



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, 23rd October, 2018** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 25 September 2018.

3) 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.

4) 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.

5) GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

To receive Report No. 190/2018 from the Head of Regulatory Services at Peterborough City Council.
(Pages 3 - 46)

6) PLANNING APPLICATIONS

To receive Report No. 191/2018 from the Strategic Director for Places.
(Pages 47 - 74)

7) APPEALS REPORT

To receive Report No. 192/2018 from the Strategic Director for Places.
(Pages 75 - 78)

8) ANY OTHER URGENT BUSINESS

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

---oOo---

DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr E Baines (Chairman)
Mr J Dale (Vice-Chair)
Ms R Burkitt
Mr B Callaghan
Mr G Conde
Mr W Cross
Mr R Gale
Mr A Mann
Mr M Oxley
Mr A Walters

OTHER MEMBERS FOR INFORMATION

PLANNING AND LICENSING COMMITTEE

23 October 2018

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Strategic Aim:	Reaching our Full Potential	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Gordon Brown, Portfolio Holder for Regulatory Services	
Contact Officer(s):	Peter Gell, Head of Regulatory Services	Tel: 01733 453419 peter.gell@peterborough.gov.uk
	Kerry Leishman, Licensing & Business Manager	Tel: 01733 453502 kerry.leishman@peterborough.gov.uk
Ward Councillors	All Wards	

DECISION RECOMMENDATIONS

That the Committee:

1. Approve the draft proposed Gambling Act 2005, Statement of Principles; and
2. Recommends to Council the formal adoption of the proposed Gambling Act 2005, Statement of Principles for Rutland County Council.

1. PURPOSE OF THE REPORT

- 1.1. To make members aware of the responses received during the consultation process.
- 1.2. To seek approval of the draft Statement of Principles and to seek recommendation to Council for adoption.

2. BACKGROUND

- 2.1. Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its

duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.

- 2.2. In order to meet our statutory obligations, a revised Statement has been drafted. Also in accordance with the Act, this revised Statement has been consulted upon.
- 2.3. In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. This draft is based on the nationally accepted template originally produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS), now known as Local Government Regulation overseen by the Local Government Association. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent whilst still having in mind local considerations.

3. CONSULTATION

- 3.1. The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles.
- 3.2. Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:
 - a. Chief Officer of Police for the area;
 - b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
 - c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
- 3.3. For information purposes a list of consultees is attached at **Appendix A**.
- 3.4. A consultation took place between 06 August 2018 and 23 September 2018. The consultation letter gave advice on the following:
 - i) Options on where to access and obtain copies of the draft revised Statement
 - ii) How to make representations on the draft Statement
 - iii) Deadline for making representations that any comments must be received by 23 September 2018
- 3.5. The response received during the consultation are attached at **Appendix B**.

4. CONSIDERATIONS

- 4.1. In determining its Statement, the licensing authority must have regard to the Gambling Commission's guidance and give appropriate weight to the views of those whom it has consulted. In determining what weight to give particular representations, the factors taken into account include:
 - Who is making the presentation (what is their expertise or interest);

- What the motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters the licensing authority should be including in its statement.

4.2. A copy of the final proposed Statement of Principles showing track changes of inclusions after the consultation is attached at **Appendix C**.

5. ALTERNATIVE OPTIONS

5.1. The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

6. FINANCIAL IMPLICATIONS

6.1. Any costs in relation to the production of the Statement of Principles will be met by income from gambling licensing fees.

7. LEGAL AND GOVERNANCE CONSIDERATIONS

7.1. The statement of Principles should be read in conjunction with the Statutory Guidance issued under Section 25 of the Gambling Act 2005 (“the Act”).

7.2. Section 349 of the Act requires the Licensing Authority to publish a statement of Principles every three years, and to consult with the statutory consultees and any other persons who may have an interest.

8. EQUALITY IMPACT ASSESSMENT

8.1. An Equality Impact Assessment (EqIA) has not been carried out.

9. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

9.1. As stated earlier, Section 349 of the Act requires the Licensing Authority to publish a Statement of Principles every three years. Failure to have a Statement of Principles could result in a Judicial Review being sought against the council.

10. BACKGROUND PAPERS

Guidance to Licensing Authorities (issued under section 25 of the Act) issued by the Gambling Commission.

11. APPENDICES (*mandatory, simply state if there are no appendices*)

Appendix A – List of Consultees

Appendix B – Responses received to the consultation

Appendix C – Proposed Statement of Principles

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

APPENDIX A

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

Responsible Authorities

- The Licensing Authority
- Leicestershire Constabulary – the chief officer of police
- Gambling Commission
- Leicestershire Fire & Rescue Service
- Rutland County Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- Ketton Sports Association
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Amusement Catering Trade Association
- All local Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website).

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:

- Ward & Parish Councillors
- GamCare
- All residents and businesses within the Rutland County area (through the Council website)

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Kerry Leishman <kerry.leishman@peterborough.gov.uk>

Gambling Act 2005 - Review of Statement of Principles [#31690J]

1 message

Richard Hollis <rhollis@gamblingcommission.gov.uk>

7 August 2018 at 14:49

To: "kerry.leishman@peterborough.gov.uk" <kerry.leishman@peterborough.gov.uk>

Dear Kerry

Thank you for forwarding Rutland County Council's draft Gambling Act (2005) Statement of Principles to the Commission for comment. I am assuming that Peterborough and Rutland are operating a shared services model around this matter, if you could confirm that would be appreciated.

As the Compliance Manager attached to Rutland I have been passed the document and have reviewed it, the only points I would make relate to section 13.10 and appendix 5.

Section 13.10 – I would recommend that a list is included of the factors which Rutland CC considers to be risk factors with regards to gambling premises. At a minimum I would suggest those factors include the location of nearby services for children, the demographics of the area in relation to vulnerable groups, whether the premises is located in an area with high levels of crime / antisocial behaviour, how vulnerable people, including those with problem gambling behaviours, will be protected.

Appendix 5 – I would recommend replacing the table with a link to the Commission website to allow for changes which may occur to stakes and prizes –

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

I hope this is of use.

Kind regards

Richard Hollis

Compliance Manager
Gambling Commission
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Victoria Square
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www.gamblingcommission.gov.uk

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25/09/2018

Peterborough City Council Mail - Gambling Act 2005 - Review of Statement of Principles [#31690J]

to: FOI request Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Please clearly state that your request is under the Freedom of Information Act.



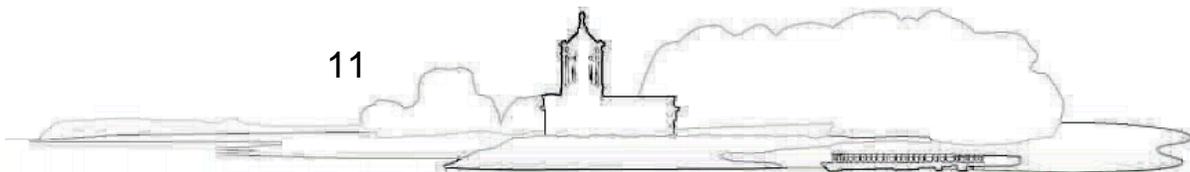
Rutland County Council

Draft

Gambling Act 2005 Statement of Principles

Next Review Date	31 January 2019
Approved by Licensing Committee	To be updated
Approved by Full Council	To be updated

BACKGROUND



The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing Justices.

DRAFT

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THE COUNTY OF RUTLAND

Rutland became a Unitary Authority in 1997. Rutland covers a total area of 39,398 hectares. This is mainly an area of mixed farms with small farms predominating. Rutland is a sparsely populated rural County, with a population density of approximately 0.87 people per hectare. Two main market towns, Oakham and Uppingham, plus 50 villages make up the County. There are 37,369 residents according to the 2011 census. Oakham has a population of c.10, 500 and Uppingham c.4, 000, thus neither are large enough to meet the Government definition of 'a town'. The number of residents from ethnic backgrounds other than white (British) account for less than 2% of the population.

