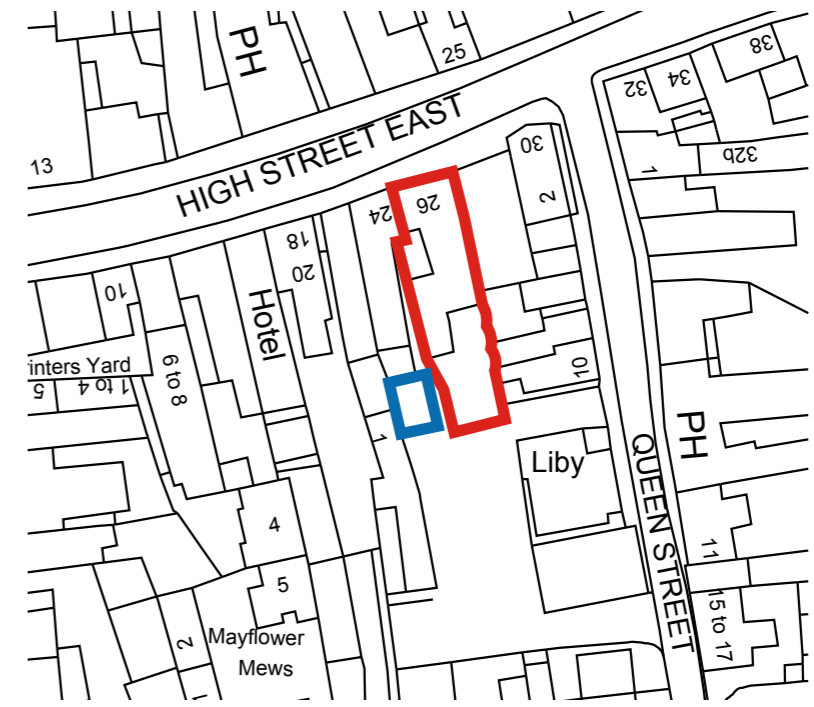
Revised Plan 16 March 2016
2015/0997/FUL



EXISTING SITE PLAN
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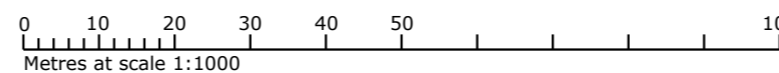
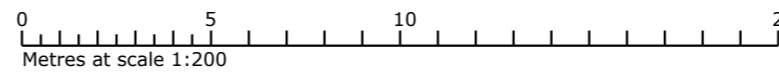
PROPOSED SITE PLAN
scale 1:200



SITE LOCATION PLAN
scale 1:1000

PLANNING APPROVAL - SITE PLANS

20



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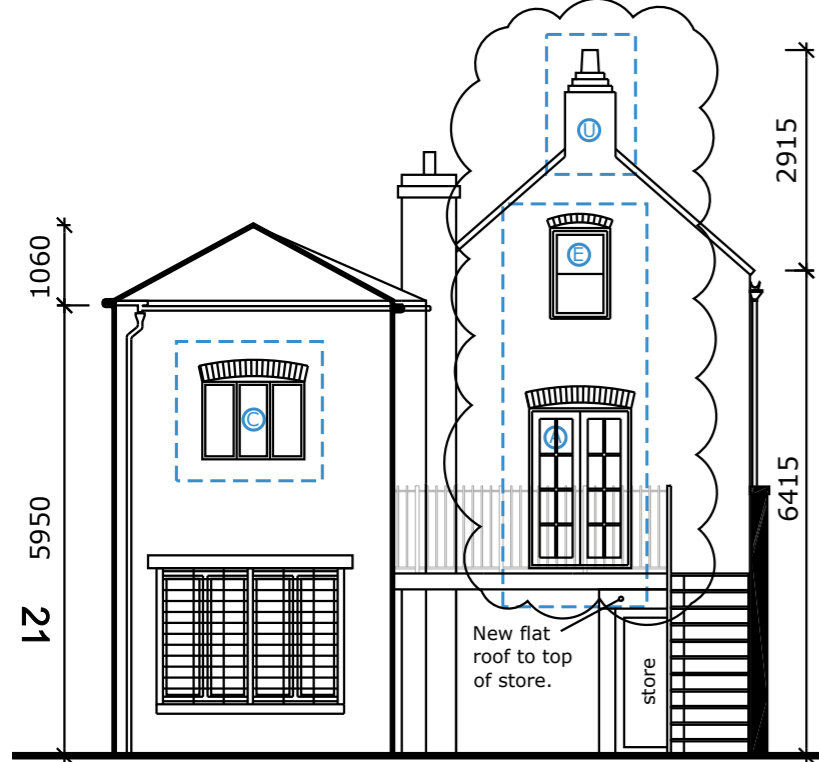
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Revision	Amendment Description:	Initials	Date
C	Balcony shortened further to meeting	TR	16.03.16
B	Balcony amended to suit clients comments	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15
 The Martin Design Partnership <small>ARCHITECTURAL DESIGN & CONSULTANCY PROJECT MANAGEMENT / LANDSCAPE ARCHITECTURE</small>			
Client Address: Clive Giles 14a Queen Street Uppingham LE15 9QR		Project Address: Same as Client Address	
Project No: 0689	Drawn By: SP		
Drawing No: P001	Revision: C		
Date: 27.10.15	Scale: 1:1000/200		
Drawing Title: SITE PLANS	Checked By: SM		
<small>Registered Office: The Factory, 33a Central Avenue, Wigston, Leicestershire, LE18 2AB T: 0116 2812939 F: 0116 2887476 E: office@themdp.co.uk W: www.themdp.co.uk</small>			
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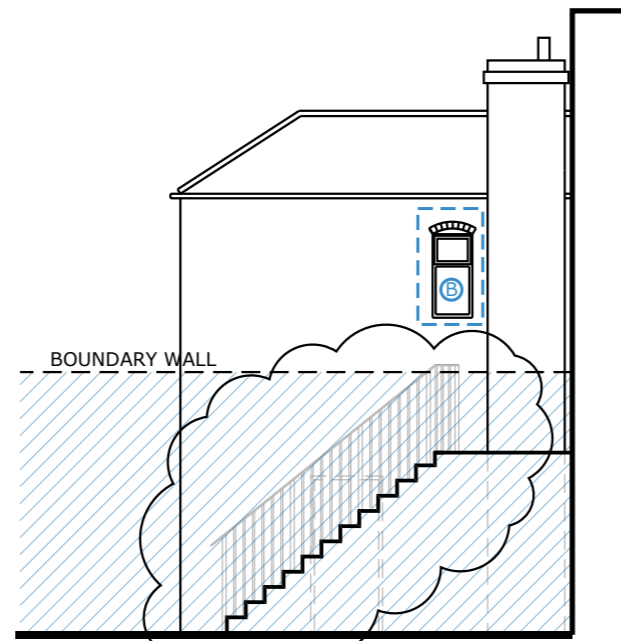
PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM

Revised Plan 16 March 2016
2015/0997/FUL

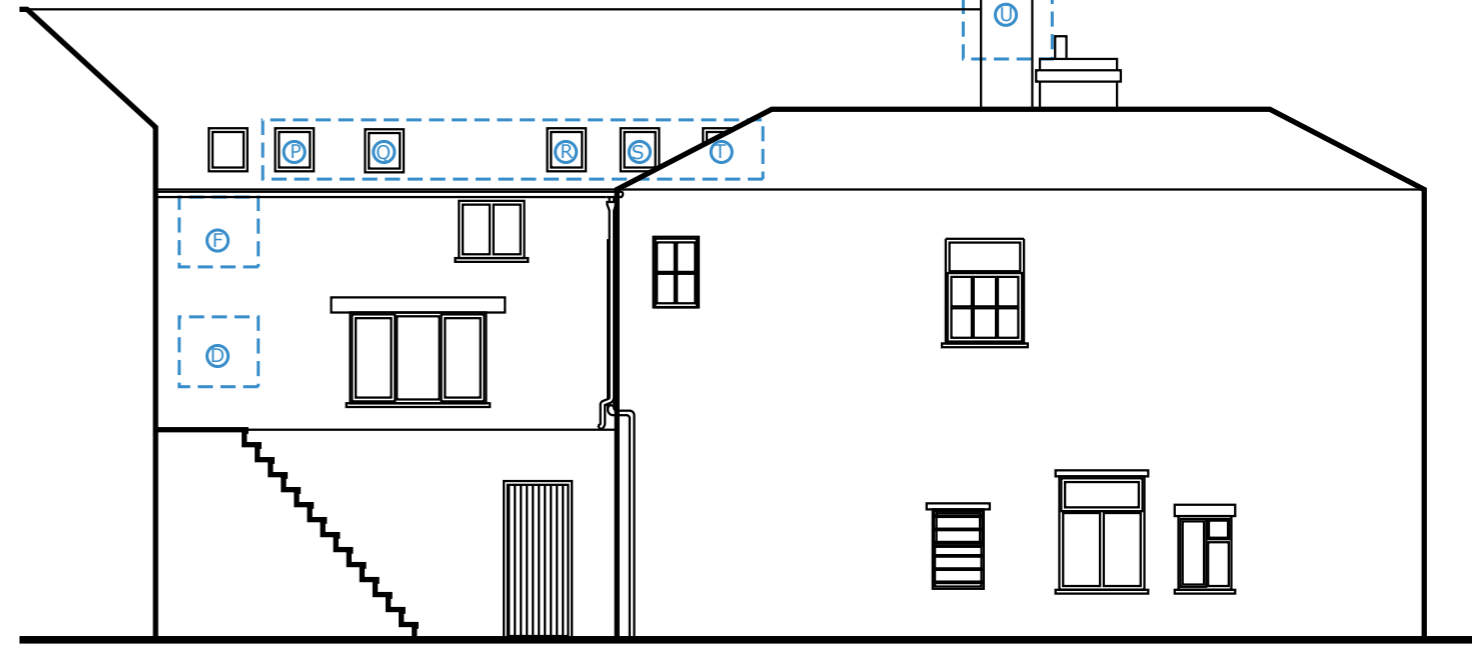
Appendix 1



PROPOSED REAR ELEVATION
scale 1:100



PROPOSED SIDE ELEVATION
scale 1:100



PROPOSED SIDE ELEVATION
scale 1:100



PROPOSED ELEVATION FROM
LIBRARY - scale 1:100

RETROSPECTIVE ELEMENTS:

- A - The design and fenestration of the existing door and window have been amended. Glazing bars have been added.
- B - A window has been added in the utility room.
- C - The design and fenestration of the existing window has been altered.
- D - The window as specified on the planning application REF:2010/0363 has not been installed.
- E - The design and fenestration of the existing window has been altered. The Juliette balcony has been removed and the cill height had been reduced to 900mm from first floor FFL. Sash window.
- F - The window as specified on the planning application REF:2010/0363 has not been installed.
- G to T - Velux windows installed further to planning application REF:2010/0363
- U - The chimney will be reinstated further to its removal in 2013.

