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Time of plot: 09:55  
Date of plot: 02/02/2016



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2015/0291/FUL	ITEM 1	
Proposal:	Proposed new dwelling at allotments on South View in Uppingham.		
Address:	Allotment Gardens, South View, Uppingham, Rutland		
Applicant:	Rebecca Delaporte	Parish	Uppingham
Agent:	Mr Tom Runcorn, PW Architects	Ward	Uppingham
Reason for presenting to Committee:		Neighbour objections	
Date of Committee:		16 February 2016	

## EXECUTIVE SUMMARY

**The revised plans and access arrangements for this new dwelling can be accommodated on the site without detrimental impact on the adjacent Conservation Area, or views into and out of the Area. It therefore accords with the special duty imposed on the Planning Authority regarding Conservation Areas.**

**The proposed works to allotment gardens at the south of the site will enhance this public provision. Subject to conditions, the scheme is also in accordance with other relevant policies.**

## RECOMMENDATION

That delegated authority be granted to the Director for Places, on closure of the second consultation period (22 February 2016) for 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 2015/07 11, 12, 13, 14a, & 15.

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

3. 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 - To ensure that materials of an acceptable quality appropriate to the area are used, and because these details were not submitted with the planning application.

4. No development shall commence until a programme of archaeological work, comprising an initial phase of trial trenching followed by an appropriate programme of investigation and recording, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an

assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance, and because it would be unreasonable to require that such details be submitted with the planning application when the impact on any archaeological interests would not occur until the implementation stage.

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

6. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837: 2012 Trees in Relation to Construction.'

Reason - To ensure that the new dwelling is assimilated into its well landscaped surrounds, in the interests of visual amenity and the character of the area, and because sufficient detail was not available with the planning application.

7. All changes in ground levels, 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 commencement of the development 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.

Reason - To ensure that the new dwelling is assimilated into its well landscaped surrounds, in the interests of visual amenity and the character of the area.

8. The allotment provision indicated on Plan 2015/07 -15 shall be laid out in accordance with the details indicated on that plan prior to the first occupation of the dwelling and thereafter retained as such.

Reason – To ensure that the development can be accommodated without detriment to the continued provision of this public amenity.

Notes to Applicant:

The advice of the Council's Public Rights of Way Officer and Ecological Consultant are both attached for your attention. Notwithstanding this grant of planning permission, various technical details will need agreement between the developer and the Rights of Way Officer before the proposed vehicular access is brought into use.

Further arrangements will be required between the developer and Highway Authority regarding access for contractors and construction traffic.

## **Site & Surroundings**

1. The application site is within the Uppingham Planned Limits to Development. It is located on the southern side of South View, opposite the Beast Hill open space. The boundary of the Uppingham Conservation Area runs along South View, with the application site just outside.
2. Ground levels fall away southwards through the site into a valley at the edge of the town. To the west is a cemetery, with a public footpath at the east, extending southwards into the valley. This path is designated as an "Important Frontage" in Policy SP21 of the adopted Site Allocations and Policies DPD. There are a mixture of existing dwellings further east on South View and also on the opposite side of the highway, including on higher ground around Beast Hill.
3. The site has been previously used as privately controlled allotments, but is now largely overgrown, with only one allotment (at the south) remaining in use.
4. There is a stone boundary wall along the South View frontage.

## **Proposal**

5. The current application proposes the construction of a single detached dwelling at the north of the site, on lower ground facing onto South View. The remainder of the landholding is to be brought back into allotment use.

6. The greater part of the new dwelling is three storeys in height, with the top storey located within the roofspace. There is a further two storey area at the rear, and a separate single storey element on each side. The rear of the proposed dwelling is on lower ground due to the falling ground levels. In total, the accommodation provides five bedrooms, a kitchen/diner and two reception rooms.
7. Vehicular access is taken from the public right of way at the side of the site. The front curtilage then provides a hardsurfaced courtyard and parking area, with the new dwelling on lower level to the south. Beyond the rear garden area, the remainder of the site is to be laid out as four allotments for public use.

## Relevant Planning History

8. The site has a recent planning history of applications for a single detached dwelling. In 2007, the committee resolved to grant permission for a new dwelling of different design to the current proposal, subject to conditions and a Planning Obligation. The Obligation was intended to provide a commuted sum for replacement of two parking spaces on the site frontage that would be lost as a result of the new vehicular access for the proposed dwelling. This access also incorporated part of the public footpath at the side of the site but, as its ownership could not be established, the Obligation was never signed and the permission was never issued.
9. A revised application was then submitted in 2013 (2013/0232/FUL), with access now provided directly from South View, avoiding the need for access across the public footpath. However, this application was subsequently withdrawn as the revised access would require the loss of three on-street parking spaces with no land now available within the town for replacement via a commuted sum. Hence (unlike the 2006 application) a recommendation of approval, subject to a Planning Obligation wasn't appropriate.
10. This table summarises the full site history including these two applications.

