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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2018/0655/FUL	ITEM 1	
Proposal:	Variation of condition 2 attached to 2017/0419/FUL (Demolition of existing bungalow. Erection of single storey dwelling.)		
Address:	13 Church Lane, Morcott		
Applicant:	Mr S Jones	Parish	Morcott
Agent:	Martin Wilson, Thomas Wilson Architects	Ward	Martinsthorpe
Reason for presenting to Committee:	Previous Committee decision and referred by Chairman, local objections		
Date of Committee:	25 September 2018		

EXECUTIVE SUMMARY

In digging down to achieve the approved floor levels of the new bungalow, the applicant has spread the spoil over the garden, raising levels by up to 770mm. The impact of this on neighbours privacy and amenity is negligible and together with a proposed boundary landscaping scheme will mean that there is no harm and permission can be granted.

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 plans, numbers 1557/18, 1557/19, 1557/20A, 1557/21A, 1557/22A, 1557/23A, 1557/24 and 1557/25A 1557/34C and 1557/35B.
2. The development shall be carried out in accordance with materials approved under reference 2017/1109/DIS.
3. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the date of this permission or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
4. Before any work commences, manufacturers details of the proposed rooflights indicating their profile, including projection above the roof of the dwelling shall be submitted to and approved, in writing, by the Local Planning Authority. The rooflights shall be installed in accordance with the approved details.

REASONS

1. For the avoidance of doubt and in the interests of proper planning.
2. The building is located within a conservation area and is surrounded by listed buildings and the use of appropriate materials in construction are an essential part of its impact being acceptable.
3. To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

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| 4. To ensure that the rooflights to be used are appropriate in style and design to the building and its location within the wider setting. |
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Site & Surroundings

1. The application site is located at the edge of the village of Morcott to the north of the Church, and is located within the conservation area. Several of the nearby dwellings are grade II listed, including the shared dry stone boundary wall to the east. Although this wall is not listed in its own right it is protected through being in the curtilage of a listed building.
2. The site was previously host to a single dwelling - a grey, rendered bungalow of no particular architectural merit with a concrete tile roof and upvc windows and doors.
3. The site is accessed via a narrow entrance between numbers 11 and 17 Church Lane, which then splits to provide access to this site and the rear garden of 11 Church Lane. The land slopes downwards as it moves further to the north, towards a tributary of the River Chater. The lower part of the site lies outside of the planned limits of development of the village.

Proposal

4. Following the grant of planning permission for the replacement dwelling under reference 2017/0419/FUL (at Committee in August and Council in September 2017), the excavations for the new dwelling resulted in spoil deposits that have been spread down the site rather than removed from site. This has resulted in levels being raised to the extent that they constitute engineering operations requiring planning permission.
5. This application is to vary the approved plans condition, listing the approved plans, following the previous permission to include the revised levels. The original permission for the dwelling remains intact and cannot be changed and details of the dwelling itself have not been changed.
6. The levels have been raised by between 340mm and 770mm over the part of the site to the north of the new dwelling. Levels down to the north end of the site, closer to a watercourse, have not been raised. The land within 4 metres of 9 Pingle Lane has not been altered.
7. The application is accompanied by a landscaping scheme that indicates planting an evergreen hedgerow along the boundary with Sundial House where there might be an impact on neighbours amenity by reason of the raised levels, i.e. loss of privacy.

Relevant Planning History

Application	Description	Decision
2017/0419/FUL	Demolition of existing bungalow. Erection of single storey dwelling.	Approved Sept 2017

Planning Guidance and Policy

National Planning Policy Framework

Promotes sustainable development.

Conserving and Enhancing the Historic Environment.

The Rutland Core Strategy (2011)

CS19 - Promoting Good Design

CS22 – The Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of Sustainable Development

SP5 - Built development in the towns and villages

SP15 - Design and amenity

SP20 - The Historic Environment

The Consultation Draft Rutland Local Plan (CDRLP) is currently undergoing a period of public consultation.

The policies contained within it as they apply to the site in question are in line with the policy approach contained within the Rutland Core Strategy (July 2011).