C	Amendments made further to meeting.	TR	16.03.16
B	Windows and doors to the rear of the property to be timber double glazed units. Balcony amended.	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15

Revision: Amendment Description: Initials: Date:

The Martin Design Partnership
ARCHITECTURAL DESIGN & CONSULTANCY PROJECT MANAGEMENT CONSULTING SERVICES

Client Address: Clive Giles 14a Queen Street Uppingham LE15 9QR	Project Address: Same as Client Address
Project No: 0689 Drawing No: P004 Date: 27.10.15	Drawn By: SF Revision: C Scale: 1:100
Drawing Title: PROPOSED ELEVATIONS	
Issue Type: PLANNING	Checked By: EM

Registered Office: The Factory, 33a Central Avenue, Wigston, Leicestershire, LE18 2AB
T: 0116 2812939 F: 0116 2887476
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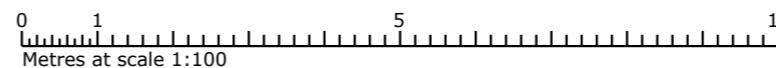
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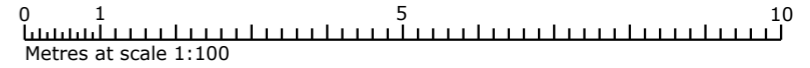
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PLANNING APPROVAL - PROPOSED ELEVATIONS

PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM



Appendix 1

Revised 16 March 2016
2015/0997/FUL

PLANNING APPROVAL - PROPOSED FLOOR PLANS



RETROSPECTIVE ELEMENTS:

A - The design and fenestration of the existing door and window have been amended. Glazing bars have been added.

B - A window has been added in the utility room.

C - The design and fenestration of the existing window has been altered.

D - The window as specified on the planning application REF:2010/0363 has not been installed.

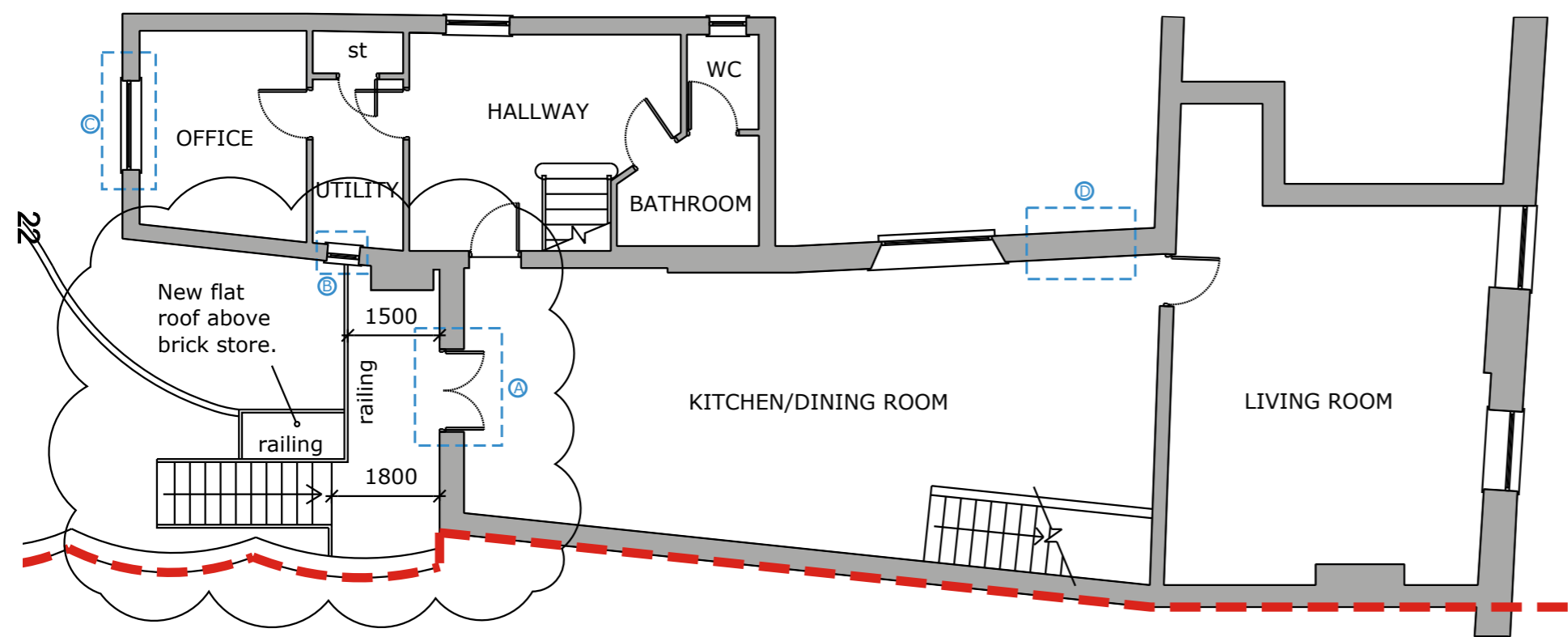
E - The design and fenestration of the existing window has been altered. The Juliette balcony has been removed and the sill height had been reduced to 900mm from first floor FFL. Sash window.

F - The window as specified on the planning application REF:2010/0363 has not been installed.

G to T - Velux windows installed further to planning application REF:2010/0363

U - The chimney will be reinstated further to its removal in 2013.

PROPOSED SECOND FLOOR PLAN
scale 1:100



PROPOSED FIRST FLOOR PLAN
scale 1:100

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C	Balcony access made smaller.	TR	16.03.16
B	Windows and doors to the rear of the property to be timber double glazed units. Balcony amended.	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15

Revision: Amendment Description: Initials: Date:

The Martin Design Partnership
ARCHITECTURAL DESIGN & CONSULTANCY PROJECT MANAGERS | CONSULTING ENGINEERS

Client Address:
Clive Giles
14a Queen Street
Uppingham
LE15 9QR

Project Address:
Same as Client Address

Project No: 0689
Drawing No: P005
Date: 27.10.15

Drawn By: SF
Revision: C
Scale: 1:100

Issue Type: PLANNING
Checked By: EM

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Date of plot: 29/03/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0998/FUL	ITEM 2	
Proposal:	Conversion of outbuilding to dwellinghouse including installation of new windows and access door (part – retrospective)		
Address:	14B, Queen Street, Uppingham, Rutland, LE15 9QR		
Applicant:	Mr Giles	Parish	Uppingham
Agent:	Mr Tom Riozzi, The Martin Design Partnership	Ward	Uppingham
Reason for presenting to Committee:	Referred by Chairman		
Date of Committee:	12 th April 2016		

EXECUTIVE SUMMARY

This application for conversion of an outbuilding to a dwellinghouse and to regularise external alterations is in part acceptable. The conversion would utilise an otherwise redundant building in the centre of Uppingham. The use would result in limited impact upon residential amenity and in principle is acceptable. However the poor materials, particularly the use of UPVC rather than timber, the style of fenestration and the number of additional openings fail to preserve or enhance the character and appearance of Uppingham Conservation Area, resulting in a recommendation of refusal.

RECOMMENDATION

REFUSAL, for the following reason:

1. The number of openings to the principal east elevation, their poor design and the use of non-traditional materials are harmful to the character and appearance of the Uppingham Conservation Area. The traditional form and design of this outbuilding (a non-designated heritage asset) that was sensitively retained in the 2010 approval has been removed. As such, the works fail to preserve or enhance the character and appearance of the Area, contrary to policies CS19 and CS22 of the adopted Rutland Core Strategy (2011), and to policies SP15 and SP20 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014). These works are also contrary to heritage guidance contained in paragraphs 131 and 134 of the National Planning Policy Framework (2012) in that the harm, although less than substantial, would not be outweighed by any wider public benefits.

Site & Surroundings

2. 14B Queen Street is a two storey building in a central location within the Planned Limits to Development of Uppingham, and within Uppingham Conservation Area. The building is accessed from the public car park behind Uppingham Library. It dates from the early 19th Century, was previously utilised as an outbuilding to a property on High Street East, and is constructed of red brick with a grey slate roof over. The immediately surrounding properties are predominantly residential and include flats, dwelling houses and the public library building.

Proposal

3. This current application follows an earlier permission in 2010. It included conversion of the outbuilding, subject of this application, into a dwellinghouse, and the conversion of a single residential unit above a shop (on High Street East) into two flats. However this

was not implemented in accordance with the approved plans either externally or internally. As a result, the works that have been undertaken at 14B are not currently lawful. Furthermore, at the time of submitting the application, the building has not been occupied as a dwellinghouse. Therefore no use has been implemented.

4. This application seeks permission for the conversion of the outbuilding to a dwellinghouse and for the regularisation of the unauthorised changes.
5. The plans under consideration are attached at Appendix 1.

Relevant Planning History

Application	Description	Decision
FUL/2010/0363	Conversion of a single residential unit into 2 No. flats above shop; change of use of outbuilding to dwellinghouse.	Approved 14/07/2010

Planning Guidance and Policy

National Planning Policy Framework

Section 12 – Historic Environment

The Rutland Core Strategy (2011)

CS19 – Promoting good design
CS22 – The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and amenity
SP20 – The historic environment

Consultations

6. Town Council
The retrospective applications be rejected and asked that Rutland County Council ensure the applicant complies with the original applications and that they should take the necessary steps to enforce this outcome.

Neighbour Representations

7. Boots the Chemist – 26 High Street East
The letter of objection includes the reference number of this application only and makes no reference to 14B, all comments relate to an adjacent application at 14A which is being dealt with as a separate matter.
8. 6 Queen Street - Email dated 23 November
Elements of the application are not adequate and still harm caused because of unauthorised works. All other comments relate to a separate application being considered for 14A Queen Street.
9. Aspbury Associates on behalf of 6 Queen Street
Fenestration inserted on the east elevation of the recently converted 14B does not comply with fenestration shown on previously approved plans.

An external chimney stack has been removed from the gable of 14B which is yet another loss of an architectural feature in Uppingham Conservation Area.

10. 24 High Street East

- North Elevation shows a chimney. This is incorrect. The north elevation does not have a chimney as removed by the developer. This chimney does not belong to 14B. It belongs to 24 High Street East and was demolished without our consent.
- Proposed north elevation indicates a window. This boundary wall window looks directly onto our property and does not comply with planning conditions.
- South elevation does not include the large TV aerial on the apex of the roof.
- East elevations indicates window B has been elongated. This was not originally a window but a door.
- The size has been greatly increased from application 2010/0363 and is out of character with the excessive number of windows currently installed and with the size of the wall of the building.
- The 2010 permission states that windows and doors must be constructed from timber. The windows and door are highly visible from the car park. All are UPVC and the material is out of character with the original construction of the building in this conservation area.
- The 2010 permission stated a car parking space had to be maintained. There is no provision for this and none in the new proposal.
- The condition imposed relating to the submission of details of materials prior to construction has been ignored by the developer.
- The application should not be approved and enforcement made to comply with the original conditions.

Planning Assessment

10. The main issues are:
- Principle of development
 - Impact upon Uppingham Conservation Area
 - Impact upon residential amenity
11. With regard to the impact on the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in exercising planning powers special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This carries significant weight in considering planning applications.
12. In considering the impact on residential amenity, attention is given to Policies CS19 and SP15.

Principle of Development

13. Prior to the previously approved 2010 application the current outbuilding was redundant. It has now been converted to a dwellinghouse and has been fitted out as such. At the time of submitting the application no use had been implemented on the site as there was no evidence that the building had ever been occupied as a dwellinghouse.
14. Policy SP5 of the Rutland Site Allocations and Policies Development Plan Document (adopted 2014) states that sites for additional residential development will be encouraged within the Planned Limits of Development where it involves the re-use of buildings in Uppingham Town Centre. The proposed conversion to a dwellinghouse is therefore in accordance with this policy and acceptable in principle.

