



© Crown copyright and database rights [2013]
Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 16:32
Date of plot: 21/06/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

| | | | |
|-------------------------------------|---|--|-------------------|
| Application: | 2016/0284/FUL | ITEM 2 | |
| Proposal: | Conversion from private dwelling into 6 No. dwellings with ancillary changes. | | |
| Address: | 7, Westgate, Oakham, Rutland, LE15 6BH | | |
| Applicant: | Mr Graeme Phipps | Parish | Oakham |
| Agent: | Mr Lee Tombs, Lee Tombs (Architect) Ltd | Ward | Oakham North East |
| Reason for presenting to Committee: | | Contrary to adopted policy on affordable housing | |
| Date of Committee: | | 5 July 2016 | |

EXECUTIVE SUMMARY

This proposal is contrary to Development Plan policy as it does not provide any provision for an affordable housing contribution. However, a planning obligation to secure developer contributions is not requested, given the Cabinet Decision of 21 June 2016, which will require a change to the current adopted policy.

Otherwise, the creation of additional smaller residential units in a sustainable central location is acceptable in principle. The scheme also preserves the character and appearance of the Oakham Conservation Area.

RECOMMENDATION

That delegated authority be granted to the Director for Places (Environment, Planning and Transportation) for **APPROVAL**, subject to:

- conclusion of public consultation on the departure from the Development Plan, without receipt of any material objections
- receipt of a satisfactory scheme of bin storage, and
- 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 457:P:03 Rev C , and 457:E:01 Rev A, and with the Agent's letter of 31 May 2016.

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

3. The facing materials to be used on the external alterations shall match in colour, texture and form those used on the existing building.

REASON: This is a publicly visible building where matching materials are a visually essential requirement.

4. Prior to first occupation of the development, the vehicular turning facilities shall be made available and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

Advisory Notes:

1. Steps should be taken to ensure sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
2. The developer is reminded of the requirements of the Party Wall Act.

Site & Surroundings

The application site is a substantial end-terrace dwelling (two-storeys / five bedrooms) on the opposite side of Westgate from the rear of the Wilkinson store. It is within the Oakham Conservation Area and within the Oakham Town Centre, although not on the primary or secondary shopping frontage.

The property to the north-east has been converted into flats, with those at the south-west remaining as two-storey dwellings. There are town centre car parks at the north and north-east of the property, albeit that one of these is allocated for retail development in the Local Plan.

The rear curtilage is characterised by a substantial red brick boundary wall.

Proposal

The current proposal involves conversion of the property into six individual dwellings. Five of these are one-bedroomed units, the other is a bed-sit. Various internal alterations are proposed to facilitate this. External changes are limited to minor fenestration changes, including four non-opening rooflights on the south-western roofslope.

The proposal also includes use of the existing access from Westgate, with timber gates on the highway boundary then removed. The rear garden area is to be reduced, revamped and re-contoured to create four on-site parking spaces. Two existing spaces remain available at the front. A shared bin store is also indicated near the site entrance. Four large lime trees and hedging on the highway boundary are to be retained.

Relevant Planning History

| Application | Description | Decision |
|-------------|--|------------------------|
| F/99/0590 | Change of use from offices (Class A2) to one dwelling (Class A3) | Approved 22-10-1999 |

Planning Guidance and Policy

National Planning Policy Framework

- Section 2 – Ensuring the vitality of town centres
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

- CS1 Sustainable development

CS4 Location of development
CS8 Developer contributions
CS9 Provision and distribution of new housing
CS10 Housing density and mix
CS11 Affordable housing
CS17 Town centres and retailing
CS18 Sustainable transport and accessibility
CS19 Design
CS22 Historic and cultural environment

Site Allocations and Policies DPD (2014)

SP1 Sustainable development
SP3 Sites for retail development
SP5 Built development in towns and villages
SP9 Affordable housing
SP12 Town centres
SP15 Design and amenity
SP20 Historic environment

Appendix 2 Parking Standards

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document (2016)

Consultations

5. Oakham Town Council
Recommend approval, subject to clarification on change of use
6. Highway Authority
No objection, subject to a condition regarding turning facilities

Neighbour Representations

7. Two responses have been received from neighbouring residents.
8. The adjoining resident has requested that rooflights be moved to the rear of the property rather than the side, or that they be non-opening. This is to reduce potential noise disturbance to his property. He also requests that external alterations be in matching brick and that increased on-site parking be provided. Finally, he raises other issues regarding construction access, repairs, site-management and structural stability.
9. The other response asks that the brick features at the rear of the site be retained.

Planning Assessment

10. The main issues are:
 - Principle of Development
 - Residential Amenity
 - Design, Landscaping and Conservation
 - Access and Parking
 - Developer Contributions

Principle of Development

11. The site is already in residential use and is in a central location, close to amenities and transport links. The provision of higher density housing in such a sustainable location is acceptable in principle. The proposal does not cause any loss of existing town centre facilities or any breach in the primary or secondary shopping frontage. The likely increase in number of residents may also bring some benefits to the town centre.