This Plan has not been subject to public consultation or subsequent examination and hence can carry very little weight at this point in time. It is a material consideration but not one that outweighs the current development plan.

Morcott Conservation Area character appraisal and management proposals (October 2014)

This document assesses the Morcott Conservation Area for its special interest and identifies key features and characteristics to guide future development. In particular, it identifies construction materials that are characteristic of the village (limestone walling, Collyweston stone slate and welsh slate roofing) and several key principles that define the special interest of the conservation area.

Consultations

8. Ecology

Following the receipt of the decision notice from the previous application and photos of the site currently, I have no objections to the variation of condition, provided that there is still at least a 5m buffer of semi-natural vegetation along the river edge. This area should not be used as a patio/lawn. If the vegetation has been removed in this area, it should be re-instated to allow the green corridor formed by the river to be maintained.

9. Morcott Parish Council

Morcott Parish Council objects to this planning application. The proposed terracing may effect the natural run off and effect surrounding properties. Morcott Parish Council has a duty of care for the residents of Morcott and suggest that professional expert advice should be sought before further consideration.

10. Highways

No objection

Neighbour Representations

11. Objections have been received from nearby residents on the grounds of:

- Potential additional run-off into properties lower down Church Lane and Pingle Lane
- Development compromises the dry stone boundary wall to a listed building – planting is insufficiently detailed to ensure it has no impact on the integrity of the wall

- New plateau now allows overlooking into garden on Sundial House
- Loss of privacy to 9 Pingle Lane first floor windows (no objection received from No.9)

The applicant expresses concern that another neighbour has objected 'on behalf of' No.9 when the occupier of that property has no objection nor did they object to the original application.

A letter of support has been received from the occupier of 11 Church Lane which shares the access to the site.

Planning Assessment

12. The main issues are the impact of the raised garden levels on the character of the conservation area and adjacent listed buildings, on residential amenity and drainage issues.
13. The application site is located in the conservation area, and there are 4 listed buildings that are notable within the surrounding area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving listed buildings or their settings and any features of special architectural or historic interest that they possess, and also that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
14. The raised levels are themselves not prominent from outside the site and are not visible from a public place. They do not detract from the character of the conservation area or the setting of adjacent listed buildings. The statutory duty is discharged and the scheme complies with development plan insofar as the historic environment is concerned.

Residential Amenity

15. Members may recall that in order to limit the impact of the property on its neighbours by reducing the overall height, the dwelling has been set into the ground, and uses the natural slope of the site to provide accommodation at three different levels within the building.
16. No. 9 Pingle Lane has had a new 1.8m close boarded fence erected along its boundary with the application site. Its first floor windows are visible but they always were. They look down into the applicants garden rather than lose privacy as a result of the raised levels. The levels are not raised within about 4 metres of that new fence.
17. The main rear garden of Sundial House is adjacent to the new dwelling itself so is not impacted by the raised levels. These are mainly closer to more remote parts of the garden to Sundial House rather than its immediate rear area which is normally considered more important for privacy. In any event views into that garden from the new garden as limited and would be screened further by the proposed landscaping. There is no demonstrable harm to residential amenity and the scheme complies with the Policy SP15.

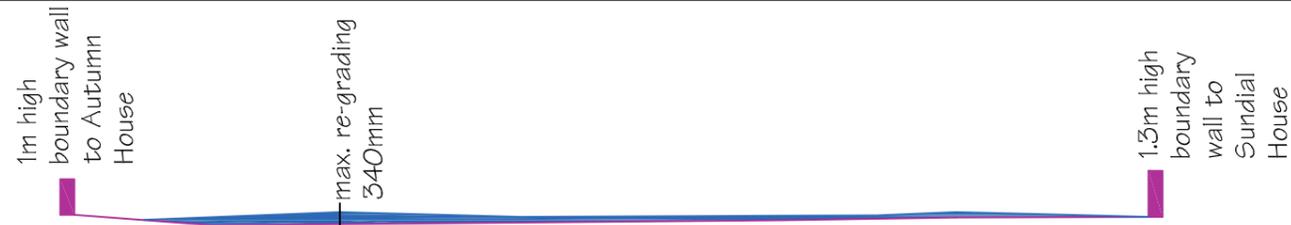
Drainage Issues

18. The agent has confirmed that the demolition rubble from the previous dwelling was crushed and used for the foundations of the new house and terrace. The material spread on the land, raising the levels is topsoil only and does not involve rubble or clay. The new levels do not therefore impinge on the porosity of the land or its ability to absorb surface water through natural soakaway. The scheme now before you therefore

