

# Public Document Pack



## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.  
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 14th March, 2017** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs  
**Chief Executive**

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/haveyoursay](http://www.rutland.gov.uk/haveyoursay)

### **A G E N D A**

#### **APOLOGIES**

##### **1) MINUTES**

To confirm the minutes of the Development Control and Licensing Committee held on 14 February 2017.

##### **2) DECLARATIONS OF INTERESTS**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

##### **3) PETITIONS, DEPUTATIONS AND QUESTIONS**

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rules.

The total time allowed for this item shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

**4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS**

To receive any deputations from members of the Public in accordance with the provisions of Procedure Rule 94(4).

There will be no limit on the total number of deputations to be received but no more than two deputations will be permitted in respect of each planning application one of which, if required, will be from a statutory consultee.

Deputations which relate to a planning application included on the agenda for this meeting will be deferred until the application is considered by Members.

Following the deputation, the applicant or his agent will have a right of reply, the maximum time for which will be three minutes. Members will then have the opportunity to question the depute and if a response has been made, the applicant or agent, for a maximum of four minutes.

**5) REPORT NO. 65/2017 DEVELOPMENT CONTROL APPLICATIONS**

To receive Report No. 65/2017 from the Director for Places (Environment, Planning and Transport)  
(Pages 5 - 16)

**6) REPORT NO. 66/2017 APPEALS REPORT**

To receive Report No. 66/2017 from the Director for Places (Environment, Planning and Transport)  
(Pages 17 - 20)

**7) ANY OTHER URGENT BUSINESS**

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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**DISTRIBUTION**

**MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:**

Mr E Baines (Chairman)	
Mr J Dale (Vice-Chair)	
Mr G Conde	Mr W Cross

Mr J Lammie	Mr A Mann
Mr T Mathias	Mr M Oxley
Mr C Parsons	Mr A Stewart
Mr K Thomas	Mr D Wilby

**OTHER MEMBERS FOR INFORMATION**

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**REPORT NO: 65/2017**

**DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**14<sup>TH</sup> MARCH 2017**

**PLANNING APPLICATIONS TO BE DETERMINED BY THE  
DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**REPORT OF THE DIRECTOR FOR PLACES  
(ENVIRONMENT, PLANNING AND TRANSPORT)**

