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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

APPROVAL, subject to the following conditions:

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

Notes to Applicant

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

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

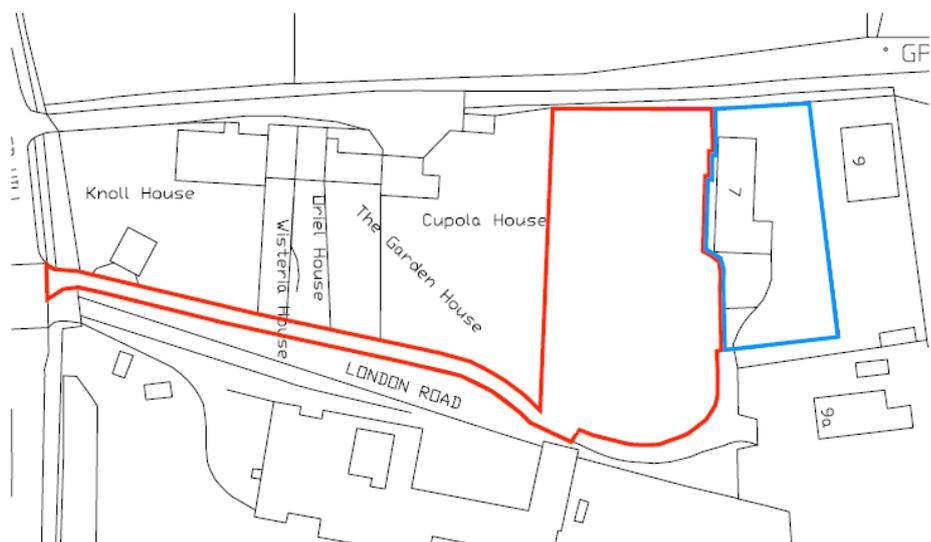
If the development hereby approved is for a self- build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can be found on the Planning

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

Site & Surroundings

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

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



Proposal

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

Relevant Planning History

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

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Uppingham Neighbourhood Plan

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

Policy 8 – Design & Access

Site Allocations and Policies DPD

SP6 - Housing in the Countryside

SP15 - Design and Amenity

Core Strategy DPD

CS04 - The Location of Development

CS19 - Promoting Good Design

Consultations

6. Uppingham Town Council

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

Neighbour Representations

Comments have been received from several immediate neighbours as follows:

7. 9A London Road

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

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

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

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

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

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

6. The potential occupancy of a property with

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

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

8. 9 London Road

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

1) East Elevation

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

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

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

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

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

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

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

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

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

9. Cupola House

Generally supportive with the following assurances sought

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

10. 7 London Road

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

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

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

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

Planning Assessment

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

Impact of the use on the character of the area

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

The previously approved materials were:

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

It is now proposed to use:

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

Impact on the neighbouring properties

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

Highway issues

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

Conclusion

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

Appendix 2

Applicant's Justification for the Revised Design

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appeal Decision

Site visit made on 30 January 2018

by **John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

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

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

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

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

Preliminary Matters

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

Main Issue

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

Reasons for Decision

Policies relating to development outside settlement boundaries

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

Effects on the countryside

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

Accessibility by sustainable modes of transport

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

Locational strategy

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

Previously developed land

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

Other matters

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

¹ NPPF paragraph 17

² NPPF Annex 2

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

Overall planning balance

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

John Felgate

INSPECTOR