has no more implications for the underlying water table and water disposal than approved under the previous scheme. The incursion of water into a property on Pingle Lane was during a heavy period of rain when earth was piled up on site. This has now been removed. The applicant is monitoring and liaising with the affected householder to ensure it does not repeat.

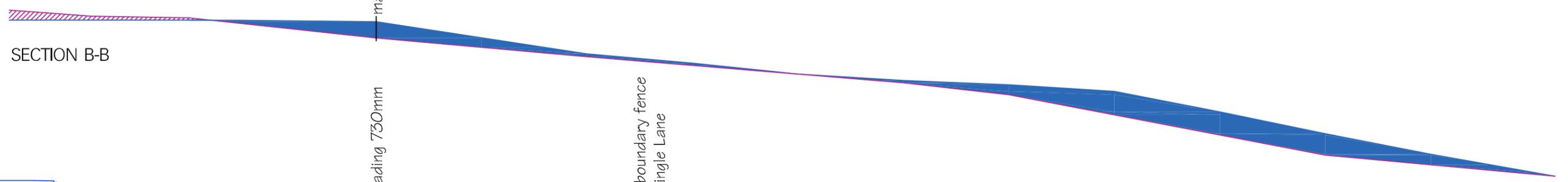
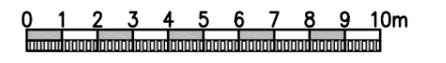
Other consideration

19. The development is sustainable as it retains what would otherwise be waste material on site thus avoiding the need for large vehicles to access the site and the narrow Church Lane and Church boundary wall, to dispose of spoil elsewhere which was a concern of some on the original proposal.
20. In respect of the ecology comments above, the applicant has confirmed that there is still 'at least a 5m buffer of semi-natural vegetation along the river edge' which has been left undisturbed throughout the works and will continue to be so.

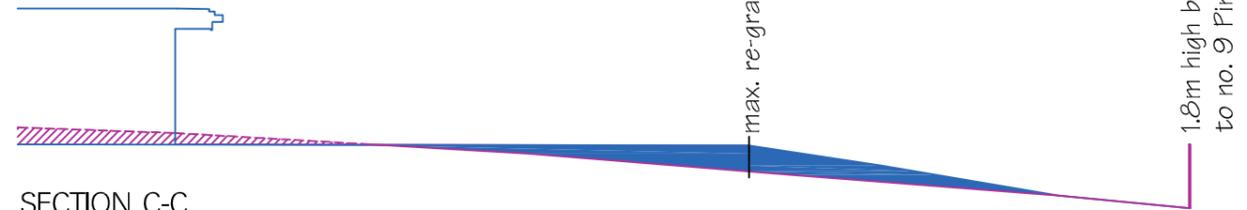


SECTION A-A

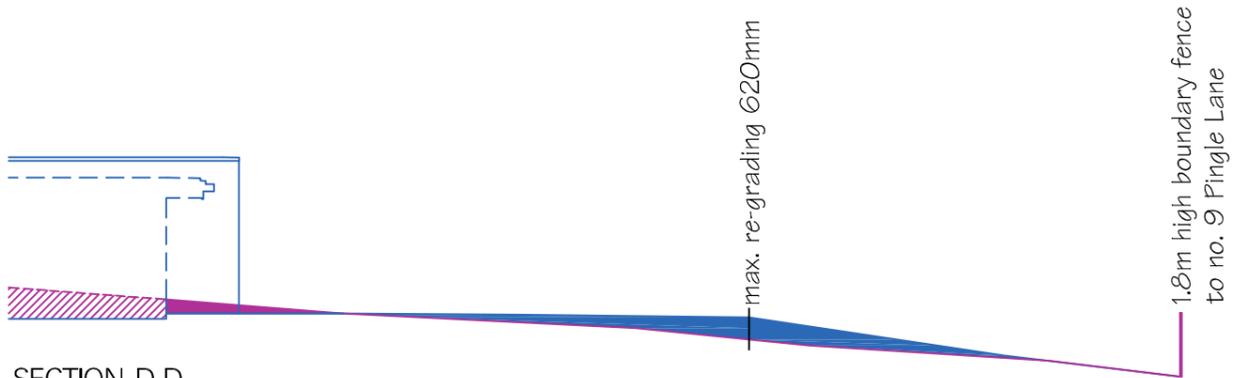
- = Line of original levels
- = Area of original levels cut
- = Area of regraded levels
- = Area of original remaining