Application	Description	Decision
79/0459	Two Dwellings	Refused Dec.1979
81/0187	Four Dwellings	Refused May 1981
FUL/2006/0822	One Dwelling and Associated Works	Resolution to approve in June 2007, but no decision issued.
2013/0332/FUL	One Dwelling and Associated Works	Withdrawn 15 July 2013

## Planning Guidance and Policy

### National Planning Policy Framework (NPPF)

Section 7

Design

Section 11	Natural Environment
Section 12	Historic Environment

## **The Rutland Core Strategy (2011)**

Policies:

- CS1 Sustainable Development
- CS3 Settlement Hierarchy
- CS4 Location of Development
- CS19 Design
- CS21 Natural Environment
- CS22 Historic and Cultural Environment
- CS23 Green Infrastructure, Open Space, Sport and Recreation

## **Site Allocations and Policies DPD (2014)**

Policies:

- SP1 Sustainable Development
- SP5 Built Development in the Towns and Villages
- SP15 Design and Amenity
- SP19 Biodiversity and Geodiversity
- SP20 The Historic Environment
- SP21 Important Open Space and Frontages

## **Uppingham Neighbourhood Plan**

- Policy 1 Conservation Area
- Policy 3 Housing
- Policy 8 Design and Access
- Policy 10 Environment and Open Space

## **Consultations**

11. Two consultations have been undertaken; one on receipt of the application and another on receipt of amended plans. The following is a summary of all comments received during the first consultation, with those from the second consultation added thus far. Members will be advised via the Update Report of any additional responses from the second consultation.
12. **Uppingham Town Council**  
Recommend Approval
13. **Planning Policy Manager**  
The new dwelling causes a loss of allotment provision, with neither a justification or an alternative provision.  
Second Consultation – Amended Plan now accords with planning policy as it incorporates improvements to the allotment provision.
14. **Highway Authority**  
No objections, subject to conditions.  
Second Consultation – Access via the Public Right of Way is acceptable, subject to use of a hard bound surfacing material. The loss of one parking space from the site frontage will

not require any mitigation.

**15. Public Rights of Way Officer**

Detailed advice offered regarding protection of the public footpath during and after construction works.

Second Consultation – Various technical issues must be resolved regarding works to the existing Public Right of Way, before it can be used as a vehicular access.

**16. Environment Agency**

Low environmental risk; no further comments offered.

**17. Ecology Consultant**

The submitted ecological survey is satisfactory. No objections, subject to limited mitigation.

**18. Archaeological Consultant**

Conditions required on any approval to secure an investigation into the potential archaeological interests within the site.

## **Neighbour Representations**

**19. Four letters of objection were received during the first consultation period, raising the following concerns**

- Visual impact on this semi-rural location and Conservation Area
- Impact on rural views from Beast Hill which is a major asset to the town
- Impact on ecological interests within the site
- Loss of green open space
- Loss of amenity and impact on the overall appeal of the town
- Scale of proposal is unclear
- Impact on setting of the Church, Cemetery and Beast Hill
- Additional traffic on South View
- Any residential development should be single storey and further downslope

**20. One of these objectors has written again during the second consultation period, repeating concerns about impact on the character and outlook of Beast Hill, and highway safety for pedestrians. However, this letter also supports the re-provision of allotments and suggests that a smaller dwelling might be acceptable.**

## **Planning Assessment**

**21. The main issues are**

- Principle of development
- Impact on allotment provision
- Layout and Design
- Access and Parking

Other matters are then addressed at the end of the report.

#### Principle of development

22. The site is within the Planned Limits to Development of Uppingham. Residential development is therefore acceptable in principle (Core Strategy Policy CS4), subject to satisfying all the other site-specific issues below.