Impact upon Uppingham Conservation Area

15. The building is situated to the rear of a public car park. Views of it are mostly limited to the rear of the car park. When looking from the public highway, views are partially obscured by an existing wall located to the rear of No.10 Queen Street.
16. Prior to the 2010 application there was an existing capped chimney stack on the north elevation of this building. That application showed the stack being retained.
17. Since 2010 the upper half of the chimney stack has been removed. The current application does not propose any reinstatement and shows the chimney stack outside the ownership of the applicant. If the applicant has demolished part of another person's building that is a private issue between the applicant and neighbour.
18. Consideration has been given to the potential reinstatement of the chimney, as chimneys are an important feature of the roofscape within this part of the Conservation Area. As the chimney had been capped prior to 2010, it appeared squat and squared off. Only 90cm of the upper stack was visible over the existing roof, and only from limited viewpoints. On that basis, it neither positively contributed nor was detrimental to the conservation area; its impact was therefore neutral. Irrespective of the ownership issue the Council does not need to seek its reinstatement.
19. The three roof lights to the rear of the property would not be obtrusive given that they would not be visible at ground level from any public areas. Previously 2 roof lights were approved on the rear roof slope in different positions.
20. The 2010 application indicated that the principal east elevation of the building had two full length openings, both of which were timber doors. One door was sited centrally in the building with the other being sited to the end nearest to 24 High Street East. Both openings are shown as having decorative brick arches over.
21. The 2010 application retained the access door nearest 24 High Street East, with a small traditional ground floor window then proposed in place of the central door. Two traditional windows were proposed at the first floor, both of which would reinstate previously bricked up openings. On this basis, the proposal in 2010 retained the character and appearance of the outbuilding. It was a sensitively designed and appropriate conversion.
22. However, the current application shows a number of alterations to the principal east elevation. For clarity each of these has been addressed individually. Equally of consideration is the revised internal layout which differs to the proposed layout of 2010. The internal alterations appear to have contributed to the current unauthorised pattern of fenestration and are unauthorised in themselves.
23. Window A is constructed of UPVC and is a new opening that has been inserted at ground floor level to let light in at the foot of an internal staircase that was not on the original plan. This window is not an original opening and detracts from the appearance of the building.
24. Window B is a plate glass full length UPVC window in place of the previous timber door. It is of an inappropriate design and harms the appearance of the building. The door at the north end of this elevation (unlabelled on the plan) was of traditional design in the 2010 permission. It is now in a modern non-traditional form and made of UPVC. Both of these openings detract from the character of the building.
25. The three windows labelled D at first floor level are equally of an inappropriate design on the front of this modest building. The larger two windows are in the same location as the

previously approved opening, but they are wider. This means the traditional vertical form is lost to a modern horizontal form. The third window on the first floor is narrower. It serves a bathroom that is in a different location to that shown on the 2010 plans (served by a roof light). Window D is unnecessary on the previously approved floor layout.

26. In addition the east elevation as built has the clutter of gas and electricity meter boxes and a carriage lamp that further detract from the original simple form of the building.
27. The number of openings to the principal east elevation, their poor design and the use of non-traditional materials, fail to preserve or enhance the character and appearance of the Uppingham Conservation Area. The traditional form and design that was retained in the 2010 approval has been removed without authorisation.

Impact upon Residential Amenity

28. Following receipt of this application, a revised drawing was submitted to address an issue of overlooking. This is regarding a small area of land to the north of the site, currently used by the neighbouring property 24 High Street East as a bin storage area.
29. The 2010 permission approved two ground floor windows on the north elevation. Both of these overlooked the area of land now being used by No 24. However in 2010 the applicant showed that he owned the land overlooked by these windows. Only one of these windows has been installed. As the 2010 permission is no longer valid, the current application can be determined on its own merits. The revised drawing indicates that the window on the north elevation would be non-opening. Were this application recommended for approval a further obscure glazing condition could be added to prevent any overlooking of land not within the applicant's ownership.
30. As the current application site is an existing outbuilding there would be no greater impact upon the residential amenity of neighbouring properties as a result of overshadowing or loss of light. There is no private amenity space for the proposed dwelling therefore external noise or disturbance should be at a minimum.
31. The building is accessed via a shared footpath with 14A Queen Street and 24A High Street East. This also serves the rear entrance of retail properties at 24 and 26 High Street East. The first floor windows to the front elevation would have views over the parking area and garden for No 14A Queen Street which is in the same ownership as the application site.
32. Given all this, the proposed conversion of the outbuilding would not result in any unacceptable detrimental impact upon the private residential amenity of the occupants of the surrounding properties.

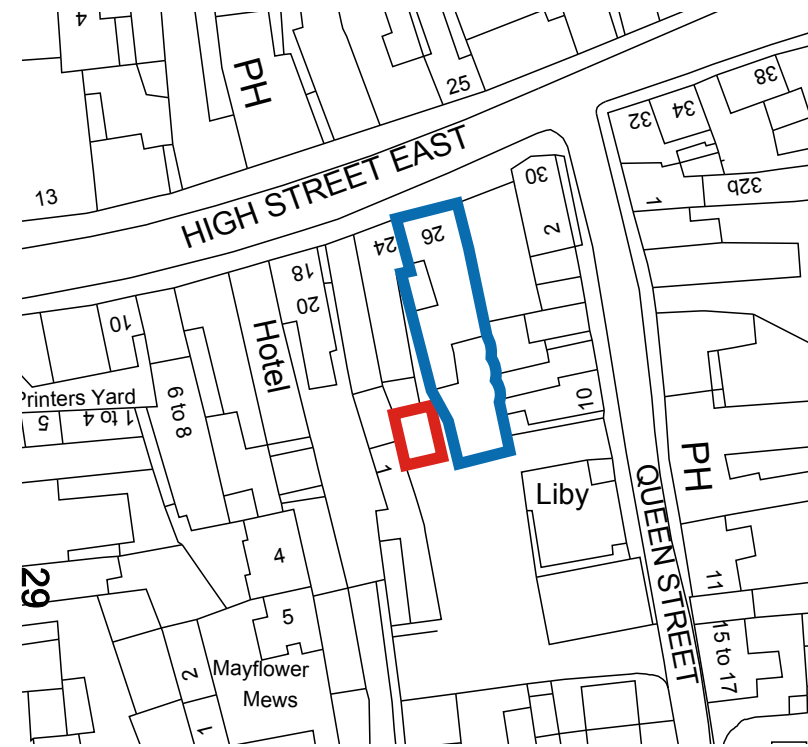
Other Matters

33. There is no parking provided for the proposed dwelling. Although this was part of the 2010 application, such provision is not a current requirement in town centre locations where accessibility to the site can be via other non-car modes of transport.
34. The application omits any details regarding bin storage areas. The applicant has verbally indicated that the bin storage could be undertaken on land within the same ownership. Whilst this area is outside the current application site for 14B this could be the subject of a condition if the application was approved.

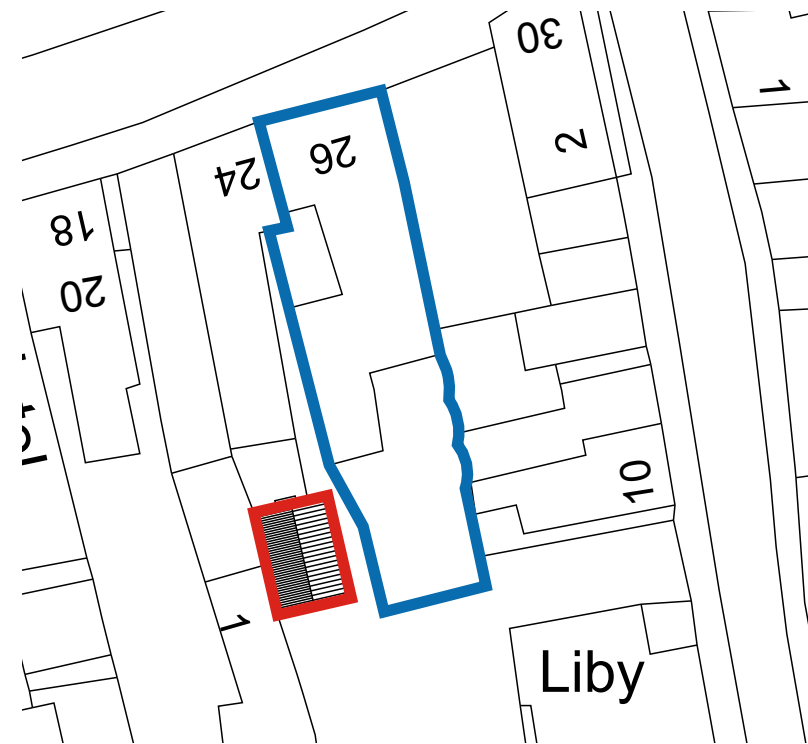
PLANNING APPROVAL - 14B QUEENS STREET

Approx site area of 14A - 243m²

Approx site area of 14B - 34m²



SITE LOCATION PLAN
scale 1:1000

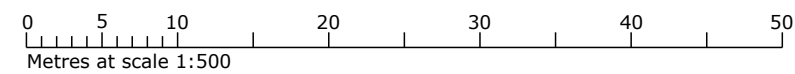
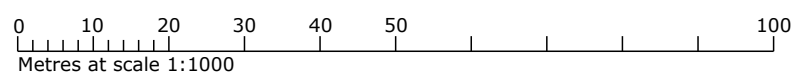
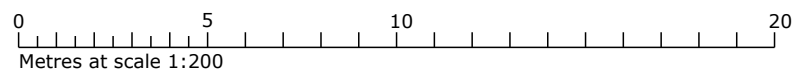


EXISTING SITE PLAN
scale 1:500



PROPOSED SITE PLAN
scale 1:200

Revised 26.11.2015



Appendix 1

EXISTING AND PROPOSED SITE LOCATION PLAN



It is the responsibility of the client to advise of matters relating to land title, restrictive covenants, wayleaves or positions of public drains in relation to the site. Site boundaries are taken as visible fence lines unless advertised otherwise

Drawings may be scaled for planning purposes only.