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## Rutland County Council

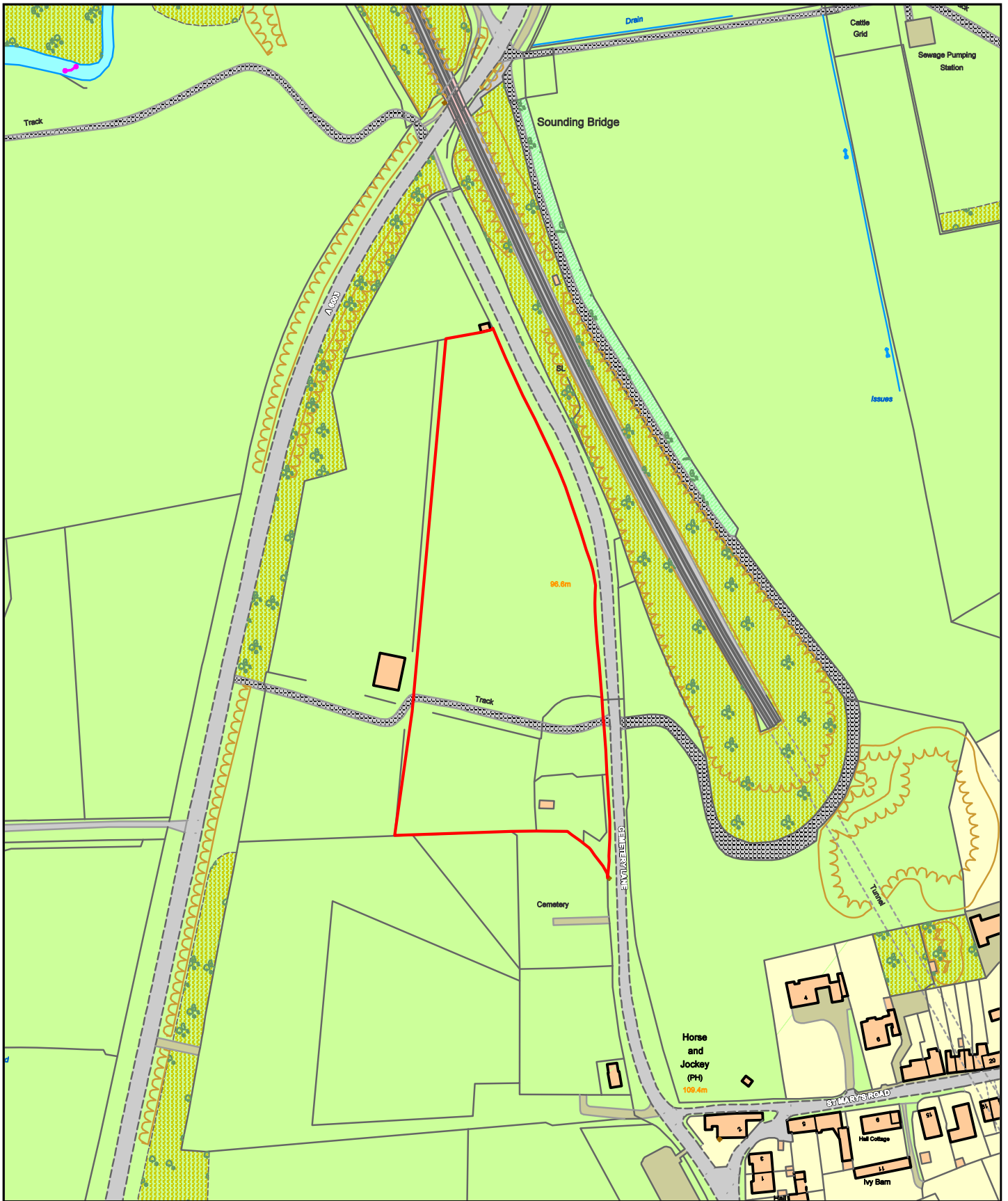
### Development Control & Licensing Committee – 14<sup>th</sup> March 2017

#### Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1.	2016/0874/FUL	J White, Land to Rear of Cemetery, Cemetery Lane, Manton  Change of use from agricultural grazing land to a camping and caravan site with a new utility building with associated access to serve plots, waste/recycling area, landscape work and drainage. Variation of the requirements of Conditions on previous permission APP/2011/0033: Condition 6 (Traffic Management Plan / Scheme of Highway Improvements), Condition 8 (Hard & Soft Landscaping Works), Condition 10 (Schedule of Landscape Maintenance), Condition 11 (Fencing) & Condition 12 (Ecological Management Plan).	Approval

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Time of plot: 14:37  
Date of plot: 28/02/2017



**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2016/0874/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Change of use from agricultural grazing land to a camping and caravan site with a new utility building with associated access to serve plots, waste/recycling area, landscape work and drainage. Variation of the requirements of Conditions on previous permission APP/2011/0033: Condition 6 (Traffic Management Plan / Scheme of Highway Improvements), Condition 8 (Hard &amp; Soft Landscaping Works), Condition 10 (Schedule of Landscape Maintenance), Condition 11 (Fencing) &amp; Condition 12 (Ecological Management Plan).</b>		
Address:	<b>Land to Rear of Cemetery, Cemetery Lane, Manton, Rutland</b>		
Applicant:	<b>J White</b>	Parish	<b>MANTON</b>
Agent:	<b>Mr Mark Southerton</b>	Ward	<b>Martinthorpe</b>
Reason for presenting to Committee:	<b>Referred by Chairman</b>		
Date of Committee:	<b>14 March 2017</b>		

## EXECUTIVE SUMMARY

**This application proposes amendments to the five pre-commencement conditions imposed on planning permission APP/2011/0033 (granted on appeal) for a camping and caravanning site. Following receipt of additional information, the requested changes are acceptable.**

**There are no other material considerations that would dissuade from this outcome.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101B and 232057 201.