Tourism makes a significant contribution to the local economy within Rutland and provides a major focus for the Service's work. There are estimated to be about two million visitors a year, of those visiting, most are day-trippers.

There are around 1700 businesses operating in Rutland with a majority employing less than 10 people. Small businesses are the norm for Rutland.

Please refer to Appendix 1 for a map of Rutland.

DEFINITIONS

The **Council** means Rutland County Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

Members means Rutland County Councillors

The **Licensing Committee** means the full committee or a subcommittee of no less than three Members.

Guidance means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006

Child means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

LA means Local Authority.

PART A - INTRODUCTION

1. THE LICENSING OBJECTIVES

- 1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime,
 - Ensuring that gambling is being conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

2. STATEMENT OF PRINCIPLES

- 2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

3. CONSULTATION

- 3.1 Rutland County Council consulted widely upon this statement before finalising and publishing.
- 3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

For a full list of persons this authority consulted please refer to Appendix 2.

- 3.3 The consultation took place between **06 August 2018** and **23 September 2018**.

4. APPROVAL OF POLICY STATEMENT

- 4.1 This statement was approved at a meeting of the full council on (to be updated).
- 4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

5. DECLARATION

- 5.1 Rutland County Council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

6. RESPONSIBLE AUTHORITIES

- 6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates our Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to Appendix 3 or alternatively via the council website.

7. INTERESTED PARTIES

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.
- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities; or
 - Represents persons who satisfy the above.

- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission's guidance for local authorities.
- 7.5 When determining what "sufficiently close to the premises" means (in each case), this authority might include:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
 - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to "persons with business interests that could be affected" it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being "a person with business interests that could be affected by the premises" under consideration. It should be borne in mind however that the "demand test" in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005, therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
 - The 'catchment' area of the premises (i.e. how far people travel to visit); and
 - Whether the person making a representation has business interests in that catchment area that might be affected.
- 7.8 The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents' and tenants' associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities applied for.
- 7.9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward

councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

8. EXCHANGE OF INFORMATION

8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Commissioners of Customs and Excise
- The Gambling Commission
- The National Lottery Commission
- The Secretary of State
- The Scottish Ministers

8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 **and any relevant regulations** will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission as and when it is published on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

9. ENFORCEMENT

9.1 Licensing authorities are required by regulation to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.

- 9.2 The Council follows the principles of the Regulators Code. The Code is based on consistency, transparency and proportionality.
- 9.3 The council proposes, in line with the code that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a **review heard by** the Licensing Act Committee, the issue of a Formal Caution or a referral for prosecution.
- 9.4 The main enforcement and compliance role of the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The Council will seek to work actively with the Police and Leicestershire Fire and Rescue Service in enforcing licensing legislation and on compliance issues to ensure an efficient deployment of resources.
- 9.6 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.

10 PUBLIC REGISTER

- 10.1 In accordance with section 156 of the Act, Rutland County Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view at www.rutland.gov.uk. This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

11. DECISION MAKING / DELEGATION

- 11.1 A Licensing Panel of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Licensing Panel involving an application within their ward.
- 11.2 Where a Councillor who is a member of the Licensing Act Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

- 11.3 The Licensing Act Committee will also refer to the Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 11.4 Every determination of a licensing decision by the Licensing Act Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable where it will form part of the statutory licensing register required to be kept by the Council.
- 11.5 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 11.6 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Act Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.
- 11.7 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice, this policy and the licensing objectives. Determination of applications made to the licensing authority will be made in accordance with section 153 of the Act.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to Appendix 4.

12. LICENSING AUTHORITY FUNCTIONS

12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B - PREMISES LICENCES

13. GENERAL PRINCIPLES

13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.

13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

13.3 Definition of “premises”

13.3.1 In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

13.3.2 Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.

13.3.3 The local authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

13.4 Premises “ready for gambling”

13.4.1 The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

13.4.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

13.5 Location

13.5.1 Demand issues cannot be considered with regards to the location of premises but that considerations in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

13.6 Duplication with Other Regulatory Regimes

13.6.1 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

13.7 Integrating Strategies

13.7.1 There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

13.7.2 The Council recognises in particular the importance of the co-ordination and integration of the Gambling policy with other plans aimed at the management of town centres and the night-time economy.

13.8 Licensing Objectives

13.8.1 Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

13.8.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of

this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.

13.8.3 This licensing authority has noted the Gambling Commissions guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

13.8.4 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Leicestershire Constabulary before making a formal application.

13.8.5 **Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.

13.8.6 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

13.8.7 The Council will work with licensees to ensure advertising on premises is such that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

13.8.8 The Council will consult with the Leicestershire and Rutland Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons

13.8.9 The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises

13.8.10 There is no definition of 'vulnerable person' and it is noted that the Gambling Commission are not seeking to offer one, but this could include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about

gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

13.9 Conditions

13.9.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

13.9.2 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

13.9.3 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

13.9.4 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.9.5 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.9.6 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.9.7 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

13.10 Risk Assessments

13.10.1 Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

13.10.2 Such risks that may be identified could include but are not exhaustive to, the location of nearby services for children, the demographics of the area in relation to vulnerable groups, whether the premises is located in an area with high levels of crime / antisocial behaviour; and set out how vulnerable people, including those with problem gambling behaviours will be protected

13.11 Local Area Profiles

13.11.1 Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area.

At the time of preparing this edition of the Statement of Principles there has been no evidence presented to support the assertion that any part of Rutland County Council had or is experiencing problems from gambling activities. This position will be kept under review.

14. ADULT GAMING CENTRES

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

15. LICENSED FAMILY ENTERTAINMENT CENTRES

15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.

15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- notices / signage
- physical separation of areas
- CCTV

- supervision of entrances / machine areas
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

16. CASINOS

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

17. BETTING PREMISES

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that the door supervision is both necessary and proportionate.

18. TRACKS

- 18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are

distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - location of gaming machines
 - supervision of entrances / machine areas
 - notices / signage
 - provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.
- 18.8 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

19. BINGO PREMISES

- 19.1 This licensing authority notes that the Gambling Commission's guidance states:
Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 19.2 This licensing authority must satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 19.3 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

20. TRAVELLING FAIRS

- 20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

21. PROVISIONAL STATEMENTS

- 21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

- 21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

- 21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

22. REVIEWS

22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.

22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- a) add remove or amend a licence condition imposed by the licensing authority;
- b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
- c) suspend the premises licence for a period not exceeding three months; and/or
- d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

PART C - PERMITS / REGISTRATIONS / NOTICES

23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises
- 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon

the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include:

- adult machines being in site of bar
- notices / signage

- 24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.
- 24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

25. PRIZE GAMING PERMITS

- 25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.
- 25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in regulations; and

- that the gaming offered is within the law.

25.3 The licensing authority will determine each application on its own merits.

(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be

permanent in nature, not established to make commercial profit, and controlled by its members equally.

- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - the applicant's premises are used wholly or mainly by children and / or young persons
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Gambling Commission or the police.
- 26.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

27 SMALL SOCIETY LOTTERIES

- 27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:
- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
 - Exempt Lotteries (including small society lotteries registered with Rutland County Council)
- 27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:
- Small society lotteries;
 - Incidental non-commercial lotteries;
 - Private lotteries;
 - Private society lottery;
 - Work lottery;
 - Residents' lottery;
 - Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

28. TEMPORARY USE NOTICES

- 28.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.
- 28.2 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 28.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.
- 28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

29. OCCASIONAL USE NOTICES

- 29.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

30. ADDITIONAL INFORMATION

Further information on the application process, application forms and applicable fees can be found at www.rutland.gov.uk

APPENDIX 1

MAP OF RUTLAND



APPENDIX 2

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

Responsible Authorities

- The Licensing Authority
- Leicestershire Constabulary – the Chief Officer of Police
- Gambling Commission
- Leicestershire Fire & Rescue Service
- Rutland County Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- British Beer and Pub Association
- British Bookmakers Trade Association
- All local Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website).