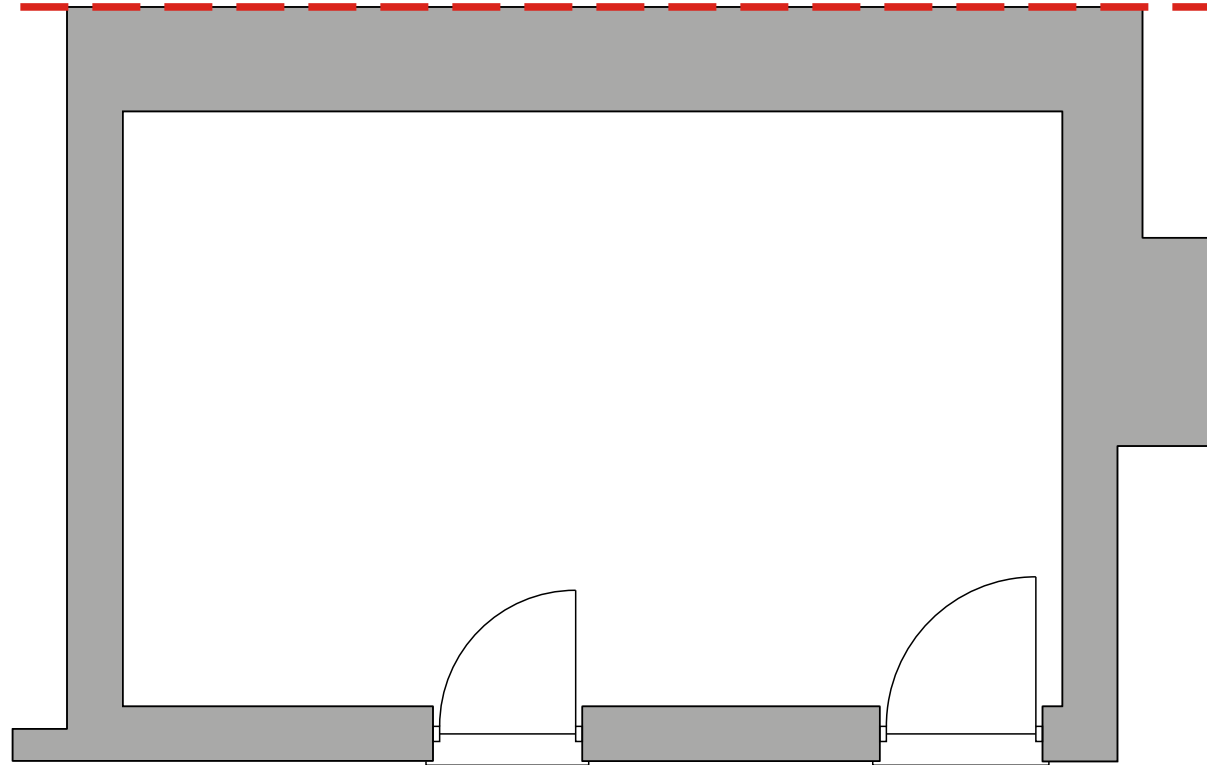
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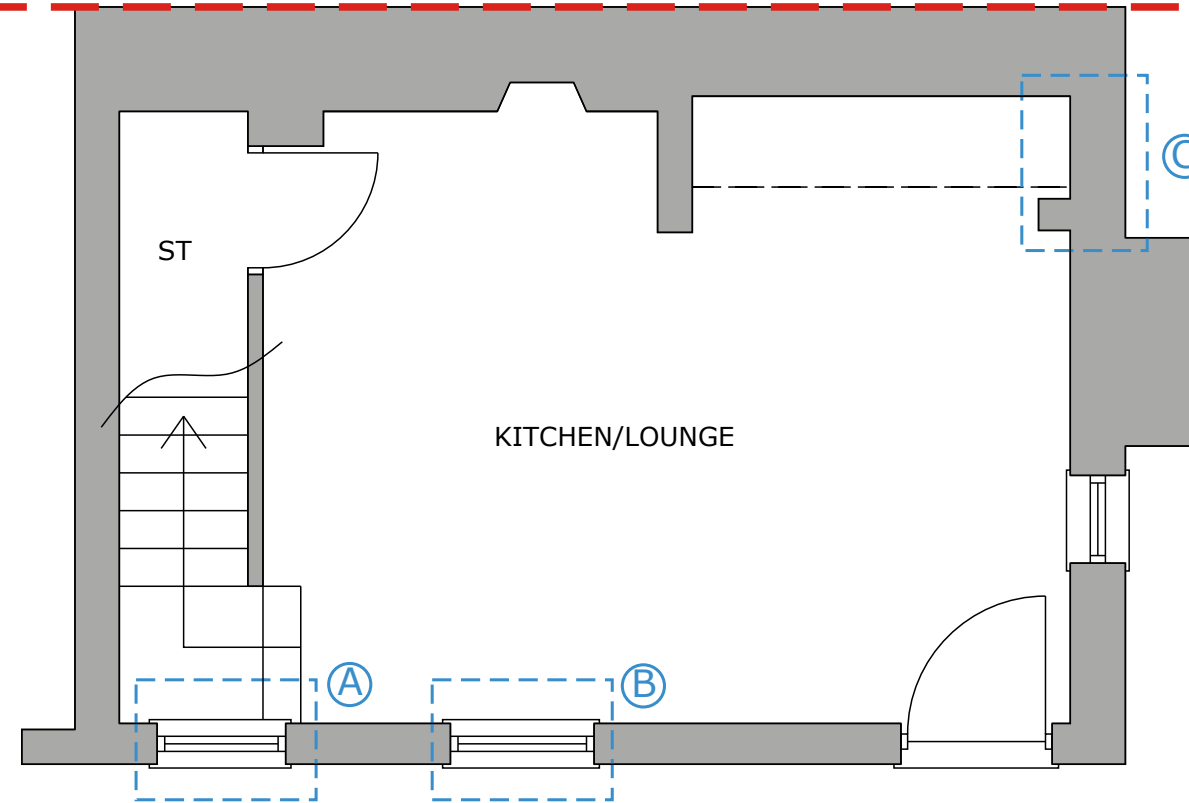
Revision	Amendment Description	Initials	Date

<p>The Martin Design Partnership <small>REGISTERED OFFICE: 33a CENTRAL AVENUE, WIGGON, LEICESTERSHIRE, LE15 2AB</small></p>	
Client Address: Clive Giles 14B Queen Street Uppingham LE15 9QR	Project Address: Same as Client Address
Project No: 0689 Drawing No: P001 Date: 21.10.15 Issue Type: PLANNING	Drawn By: TR Revision: / Scale: 1:1000/500/200 Checked By: SM

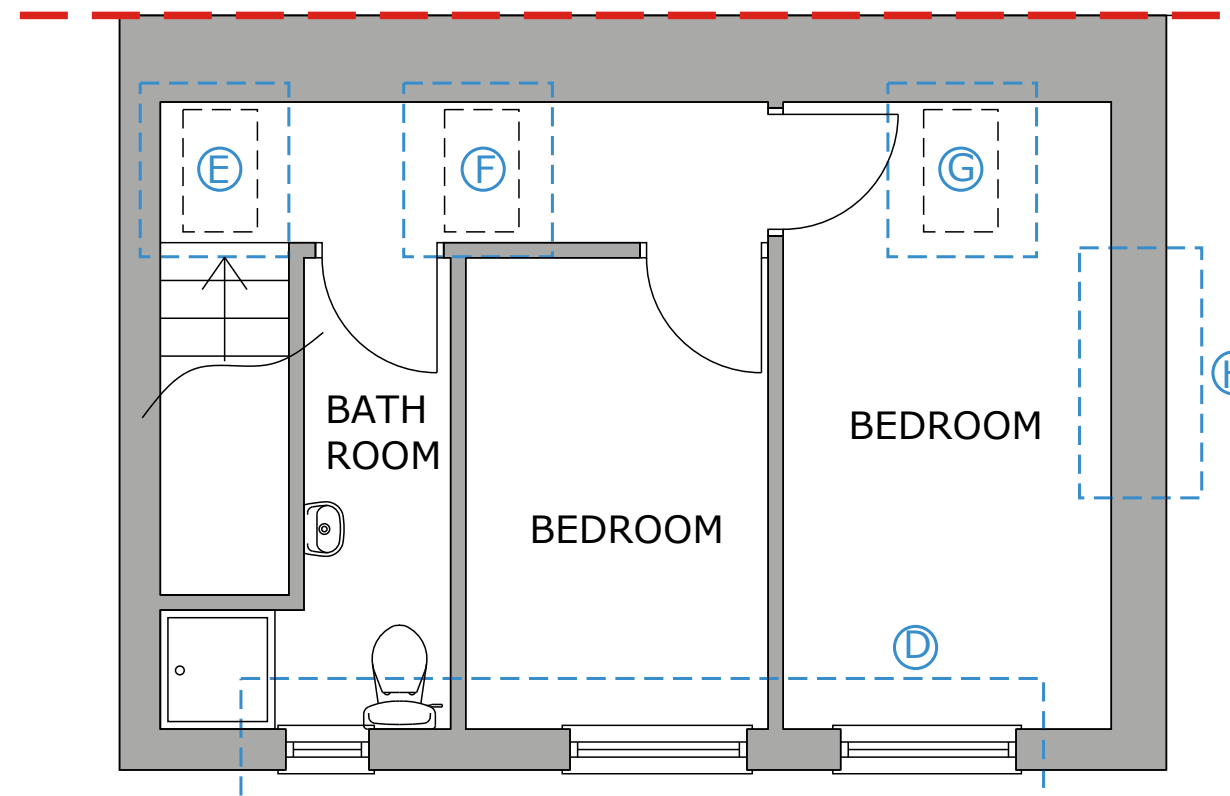
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EXISTING GROUND FLOOR PLAN
scale 1:50



PROPOSED GROUND FLOOR PLAN
scale 1:50



PROPOSED FIRST FLOOR PLAN
scale 1:50

RETROSPECTIVE ELEMENTS:

- A - Due to the internal alterations, a window has been added to the ground floor plan to allow for light into the stairwell.
- B - The window has been elongated with a head height of 1650mm and cill height of 0mm.
- C - The window on planning reference FUL/2010/0363 has not been installed.
- D - The 2 windows on the original first floor plan have been moved slightly to suit the new internal floor layout. An additional window has been added for light in the first floor bathroom.
- E - The velux window shown in the original WC has been moved left to suit the new stair landing.
- F - The velux window has been moved to the left.
- G - A velux window has been added to provide additional lighting into the bedroom.
- H - Chimney removed from first floor upwards.

Existing plans and elevations have been drawn using historical information only.

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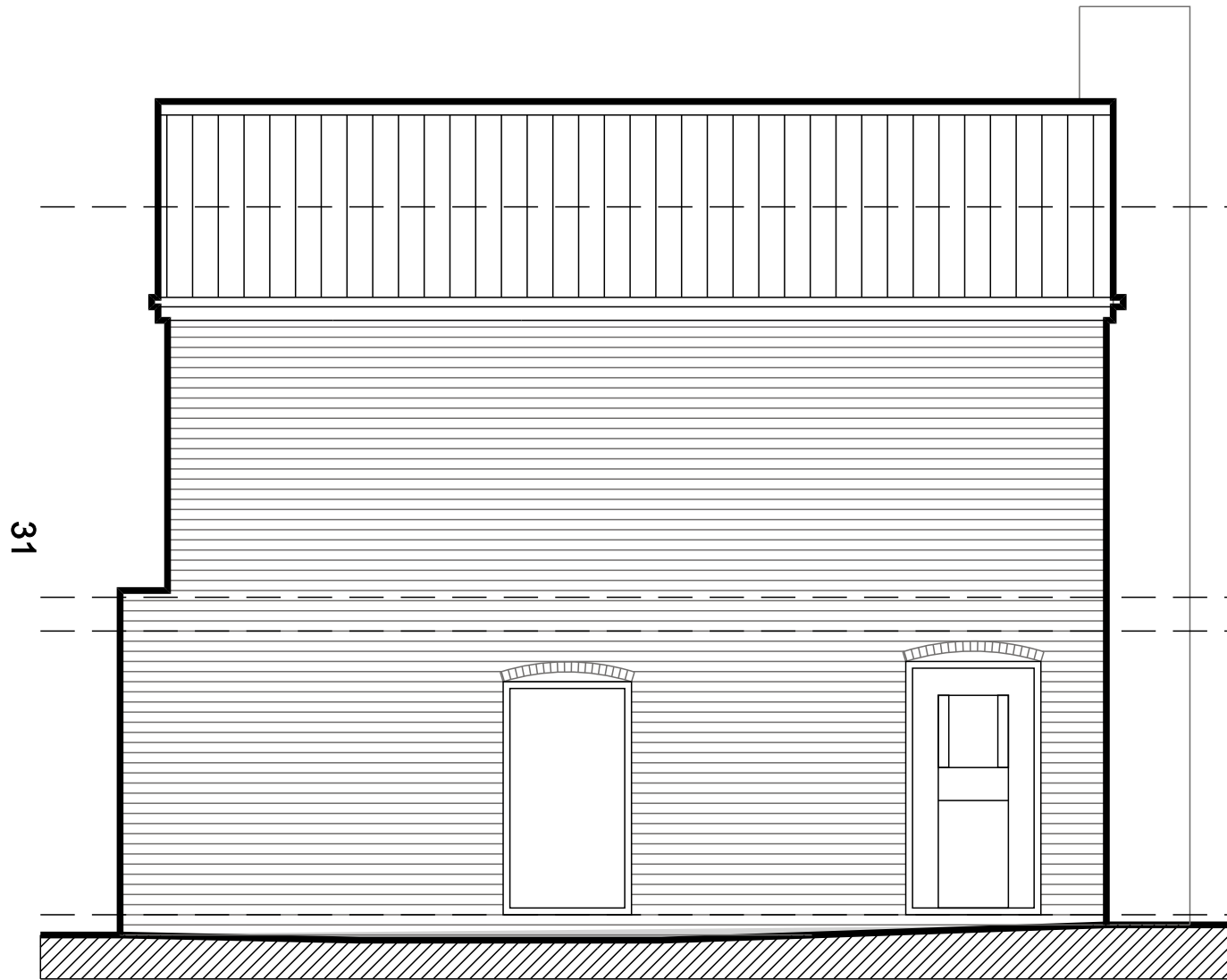
Revision	Amendment Description	Initials	Date
A	Chimney removed further to discussion with planning officer.	TR	25.11.15

