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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/1150/FUL	ITEM 3	
Proposal:	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of new garaging for the existing dwelling, Old Priest House. Various existing outbuildings are proposed to be demolished.		
Address:	Old Priest House, Lyndon Road, Hambleton, LE15 8TJ		
Applicant:	Tim Griffin	Parish	Hambleton
Agent:	Tom Runcorn, PW Architects	Ward	Exton
Reason for presenting to Committee:	Departure from the Development Plan		
Date of Committee:	12 April 2016		

EXECUTIVE SUMMARY

Albeit in a restraint village, this application proposes the redevelopment of previously developed land (brownfield site), incorporating the conversion and extension of an existing building. It also preserves the character and appearance of Hambleton Conservation Area and has an acceptable impact on the setting of adjacent listed buildings. No objections have been received from the local community.

RECOMMENDATION

APPROVAL, subject to the prior completion of a Planning Obligation to secure financial contributions towards the off-site provision of affordable housing, and 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: 2014/24 01b, 03h, 05f, 06e, 07f, 08c, and 12 .

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

3. No development shall take place until the existing trees on the site, shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall

be left unsevered.

REASON - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while demolition and construction works take place on the site.

4. 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 - In the interests of visual amenity and of the character and appearance of the Hambleton Conservation Area, and because such details were not available with the planning application.

5. No development shall proceed other than in accordance with the recommendations in Section 5 – Table Two of the submitted Bat and Badger Survey Report (ref: P15/09/184) of 2 October 2015.

REASON – In order to protect the protected wildlife species and their habitats that are known to exist on site.

6. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

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

7. No development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

REASON - To ensure that the Rutland Water SSSI is not harmed.

8. The limit of the curtilage of each dwellinghouse, for the purposes of Article 3, Schedule 2, Part 1 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) is as defined by the boundary line on Plan number 2014/24-03h.

REASON: For the avoidance of doubt and to avoid an expansion of householder development, detrimental to the character of the open countryside.

Advisory Notes:

1. Given the narrow roads and other highway constraints in the vicinity of the site, the developer is asked to prepare a Construction Traffic Management Plan, including the

routing of heavy vehicles, in consultation with the Highway Authority. This Plan should also be mindful of the Highway Authority's responsibilities for traffic flow and highway maintenance.

2. The Developer's attention is drawn to the attached advice from Natural England.

Site & Surroundings

1. The application site is at the west of Upper Hambleton, adjacent to the Church of St Andrew (Grade II* listed). It comprises Old Priest House, a Grade II listed dwelling, its associated business use (Corriebran Kennels) and other open land within the same ownership. The kennels incorporate a series of single storey sheds and other outbuildings. A two storey building at the west of the site is partly used as residential accommodation for staff. Further land at the north-west is open and grassed, used as an outdoor exercise area for dogs.
2. Access for Old Priest House and for customers visiting the kennels is taken directly from Lyndon Road. There is a separate access at the rear, adjacent to the staff accommodation, used for trade-related visits. This access is taken from Hillfield, a private road in the ownership of Spire Homes. It also serves five existing dwellings. The applicant has served notice on Spire Homes and specified that he has a right of access along Hillfield. There is another neighbouring property (Hambleton House) on the junction of Lyndon Road and Hillfield. On the opposite side of Lyndon Road is the Village Hall and further dwellings.
3. The entire application site, other than the open land at the north-west, is within the Planned Limits to Development of Hambleton. The whole site is, however, within the Hambleton Conservation Area.

Proposal

4. This application proposes a redevelopment of the kennels site into residential use. All the existing kennel buildings would be removed other than that used (in part) for the staff accommodation.
5. One new dwelling is proposed to replace the demolished buildings, with the retained building extended and then used as a second dwelling. Other land within the site is identified as private gardens and paddocks.
6. Separate detached garages are proposed for each of the new dwellings and for the proprietor's existing dwelling at Old Priests House.
7. The two new dwellings would be accessed from Hillfield, with Old Priest House and its new garages continuing to use the direct access from Lyndon Road.
8. A similar proposal, which also included a third new dwelling (located immediately to the west of the Church) was withdrawn in November 2015.