Reason: For the avoidance of doubt and in the interests of proper planning

2. The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only for holiday purposes in the interests of contributing to tourism and the economy of the area.

3. No music, or other amplified sound, audible beyond the application site boundary shall be played on the site at any time.

Reason: To avoid any noise nuisance to neighbouring dwellings in the interests of the residential amenity of their occupants.

4. No external lighting shall be installed on the site before details have first been submitted to and approved in writing by the local planning authority. External lighting shall be installed in accordance with the approved details.

Reason: In the interests of the countryside character and to avoid any light pollution to neighbouring dwellings.

5. Prior to the first use of the development hereby permitted, a Traffic Management Plan and scheme of highway improvements on Cemetery Lane, intended to mitigate the impact of the development on the vehicular, cyclist and pedestrian traffic on this part of the Rutland Water Leisure Route, shall be submitted to and approved in writing by the Local Planning Authority. The scheme of highway improvements shall be implemented in full prior to first use of the development hereby permitted and the site shall be managed thereafter in accordance with the approved Management Plan.

Reason: In the interests of highway safety and convenience by ensuring that the extent and timing of traffic flows associated with this development are managed in a way that mitigates potential conflict with the existing vehicular, cyclist and pedestrian use of Cemetery Lane.

6. The surface treatment of the first 5m of the vehicular access from its junction with Cemetery Lane shall be a bound porous material and shall thereafter be retained as such.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.

7. Prior to first use of the development hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include details of the species and size of shrubs to be planted, their positions and the means of enclosure of the site. Hard landscaping works shall be carried out as approved before first use of the development hereby permitted.

Reason: To ensure that the development is set within a well landscaped context appropriate to this rural location, in the interests of the character and appearance of the countryside.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure the implementation of the approved landscaping, in the interests of amenity and of the character and appearance of the area.

9. Prior to first use of the development hereby permitted, a schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance regime shall be carried out in accordance with the approved schedule.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and of the character and appearance of the area.

10. No development shall take place after the date of this permission until the proposed tree protection fencing detailed within the letter of 25 November 2016, from Envirotech Ecological Consultants, has been erected in accordance with the detailed specification and positions given in that letter. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. The fencing shall be retained until construction works

are complete.

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

11. No development shall take place after the date of this permission until an ecological management plan, incorporating the recommendations of the ecological survey submitted with planning application APP/2011/0033, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed, and the site be managed thereafter, in accordance with the approved management plan.

Reason: To protect the flora and fauna of ecological interest within the site.

## Site & Surroundings

1. The application site is immediately north of Manton Cemetery, on Manton Lane. It is outside the Planned Limits to Development of the village. Cemetery Lane is only accessible for vehicles as far north as the application site, but it is part of a signposted leisure route around Rutland Water.
2. The site is mainly open grassland with some remaining evidence of ridge and furrow earthworks. There are trees and hedgerows along most of its periphery. Parts of the site are of ecological interest.

## Relevant Planning History

Planning permission (APP/2011/0033) was granted on appeal on 7 November 2013 for a touring caravan and camping site, with associated facilities. This also included new landscaping and an improved access from Cemetery Lane.

The permission was subject to the following Conditions:

1. Time Limit
2. Approved Plans
3. No permanent residential use
4. Noise limit on music and other amplified sounds
5. Prior approval required for any external lighting
6. Traffic Management Plan and highway improvements
7. Surfacing material for site access
8. Landscaping Scheme
9. Implementation of Landscaping Scheme
10. Schedule of Landscape Maintenance
11. Tree Protection Measures
12. Ecological Management Plan.

Of these, Conditions 6, 8, 10, 11, and 12 required the submission of additional details for approval, prior to the commencement of development.

## Proposal

3. The current application proposes that the timescale for submission of the details required by the five pre-commencement conditions be amended as follows:
  6. Traffic Management Plan and highway improvements  
To be submitted, approved and implemented prior to the first use of the camping and caravan park, rather than prior to the commencement of development.
  8. Landscaping Scheme  
To be submitted, approved and implemented prior to the first use of the camping and caravan park, rather than prior to the commencement of development.
  10. Schedule of Landscape Maintenance  
To be submitted and approved prior to the first use of the camping and caravan park, rather than prior to the commencement of development.
  11. Tree Protection Measures  
Reduced specification for protection fencing.
  12. Ecological Management Plan  
Reduced specification for protection of the ecological area.