Residential Amenity

12. The immediately adjoining neighbour is concerned at noise disturbance from the proposed rooflights facing his property. In response, the applicant has submitted amended plans indicating that these would be non-opening and would be located above ceiling level where they would not cause overlooking of the neighbouring property. Given this, and the modest size of the four openings, any impact on the neighbour is now mitigated.
13. The plans also brick-up some of the existing windows that directly face the rear garden of the neighbour's property
14. Other issues raised by this neighbour are not material planning considerations, but an advisory note is recommended to remind the developer of their responsibilities under the Party Wall Act 1996.
15. There are no other concerns regarding the amenity of neighbouring properties.

Design, Landscaping and Conservation

16. Given Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority is required to pay special regard to "the desirability of preserving or enhancing the character and appearance of the Conservation Area."
17. Subject to matching materials, the limited external changes to the building would not cause detriment to the character and appearance of the Conservation Area. The reduction in garden area and re-contouring intended to provide on-site parking could be detrimental, but as this is mostly at the rear of the site, its impact on public views would be minimal. Loss of the characterful front gates is regrettable but, particularly in a busy town centre location, such gates on the highway boundary are a detriment to highway safety because of the need to park on-pavement whilst opening.
18. Retention of the rear boundary wall and the trees / hedging on the site frontage is welcomed. A condition is recommended to ensure a close match for new brickwork being used on the external alterations.
19. In a covering letter submitted with the amended plans, the applicant has confirmed that the rear boundary wall will be retained and that matching bricks will be used on external alterations to the building. The lime trees on the frontage are protected by their Conservation Area location.
20. The proposed bin store at the front of the property is in a prominent location where it would have a detrimental appearance on the character and appearance of the Conservation Area. It is also too close to the adjacent apartments, where noise and odour is likely to be detrimental to their residential amenity. Furthermore, the size of the proposed store is too small to easily accommodate the likely number of bins for six flats. That said, there is space available within the site to make an adequate provision for four shared bins (1.1 metre x 1.4 metre, each) required by a development of this size.
21. A further amended plan has been requested to address this. Members will then be updated via the Addendum Report, but the recommendation at the start of this report

asks for delegated authority for decision-making on that amendment.

22. Overall, this proposal would preserve, if not enhance, the character and appearance of the Oakham Conservation Area.

Access and Parking

23. The existing access is capable of accommodating the additional traffic likely to be generated by this proposal.
24. Appendix 2 of the Rutland Site Allocations and Policies Development Plan Document, cross-referred from Policy SP15, requires a minimum provision of one parking space for each two-roomed dwelling and a minimum of two spaces for each three-roomed dwelling. Other than Unit 2, all the proposed new dwellings incorporate either the kitchen or bedroom into the lounge area, and can reasonably be accepted as two-roomed dwellings. Given this, and the sustainable town centre location with available public car parks within the vicinity, the provision of one space per dwelling is acceptable. This accords with paragraph 1.7 of Appendix 2, which allows for a lower provision in Oakham and Uppingham town centres, because of their good access to services and public transport.
25. The available turning area for cars parked at the rear of the property is tight, but manageable.
26. The Highway Authority has raised no objection, subject to the recommended condition and advisory note.

Developer Contributions

27. The proposal is exempt from the Community Infrastructure Levy, given that no additional residential floorspace is being created.
28. However, current Development Plan Policy requires an affordable housing provision. Policy CS11 and the Planning Obligations Supplementary Planning Document (SPD) specify that affordable housing should be provided as part of any new residential scheme where more than one new dwelling is created. This should be an on-site provision for schemes of more than five dwellings, or a financial contribution (to be secured via a Planning Obligation) for schemes of five or less. The current proposal requires such a commuted sum, as the conversion of one dwelling into six is a net increase of five units. This is payable at a rate of £162/m² at 2015/16 prices, capped at an average of £17,334 per unit.
29. That said, the current application must also be assessed against other relevant material considerations. Firstly, on 11 May 2016 the Court of Appeal granted the Secretary of State's appeal against a High Court decision of 2015. The latter decision had quashed a Government policy that had apparently exempted most small sites from affordable housing requirements. Consequently, the government reinstated its previous policy exempting these sites from the need for affordable housing contributions.
30. Secondly, on 21 June 2016, this Council's Cabinet approved a policy amendment intended to ensure that Rutland is consistent with that change. When implemented, this decision would mean that an affordable housing provision is no longer required on smaller housing sites (where these are not rural exception sites). These are defined as 5 units or less in villages and 10 units or less in towns (as in the case of the current application).
31. In determining the current application, due weight must now be given to the change in

government policy and to the Cabinet decision.

32. Given that Development Plan Policy is no longer consistent with current government policy on affordable housing, and given the Cabinet decision intended to update the Council's policy, these considerations now outweigh the Development Plan Policy. Consequently, no contributions are sought from the current proposal.

33. However, given that this is a departure from current Development Plan policy, the application has been re-advertised as such. This is reflected in the recommendation at the start of this report.