Relevant Planning History

Application	Description	Decision
2015/0923/MAJ	Residential development of the existing kennels via the conversion of one existing building, a new dwelling in place of existing outbuildings and the construction of a further new dwelling, Various existing outbuildings are proposed to be demolished.	Withdrawn 17-11-2015

Planning Guidance and Policy

National Planning Policy Framework

Section 1	Sustainable Development
Section 6	Delivering a Choice of Homes
Section 7	Design
Section 10	Climate Change and Flooding
Section 11	Natural Environment
Section 12	Historic Environment

Planning Practice Guidance

The Rutland Core Strategy (2011)

Policies:

CS1	Sustainable Development
CS2	Spatial Strategy
CS3	Settlement Hierarchy
CS4	Location of Development
CS8	Developer Contributions
CS9	Provision and Distribution of New Housing
CS11	Affordable Housing
CS19	Design
CS21	Natural Environment
CS22	Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

SP1	Sustainable Development
SP5	Built Development in the Towns and Villages
SP9	Affordable Housing
SP15	Design and Amenity
SP19	Biodiversity and Geodiversity
SP20	Historic Environment
SP23	Landscape Character in the Countryside

Consultations

9. Hambleton Parish Meeting
Support for the proposal, but note that there may be minor issues for adjacent

neighbours regarding the private access road.

10. Highway Authority
No objections, subject to advisory notes on any approval.
11. Public Rights of Way Officer
The proposal has no direct impact on the adjacent public footpath at the north, subject to no new fencing on the existing footpath edge.
12. Historic England
Please consider the impact on the setting of adjacent heritage assets, and follow the advice of the Archaeology Consultant.
13. Archaeology Consultant
Further investigation required via conditions on any grant of planning permission.
14. Natural England
No objections, subject to drainage conditions on any approval.
15. Ecology Consultant
The submitted Ecology Survey has recorded no evidence of protected species. A condition should be imposed on any permission to ensure that the developer follows the recommendations in the Ecology Report.

Neighbour Representations

16. Two letters of support have been received from neighbouring residents, albeit that one of these also seeks factual clarity on access arrangements.
17. The Hambleton Churchwarden has also expressed support for the current scheme, and advised that it has overcome concerns about the previous application for three dwellings.
18. Solicitors acting for Spire Homes, owners of the private road serving the rear of the site, have objected to the proposals and have advised that the right of way is only available for access to Old Priests House, not to the redevelopment site.

Planning Assessment

19. The main issues are:
 - Principle of Development
 - Impact on Heritage Assets
 - Access and Parking
 - Residential Amenity
 - Planning Obligation
20. Other matters are then addressed together at the end of the report.

Principle of Development

Introduction

21. Development Plan Policies CS1 and SP1 state the Council will take a positive approach to development proposals that reflect the NPPF presumption in favour of sustainable development.
22. All parts of the site intended for operational development are within the Planned Limits to Development (PLD) of Hambleton. It is a Restraint Village (Core Strategy Policy CS3), where new development must be assessed in the same way as proposals within the open countryside (Core Strategy Policy CS4). However, Core Strategy Policy CS9 then specifies that, subject to detailed criteria, a limited amount of new development can still be provided in Restraint Villages.
23. Given this, such housing proposals in the countryside must be considered against the detailed stipulations in Policy CS4 and CS9. As a housing proposal in a Restraint Village, regarded in CS4 as the same as open countryside, it must also be considered against various criteria in Policy SP6 of the Site Allocations & Policies DPD.
24. However, given the existing buildings and use, the site must also be regarded as “previously developed” or “brownfield” land. Relevant government guidance encourages new development in such locations rather than on “greenfield” sites, as set out in paragraph 51 of the National Planning Policy Framework (NPPF). Core Strategy Policies CS4 and CS9 are consistent with this, by prioritising brownfield sites ahead of greenfield sites, if they are in a sustainable location. The Planning Practice Guidance (PPG) is the most recent statement of Government Guidance on this matter. It clarifies the NPPF policy by specifying that all settlements can play a role in delivering sustainable development, and so blanket policies restricting housing development in some settlements, and preventing other settlements from expanding, should be avoided unless such an approach can be supported by robust evidence.
25. Consequently, the Development Plan Policies and Government Guidance must all be considered together before arriving at a balanced conclusion on the principle of development. The key question is the weight to be given to the brownfield status. Consideration must then be given to specific issues relevant to each building within the current application.
26. Finally, consideration must be given to similar recent cases, to ensure consistency of decision making.

