



Rutland County Council

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

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 26th September, 2017** commencing at 7.00 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/my-council/have-your-say/

A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 29 August 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 Rule 93.

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.

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Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

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The total time allowed for this item shall be 30 minutes.

4) PLANNING APPLICATIONS

To receive Report No. 180/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 3 - 12)

5) APPEALS REPORT

To receive Report No. 181/2017 from the Director for Places (Environment, Planning and Transport)
(Pages 13 - 16)

6) 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 PLANNING AND LICENSING COMMITTEE:

Mr E Baines (Chairman)	
Mr A Stewart (Vice-Chair)	
Mr G Conde	Mr W Cross
Mr R Gale	Mr J Lammie
Mr A Mann	Mr T Mathias
Mr M Oxley	Mr C Parsons

OTHER MEMBERS FOR INFORMATION

REPORT NO: 180/2017

PLANNING AND LICENSING COMMITTEE

26TH SEPTEMBER 2017

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

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

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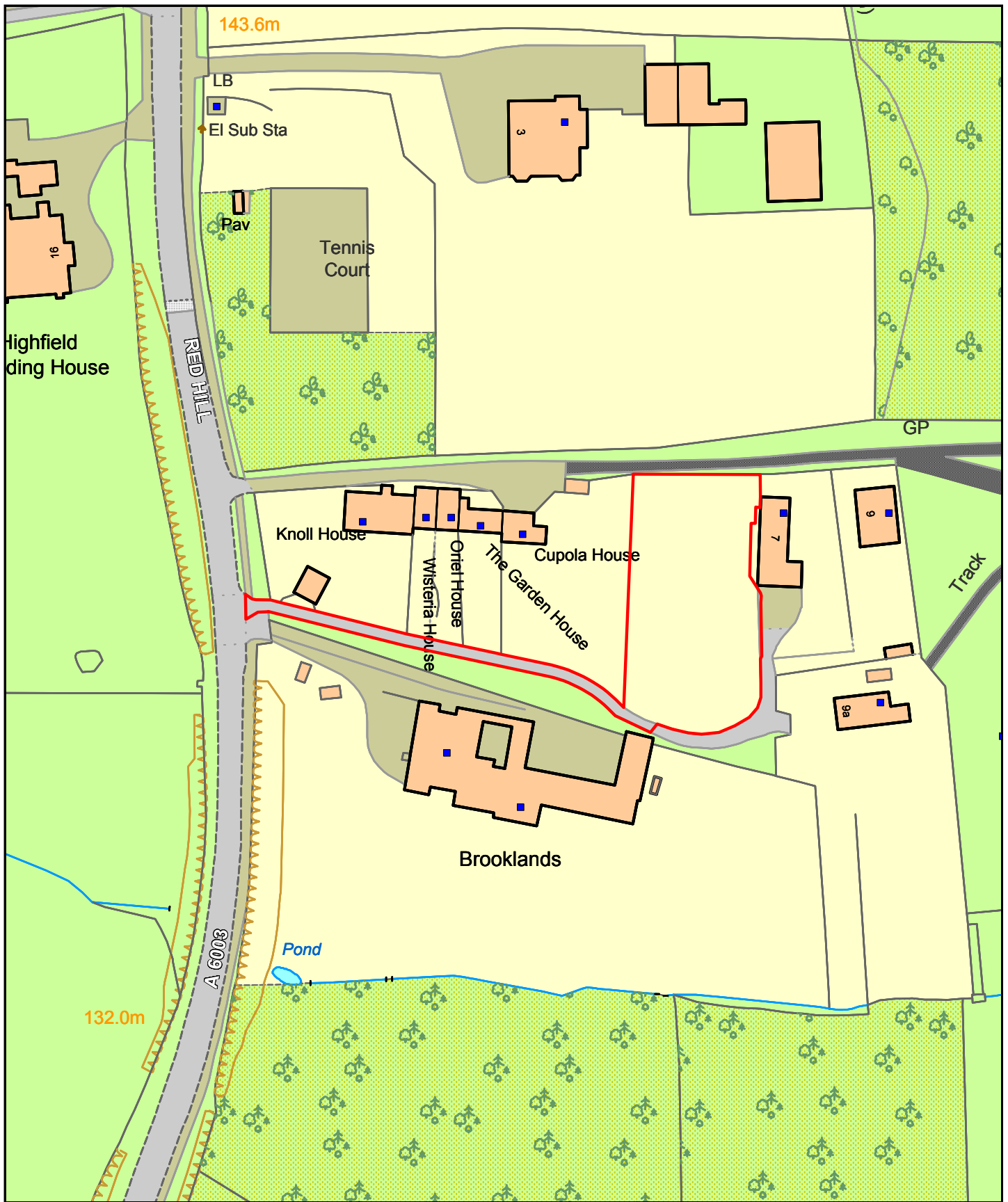
Rutland County Council