## Planning Guidance and Policy

### National Planning Policy Framework

Section 8 – Promoting Healthy Communities

### The Rutland Core Strategy (2011)

CS1 Sustainable Development  
CS2 Spatial Strategy  
CS4 Location of Development  
CS5 Tourism  
CS16 Rural Economy  
CS18 Sustainable Transport  
CS19 Design  
CS22 Historic and Cultural Environment  
CS23 Green Infrastructure

### Site Allocations and Policies DPD (2014)

SP1 Sustainable Development  
SP7 Non-residential development in the countryside  
SP15 Design  
SP17 Outdoor Lighting  
SP19 Biodiversity and Geodiversity  
SP20 Historic Environment  
SP23 Landscape character in the Countryside  
SP24 Caravan and camping Sites

## Consultations

4. **Manton Parish Meeting**

Concerned that the applicant is intending to develop the site before submitting a traffic management plan, especially as the traffic conditions in this part of the village have changed since the planning permission was granted. Further time must be taken to fully assess the implications of the requested amendments.

5. **Highway Authority**

No objections

6. **Ecology Consultant**

The proposed amendments would not result in adequate protection for the ecologically sensitive area of the site.

7. **Natural England**

No comments

## Neighbour Representations

8. Seventeen letters of objection received, raising the following concerns, traffic management being the most common issue:

- Conditions imposed by the Inspector should not be weakened
- Recent developments have worsened the road conditions / congestion
- Traffic Management Plan should incorporate the construction period
- Impact of the development on the character and amenity of the area
- Impact on the adjacent cemetery
- Reduction in the quality of landscaping
- Insufficient tree protection measures
- Ecological Management needs further research
- Poor justification for the changes now requested

## Planning Assessment

9. The main issues are the:

- status of the extant permission
- implications of amending its conditions.

10. Other miscellaneous matters are then addressed at the end of this report.

### Status of the extant permission

11. The current application was submitted before the permission granted on appeal expired on 7 November 2016. The applicant had commenced development prior to 7 November, via work on the improved access from Cemetery Lane. However the conditions were not discharged.

12. The five pre-commencement conditions imposed on the extant permission all specified that their requirements should be addressed before such commencement of

development. However, as none of these “go to the heart of the matter” (i.e. addressing matters of principle) a failure to discharge them before commencement of development does not invalidate the permission.

13. The current application has chosen to vary the wording of these conditions and if approved, would become a new permission as an alternative to the earlier approval.

### **Implications of amending the conditions**

#### Condition 6 Traffic Management Plan and Highway Improvements

14. The change requested by the applicant is that the details required by this condition should be submitted and approved prior to first use of the camping and caravanning site, rather than prior to the commencement of development. This is considered reasonable, given that the condition is intended to manage traffic pressures when the facility is operational, which can be achieved if the wording of the condition is clear that the required details must be approved before first use.
15. Many of the objectors have commented on potential traffic management issues during the construction phase. These concerns are noted, but as the existing wording refers just to the operational phase of the development, not the construction phase, it would not be reasonable to resist the proposed change of wording on these grounds. Hence the suggested amendment is acceptable, despite the significant concerns from villagers.
16. It is recommended that the proposed change to this condition be approved.

#### Condition 8 Landscaping Scheme

17. The change requested by the applicant is again that the required details be submitted and approved prior to first use of the camping and caravanning site, rather than prior to the commencement of development. This is also considered reasonable if the revised wording is clear that the outstanding details must be approved before first use.
18. The concerns of the local community are noted but, given the above, cannot be given further weight.
19. It is recommended that the proposed change to this condition be approved.

#### Condition 10 Schedule of Landscape Maintenance

20. The requested change is again that these details be submitted and approved prior to first use of the camping and caravanning site, rather than prior to the commencement of development. This is also reasonable for the same reason as above.
21. It is recommended that the proposed change to this condition be approved.