Previously Developed Land

27. The final paragraph of Policy CS4 specifies that new development on Previously Developed Land will be prioritised in sustainable locations, within or adjoining Planned Limits to Development (where defined around a settlement). It also allows for the conversion and re-use of appropriate and suitably constructed rural buildings for residential use.
28. Policy CS9 then specifies the target for new residential development within the

settlement hierarchy established in Policy CS3. Most of this is apportioned to the larger settlements, but 10% is identified for Restraint Villages and Smaller Service Centres, provided it is for affordable housing, is a conversion or re-use of an existing building, or is on previously developed land. This Policy also sets a target of 25% of new dwellings within the County to be provided on Previously Developed Land.

29. Given all this, residential development is acceptable in principle on this site, given that the current application includes the conversion of one existing building into a dwelling and the (brownfield) redevelopment of other existing buildings via construction of a second dwelling. The county-wide provision of brownfield development has already exceeded the allocation and target set out in Policy CS9, but the benefits of further brownfield development in accordance with newer government guidance outweighs the more restrictive stance taken in the Core Strategy, which precedes the NPPF. The current proposal also offers environmental benefits via removal of the existing buildings and use. Overall, it can be accepted in principle that the benefits of the proposal outweigh any harm.

Proposed Dwellings

30. Detailed consideration must then be given to each of the proposed new dwellings and also to the proposed new garaging for Old Priests House, to ensure that these individual proposals all accord with this key principle.
31. With regard to re-use of the existing building as a new dwelling (Plot One), Policy SP6 (3) identifies four criteria to be satisfied by any proposal for the re-use or adaptation of an existing rural building for residential use:
- *It should be a permanent structure*
This is satisfied because the building is of permanent construction and is already partly in a form of residential use
 - *Commercial use should have been considered and found unsuitable*
No evidence has been submitted with the application, but the internal layout of the building, its proximity to other dwellings (particularly Highfield House immediately to the rear), and its access via a private road, do not make it suitable for commercial use
 - *It should be in a sustainable location*
This is already addressed earlier in this report. Furthermore, the building is already partly in residential use, albeit linked to the existing commercial use.
 - *The conversion should cause no detriment to the countryside character*
Given its existing residential character and its location close to other dwellings, the proposed conversion would have little impact on the wider countryside.
32. Given this, particularly that existing form of residential use and residential appearance, the proposed conversion is in accordance with Policy SP6 (3).
33. With regard to the proposed new dwelling to replace existing kennel buildings (Plot Two), this does not accord with any of the situations identified in Policy SP6 where new housing would be considered acceptable in the open countryside (or restraint villages). However, it would require demolition of many of the existing kennel buildings and extinguish their use. Replacement with the proposed new dwelling is clearly a brownfield development, and consistent with the principles set out above. There is nothing in the design and other details of this specific proposal that prevents it from being regarded as

such.

34. Finally, the proposed garage block for Old Priests House is also acceptable in principle. Although a substantial building for a domestic garage, it is still only an outbuilding for a property that would otherwise be reliant on open parking only.
35. Given all this analysis, the application is acceptable. Plot One is an existing building, already partly in residential use; Plot Two is a brownfield development, and the additional garage block is householder development to support an existing dwelling.

Other cases

36. In recent months, planning permission has been refused for new housing development in other restraint villages, because the principle of such development was considered unacceptable. (eg Clipsham). In other cases, appeals against the refusal of permission for similar residential development have been dismissed in Ashwell and Braunston. These were all either on greenfield sites or involved the conversion of existing buildings that were not worthy of retention for their own sake. The current application is different, because the building proposed for conversion is worthy of retention and the remainder of the site is a brownfield redevelopment in accordance with Government Guidance.
37. Hambleton has few facilities, is approximately 2.5 miles away from the Main Town of Oakham, and does not benefit from Public Transport services. Hence, it is not in a sustainable location, and so any greenfield development would be contrary to policy (as in the recent cases at Clipsham, Ashwell and Braunston). However, the balance is tipped by its brownfield status.