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:

- Ward & Parish Councillors
- GamCare
- All residents and businesses within the Rutland County area (through the Council website)

APPENDIX 3

GAMBLING ACT 2005 RESPONSIBLE AUTHORITIES CONTACT DETAILS

THE RESPONSIBLE AUTHORITIES:

Licensing Team:	The Licensing Team Catmose Oakham Rutland LE15 6HP licensing@rutland.gov.uk
The Gambling Commission:	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: info@gamblingcommission.gov.uk
Leicestershire Police:	Licensing Department Leicestershire Police Mansfield House 74 Belgrave Gate Leicester LE1 3GG
Fire Authority:	Leicestershire Fire & Rescue Service LFRS Headquarters 12 Geoff Monk Way Birstall Leicester LE4 3BU
Pollution Control:	Pollution Control Rutland County Council Catmose Oakham Rutland LE15 6HP
Planning:	Head of Planning & Development Control Rutland County Council Catmose

Oakham
Rutland
LE15 6HP

HM Revenue & Customs:

National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ

Safeguarding Children Board:

Safeguarding Service Manager
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

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APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give counter notice to temporary use notice		X	

APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current limits for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set). **Any changes to the limits will be published on the Gambling Commission's website.**

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 ¹
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

¹ with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
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Rutland County Council

Planning & Licensing Committee – Index of Committee Items

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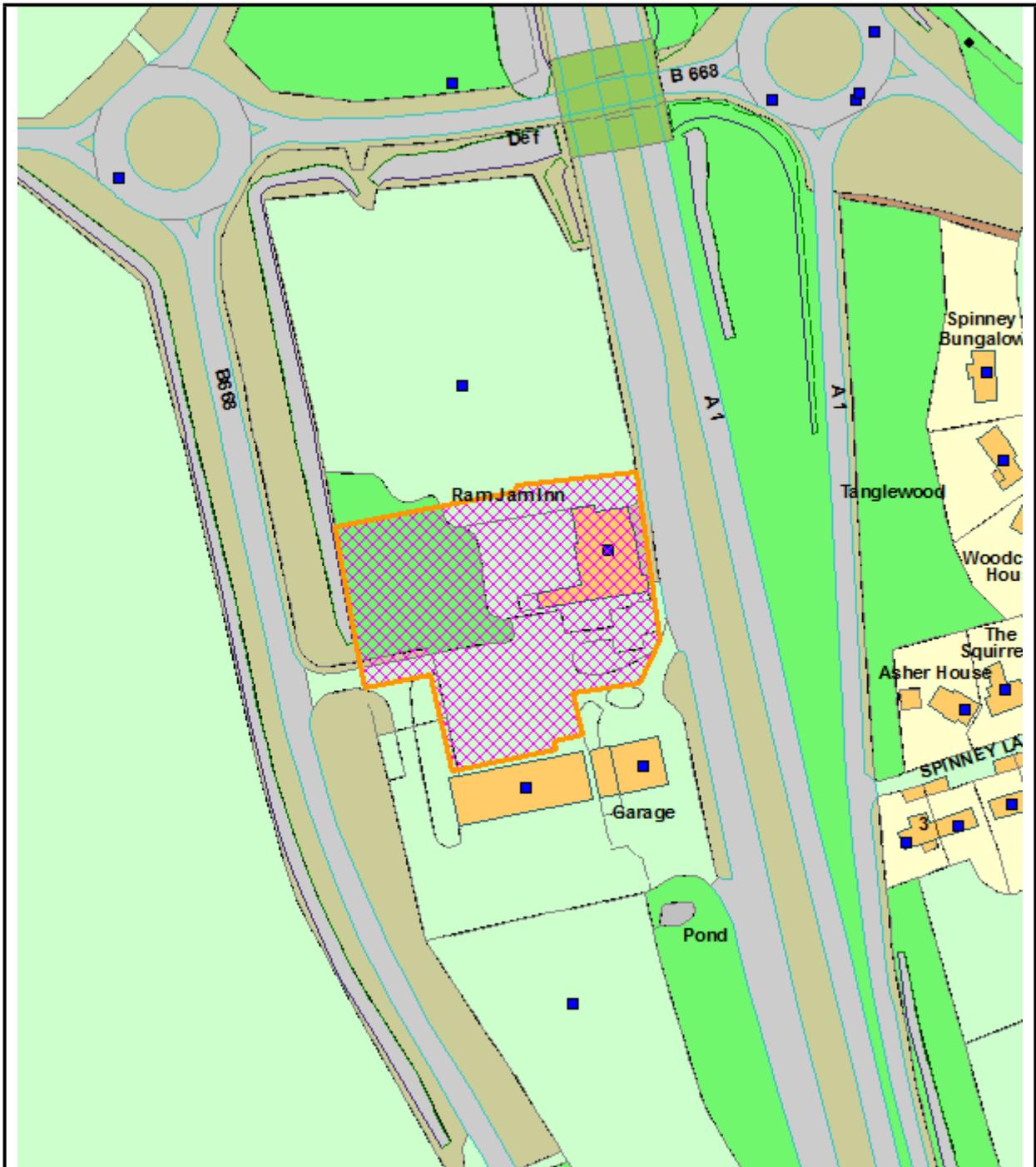
REPORT NO: 191/2018

PLANNING AND LICENSING COMMITTEE

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

**REPORT OF THE STRATEGIC DIRECTOR FOR PLACES
(ENVIRONMENT, PLANNING, TRANSPORT & HIGHWAYS)**

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2018/0539/FUL	ITEM 1	
Proposal:	Demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.		
Address:	Ram Jam Inn, Great North Road, Greetham, Rutland		
Applicant:	Godwin Developments	Parish	Greetham
Agent:	Rapleys LLP	Ward	Greetham
Reason for presenting to Committee:	Policy/Objections		
Date of Committee:	23 October 2018		

EXECUTIVE SUMMARY

The proposal to demolish the existing buildings on site and replace with 4 mixed use units, is to provide roadside services on previously developed land primarily to serve users of the strategic highway network. Highways England has no objections and the loss of a short row of preserved apple trees is mitigated by a compensatory payment that Greetham Parish Council will use for community tree planting in and around the village. The use constitutes sustainable development and there are no reasons to refuse planning permission in this instance.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement and the following conditions:

Time Condition

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.

Approved Plans

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers B6509 (PL)01, B6509 (PL) 02 Rev P, B6509 (PL) 03, B6509 (PL) 05 Rev B, B6509 (PL) 08 Rev B, B6509 (PL) 09 Rev A, 18-09-02 Rev F, J32-3395-PS-200, Drainage Technical Note 22286_04-18/5900, Drainage Strategy Plan 22286_01_230_02 Rev H, and the Mode Transport Travel Plan v2, (18/09/2018).
Reason - For the avoidance of doubt and in the interests of proper planning.

Pre-commencement Conditions

3. No works shall commence on site, other than in association with archaeology or contamination, until such time as the off-site highway improvement works at the junction of the B668 have been completed.
Reason: To ensure that the improvements are in place before demolition and construction vehicles use the site in the interests of highway safety.
4. No development shall commence until a scheme to deal with potential contamination of the site by asbestos fibres has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the

extent of the contamination and the mitigation measures to be taken, including a timetable, to avoid risk to the public when the site is developed.

Reason - The submitted ground investigation report found evidence of asbestos fibres in the ground and recommended that further investigation is carried out. The work is thereby required to ensure the safety of ground workers and future users of the site.

5. No development shall take place until the existing trees and hedges on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / 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, including a tree subject to a TPO, are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6. No demolition of the existing Ram Jam Inn shall commence 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. The scheme shall include an assessment of significance and research questions; and:
The programme and methodology of historic building survey and recording
The programme for post investigation assessment and analysis
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.

