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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0967/FUL	ITEM 4	
Proposal:	Proposed demolition of existing buildings and replacement with new dwelling with garage off-road parking and landscaping		
Address:	5A Adderley Street Uppingham Rutland LE15 9PP		
Applicant:	Wilford	Parish	Uppingham
Agent:	Leaf Architecture & Design Ltd	Ward	Uppingham
Reason for presenting to Committee:	Chairman requested application be referred to Planning Committee		
Date of Committee:	15.02.2022		
Determination Date:	10.01.2022		
Agreed Extension of Time Date:	16.02.2022		

EXECUTIVE SUMMARY

It is considered that the proposed development would not have a detrimental impact on the character and appearance of the area, residential amenity or on the heritage assets. The development is therefore recommended for approval.

RECOMMENDATION

APPROVAL, subject 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 Site Location and Block Plans dated 3 August 2021, 9674 L.11 Proposed Floor Plans and Elevations, Construction Management Plan dated 10 December 2021.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing, roofing materials, windows and roof lights to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. Before the occupation of the dwelling hereby approved shall be fitted with bat boxes, details of which shall be agreed in writing with the local planning authority prior to commencement of development.
Reason: Bats are protected under the Wildlife and Countryside Act 1981, and the site falls within a 'swift alert area'. Local Planning Authorities are required to promote the protection and recovery of priority species populations and encourage opportunities to incorporate biodiversity improvements in and around developments, as set out in paragraphs 174 and 175 of the National Planning Policy Framework (2018).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E 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), no enlargement, improvement or other alteration to the dwelling, and no provision of buildings, enclosures, swimming or other pool, shall be erected or carried out except with prior planning permission.
Reason: In the interests of the character and appearance of the conservation area and surrounding residential amenity.

Notes to Applicant

1. 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

1. The application site is a former building yard within a predominantly residential part of Uppingham. The site is adjacent to Uppingham conservation area and listed building.

Proposal

2. The proposal seeks permission to redevelop the site and construct a single dwelling.

Relevant Planning History

FUL/2003/0744 – Demolish existing buildings on-site and erect a pair of semi-detached and one detached dwellinghouses. - Refused

FUL/2004/0650/FUL – Demolish existing buildings on site and erect a pair of semi-detached and 1No detached dwellinghouses. – Refused

FUL/2006/0755 - Erection of 3 no. dwellings and associated works (amended scheme). – Approved

FUL/2009/0333 - Erection of 3 dwellinghouses and associated parking, to replace existing buildings. – Approved

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 12 - Achieving well-designed places

Chapter 16 - Conserving and enhancing the historic environment

Site Allocations and Policies DPD (2014)

SP15 - Design and Amenity

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

Supplementary Planning Document

Supplementary Planning Document - Shop Fronts including Signs and Shop Security

Neighbourhood Plan

Policy 1 - Protect Central Conservation Area

Policy 8 – Design and Access

Officer Evaluation

Neighbourhood Plan

3. The Uppingham Neighbourhood Plan requires that new development should reflect the character and appearance of the immediate environment.

Principle of the use

4. Planning permission has previously been given to redevelop the site for housing. The Principle of residential development on this site is considered to be acceptable and in accordance with development plan policies.

Impact of the use on the character of the area

5. The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings pursuant to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
6. Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
7. Uppingham is classed as a small town in the Core Strategy Development Plan Document (2021) and is capable of a moderate amount of development subject to it being of an

appropriate scale, design and sustainability. The most relevant policies are CS4 (The location of development), SP5 of the Site Allocations and Policies Development Plan Document (DPD) (2014) (Built development in the towns and villages) The planning policies support residential development provided that it is appropriate in scale and design to its location and the size and character of the settlement.

8. The proposed dwelling would be a two-storey building incorporating a mix of traditional architecture and modern design. The design of the proposal derives from the existing buildings which are industrial in appearance with traditional building materials.
9. The dwelling would sit on a generous site and good location, and it would not result in an adverse impact on the character or appearance of the local area and surroundings. A condition would be included removing permitted development rights to avoid any further extensions and alterations.
10. The comments from residents are noted and have been given due consideration. Regarding design and materials, Adderley Street itself has a varied character in terms of style and materials, the design of the proposal complies with the requirements of the development plan policies and is considered acceptable. The external materials are conditioned to be agreed with the Local Planning Authority, to ensure that any agreed materials would not appear out of place within the street scene.
11. Given the above, by the design and scale the proposal would be following Section 12 and Section 16 of the NPPF (2021), Policies CS04, CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP5, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), and Uppingham Neighbourhood Plan (2014).