The Martin Design Partnership
ARCHITECTS & INTERIORS

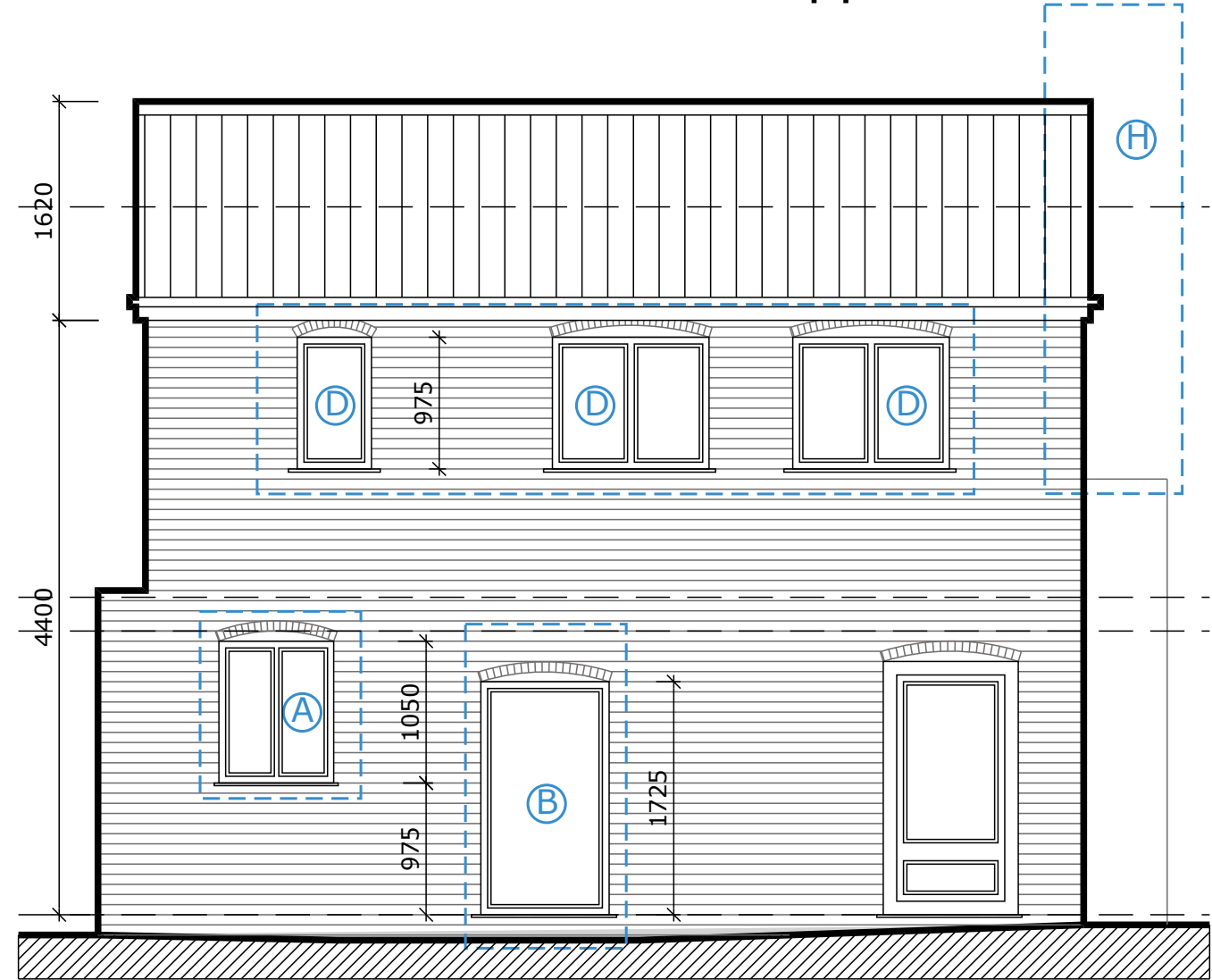
Client Address: Clive Giles 14B Queen Street Uppingham LE15 9QR	Project Address: Same as Client Address
Project No: 0689	Drawn By: TR
Drawing No: P002	Revision: A
Date: 21.10.15	Scale: 1:50
Drawing Title: EXISTING AND PROPOSED FLOOR PLANS	
Issue Type: PLANNING	Checked By: SM

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EXISTING EAST ELEVATION
scale 1:50



PROPOSED EAST ELEVATION
scale 1:50

EXISTING AND PROPOSED EAST ELEVATION

RETROSPECTIVE ELEMENTS:

- A - Due to the internal alterations, a window has been added to the ground floor plan to allow for light into the stairwell.
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- G - A velux window has been added to provide additional lighting into the bedroom.
- H - Chimney removed from first floor upwards.

Revised 26.11.2015

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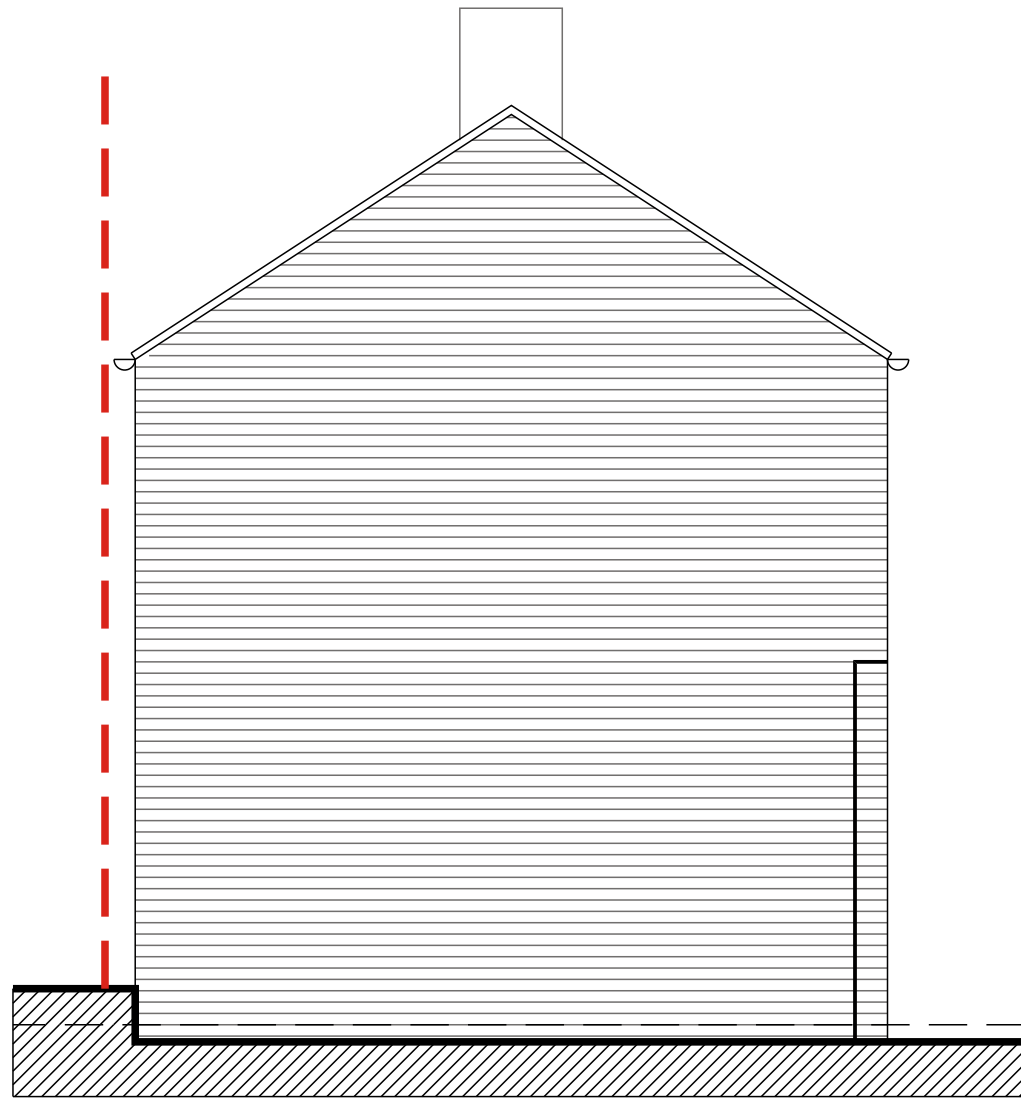
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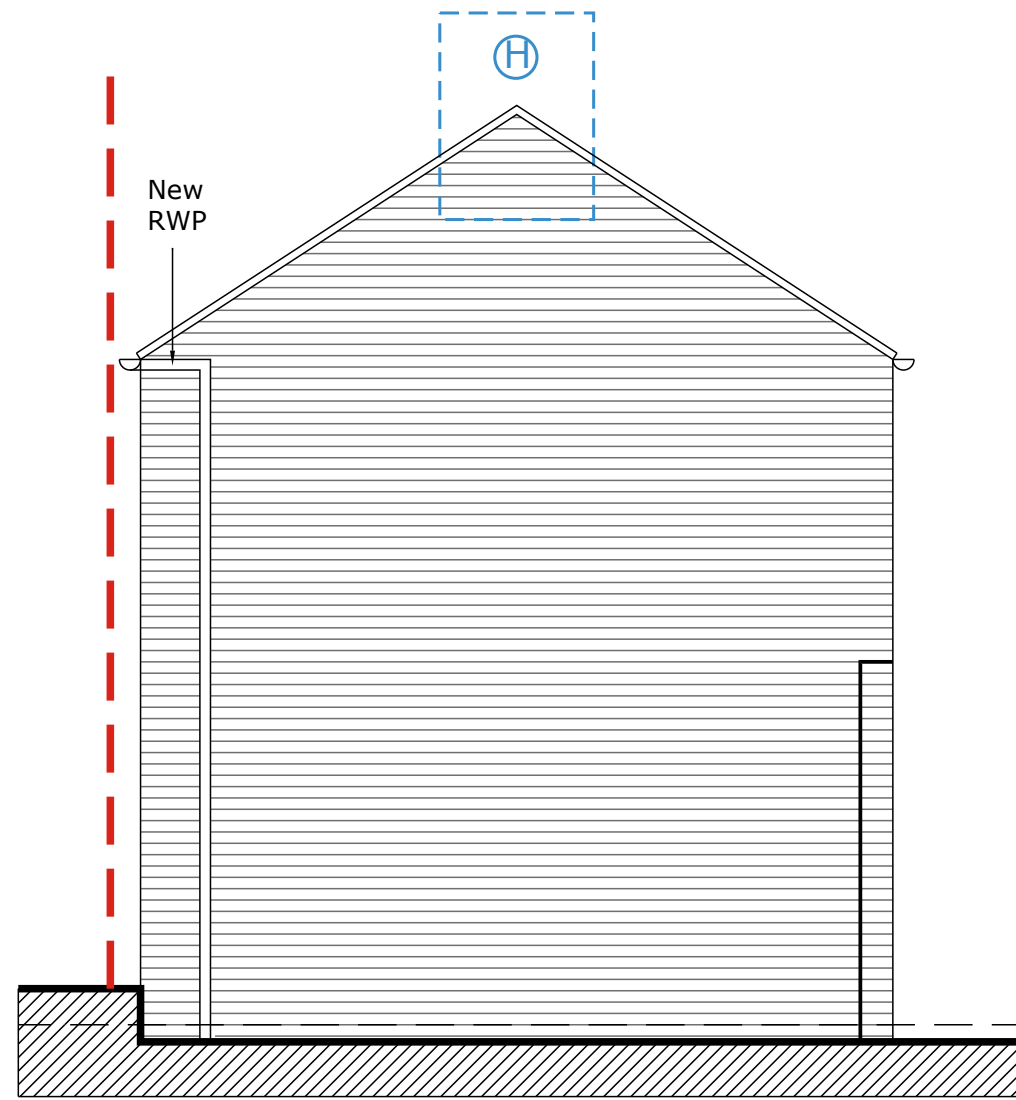
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Revision:	A	Chimney removed further to discussion with planning officer.	TR	25.11.15
Amendment Description:			Initials:	Date:
Client Address: Clive Giles 14B Queen Street Uppingham LE15 9QR		Project Address: Same as Client Address		
Project No:	0689	Drawn By:		
Drawing No:	P003	Revised:	A	
Date:	21.10.15	Scale:	1:50	
Drawing Title: EXISTING AND PROPOSED EAST ELEVATION		Issue Type: PLANNING		
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EXISTING SOUTH ELEVATION
scale 1:50