#### Condition 11 Tree Protection Measures

22. This condition is intended to protect the existing trees on site, during construction works; it cannot be deferred until “prior to the first use of the camping and caravanning facility.
23. The proposed change, as initially submitted, was that works should proceed in accordance with tree protection details included within the current application. That proposal was not acceptable, given that it relied on a fluorescent plastic mesh rather than metal fencing. The applicant then submitted revised details that incorporated metal fencing in accordance with BS: 5837 – 2012. This fencing is acceptable, and so Condition 11 can be amended to require compliance with these details.

24. It is recommended that the proposed change to this condition be approved, but with reference to the amended tree protection details, not those originally submitted.

#### C12 Ecological Management Plan

25. The northernmost area of the site is of ecological interest because of its rare wild plants. The Ecological Report submitted in 2011 with the planning application for the camping and caravanning site, indicated that this area should be fenced off and managed appropriately. The hedgerows around the site are also of ecological interest.
26. The extant condition requires an Ecological Management Plan to be submitted and approved prior to commencement of development. Given the potential impact of construction works on the ecological interests, it cannot be deferred beyond this.
27. The change initially requested was that works should proceed in accordance with protective fencing details included within the current application, intended to protect the ecologically sensitive area of the site during construction works, and that a Management Plan should then be submitted and approved prior to the first use of the camping and caravanning facility.
28. The Council's Ecology Consultant raised concern at the limited information on the proposed fencing and regarding the uncertain management of the ecological interest prior to the a Management Plan becoming active on first use of the approved development.
29. In response, the applicant submitted a Management Plan, but the Council's consultant has advised that this does not have sufficient detail. A request for the outstanding information has been sent to the applicant, but the recommendation at the start of this report is that the condition cannot be changed on the assumption that this will be received. Members will, however, be updated via the Addendum Report, if satisfactory details are received in advance of the committee meeting.

#### **Miscellaneous**

30. Other objections received from the local community cannot be given weight as they refer to matters previously resolved and not affected by this application.
31. As a new planning permission, any approval of the current application must include other conditions that were imposed on the extant permission and are still relevant now. The standard three year time limit cannot be imposed, but is no longer required in this case as development has already commenced. The other recommended conditions are renumbered accordingly.
32. As an appeal decision, there were no reasons specified for each condition. These are now added in the recommendation at the start of this report.



## DEVELOPMENT CONTROL AND LICENSING COMMITTEE

14<sup>th</sup> March 2017

### APPEALS

#### Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 <a href="mailto:dbrown@rutland.gov.uk">dbrown@rutland.gov.uk</a>
	Gary Pullan, Development Control Manager	Tel: 01572 720950 <a href="mailto:gpullan@rutland.gov.uk">gpullan@rutland.gov.uk</a>
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

#### 1. PURPOSE OF THE REPORT

1.1. This report lists for Members' information the appeals received since the last meeting of the Development Control & Licensing Committee and summarises the decisions made.

#### 2. APPEALS LODGED SINCE LAST MEETING

2.1 None.

#### 3. DECISIONS

3.1 **APP/A2470/D/16/3164821 – Mr Robin King – 2016/0809/FUL**  
Bede House Farm, 9 Lyndon Road, North Luffenham

Erection of a two bay open fronted oak framed garage and re-position existing gates to the front of the driveway  
**Appeal Dismissed – 17 February 2017**

**4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING**

4.1 None

**5. ENFORCEMENT DECISIONS**

5.1 None

**6. CONSULTATION**

6.1 None

**7. ALTERNATIVE OPTIONS**

7.1 Alternatives have not been considered as this is an information report

**8. FINANCIAL IMPLICATIONS**

8.1 None

**9. LEGAL AND GOVERNANCE CONSIDERATIONS**

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

**10. EQUALITY IMPACT ASSESSMENT**

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

**11. COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications.

**12. HEALTH AND WELLBEING IMPLICATIONS**

12.1 There are no such implications.

**13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

13.1 This report gives details of decisions received since the last meeting for noting.

**14. BACKGROUND PAPERS**

14.1 There are no such implications.

**15. APPENDICES**

15.1 None

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