Impact on the neighbouring properties

12. Given the nature of the proposed development, its minor scale and adequate separation distances, the proposal would not have an unacceptable impact upon the residential amenities of the occupiers of adjacent properties.
13. As so, it is considered that proposed development would comply following the Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014)

Highway issues

14. The proposed development would not result any unacceptable impact on the highway safety and adopted parking standards.

Level

15. Not applicable

Noise

16. Not applicable

Dust

17. Not applicable

Section 106 Heads of Terms

18. Not applicable

Crime and Disorder

19. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

20. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

21. It is considered that no relevant Article of that act will be breached.

Consultations

22. Highways

No Objections subject to the following condition;

Due to the location of the site a construction traffic management plan is essential for this development as a preconstruction condition

No development shall take place until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations and movements to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery.
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) A scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety in accordance with policies Policies SP15 and SP17 of Site Allocations & Policies Development Plan Document Adopted October 2014.

My only comment on the CMP is, are we able to prevent deliveries on a Wednesday? This is market day in Uppingham and the road leading to the site goes directly past the Market where some of the customers wait in the carriageway to be served.

23. **Historic England**

Thank you for your letter of 17 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

24. **Ecology Unit**

The buildings proposed for demolition are close to open countryside and sited in an area with good bat foraging habitat. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. A bat survey is therefore needed. Bat surveys involve an external and internal inspection of the building by an appropriately licensed bat worker and an assessment of its potential value for bat roosting. This can be done at any time of year.

If evidence of bat use is found, or the building is considered to have low, moderate or high value, or the surveyor cannot fully inspect the building, a suite of emergence surveys may also be required. Emergence surveys can only be carried out between May and mid Sept. The number of survey visits needed depends on the findings of the inspection, and should follow national guidelines. Buildings with low roost potential require 1 survey; medium require 2, and high potential require 3 surveys. The suite of surveys should include at least one between May and August.

A list of consultants able to do this work is available on request, and guidance on bat surveys can be found in our Bat Protocol via this link
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/3/LRERC-Bat-Protocol.pdf>

Depending on the results of surveys, mitigation may be required, and may be the subject of a planning condition and possibly a European Protected Species license application to Natural England.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation ' Statutory Obligations and their Impact within the Planning System)).

If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here https://www.swift-conservation.org/Leaflet_1_Swifts_Nest-boxes_at_Your_Home-small.pdf The locations of

these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

Please let me know if you require any further information.

Kind regards
Donna Oxbrough

The Protected Species Survey report (Curious Ecologists, September 2021) deems all of the buildings on site as having negligible potential to support roosting bats. No further surveys or mitigation for bats are required. The recommendations in the report should be followed.

As a condition of any planning permission granted, 2 bat bricks/boxes should be incorporated into the new dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here https://www.swift-conservation.org/Leaflet_1_Swifts_Nest-boxes_at_Your_Home-small.pdf The locations of these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

25. Conservation Advisor

As previously stated at the Pre-App stage, I have concerns about the appropriateness of black-stained vertical cladding for prominent elevations of this development.

I suggest the use of this material be reconsidered.

I would emphasise that I do not have an issue with the use of timber cladding but black stained would be out of character with the surroundings and is not a material typical of the local vernacular.

26. Parish Consultation

Unanimously agreed that there are no objections

Neighbour Representations

27. Three residents of the neighbouring properties have raised comments about the design and external material of the proposed dwelling.

Conclusion

28. Given the above, it is considered that the proposal would be appropriate for its context and would follow the NPPF (Sections 9, 12 and 16), Policy CS19 and CS22 of the Rutland Core Strategy (2011), Policy SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014). The proposal would not be contrary to the Uppingham Neighbourhood Plan.