Impact on Heritage Assets

38. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act
39. 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 a Conservation Area. Section 66(1) imposes the same duty with regard to the impact of development on listed buildings.
40. This carries significant weight in decision making, rather than just being a single material consideration. In making a final decision on this application, it must also be considered in tandem with the principle of development, above.
41. This is particularly relevant for the current application, because the proposed new dwellings are within the Hambleton Conservation Area, and are adjacent to the two listed buildings of Old Priests House and St Andrew's Church. A previous planning application for residential development (2015/0923/MAJ) proposed three new dwellings including a substantial new house at the north of the site, very close to the listed Church. This was withdrawn in response to comments from your officers about the significant impact on the Conservation Area and on the setting of this listed building.
42. Section 12 of the NPPF (Conserving and Enhancing the Historic Environment), and Development Plan Policies CS22 and SP20, are considered here. These seek to protect

the setting of heritage assets and the character and appearance of Conservation Areas.

43. The proposed conversion of the existing building (Plot One) includes a modest side extension, conversion of the existing attached garage and provision of a new detached garage of appropriate design. Given the distance from the listed buildings and the mature landscaping along the churchyard boundary, it will not impact on the setting of the listed buildings. The design improvements will also enhance the character and appearance of the Conservation Area.
44. The proposed new dwelling (Plot Two) is of appropriate design, taking some reference from the adjacent dwelling at Hambleton House, given that both would be visible in the same northwards view from Lyndon Road and Hillfield. It would also be in the same location as the demolished kennel buildings and would allow retention of the current open view westwards past the Old Priests House. Its impact on the setting of the listed building and on the wider Conservation Area is therefore acceptable.
45. As a much smaller building than the previously proposed dwelling (Plot 3 on withdrawn application 2015/0923/MAJ), the proposed garaging for Priests House does not raise the same concerns regarding impact on the heritage assets. In particular, it is located further away from the listed church.
46. The proposed new and converted buildings fit acceptably into the street scene and into views from within the Conservation Area. A condition is recommended to secure the protection of retained trees; no further new planting is required.

Access and Parking

47. The proposed on-site parking and turning spaces are acceptable. Retention of direct access to Old Priests House, but with removal of its associated commercial traffic (various clients) is also acceptable. Hillfield already provides access to five dwellings and has the capacity to accommodate a further two dwellings.
48. There are no objections from the Highway Authority, subject to appropriate informative notes on any approval. The status of Hillfield as a Private Road, is a separate matter for the applicant to resolve with the owners; it is not any impediment to a grant of planning permission.

Residential Amenity

49. Given the relationship of these proposals to neighbouring dwellings, there is no concern regarding any amenity impact. Plot One is close to an outbuilding at Highfield House, but the proposed conversion works do not involve any new openings or other potential impacts on the neighbour. Plot Two is aligned with the neighbouring property at Hambleton House, again without any overlooking or other concerns. It directly faces Hillview Cottages on lower ground on the opposite side of the private road, but the separation distance of 45 metres mitigates any concerns.

Planning Obligation

50. As an application for more than one dwelling, a contribution is required towards the

provision of affordable housing. The applicant has been advised of the required commuted sum towards off site provision, and has given written agreement to this being secured via a planning obligation.

Other Considerations

51. A condition is recommended to address the advice of the Ecology Consultant. An archaeological condition is also recommended based on the advice of both Historic England and the Archaeology Consultant.
52. There remains a concern about the wider impact of heavy construction and demolition traffic on the village, in particular the limited road width in certain locations and the impact of heavy traffic on dwellings located close to the highway boundary. There is no power available to the Local Planning Authority to address this.
53. However, even though the Highway Authority has no control over the immediate area as it is a private road, it does have powers and responsibilities regarding the wider network. An Advisory Note is therefore recommended to invite the developer into dialogue with the Authority regarding arrangements for construction traffic to address any associated highway damage.