Planning & Licensing Committee – 26th September 2017

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1.	2017/0657/OUT	Mr M Mitchell, Many Bushes, 7, London Road, Uppingham, Erection of dwelling.	Approval

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Ordnance Survey [100018056]

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Time of plot: 11:38
Date of plot: 11/09/2017



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2017/0657/OUT	ITEM 1	
Proposal:	Erection of dwelling.		
Address:	Many Bushes, 7, London Road, Uppingham, Rutland, LE15 9TJ		
Applicant:	Mr M Mitchell	Parish	Uppingham
Agent:	Mr Mike Sibthorp, Mike Sibthorp Planning	Ward	Uppingham
Reason for presenting to Committee:	Policy and objections		
Date of Committee:	26 September 2017		

EXECUTIVE SUMMARY

The site is outside the Planned Limit to Development but is on the edge of a sustainable settlement and is on previously developed land. These factors in conjunction with the positive support for housing in the NPPF justify an exception to the Development Plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above condition relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason - The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Notes to applicant:

- The application site accesses over a main footpath leading to both Uppingham Community College and Uppingham School. You are advised to contact the highway authority at your earliest convenience, to discuss when works can/cannot take place, in the interest of highway safety.
- Site Workers
- Proximity to Landfill Site

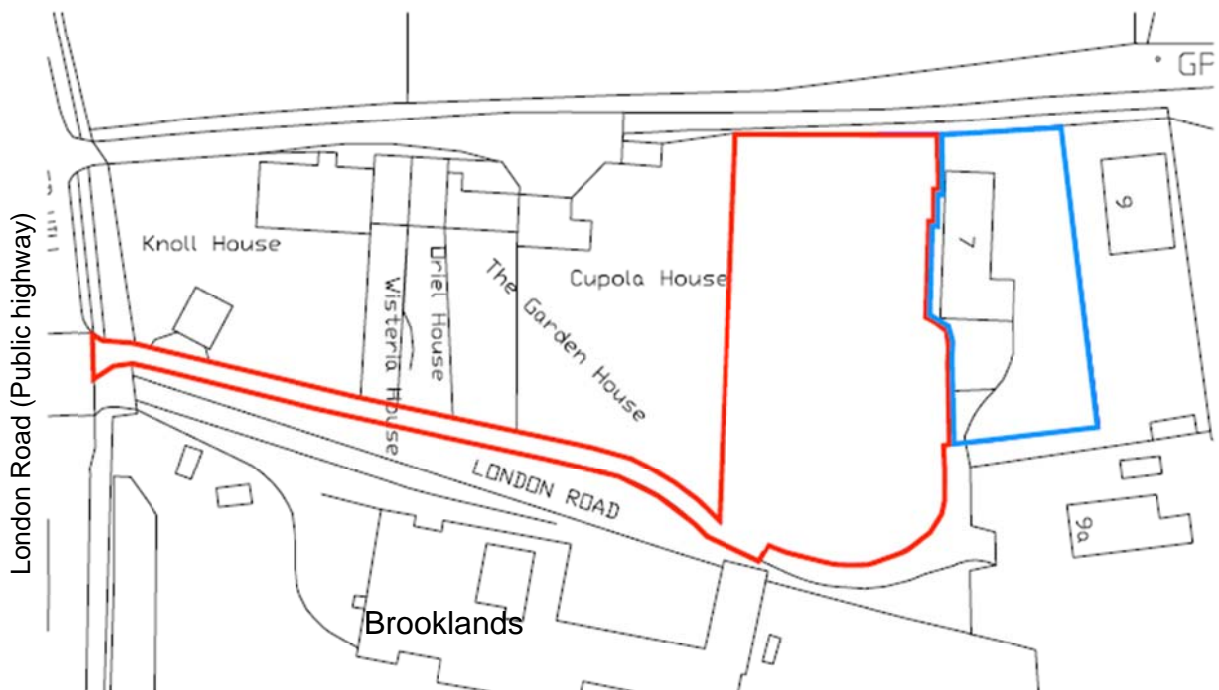
Site & Surroundings

1. The site is located off a private drive approximately 590 metres from Market Place in the centre of Uppingham. The site is the western part of the garden to 7 London Road and is approximately 100 metres from the junction with the public highway.
2. The site is approximately 30 metres wide by 60 metres deep, has recently been cleared of vegetation and slopes up to the northern boundary. There is a boundary of trees on the western edge with no physical boundary to the private driveway or the host dwelling.

3. To the east is the host dwelling which is subject to a separate application for alterations and extensions. To the west are 5 other terraced dwellings which were formed from one original building in 2001.
4. 9a London Road is also accessed from the private driveway and to the south is Brooklands, an Uppingham School Boarding House which has its own access from the highway adjacent to the access to the application site.