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

7. No development shall take place, including any works of demolition, until a Construction and Transport Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
the parking of vehicles of site operatives and visitors
routing for delivery and demolition waste vehicles
loading and unloading of plant and materials
storage of plant and materials used in constructing the development
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
wheel washing facilities
measures to control the emission of dust and dirt during construction
a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that construction vehicles use the appropriate non-strategic highway network to access and leave the site and to ensure that there is no detrimental impact on users of the strategic highway network, in the interests of highway safety.

On-going Conditions

8. No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the approved details on Plan 22286-01-230-01 Rev H. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the management and maintenance plan in Technical Note 2018-10-03.
Reason: To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network
9. No development shall take place above damp proof course level until there has been submitted to and approved, in writing, by the Local Planning Authority a detailed 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 landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
10. 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 landscaping is carried out at the appropriate time and is properly maintained.
11. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
Reason: To ensure that parking of vehicles on the adjoining highway network does not occur in the interests of highway safety and that appropriate parking is provided
12. Prior to the construction of the parking areas shown on the approved plans, details of the amount, location and design of powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall provide provision for securing powered two wheelers and shall be provided prior to occupation of the development in accordance with the approved details and retained for that purpose at all times.
Reason: To ensure an appropriate level of parking facility for powered two wheelers is provided in the interest of highway safety and promotion of sustainable transport modes.
13. Prior to the construction of the parking areas shown on the approved plans, details of the amount, location and design of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation of any part of the development in accordance with the approved details and retained for that purpose at all times.
Reason: To ensure an appropriate level of charging for electric vehicles is provided in the interest of highway safety and provision of alternative fuels for sustainable means of travel.

14. Prior to occupation of any unit hereby permitted, a servicing and delivery management plan shall be submitted to and approved by the Local Planning Authority. The details of the approved scheme shall be implemented for each unit as it comes into use and shall be adhered to at all times whilst the unit is in operation.
Reason: To ensure that delivery routes and timing are optimised to ensure that there is minimal conflict with main users of the site, in the interests of highway safety.
15. Prior to the occupation of any unit hereby approved screen fencing shall be erected in accordance with details that have been submitted to and approved by the Local Planning Authority and shall be retained and maintained to provide screening at all times whilst the site is in use for its approved purpose.
Reason: In the interests of visual amenity.
16. The approved Travel Plan shall be implemented in all respects following the commencement of the operation of the units hereby approved.
REASON: The site is within an area of restraint requiring a greater degree of control over sustainable travel to encourage reduced dependence on the car having regard to policies CS1, CS4, CS18, SP1, SP15 of the Development Plan together with the advice in the NPPF.
17. Within 6 months of the first unit being occupied on site, a piece of art or other feature that depicts or reflects the historic significance of the site and the Ram Jam Inn, shall be permanently displayed on site in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such details shall include the design, location and maintenance regime for the feature.
Reason: In mitigation for the loss of the Ram Jam Inn that has some local historic interest, to ensure that there is a lasting presence on site to depict the history of the site for the benefit of its users in the future.

Notes to Applicant:

- The Scheme of investigation for Archaeology shall in this case be a formal photographic record of the existing building, interior and exterior.
- The approved plans for the buildings include the materials shown thereon.
- This permission establishes 4 mixed use buildings from which there are no permitted changes of use without a further planning permission.
- The art or feature required by the above condition can be inside Unit 1 or on the open part of the site. It should take account of historic references in the existing building.

Site & Surroundings

1. The site is located in open countryside adjacent to the A1 junction at Stretton, 12.8 kilometres (8 miles) east of Oakham and 2.5 kilometres (1.5 miles) east of the edge of Greetham.
2. The application site has an overall area of approximately 0.67 Hectares (1.66 acres).
3. The site comprises the historic Ram Jam Inn, an area of overgrown open land, a large car park and some mature trees. The Inn has been closed for around 5 years. Whilst it has historic associations with Dick Turpin, it is not listed and has been badly altered and extended during the 20th century in particular.
4. Adjacent to the site is the petrol filling station, (which includes a local convenience store) with access direct off the A1, to the rear of which is the newly built Greetham garage

which has relocated out of the village. The main access to the Ram Jam and Greetham Garage is from the B668 Greetham Road to the west.

5. Access from the A1 is primarily for the petrol station, however there are legal access rights through the forecourt into the Ram Jam site itself.
6. The site is screened from Greetham Road by high hedging. An orchard was located inside the Greetham Road access but has largely been removed in the past 12 months. The remaining Orchard trees and a large Sycamore in the car park are the subject of the TPO.

Proposal

7. The proposal is to demolish the existing Ram Jam building and erect 4 new buildings as described above. A1 uses are for normal retail purposes, A3 is for Restaurants and Cafés and A5 is for hot food takeaways. The proposal involves a mixed use for the units as set out.
8. The site is set out as illustrated in the plan at Appendix 1. The parking and circulation area are indicated. Access would be primarily from the B668 rather than from the A1 but there is a right of way across the separately owned petrol station forecourt to the application site.
9. The application is accompanied by a Travel Plan, Arboricultural impact assessment, Statement of Community Involvement, Structural survey, Transport and Planning Statements, Drainage Strategy, Landscape proposals and ecology assessment.
10. The four units would provide:
 - Unit 1 - 506m² drive through (2 storey)
 - Unit 2 – 229m² drive through
 - Unit3 – 167m² drive through
 - Unit 4 – 70m² drive to
11. This compares to the previous approval in 2017 which comprised:
 - 260m² of B1 Office,
 - 993m² of B2 industrial,
 - 268m² of retail plus associated circulation areas; and
 - 118m² of café.
12. The buildings would be the following heights:
 - Unit 1 – 7.5m (8.6 plant on roof)
 - Unit 2 – 4.5m at rear, 5.3m at front
 - Units 3/4 – 5.1m (tower 6.9 max)
13. These dimensions compare to the previously approved scheme as follows:
 - Main Ram Jam Inn – 9.08m (highest part)
 - Unit B (adj Greetham Garage) – 7.16m
 - Unit C – 7.5m
14. A sequential test has been undertaken to establish if there is a suitable site for the specific development in a local town centre. An assessment of Oakham, and Uppingham was undertaken and it is concluded that no site is available for the proposal, which in any event is intended to primarily operate as a roadside service for users of the A1.

15. A retail impact assessment has also been undertaken that concludes that the development would not have a detrimental impact on Oakham or Uppingham Town Centres.
16. The submission includes a statement of community engagement. A consultation exercise with the local community was carried out earlier in the year. 164 leaflets were distributed around the local communities, a web page was developed in association with the project and a public exhibition was held in Greetham, in February.
17. 63 responses to the leaflets were received. 62% supported the proposal in principle. 30% said no. Respondents were asked what end users they would like to see on site. A number of respondents listed McDonalds, KFC, Costa Coffee as preference with M&S and Waitrose also being mentioned. Hotel, chemist, post office or supermarket were also suggested.
18. Some residents were not happy to see the Ram Jam demolished. Some, concerns were raised regarding traffic and potential litter.
19. A ground investigation report finds that there may be asbestos fibres in the ground and that Radon is presenting the area. It recommends that further quantification tests are carried out to assess the potential for asbestos fibre released during disturbance work which may pose a risk to ground workers and occupiers/users of the site.
20. Details of the proposal are shown in the Appendices.

Relevant Planning History

Application	Description	Decision
2017/0278/FUL	Mixed Use Development for retail; offices and business use	Approved Sept 2017

Planning Guidance and Policy

National Planning Policy Framework

Para 11: Presumption in favour of Sustainable development. Para 8 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Supporting a prosperous rural economy (Para 83):

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

Chapter 9 - Promoting Sustainable Transport

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Chapter 12 – Achieving well designed places.

The Rutland Core Strategy (2011) Core Strategy (2011)

Policy CS1 – Sustainability Principles

New development in Rutland will be expected to:

- minimise the impact on climate change and include measures to take account of future changes in the climate;
- maintain and wherever possible enhance the county's environmental, cultural and heritage assets;
- be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport;
- make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;
- contribute towards creating a strong, stable and more diverse economy
- include provision, or contribute towards any services and infrastructure needed to support the development

Policy CS3 – the Settlement Hierarchy

Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Greetham as a Local Service Centre, this is one of the largest villages in Rutland with a range of facilities and access to public transport. Stretton is classed as a restraint village.

