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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0459/FUL	ITEM 2	
Proposal:	Demolition of existing single storey side extension and front porch. Replacement with single and two storey side and rear extension and new porch. External alterations to include re-building of dry stone wall and new side gate.		
Address:	2 North Luffenham Road, South Luffenham		
Applicant:	Ms Shauna Donaldson	Parish	South Luffenham Parish Council
Agent:	Mr Derek Robinson	Ward	Normanton Ward
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	22nd November 2022		

EXECUTIVE SUMMARY

This is a minor household development to enlarge the house. The proposal would sit within the residential curtilage, and there is no material planning consideration to object this type of development in already managing land.

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 2109 AB1000C Site Location and Proposed Site Layout, 2109 AB1205H Block Plan, 2109 AB1201D Proposed Ground Floor Plan, 1202C Proposed First Floor Plan, 2109 AB1401D Proposed North Elevation, 2109 AB1400D Proposed South Elevation, 2109 AB1403E Proposed West Elevation, 2109 AB1402D Proposed East Elevation, 2109 AB1404D Section X-X, and relevant details on the application form.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before works above the ground level begin a sample measured 1m by 1m of the external brickworks shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out under the approved details.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenities and because final details have not been agreed upon during the lifetime of the application.

Site & Surroundings

1. The application site is in the South Luffenham conservation area and the property is a modest cottage situated on North Luffenham Road.

Proposal

2. The development seeks planning permission for a side and rear enlargement of the house and a new porch.

Relevant Planning History

Application	Description	Decision
F/1990/0604	Construction of new access to highway	Approved

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2021) Section 12
NPPF (2021) section 16

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

Supplementary Planning Document

Extensions to Dwellings (2015)
Design Guidelines for Rutland (2022)

Consultations

3. Parish Council

We neither object or support this application but we would like to take this opportunity to inform RCC that prior to the submission of this planning application the porch had been knocked down and the side extension/roof have been demolished/replaced. We would like it checking that all elements of the application meet local conservation rules.

4. LCC Ecology

The development site and building proposed for part demolition and extension 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 of all the buildings on site that will be impacted by the works 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 is at this link

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/10/5/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 advise that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

Please let me know if you require any further information.

5. The Local Authority Highways

Further to our discussion this morning and my further assessment of the application, I can confirm that the southern triangle of the site is in fact public highway. See snapshot below from our digitalised highway map which shows the extent of public highway in green.

Given this, the area on the planning application which shows car parking is within the public highway and as such any parking provided as part of this planning application could NOT be considered as allocated to the property itself.

Furthermore, should they wish to install parking within the public highway, this may be considered and would have to be carried out under S278 of the Highways Act 1980, but as I've said this could not be considered allocated or claimed by them for their own personal use even if they own the sub-soil of the land (below the public highway).

I am not sure why this issue was not picked up or considered on the 1990 planning application, and it may well be that the applicant owns the land as shown as site edged red on the location plan, but the southern triangle of land has highway rights over. It might be worth asking the agent to provide the land title to clarify, but irrelevant of the results, it is public highway. It is completely possible that they own title to the site edged red, but there are highway rights over the southern area and therefore restricted in terms of what they are permitted to do.

In terms of the parking provision, the extension does not result in any additional parking need when compared with the number of habitable rooms with the existing ones, which is 2 car parking spaces. Furthermore, the existing site does not benefit from any formal allocated parking within land under their control. On that basis, no additional parking is required as a direct result of the small extension, therefore the LHA must raise no highway objection to the proposal subject to appending the following informatives to the decision notice, if you were minded to approve this application:

INFORMATIVES

Parking

The site block plan indicates 2 car parking spaces, however these sit within the public highway and therefore cannot be allocated to the application dwelling. As such, they are not expressly approved under this planning consent, however the Local Highway Authority could consider a request under Section 278 of the Highways Act 1980 to carry out this work, but they still would remain open to the public use and not be allocated. Should you require any further information on this matter please email highways@rutland.gov.uk.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway - Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway

Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

6. RCC Forestry Officer

I have no objections to the development.

Representations

7. Neighbours and Members of Public

Two representations have been received objecting to:

- the commencement of works on the building,
- the impact of the development on biodiversity (bats),
- the impact on the development on highways

Planning Assessment

8. The proposed development would alter the northeast elevation and modestly enlarge the living space of the property. The ground floor would accommodate an open-layout kitchen with a utility room and the first floor would accommodate an additional bedroom.
9. The proposal would include the rebuilding of the stone boundary wall and a new porch.
10. The issues in this proposal are the disputes about the commencement of the works before planning permission, the impact on the biodiversity (bats), and ownership of the southern part of the land.
11. The development has started with demolishing existing extension(s) and repairing works to the roof including re-roofing. The works in this instance would not appear to require planning consent, and they would not constitute a breach of planning control.
12. Concerning the ownership of part of the land and parking issues. The Highway Authority's comments clarify the issue and confirm that the proposal would not result in the need for additional parking and on that basis the parking arrangements are acceptable. The development would not have an unacceptable adverse impact on highway safety and parking and would not justify refusal.
13. While biodiversity is a planning consideration, the works of re-roofing in this instance would not require planning consent and would not justify refusal.
14. Moreover, the provided bat survey indicated that no evidence of bats was found on the property, and the roof of the dwelling does not offer access to bats.

Impact on the neighboring properties

15. The proposed enlargement of the property would not lead to any unacceptable impact on the neighboring properties.

16. Given the above, it is considered that the proposed amendments would comply with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015).

Conclusion

17. Given this, the proposal by the design and scale would conform to planning objectives and would follow Section 12 and Section 16 of the NPPF (2021), Policy CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), Supplementary Planning Document – Extensions to Dwellings (2015), and Supplementary Planning Document – Design Guidelines for Rutland (2022).