Proposal

5. This is an outline application for the erection of a single dwelling. Only the access has been included for full approval at this stage. The agent has confirmed that the indicative plan submitted is not for approval. The site plan is shown below.



Relevant Planning History

No previous planning applications relating to this site.

Preliminary advice was given to the County Councils Revenues Officer in February 2015, who was selling the property on behalf of the then owner who was in care, that the site was outside the PLD and development would thereby be contrary to policy.

Planning Guidance and Policy

National Planning Policy Framework

Promotes sustainable development

Para 7 – There are 3 dimensions to sustainability:

- Economic role – right land in the right place

- Social role – providing a supply of housing
- Environmental role – protect and enhance the environment by minimising waste and reducing climate change

Para 55 – isolated new homes in the countryside should be avoided without special circumstances

The Rutland Core Strategy (2011)

CS4 – Location of Development – no new dwellings in the countryside unless essential

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside

Consultations

6. RCC Highways

No objections subject to the following condition:

Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading and manoeuvring shall be provided and retained at all times for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety

Informatives:

The application site accesses over a main footpath leading to both Uppingham Community College and Uppingham School. It is recommended that the developer contacts highways at their earliest convenience, to discuss when works can/cannot take place, in the interest of highway safety.

7. Ecology

Photographs in the Design and Access Statement show that the site has been cleared of the vegetation that is shown on aerial photographs. Provided that this is a recent photo of the site we would not request a survey for this application. However, if the site has been allowed to recolonise with vegetation a badger survey will be needed prior to the determination of the application. Additionally, a number of properties in the immediate vicinity have records of bat roosts. It is important that all landscaping schemes are designed in a way to minimise light spill onto neighbouring properties and onto the boundary vegetation to maintain dark corridors for bats between their foraging grounds and roosts.