#### Impact on allotment provision

23. On receipt of this application, the Planning Policy Manager advised that the proposal was contrary to Core Strategy Policy CS23, in that it would cause the loss of (albeit disused) allotments.
24. However, the amended plans (and associated Allotment Report) now indicate that the southern area of the site will be set out as four allotments, with only the northern part of the site incorporated into the curtilage of the new dwelling. This is an improvement on the current situation on-site, where the allotment area is larger but with much poorer provision. Consequently, the Planning Policy Manager has now advised that the amended plans are in accordance with Policy CS23, subject to an appropriate condition on any approval to ensure that these allotments are made available and then maintained as such.
25. The submitted Allotment Report indicates that these allotments were always in private ownership and rented out on an ad-hoc basis. This declined from nine separate plots in the 1960s, to just one being used in the last three years. The applicant has also researched the public provision of allotments within the town. A total of 80 plots are available, with the Town Council indicating a capacity to provide a further 14 to 17 plots.

#### Layout and Design

26. As initially submitted, the layout and design of the new dwelling was similar to that which members resolved to approve in 2007. However, your officers consider that this is no longer appropriate today because of new case law in 2014 which clarified that Section 70(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 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 the Conservation Area. This now carries significant weight in decision making, rather than just being a single material consideration.
27. In this case, the application site is outside the Conservation Area, but is prominent in views out of the Area into the countryside at the south, and also within views into the Area from that open countryside. Development of the site also impacts on the existing character of Beast Hill which is a significant and characterful part of the Conservation Area.
28. The initial plans indicated a split level design with one and a half storeys at the front and two and a half storeys at the rear. The building was therefore rather squat on the site and also extended across most of the available width, potentially conflicting with existing boundary landscaping. Whilst previously considered acceptable, this does not satisfy the increased duty imposed by the recent case law.
29. Consequently, amended plans were requested to ensure that the scheme now accords with this duty. The dwelling is now taller and narrower, ensuring that it fits more comfortably into the bowl shaped gap on this side of South View, created by the dip in ground levels with taller vegetation on each side. Its design also takes reference from one



of the prominent dwellings on Beast Hill.

30. Although now a taller dwelling, its ground level is set down 4.5 metres from the pavement on South View. With the improved design, this positioning on the site and the hardsurfaced front courtyard, all improves the current derelict and overgrown character of this part of South View, whilst still allowing the longer views from the Conservation Area into the countryside beyond. This preserves and enhances the character and appearance of this part of the Conservation Area and accords with the duty set out in Section 70(2) of the Act. Unlike the previous applications, the current access proposals allow the characterful stone wall to be retained on the site frontage. This also enhances the character and appearance of the Area, in accordance with this duty.
31. That said, the use of the front of the adjacent Public Right of Way as vehicular access for the new dwelling will require levelling and resurfacing, which will create a more suburban character in this semi-rural area. On its own, this will not preserve or enhance the character or appearance of the Conservation Area. However, this can be accepted when balanced against the other aspects of the scheme, as discussed above.

#### Access and Parking

32. Previous applications for a dwelling on this site have either taken access direct from South View or have used the Public Right of Way at the side. Direct access is not acceptable as it would breach the existing boundary wall, and also cause the loss of on-street parking spaces. Such loss could, in principle be addressed via a commuted sum for replacement provision elsewhere in the town, but the Highway Authority has advised that no suitable locations are available.
33. Use of the Public Right of Way was previously discounted as it is outside the applicant's control. However, it is proposed again via the amended plans for this application, given that the applicant is now relying on Section 34 of the Road Traffic Act 1988 which prohibits the use of vehicles on such a path, unless for the purposes of access to its parking area.
34. The proposal is in accordance with this provision, but will require separate arrangements between the applicant and the Highway Authority to facilitate the necessary levelling and surfacing of this section of the path, before it can be used by vehicular traffic. These technical matters are covered by the Highway legislation and need not be incorporated into any grant of planning permission.
35. This arrangement will still require the loss of one on-street parking space, but the Highway Authority has confirmed that this is acceptable without any replacement provision

#### Other Matters

36. The revised plans allow for retention of existing trees and shrubs at the side of the proposed dwelling, but their protection is still subject to the recommended landscaping condition. Advice from the Archaeological and Ecological Consultants is addressed via recommended conditions and advisory notes. There are no concerns regarding impact on the residential amenity of neighbouring premises.
37. The Public Right of Way at the east of the site is designated as an Important Frontage, with Policy SP21 requiring that the proposal does not have a detrimental impact on its

value as such. As discussed in the “Layout and Design” section, above, the use of the northernmost end of the Way as vehicular access into the development will have some impact on its character. However, the revised plans reduce impact on vegetation along the Way and therefore maintain its value as an Important Frontage. In this context, the impact on the northernmost end of the Way can be accepted.