Policy CS4 – The Location of Development

The site by definition is in open countryside, albeit alongside the A1, approximately 1.7 miles from the village of Greetham which will be a focus for small scale development. Stretton is clearly nearer but is a Restraint Village where new development will not be allowed in the current Development Plan unless it is appropriate to the countryside.

Policy CS7 – Socially Inclusive Communities

Policy CS16 – The Rural Economy

CS16 deals with the rural economy and (inter alia) seeks to:

- Safeguard existing rural employment sites and encourage their improvement and/or expansion (providing other policy requirements are met);
- Support small scale developments for employment generating uses (adjacent or closely related to the local service centres or smaller settlements) provided it is of a scale appropriate to the existing development where it would be consistent with maintaining and enhancing the environment and contributes to local distinctiveness of the area.
- Support the retention of community facilities such as pubs and shops.

CS18 - Sustainable Transport and Accessibility.

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development:

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

SP7 - Non-residential development in the countryside

The policy allows for sustainable development in the countryside for small scale employment growth providing:

- The amount of new build or alteration is kept to a minimum
- The development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of nearby villages (Greetham & Stretton)
- The development would not adversely affect the character of, or reduce the intervening open land between settlements
- The development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

The policy also sets out where the conversion, re-use or replacement of buildings for employment use will be permitted. In particular if the building is capable of being converted and the proposal respects the form and character of the existing building. The type and scale of use must be appropriate to its location; in particular the use should not generate significant traffic movements in an unsustainable location.

SP15 – Design & Amenity - Various paragraphs on design, amenity and highway issues

Greetham Neighbourhood Plan

Policy CH1 – Built Form

Development within the Parish should be of a scale and density in keeping with the built form of the character area within which it is located, taking account of surrounding buildings, streets and spaces. Development should integrate with the street scene, through particular attention to boundary treatments; and where appropriate, conserve the character and appearance of the Conservation Area and its setting.

Policy CH2 – Green Infrastructure

Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planting of indigenous trees and shrubs to enhance biodiversity, soften the impact of development and/or enhance local character, will be supported.

Department for Transport Circular 02/2013

This sets out advice on the strategic road network and the delivery of sustainable development. On roadside facilities, it advises that the maximum driving distance between services should be 30 minutes but that the distance can be shorter. In determining applications for new or improved sites, LPA's should not need to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Nor should they seek to prevent competition. There is a preference for new facilities to be at on-line locations i.e. accessed immediately off the road in question and not sited away from the strategic network (e.g. for HGV parks this talks about 2 or 3 miles).

The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

Operators of roadside facilities are encouraged to provide refuelling facilities for low emission vehicles, including recharging facilities for plug-in vehicles and other arrangements that meet the needs of emergent low carbon and alternative fuel technologies as appropriate

Consultations

21. Greetham Parish Council

The proposed developments at the Ram Jam Inn currently state that the existing building is structurally unsuitable for development and would be removed if plans were accepted.

Greetham Parish Council would like to identify this building as iconic, of local interest and would like to contest the current surveyors report. Built in the 1930's this building was substantially renovated about 60 years later. It is in a poor state of repair. Although it is not the original coaching inn the site is a landmark for locals and visitors.

GPC would welcome support in establishing this as an iconic building and ask for identification of individuals, both within the RCC structure and in outside bodies, who can advise.

Further comments:

The Parish Council believes it is important to preserve the historic land mark building on the site, as was proposed in a previous application. The building was completely renovated in the 1990's and should be independently assessed for suitability for conversion. This is an iconic landmark for Greetham and the retention of both the building and its name are essential. GPC will request a Listed Building status/ Preservation Order/ Noted building.

Whilst the Parish Council is not opposed to the commercial development of the site, it believes that the proposed development is entirely wrong. The A1 locally is very regularly the scene of serious accidents. This happens almost every week. It is inevitable that a fast food outlet with no obvious provision for eating on site will lead to a situation where motorists are eating and drinking whilst driving, so potentially increasing the number of accidents. It will also greatly exacerbate the issue of litter, both on the A1 and in Rutland.

The proposal indicates that the Petrol Filling Station entrance and exits can be used by traffic accessing the facility. These do not meet an appropriate standard for the inevitable increase in traffic. They are too short and have inadequate splayed views. Traffic threading its way through the Petrol Filling Station is likely to be delayed, with the possibility of a traffic queue backing up onto the main carriageway of the A1.

The Parish Council is concerned about the increased flow in the foul sewer which is already experiencing issues which directly affect residents in Greetham village. Sewage from Stretton is already directed into Greetham and the system cannot cope (as evidenced by several incidents of foul flooding in the last year)

The Traffic Flow document is inaccurate. It fails to include a fatal accident on the B668 A1 Off-Slip Road which occurred in the last 5 years and one on the garage forecourt. Its conclusions are therefore flawed.

The Parish Council dispute the consultation process, it was shambolic and flawed. Display information on the development was not available at the village meeting as it was delayed in transit. The report does not reflect the comments made by village attendees on the day.

On the site where coach parking and 66 parking spaces are allocated there is an avenue of trees which have a Tree Preservation Order placed on them. These are not identified on the plan.

22. **Stretton Parish Council**

Whilst we welcome the development of a site that has been out of business for 4 years and applaud the job opportunities this provides for the local community, there are several concerns with regard to this development which we would ask RCC to resolve before granting approval. Overall, we felt that the quality of the planning application was poor. There is an excess of unnecessary verbiage, reinforcing strong points but ignoring weak points and failing to answer many of the concerns from the local community.

In the Statement of Community Involvement, not all correspondence has been recorded (limited to questionnaire responses - and excluding emails). Neither has there been any real attempt to answer the questions raised by members of the public. This gives the impression of 'lip-service' being given to genuine local concerns.

The proposal claims to generate up to 160 new jobs to the area. The claim is viewed with scepticism. Could the developers please outline their assumptions? There is a statement that there would be 35-40 personnel on site at any one time. Assuming 4 fast food outlets (i.e. 10 personnel per outlet), does this assume 24/7 operation? Is that realistic? In 2017 we raised our concerns about the ability of the current sewage system to cope with the increase in sewage needs for the development. We note that in May 2017, there was a letter from Anglia Water saying that they could cope but the letter does not acknowledge the local situation, that sewage is routinely pumped from Clipsham and Stocken HMP via Stretton to Greetham and Cottesmore, often at night when demand is lower. We also understand that available electricity supplies limit the size of pumps being used at Stretton. We ask that Anglian Water specifically address this issue and provide a renewed assurance that the sewage system is able to cope with the additional requirements.

The local community currently has access to the Petrol Filling Station (PFS) and mini supermarket (SPAR). The proposal's road layout plan shows that there will be no access to the PFS from the B668 (ie the local entrance). The nearest local garage would therefore be at Cottesmore, or it would be necessary to travel southbound on the A1 to Empingham and return north on the A1.

There could be an error in the plan, but this represents a 'loss of service' (policy CS7) to the local community and no alternative proposal is advised. The loss of service of the PFS means that statement 7.11 of the Rapley planning application is not true. RCC is requested to withhold permission until this issue is resolved.

There is an issue with southbound traffic. Access to the site must come from the Stretton roundabout and underpass. With the traffic flow proposed, southbound traffic would enter the site via the B668 and there would be no access to the PFS. The 'service station' would therefore be of limited use to southbound traffic. Consideration should be given to whether southbound signage should be limited or excluded, to discourage unnecessary journeys.

The transport report of local accidents is disputed by local residents who recall 2 fatal accidents in the area (the report says none - but in the last 5 years), one of which was on the forecourt of the PFS. The developers should be requested to respond to this point.

23. **Anglian Water**

No objection on water treatment works capacity or sewage network capacity. Requests

that surface water disposal is dealt with by a condition.