PROPOSED SOUTH ELEVATION
scale 1:50

RETROSPECTIVE ELEMENTS:

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EXISTING AND PROPOSED SOUTH ELEVATION

32

Revised 26.11.2015



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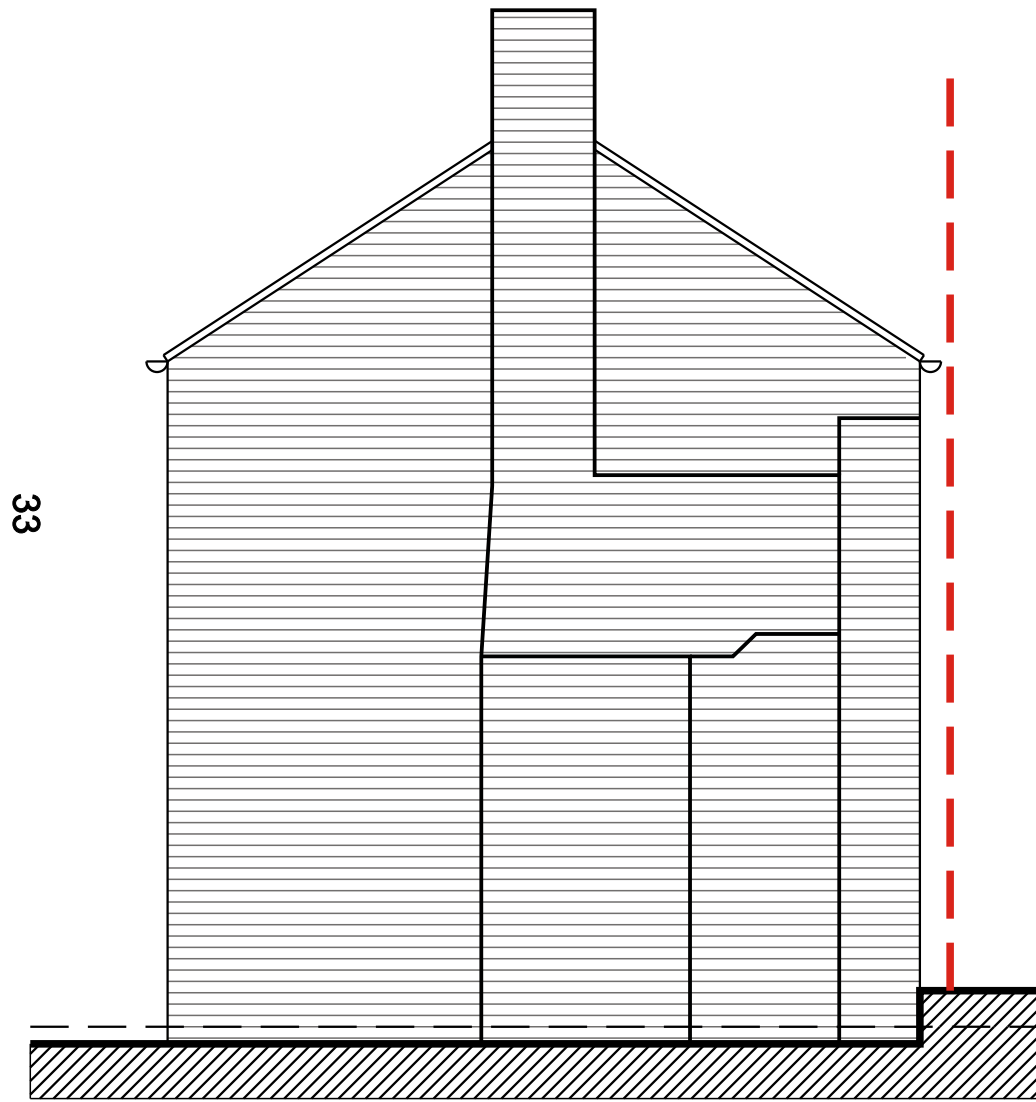
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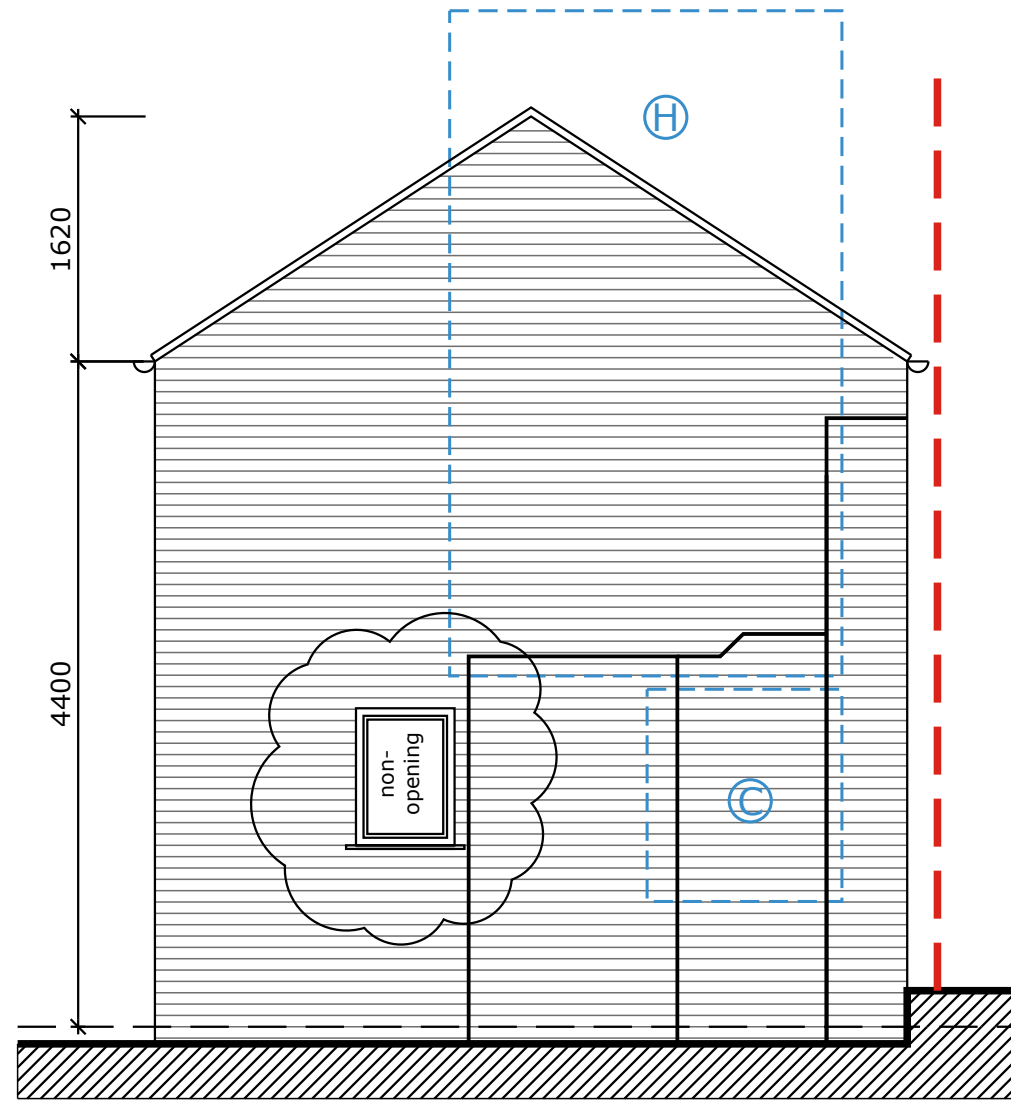
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Revision:	A	Chimney removed further to discussion with planning officer.	TR	25.11.15
Amendment Description:			Initials:	Date:
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Client Address:		Project Address:		
Clive Giles 14B Queen Street Uppingham LE15 9QR		Same as Client Address		
Project No:	0689	Drawn By:	TR	
Drawing No:	P004	Revision:	A	
Date:	21.10.15	Scale:	1:50	
Drawing Title: EXISTING AND PROPOSED SOUTH ELEVATION				
Issue Type:	PLANNING	Checked By:	CM	
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EXISTING NORTH ELEVATION
scale 1:50