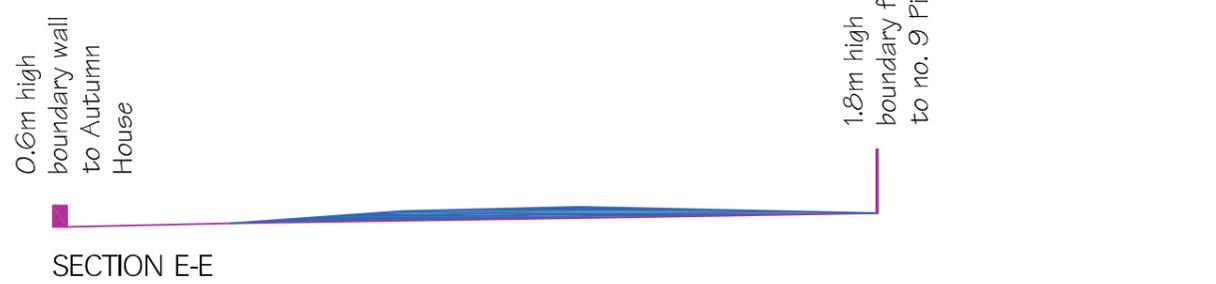
SECTION B-B



SECTION C-C



SECTION D-D



SECTION E-E

B. notation to no. 9 Pingle Lane corrected. CBW 19/07/2018
 A. Issued for Planning Application. CBW 02/07/2018

Proposed Dwelling
 13 Church Lane
 Morcott
 For Miss Vicky Johnson & Mr Steve Jones

SITE SECTION COMPARISONS

Scale	1:200 @A3	DRWG. No.	
Drawn	CBW	1557-35B	
Date	JUNE 2018	Checked	MGW

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 23 Mill Street Oakham Rutland LE15 6EA
 Telephone: 01572 723764 Fax: 01572 724831