24. **Ecology**

Initial Response

The Ecology Survey submitted in support of the application (Wardell Armstrong, February 2018) is inconclusive and further surveys are required. Based on this, we would place a Holding Objection on the application, pending the results of updated surveys.

The report contains a 'HSI' assessment of the nearby pond for its suitability to support great crested newts (GCN). This concludes that the pond has a 'poor' potential to support GCN. Based on the Leicestershire and Rutland GCN Protocol no further surveys are required for this pond and we are in agreement with the conclusions of the report in that the likelihood of GCN being impacted by the development is low.

The existing building on site was assessed as having a 'moderate' potential to support roosting bats. This building will be demolished as part of the development, resulting in the loss of roosts if they are present. We are therefore in agreement with the recommendations in the report in that a minimum of 2 activity surveys need to be completed at the appropriate time of year. The results of these should then be used to inform a mitigation strategy, if required, which must be incorporated into the design of the development. We would recommend that these are submitted prior to the determination of the application, in accordance with paragraph 99 of the ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System). Please note that the surveys can only be completed between May and September, with no more than one survey in September. There is therefore not time to complete these surveys this season.

The report indicates that no evidence of badgers was found on site. A pre-commencement check for badgers is recommended and we are in agreement with this. Similarly we are in agreement with the recommendations surrounding nesting birds.

Second Response October 2018:

The Bat Survey submitted in support of the application (Wardell Armstrong, October 2018) recorded evidence of bats within different parts of the main building on site. This was in the form of droppings which were identified by DNA testing as being Brown Long-eared Bats.

One dusk and one dawn activity survey was completed. These recorded bats using the site, but no bats were seen emerging or re-entering the building. The report therefore concludes that the building is home to a small brown long-eared day roost. This is acceptable based on the results of the survey, although I am concerned about the lateness of the surveys. The Bat Survey Guidelines require a building with a 'moderate' potential to support roosting bats to be subject to 2 activity surveys between May to September with at least one survey between May and August. The programme of surveys for this site only meets this criteria by 2 days.

Notwithstanding this, section 4.1.5 of the report indicates that a Bat Mitigation Strategy is required as part of an European Protected Species Licence. We are in agreement with this, but given that this is a Full application, we would expect to also see a bat mitigation plan submitted upfront with the application, as this would allow the LPA to ensure that the proposed mitigation can be incorporated into the development without an amendment to the approved plans.

Paragraph 99 of the ODPM Circular states:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

A Bat Survey and mitigation indicators have now been submitted. The Ecology advisor is still concerned that the mitigation is too sketchy. Further discussion will take place prior to the meeting and be reported in the Addendum. A further condition is likely to be required.

25. **Archaeology**

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site is situated within an area of archaeological interest, the Ram Jam Inn was constructed in the 18th century as a stone built coaching inn, originally called the Winchelsea Arms. Historical accounts traditionally associate the building with the Dick Turpin, the 18th century highwayman, whilst the latter is unlikely to leave any archaeological trace it contributes to the historical significance of the structure.

The submitted information indicates that the 18th century core remains at the centre of the building, with later alterations and additions to the south and west. We also hold a record on the HER to indicate that a stone medieval sundial is set within the front elevation (HER ref.: MLE5324).

Appraisal of the submitted details indicates that the proposed works may affect or expose significant archaeological information, including surviving historic fabric within the affected building and buried archaeological remains within its vicinity. As such we recommend the appropriate investigation, in this case a level 2 or 3 building photographic record prior to the building demolition.

26. **RCC Highways**

The parking requirement is acceptable by RCC. They have provided more than the requirement set out in the Site Allocation and Policies Development Plan Document 2014.

Other minor design details are awaiting further consideration and will be reported in the Addendum.

27. **Highways England**

Following further meetings and discussions there is no objection but final comments and hence potential conditions are awaited.

28. **Environmental Protection**

I refer to the above planning application and have the following comments to make:

given the proximity to a service station as phase 1 contaminated land assessment should be undertaken.

The report calls for further site investigation due to asbestos fibres being found in the samples of the made up ground. Radon precautions would also be required (Radon is controlled by Building Regulations).

Regarding lighting, I would advise that any scheme would comply and not exceed the requirements of E2 to IEE Guidance on the Reduction of Obtrusive Light. GN01:2011. A lighting assessment must be submitted to show compliance if external lighting is being installed.

29. **CPRE**

With reference to the earlier application on this site (2017/0278/FUL) it appears that adopted planning policies relating to development in the countryside seem to have been disregarded. It would appear that support for this 2017 application was mainly on the basis of the conversion of a building and the "brownfield" nature of the site. CPRE would question the sustainability of providing retail and employment uses on this site. We wonder what research was done to establish sustainability criteria.

The significant change in this latest application is the proposal for total demolition of the Ram Jam Inn to be replaced with four new units, mainly for A1 (shops), A3 (Restaurant/café) and A5 (Hot food takeaway) Not only does this seem excessive, representing a net additional internal floor area of 490 square meters, but it also removes a traditional building, representative of the Rutland style and materials, to be replaced with bland modern units which can be seen anywhere. A number of trees which currently contribute to the landscape are proposed to be removed.

Specific Observations

- The adopted Rutland Core Strategy contains a number of relevant policies.
- Policy CS1 d) supports re-use or conversion of previously developed land, but b) states that new development should maintain and wherever possible enhance the County's environmental, cultural and heritage assets. CPRE do not consider that these proposals satisfy these principles because of the demolition and tree removal.
- Policy CS16, dealing with the rural economy, seeks to support small scale developments for employment generating uses (adjacent or closely related to Local Service centres) but once again, it should maintain and enhance the environment and contribute to the local distinctiveness of the area. This proposal will not do this.
- Policy CS 19 promotes good design. CPRE does not consider that this proposal represents good design.
- Policy SP7 of the adopted Site Allocations and Policies DPD, relating to non-residential development in the countryside, allows for small scale employment growth where the amount of new build or alteration is kept to a minimum; the development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of nearby villages. It continues that the proposal would be expected to respect the form and character of the existing building where development involves conversion or replacement.

30. **Rutland History and Record Society**

The proposal to develop this site to provide two drive through units does need considerable care and consideration, as the history of the building and the context within the landscape is of importance. We therefore object to any demolition of the building. Because of the location it is essential that archaeology specialists are involved throughout any major works, not just as a 'desk top' assessment but with an

archaeologist to attend any ground works, as a condition for consent as well as a building survey at level 4.

We would refer to the letter of Simon Loaring from the Planning Department dated 18th July which has recommended archaeological intervention, we are in complete agreement with the recommendations and would add further information from Victoria County History which notes that the "The Ram Jam Inn" has a Saxon sundial, found in excavating the new foundations, is inserted in the walling, and above the doorway is a carved stone, formerly on a house in Stretton, depicting the fight between Cribb and Molyneux at Thistleton Gap in 1811. As a non-designated heritage building this is of historical importance to the narrative for the area.

The Greetham Neighbourhood Plan also states that any development should preserve the character and heritage of the village and ensure that any new development complements this rather than distracts from it. Item 7.3 b) states than any new development visible on entry to the village reflects the character of the historic core and does not detract from the charm of the village, as a Society we feel that this development does not address these statements to any satisfaction.

Neighbour Representations

31. Mr Harrison, Stretton
First submission:

- (i) Unwanted development in a particularly nice rural setting
- (ii) Site has to be re-used but this proposal is not acceptable
- (iii) Goes against original advice of RCC
- (iv) Proposal goes against advice of previous commercial agents when they achieved the existing permission
- (v) Does nothing for local people
- (vi) Job creation for locals is spurious
- (vii) Access is unsuitable
- (viii) Will generate masses of litter
- (ix) No hours of operation specified

Second submission:

I note that a revised Site Plan has been added which a) makes access for villagers to the Spar and Garage even more improbable, and b) has no supporting statement from the developers. I shall also be making a further submission when I have had time to fully digest the implication of this latest submission

32. Mr & Mrs Salmon – Greetham

The Ram Jam Inn has significant historical value. Whether the current building should be preserved is another matter. However, it might be appropriate for at least one of the proposed buildings to reflect something of the history, be it in the building materials, style or by some other means.