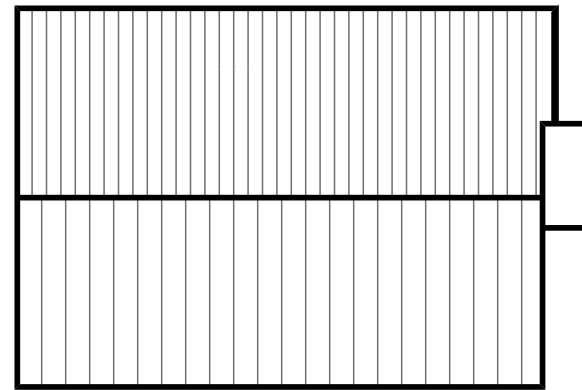
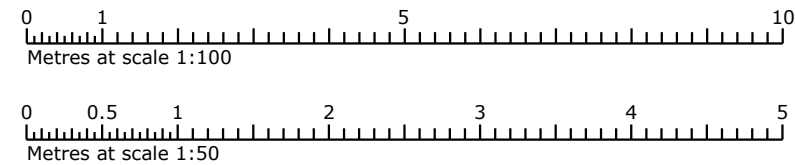


PROPOSED NORTH ELEVATION
scale 1:50

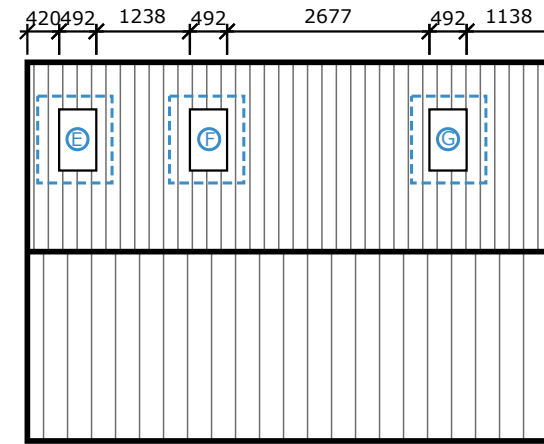
RETROSPECTIVE ELEMENTS:

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 H - Chimney removed from first floor upwards.

EXISTING AND PROPOSED NORTH ELEVATION



EXISTING ROOF PLAN
scale 1:100



PROPOSED ROOF PLAN
scale 1:100

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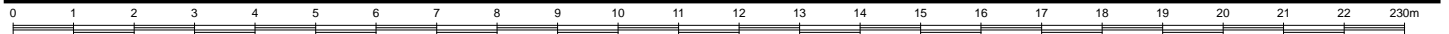
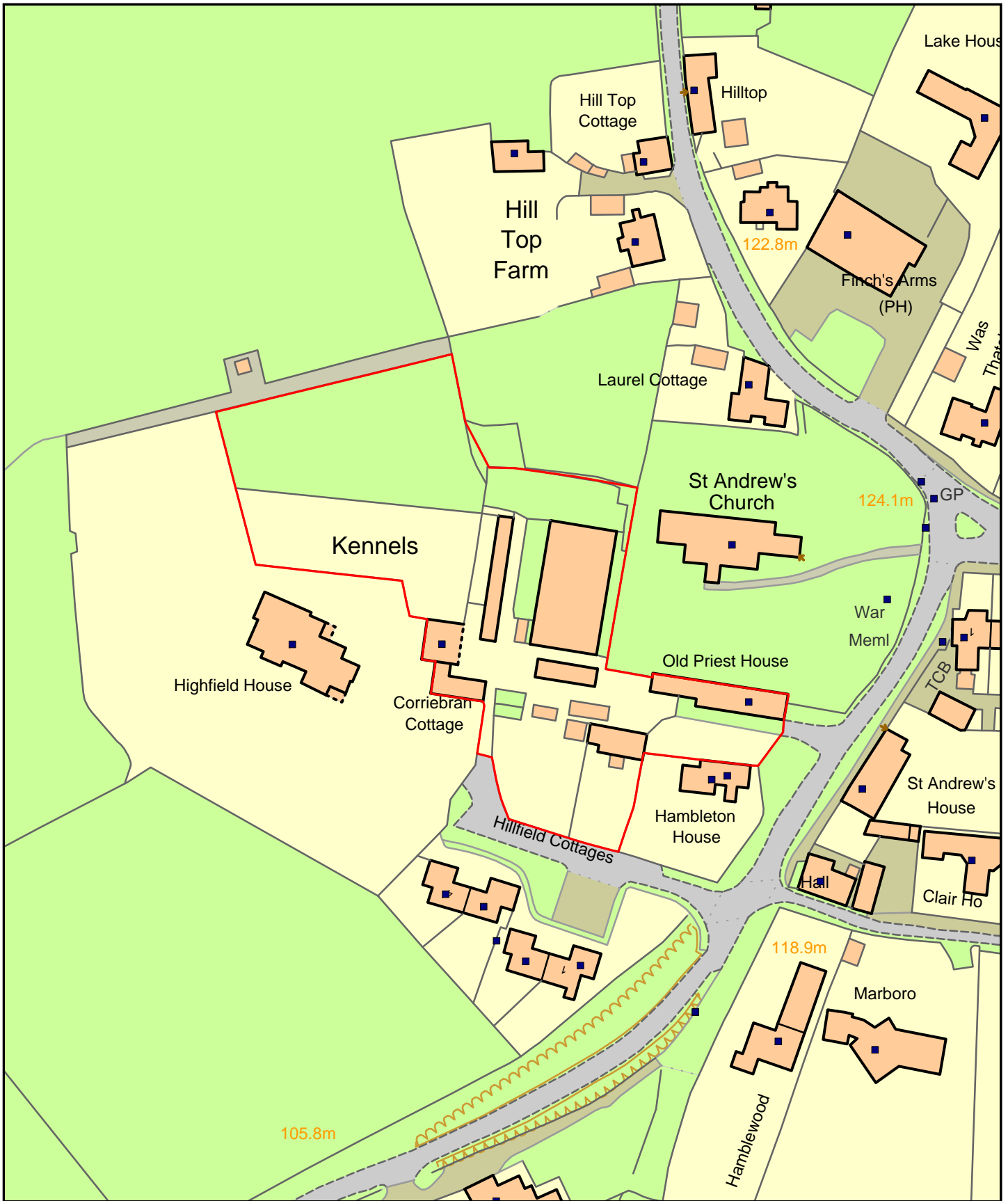
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Revision:	Amendment Description:	Initials:	Date:
B	Window moved and made non-opening.	TR	16.03.16
A	Chimney removed further to discussion with planning officer.	TR	25.11.15
<p>The Martin Design Partnership ARCHITECTS • ENGINEERS • INTERIORS • LANDSCAPE ARCHITECTS</p>			
Client Address: Clive Giles 14B Queen Street Uppingham LE15 9QR		Project Address: Same as Client Address	
Project No: 0689	Drawn By: TR		
Drawing No: P005	Revision: B		
Date: 21.10.15	Scale: 1:100/50		
Drawing Title: EXISTING AND PROPOSED NORTH ELEVATION			
Issue Type: PLANNING	Checked By: CM		
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Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 09:14
Date of plot: 29/03/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/1150/FUL	ITEM 3	
Proposal:	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of new garaging for the existing dwelling, Old Priest House. Various existing outbuildings are proposed to be demolished.		
Address:	Old Priest House, Lyndon Road, Hambleton, LE15 8TJ		
Applicant:	Tim Griffin	Parish	Hambleton
Agent:	Tom Runcorn, PW Architects	Ward	Exton
Reason for presenting to Committee:	Departure from the Development Plan		
Date of Committee:	12 April 2016		

EXECUTIVE SUMMARY

Albeit in a restraint village, this application proposes the redevelopment of previously developed land (brownfield site), incorporating the conversion and extension of an existing building. It also preserves the character and appearance of Hambleton Conservation Area and has an acceptable impact on the setting of adjacent listed buildings. No objections have been received from the local community.

RECOMMENDATION

APPROVAL, subject to the prior completion of a Planning Obligation to secure financial contributions towards the off-site provision of affordable housing, and to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

REASON – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2014/24 01b, 03h, 05f, 06e, 07f, 08c, and 12 .

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

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

be left unsevered.

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

4. 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 - In the interests of visual amenity and of the character and appearance of the Hambleton Conservation Area, and because such details were not available with the planning application.

5. No development shall proceed other than in accordance with the recommendations in Section 5 – Table Two of the submitted Bat and Badger Survey Report (ref: P15/09/184) of 2 October 2015.

REASON – In order to protect the protected wildlife species and their habitats that are known to exist on site.

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

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

7. No development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

REASON - To ensure that the Rutland Water SSSI is not harmed.

8. The limit of the curtilage of each dwellinghouse, for the purposes of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) is as defined by the boundary line on Plan number 2014/24-03h.

REASON: For the avoidance of doubt and to avoid an expansion of householder development, detrimental to the character of the open countryside.

Advisory Notes:

1. Given the narrow roads and other highway constraints in the vicinity of the site, the developer is asked to prepare a Construction Traffic Management Plan, including the

routing of heavy vehicles, in consultation with the Highway Authority. This Plan should also be mindful of the Highway Authority's responsibilities for traffic flow and highway maintenance.

2. The Developer's attention is drawn to the attached advice from Natural England.

Site & Surroundings

1. The application site is at the west of Upper Hambleton, adjacent to the Church of St Andrew (Grade II* listed). It comprises Old Priest House, a Grade II listed dwelling, its associated business use (Corriebran Kennels) and other open land within the same ownership. The kennels incorporate a series of single storey sheds and other outbuildings. A two storey building at the west of the site is partly used as residential accommodation for staff. Further land at the north-west is open and grassed, used as an outdoor exercise area for dogs.
2. Access for Old Priest House and for customers visiting the kennels is taken directly from Lyndon Road. There is a separate access at the rear, adjacent to the staff accommodation, used for trade-related visits. This access is taken from Hillfield, a private road in the ownership of Spire Homes. It also serves five existing dwellings. The applicant has served notice on Spire Homes and specified that he has a right of access along Hillfield. There is another neighbouring property (Hambleton House) on the junction of Lyndon Road and Hillfield. On the opposite side of Lyndon Road is the Village Hall and further dwellings.
3. The entire application site, other than the open land at the north-west, is within the Planned Limits to Development of Hambleton. The whole site is, however, within the Hambleton Conservation Area.

Proposal

4. This application proposes a redevelopment of the kennels site into residential use. All the existing kennel buildings would be removed other than that used (in part) for the staff accommodation.
5. One new dwelling is proposed to replace the demolished buildings, with the retained building extended and then used as a second dwelling. Other land within the site is identified as private gardens and paddocks.
6. Separate detached garages are proposed for each of the new dwellings and for the proprietor's existing dwelling at Old Priests House.
7. The two new dwellings would be accessed from Hillfield, with Old Priest House and its new garages continuing to use the direct access from Lyndon Road.
8. A similar proposal, which also included a third new dwelling (located immediately to the west of the Church) was withdrawn in November 2015.

Relevant Planning History

Application	Description	Decision
2015/0923/MAJ	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of a further new dwelling, Various existing outbuildings are proposed to be demolished.	Withdrawn 17-11-2015

Planning Guidance and Policy

National Planning Policy Framework

Section 1	Sustainable Development
Section 6	Delivering a Choice of Homes
Section 7	Design
Section 10	Climate Change and Flooding
Section 11	Natural Environment
Section 12	Historic Environment

Planning Practice Guidance

The Rutland Core Strategy (2011)

Policies:

CS1	Sustainable Development
CS2	Spatial Strategy
CS3	Settlement Hierarchy
CS4	Location of Development
CS8	Developer Contributions
CS9	Provision and Distribution of New Housing
CS11	Affordable Housing
CS19	Design
CS21	Natural Environment
CS22	Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

SP1	Sustainable Development
SP5	Built Development in the Towns and Villages
SP9	Affordable Housing
SP15	Design and Amenity
SP19	Biodiversity and Geodiversity
SP20	Historic Environment
SP23	Landscape Character in the Countryside

Consultations

9. Hambleton Parish Meeting
Support for the proposal, but note that there may be minor issues for adjacent

neighbours regarding the private access road.