8. Environmental Protection

The development is with 100m of a former Landfill Site and therefore suitable precautions should be employed against ground gas

Neighbour Representations

9. 5 objections have been received from local residents on and around this section of London Road. These are on the following grounds:

- Outside planned limit to development – contrary to policy and NPPF (garden grabbing)
- Impact on neighbours
- Council sold the site with negative advice - property value misinterpreted?
- Out of scale and character with the area
- Highway safety issues, speeding traffic

- Narrow access road, no passing bays
- Access owned by others?
- Sensitive water supply locally
- School children walk on path at access
- Difficulties for construction traffic
- Previous refusals on highway grounds
- Knoll House was limited to 5 dwellings on highway grounds and Cupola House had a refusal for conversion of a garage to a dwelling?

Planning Assessment

10. The main issues are planning policy, residential amenity and highway safety.

Policy

11. Planning decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this site is outside the Planned Limits to Development (PLD) and thereby technically in open countryside, it is very close to the centre of one of the most sustainable locations in the County.
12. The site is outside the PLD so is technically in open countryside although this is clearly not remote countryside in the normal sense. The development would not be isolated in the countryside as expressed in the NPPF Para 55. The site is within an otherwise built up frontage with dwellings on either side and a Community College further out of town to the south.
13. Since 2015 there has been a greater emphasis of providing housing on sustainable sites. The Greetham Garden Centre appeal decision in May 2015 was a classic example of this. Development on previously developed land on the edge of a sustainable settlement is generally supported by planning guidance and appeal decisions and is therefore a material consideration.
14. The NPPF defines previously developed land but the definition excludes 'land in built up areas such as residential gardens'. A recent case in the High Court¹ has established that this does not include gardens in rural areas. The Deputy Judge found that only residential gardens within the "built-up area" were exempt from the definition of previously developed land whereas, residential gardens outside "built up areas" were to be considered "brownfield". The decision presents councils and others with an interest in the development of land with the obvious quandary as to how to identify "built-up areas". In the Court case, the land was within the countryside to which the Council's countryside development plan policies applied. The PLD is a useful starting point to determine this. The site is well beyond the PLD so would likely be considered to be outside the built up area and hence previously developed land.
15. It is recommended that an exception to the Development Plan is justified in this case based on the national planning policy in the NPPF. This would be subject to design, layout, appearance and landscaping which would be for approval as reserved matters.

Residential Amenity

16. The site is a large area and it will be possible to design and build a dwelling without impinging on the amenities of adjacent dwellings. The main impact would be on the host property as there is a row of trees and a considerable distance beyond, separating the site from the adjacent dwelling across the western boundary.

¹ Dartford Borough Council v Secretary of State for Communities & Local Government [2016] EWHC 635 (Admin)

Highway Safety

17. Objectors assert that there have been previous refusals along this stretch of driveway on highway safety grounds. However it has not been possible to locate a specific example of this from planning records.
18. The highway authority considers that the access onto the highway within a 30mph limit has adequate visibility and is therefore safe to cater for an extra dwelling.
19. Because the site is well off the public highway the condition requested by highways is not considered essential and it does not therefore meet the required test for the imposition of a planning condition.

Other Issues

20. Objectors consider that the land should be restored as garden. Planning permission is not required to clear the land nor is it possible for the local planning authority to insist on its replanting and retention as garden.
21. Whilst the Planning Authority gave negative pre-application advice on the likelihood of permission being granted for a new dwelling this was not binding and has been somewhat overtaken by decisions on the edge of settlements and on previously developed land as set out above.

PLANNING AND LICENSING COMMITTEE

26th September 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 Oliver Hemsley, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
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 Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/X/17/3173209 – Mr Jonathan Kerry – 2016/1088/CLP**
Land Adjacent To Lyndon Top, Lyndon Lane, Hambleton
Proposed siting of 1 No. mobile caravan, ancillary to agriculture
Delegated Decision

- 2.2 **APP/A2470/D/17/3177121 – Mr Robert Smith – 2017/0047/FUL**
7 The Green, Exton
Demolition of existing timber porch and construction of new lobby, wc and
new garden room
Delegated Decision

3. DECISIONS

- 3.1 None

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

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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