Three drive-thru units and another drive-to unit would surely require a significant number of staff. It is unlikely that public transport would be satisfactory for shift workers to use, therefore available parking spaces for customers would be drastically reduced by staff parking. Would three drive-thru units and limited parking mean cars accessing from the A1 clog the entrance?

It is sad that old orchard trees were removed from the site before permission for development was even sought.

33. Mr Vincent – Oakham

First of all we welcome the commercial redevelopment of the Ram Jam site that has been left unattended for several years.

Our objection to the proposed redevelopment concerns the aesthetics of the proposed units as described in the elevations plans of units 1, 2, 3 and 4. These are at odds with both the existing building and with the character and style of the nearby stone villages.

34. Mrs Crowden – Stretton

These are ideas, may not be what you are considering however here goes; Nando's , Patisserie, a recreational ground for young ones (a bit like the Buttercross) I also thought about a cinema? and of course McDonald's. McDonald's would appeal more to young teenagers? The above are my thoughts, may not be at all what you are thinking. They are suggestions, ideas. Oh yes, or a KFC?

35. Mr Berriman – Stretton

Further independent structural survey should be commissioned. Historical connotations, the inn in particular and Rutland in general deserves better than to have it replaced with an "off-the-peg" service area. Any new building should have a good proportion of limestone, as befits the area

Does any "drive-thru" franchise want two competitors on their door step? Would this promote Rutland as a desirable tourist destination? Potential litter and careless driving problems on the A1 and surrounding roads. A better option is an emphasis of selling local produce. Whatever goods are sold steps should be taken to ensure that the new stores complement the few existing establishments and not drive them out of business.

Potential parking and access difficulties for a mix of vehicles. Where will employees park?

Trust that the planning committee have the good sense to realise that there is a difference between the sites badly needing redevelopment to the site being redeveloped badly.

36. Mr Cardew (Greetham Garage)

There are several issues with the Ram Jam development application that affect us.

The site does need sorting out and a viable enterprise would be most welcome but do not think four fast food outlets would be entirely appropriate for the area. The irresponsible nature of a minority of fast food customers leading to litter, discarded food waste and a rodent problem unless highly controlled.

The matter of the demolition of the Ram Jam Inn is not a concern for us as it is not a listed building and is run down. An up to date version of the same, for instance a 30 bedroom stone built hotel on the site, perhaps with a pool which locals could use, laid out gardens and parking may be more locally acceptable, especially as there is a perceived shortage of hotel beds in the area.

The local need for four outlets proposed is doubtful. Other units north and south of the site. The boundary running north/south, parallel and to the east of Greetham Garage entrance driveway, is taking our fence as being the boundary, when in fact our boundary is the other side of the fence and sycamore trees, along the edge of the car park. In the

statement on tree retention, trees T02 to T06 actually belong to us.

There are covenants which will impact the development

Our deeds state that there must be no building to the north of our workshop building that interferes with 'light and air'. There is a right of way into our site that must not be blocked.

A viability study should be part of the decision making process. The scale of the project may be fine in a city environment with a large population but is not appropriate for such a rural area.

37. Mr Fairbairn – Greetham

Access. Potential conflict leaving and entering the A1, limit to B668? Ensure adequate signage. Other junctions like this have been the sites of terrible road traffic accidents and should not be allowed.

Vehicles - heavier vehicles (e.g. coaches, buses, HGV's) are going to find entry via the A1 (N) more difficult owing to the compactness of the carriageways.

Parking - .Staff parking on shifts will take up much space. How are those staff going to get to the site?

The plans show there are 2 parking spaces for HGV's. Where will the 3rd and further HGV's park?

There is no indication that there will be any charging points for electric vehicles. With a strong move to electric vehicles over the coming years, and being placed next to a major trunk road that connects the North with the South of England, it would be extremely short sighted not to install several charging points and have a plan to increase the number over time. I'm not sure if this is actually a planning issue or a commercial one made by the developers.

I could not see any designated motorcycle parking places. Are these travellers to be discriminated against and treated as 2nd class citizens because they are bikers?

Traffic levels - there are no other drive-through facilities for many miles of this site. On a fairly safe presumption that the drive through offerings will be food and beverage providers, then this will attract additional traffic to this site - especially from the B668. People will travel from Oakham by car through Greetham, the first village encountered on the B668 when travelling west - already has a horrendous traffic problem with heavy vehicles, congestion and speeding.

38. Mrs Greenfield – Stretton

Don't demolish this lovely stone building can't it be utilised in developing this site. I feel we are too quick to demolish property's of character these days. We live in area of recycling we should do this with property and maintaining our heritage before we construct a monstrous modern concrete American style service area.

Planning Assessment

39. The main issues are policy, retention of the existing building, design/visual amenity, loss of preserved trees and highway safety.

Policy

40. The site is in open countryside but constitutes previously developed land. There is an extant permission for a scheme for conversion and erection of 2 new units for employment, retail and coffee shop uses which is larger in terms of floorspace. Permission was granted on the adjoining land for the re-location of Greetham Garage to the wider site, behind the existing petrol station.
41. This proposal is primarily for a roadside facility to serve the strategic highway network. There are no specific policies in the Development plan that deal with this type of development so it needs to be assessed in that context rather than normal development in the countryside.
42. The site is in a sustainable location insofar as it is a roadside facility serving the strategic road network, complimenting the adjacent petrol filling station, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal will also generate up to 160 local jobs, in addition to shorter term construction jobs and is a good use of a brownfield site.
43. The scheme complies with Government Guidance in the Circular set out above and Policy SP1 (Sustainable Development).

Retention of the existing building

44. There has been opposition to the scheme on the basis that the Ram Jam has historic interest, including associations with Dick Turpin. It is unlikely that there is much of the building remaining from Dick Turpin's time, as he died in 1739. Details of the origin of the core of the building are unknown.
45. Greetham PC suggests the building was erected in the 1930's. The structural survey submitted with the application notes that the original building appears on the 1884 maps with various additions up until modern times being added. This has involved removal of a significant part of the historic walls, with over half of the western elevation now supported on columns, weakening the structure. The local ground conditions are heavy clay and some tree removal and poor foundations has led to movement and significant cracks throughout the structure at ground and first floors. It concludes that the numerous openings in the structural walls have reduced the lateral capacity of the building and overall stability of the building.
46. It is very unlikely that the building would be considered suitable for listing due to the extensive changes that have taken place during the 20th Century in particular. A photographic record as requested by Archaeology would be appropriate in the circumstances.
47. In terms of the loss of a local facility (public house) there is a public house in Stretton approximately 850 metres from, the site and the Ram Jam itself has been closed for several years with little prospect of re-opening as a pub and hotel. Policy CS7 states that the loss of a public house will not be supported unless an alternative facility to meet local needs is available and equally accessible to the local community.
48. The policies of the Greetham Neighbourhood Plan are noted, together with the comments of Rutland History and Record Society.
49. The Policy seeks to ensure that development should be of a scale and density in keeping with the built form of the character area within which it is located. In this case that is isolated from the main part of the village and well away from the conservation area. The proposal does respect its surroundings and provides a well designed roadside

facility on a derelict brownfield site.

50. The applicant has agreed to provide a piece of art or other feature on site to depict the history of the site for the long term benefit of its users.

Design/Visual Amenity

51. The design of the most prominent building adjacent to the A1 is a contemporary solution using glazing and timber cladding. Whilst the existing building has its remaining interesting façade facing the A1, the rest is a collection of poorly articulated modern extensions that are poorly maintained and subject to structural issues identified in the structural survey.
52. The new building together with new landscaping and appropriate boundary treatments will be a significant improvement.
53. The other 2 blocks of building are similarly contemporary in their design and together with existing screening and new landscaping will enhance the appearance of the site. It is reasonably well screened from the B668 by existing hedging and trees which will be retained and supplemented. As set out under the description of the Proposal above, the proposed buildings are all lower than the previously approved scheme.
54. The owner of Greetham garage has raised issues relating to boundaries etc. but these are essentially private legal matters.