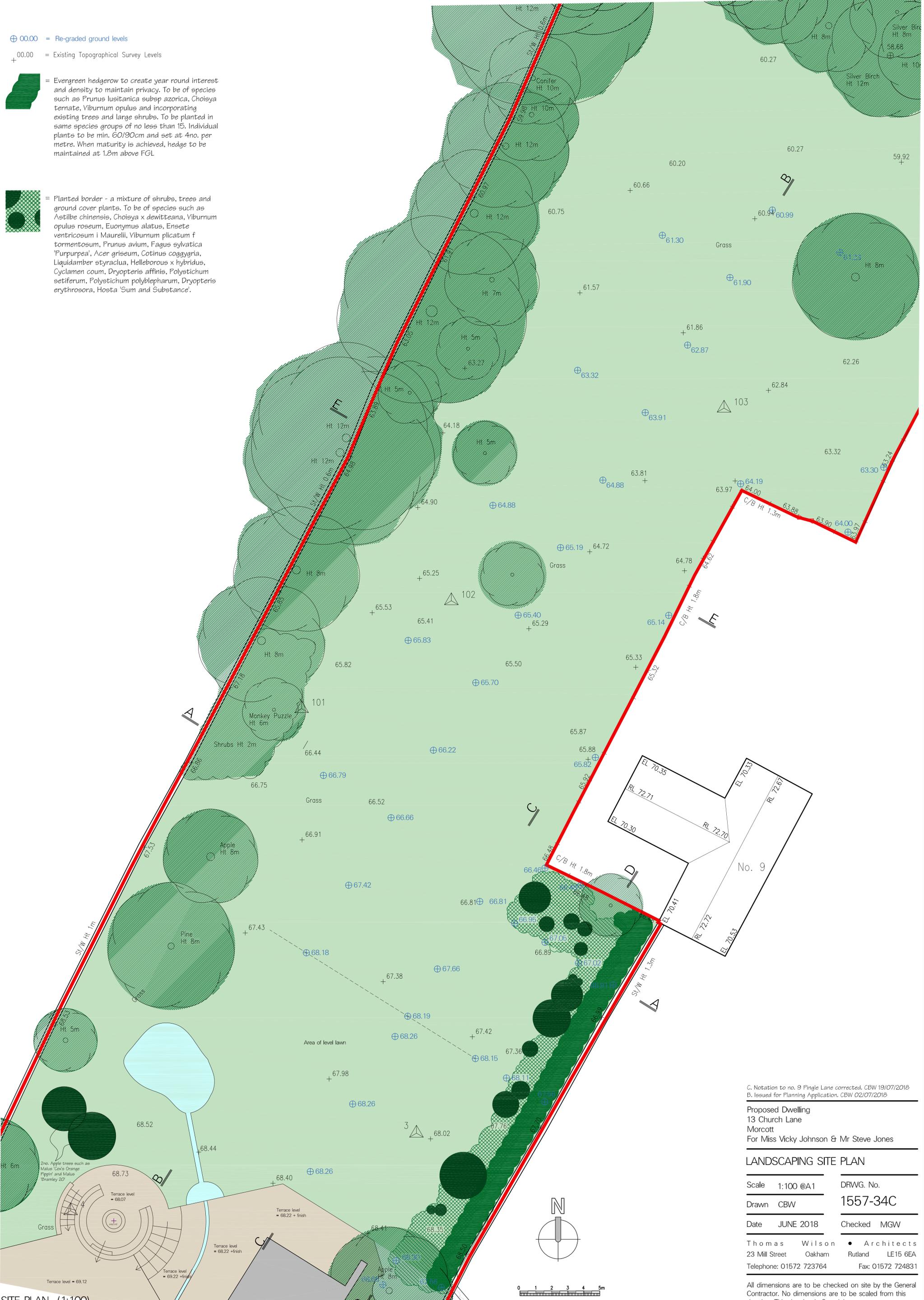
All dimensions are to be checked on site by the General Contractor. No dimensions are to be scaled from this drawing. This drawing is Copyright.

⊕ 00.00 = Re-graded ground levels

+ 00.00 = Existing Topographical Survey Levels

 = Evergreen hedgerow to create year round interest and density to maintain privacy. To be of species such as Prunus lusitanica subsp azorica, Choisya ternate, Viburnum opulus and incorporating existing trees and large shrubs. To be planted in same species groups of no less than 15. Individual plants to be min. 60/90cm and set at 4no. per metre. When maturity is achieved, hedge to be maintained at 1.8m above FGL

 = Planted border - a mixture of shrubs, trees and ground cover plants. To be of species such as Astilbe chinensis, Choisya x dewitteana, Viburnum opulus roseum, Euonymus alatus, Ensete ventricosum i Maurelii, Viburnum plicatum f tormentosum, Prunus avium, Fagus sylvatica 'Purpurpea', Acer griseum, Cotinus coggygia, Liquidamber styraciflua, Helleborus x hybridus, Cyclamen coum, Dryopteris affinis, Polystichum setiferum, Polystichum polyblepharum, Dryopteris erythrosora, Hosta 'Sum and Substance'.



C. Notation to no. 9 Fingle Lane corrected, CBW 19/07/2018
 B. Issued for Planning Application, CBW 02/07/2018

Proposed Dwelling
 13 Church Lane
 Morcott
 For Miss Vicky Johnson & Mr Steve Jones

LANDSCAPING SITE PLAN

Scale	1:100 @A1	DRWG. No.	1557-34C
Drawn	CBW	Checked	MGW
Date	JUNE 2018	Checked	MGW

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SITE PLAN (1:100)