10. Highway Authority
No objections, subject to advisory notes on any approval.
11. Public Rights of Way Officer
The proposal has no direct impact on the adjacent public footpath at the north, subject to no new fencing on the existing footpath edge.
12. Historic England
Please consider the impact on the setting of adjacent heritage assets, and follow the advice of the Archaeology Consultant.
13. Archaeology Consultant
Further investigation required via conditions on any grant of planning permission.
14. Natural England
No objections, subject to drainage conditions on any approval.
15. Ecology Consultant
The submitted Ecology Survey has recorded no evidence of protected species. A condition should be imposed on any permission to ensure that the developer follows the recommendations in the Ecology Report.

Neighbour Representations

16. Two letters of support have been received from neighbouring residents, albeit that one of these also seeks factual clarity on access arrangements.
17. The Hambleton Churchwarden has also expressed support for the current scheme, and advised that it has overcome concerns about the previous application for three dwellings.
18. Solicitors acting for Spire Homes, owners of the private road serving the rear of the site, have objected to the proposals and have advised that the right of way is only available for access to Old Priests House, not to the redevelopment site.

Planning Assessment

19. The main issues are:
 - Principle of Development
 - Impact on Heritage Assets
 - Access and Parking
 - Residential Amenity
 - Planning Obligation
20. Other matters are then addressed together at the end of the report.

Principle of Development

Introduction

21. Development Plan Policies CS1 and SP1 state the Council will take a positive approach to development proposals that reflect the NPPF presumption in favour of sustainable development.
22. All parts of the site intended for operational development are within the Planned Limits to Development (PLD) of Hambleton. It is a Restraint Village (Core Strategy Policy CS3), where new development must be assessed in the same way as proposals within the open countryside (Core Strategy Policy CS4). However, Core Strategy Policy CS9 then specifies that, subject to detailed criteria, a limited amount of new development can still be provided in Restraint Villages.
23. Given this, such housing proposals in the countryside must be considered against the detailed stipulations in Policy CS4 and CS9. As a housing proposal in a Restraint Village, regarded in CS4 as the same as open countryside, it must also be considered against various criteria in Policy SP6 of the Site Allocations & Policies DPD.
24. However, given the existing buildings and use, the site must also be regarded as “previously developed” or “brownfield” land. Relevant government guidance encourages new development in such locations rather than on “greenfield” sites, as set out in paragraph 51 of the National Planning Policy Framework (NPPF). Core Strategy Policies CS4 and CS9 are consistent with this, by prioritising brownfield sites ahead of greenfield sites, if they are in a sustainable location. The Planning Practice Guidance (PPG) is the most recent statement of Government Guidance on this matter. It clarifies the NPPF policy by specifying that all settlements can play a role in delivering sustainable development, and so blanket policies restricting housing development in some settlements, and preventing other settlements from expanding, should be avoided unless such an approach can be supported by robust evidence.
25. Consequently, the Development Plan Policies and Government Guidance must all be considered together before arriving at a balanced conclusion on the principle of development. The key question is the weight to be given to the brownfield status. Consideration must then be given to specific issues relevant to each building within the current application.
26. Finally, consideration must be given to similar recent cases, to ensure consistency of decision making.

Previously Developed Land

27. The final paragraph of Policy CS4 specifies that new development on Previously Developed Land will be prioritised in sustainable locations, within or adjoining Planned Limits to Development (where defined around a settlement). It also allows for the conversion and re-use of appropriate and suitably constructed rural buildings for residential use.
28. Policy CS9 then specifies the target for new residential development within the

settlement hierarchy established in Policy CS3. Most of this is apportioned to the larger settlements, but 10% is identified for Restraint Villages and Smaller Service Centres, provided it is for affordable housing, is a conversion or re-use of an existing building, or is on previously developed land. This Policy also sets a target of 25% of new dwellings within the County to be provided on Previously Developed Land.

29. Given all this, residential development is acceptable in principle on this site, given that the current application includes the conversion of one existing building into a dwelling and the (brownfield) redevelopment of other existing buildings via construction of a second dwelling. The county-wide provision of brownfield development has already exceeded the allocation and target set out in Policy CS9, but the benefits of further brownfield development in accordance with newer government guidance outweighs the more restrictive stance taken in the Core Strategy, which precedes the NPPF. The current proposal also offers environmental benefits via removal of the existing buildings and use. Overall, it can be accepted in principle that the benefits of the proposal outweigh any harm.

Proposed Dwellings

30. Detailed consideration must then be given to each of the proposed new dwellings and also to the proposed new garaging for Old Priests House, to ensure that these individual proposals all accord with this key principle.
31. With regard to re-use of the existing building as a new dwelling (Plot One), Policy SP6 (3) identifies four criteria to be satisfied by any proposal for the re-use or adaptation of an existing rural building for residential use:
- *It should be a permanent structure*
This is satisfied because the building is of permanent construction and is already partly in a form of residential use
 - *Commercial use should have been considered and found unsuitable*
No evidence has been submitted with the application, but the internal layout of the building, its proximity to other dwellings (particularly Highfield House immediately to the rear), and its access via a private road, do not make it suitable for commercial use
 - *It should be in a sustainable location*
This is already addressed earlier in this report. Furthermore, the building is already partly in residential use, albeit linked to the existing commercial use.
 - *The conversion should cause no detriment to the countryside character*
Given its existing residential character and its location close to other dwellings, the proposed conversion would have little impact on the wider countryside.
32. Given this, particularly that existing form of residential use and residential appearance, the proposed conversion is in accordance with Policy SP6 (3).
33. With regard to the proposed new dwelling to replace existing kennel buildings (Plot Two), this does not accord with any of the situations identified in Policy SP6 where new housing would be considered acceptable in the open countryside (or restraint villages). However, it would require demolition of many of the existing kennel buildings and extinguish their use. Replacement with the proposed new dwelling is clearly a brownfield development, and consistent with the principles set out above. There is nothing in the design and other details of this specific proposal that prevents it from being regarded as

such.

34. Finally, the proposed garage block for Old Priests House is also acceptable in principle. Although a substantial building for a domestic garage, it is still only an outbuilding for a property that would otherwise be reliant on open parking only.
35. Given all this analysis, the application is acceptable. Plot One is an existing building, already partly in residential use; Plot Two is a brownfield development, and the additional garage block is householder development to support an existing dwelling.

Other cases

36. In recent months, planning permission has been refused for new housing development in other restraint villages, because the principle of such development was considered unacceptable. (eg Clipsham). In other cases, appeals against the refusal of permission for similar residential development have been dismissed in Ashwell and Braunston. These were all either on greenfield sites or involved the conversion of existing buildings that were not worthy of retention for their own sake. The current application is different, because the building proposed for conversion is worthy of retention and the remainder of the site is a brownfield redevelopment in accordance with Government Guidance.
37. Hambleton has few facilities, is approximately 2.5 miles away from the Main Town of Oakham, and does not benefit from Public Transport services. Hence, it is not in a sustainable location, and so any greenfield development would be contrary to policy (as in the recent cases at Clipsham, Ashwell and Braunston). However, the balance is tipped by its brownfield status.

Impact on Heritage Assets

38. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act
39. 1990 imposes a duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) imposes the same duty with regard to the impact of development on listed buildings.
40. This carries significant weight in decision making, rather than just being a single material consideration. In making a final decision on this application, it must also be considered in tandem with the principle of development, above.
41. This is particularly relevant for the current application, because the proposed new dwellings are within the Hambleton Conservation Area, and are adjacent to the two listed buildings of Old Priests House and St Andrew's Church. A previous planning application for residential development (2015/0923/MAJ) proposed three new dwellings including a substantial new house at the north of the site, very close to the listed Church. This was withdrawn in response to comments from your officers about the significant impact on the Conservation Area and on the setting of this listed building.
42. Section 12 of the NPPF (Conserving and Enhancing the Historic Environment), and Development Plan Policies CS22 and SP20, are considered here. These seek to protect

the setting of heritage assets and the character and appearance of Conservation Areas.

43. The proposed conversion of the existing building (Plot One) includes a modest side extension, conversion of the existing attached garage and provision of a new detached garage of appropriate design. Given the distance from the listed buildings and the mature landscaping along the churchyard boundary, it will not impact on the setting of the listed buildings. The design improvements will also enhance the character and appearance of the Conservation Area.
44. The proposed new dwelling (Plot Two) is of appropriate design, taking some reference from the adjacent dwelling at Hambleton House, given that both would be visible in the same northwards view from Lyndon Road and Hillfield. It would also be in the same location as the demolished kennel buildings and would allow retention of the current open view westwards past the Old Priests House. Its impact on the setting of the listed building and on the wider Conservation Area is therefore acceptable.
45. As a much smaller building than the previously proposed dwelling (Plot 3 on withdrawn application 2015/0923/MAJ), the proposed garaging for Priests House does not raise the same concerns regarding impact on the heritage assets. In particular, it is located further away from the listed church.
46. The proposed new and converted buildings fit acceptably into the street scene and into views from within the Conservation Area. A condition is recommended to secure the protection of retained trees; no further new planting is required.

Access and Parking

47. The proposed on-site parking and turning spaces are acceptable. Retention of direct access to Old Priests House, but with removal of its associated commercial traffic (various clients) is also acceptable. Hillfield already provides access to five dwellings and has the capacity to accommodate a further two dwellings.
48. There are no objections from the Highway Authority, subject to appropriate informative notes on any approval. The status of Hillfield as a Private Road, is a separate matter for the applicant to resolve with the owners; it is not any impediment to a grant of planning permission.

Residential Amenity

49. Given the relationship of these proposals to neighbouring dwellings, there is no concern regarding any amenity impact. Plot One is close to an outbuilding at Highfield House, but the proposed conversion works do not involve any new openings or other potential impacts on the neighbour. Plot Two is aligned with the neighbouring property at Hambleton House, again without any overlooking or other concerns. It directly faces Hillview Cottages on lower ground on the opposite side of the private road, but the separation distance of 45 metres mitigates any concerns.

Planning Obligation

50. As an application for more than one dwelling, a contribution is required towards the

provision of affordable housing. The applicant has been advised of the required commuted sum towards off site provision, and has given written agreement to this being secured via a planning obligation.

Other Considerations

51. A condition is recommended to address the advice of the Ecology Consultant. An archaeological condition is also recommended based on the advice of both Historic England and the Archaeology Consultant.
52. There remains a concern about the wider impact of heavy construction and demolition traffic on the village, in particular the limited road width in certain locations and the impact of heavy traffic on dwellings located close to the highway boundary. There is no power available to the Local Planning Authority to address this.
53. However, even though the Highway Authority has no control over the immediate area as it is a private road, it does have powers and responsibilities regarding the wider network. An Advisory Note is therefore recommended to invite the developer into dialogue with the Authority regarding arrangements for construction traffic to address any associated highway damage.

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