Loss of preserved trees

55. The recent TPO on the apple trees by the access from the B668 was served in response to the loss of the majority of the orchard before the site was acquired by the current applicants. The applicant has been asked to consider a layout that retains these trees. In response it is stated that due to the need for circulation space for the drive through units and the economies of reducing the scale of the development this has not proven possible. It is also suggested that whilst the specimens are potentially very old, thereby having historic significance, they are not in good condition and may be nearing the end of their life.
56. It has been suggested that in mitigation of the loss, a contribution equivalent to the value of the trees lost be made to Greetham Parish Council to carry out replacement tree planting in the village where several potential sites and schemes have been identified. These include burial ground planting, willow tunnels at the community centre and tree planting along the road between Greetham and Cottesmore. The Tree Warden has also suggested that they would like to take grafts from the apple trees to see if the species can be propagated and retained in the longer term elsewhere in the village.
57. A value of £11,965 has been put on the trees by the Council's Forestry Officer, using acknowledged methodology and the applicants have agreed to this which would be secured in a S106 agreement.
58. As the only potential issue that would otherwise prevent this sustainable development from going ahead, and weighing the loss of the trees in the balance against the public benefit that would accrue from the development, it is unlikely that this loss would be sufficient to defend an appeal. On that basis it is recommended that the suggested contribution be approved and made part of the permission via a S106 agreement. The Parish would need to enter into a separate agreement with the Local Planning Authority to ensure that the funds were used in an appropriate scheme. The details of that can be clarified later.

Highway Safety

59. The scheme over provides for parking compared to the requirements of the Development plan. Parking provision is made for 90 vehicles (inc 6 disabled bays – 6% as set out in the Development Plan), 3 Sheffield cycle racks (6 spaces) which exceeds the requirements set out in the Development Plan.
60. The submitted Travel Plan sets out how each unit would appoint a Travel Plan Co-ordinator who would survey staff and implement a travel plan for each unit with a view to reducing staff vehicles to site by 10% over the initial 5 year period.
61. There are no serious accident records from around the area that would indicate existing safety concerns that may be exacerbated by the proposal.
62. The Transport Assessment states that a Servicing Management Strategy will be drawn up to ensure that deliveries of goods take place outside of peak times as there is no specific off-loading areas proposed. It will also specify routes to the site via the B668. A Construction Traffic Management Plan is also to be secured by condition.
63. The Assessment concludes that the proposal would result in an additional 38 and 39 vehicle movements during the peak am and pm periods compared to a fully functioning Ram Jam and hotel as currently exists. This is less than one additional 2-way trip every minute which is negligible in terms of the local and strategic highway network and how it operates at present and no changes are required to local junctions.
64. Access to the site is available from the B668 Greetham Road together with a right of way onto the site from the petrol filling station and vice versa. This will split the potential additional traffic so reducing the impact on one access. Favour is given to the B668 access and signs are proposed to direct traffic from the northbound carriageway in that direction.
65. Small improvements are proposed to the radii on the north side of the access onto the B668. The final comments of Highways England were not available for this report and will be included in the Addendum.
66. Access to the PFS from Greetham Road will be no different to how it operates now.
67. The applicant has also agreed to provide recharging facilities for electric vehicles and parking for powered two wheelers.

Other matters

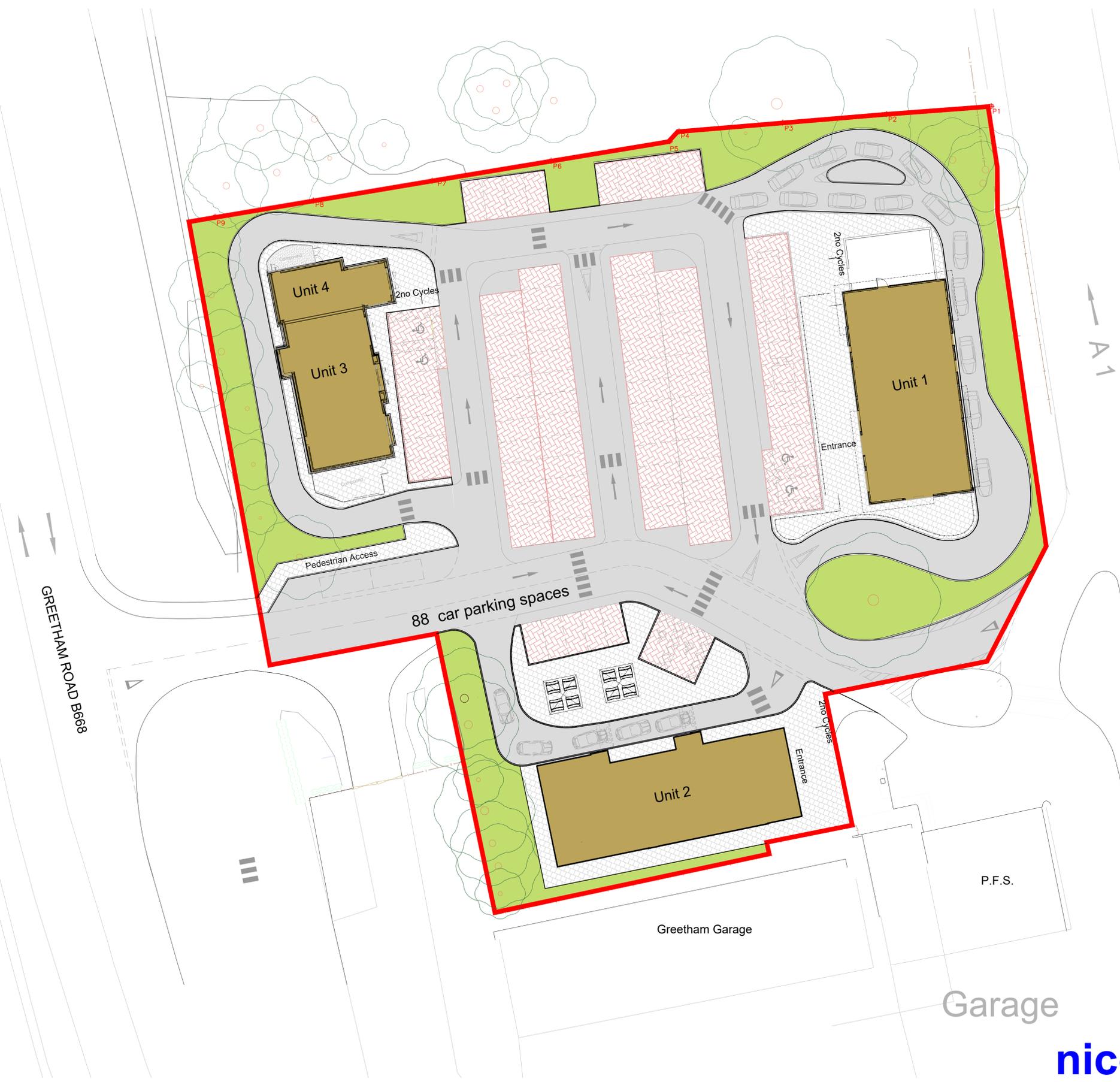
68. Further information is awaited on lighting and will be reported in the Addendum.
69. In accordance with new legislation coming into force on 1 October 2018, the applicant has been asked to agree all pre-commencement conditions before a permission can be issued.



71

Hard External Finishes

-  concrete block paving to parking bays.
-  Concrete pavement blocks to footpaths.
-  Tarmac finish to main roads
-  Concrete finish to compounds
-  Landscape area refer to separate landscaping architects drawing.
-  Application Site Boundary
Site Area = 1.66 acres



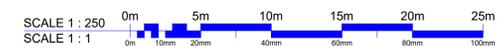
A1

A1

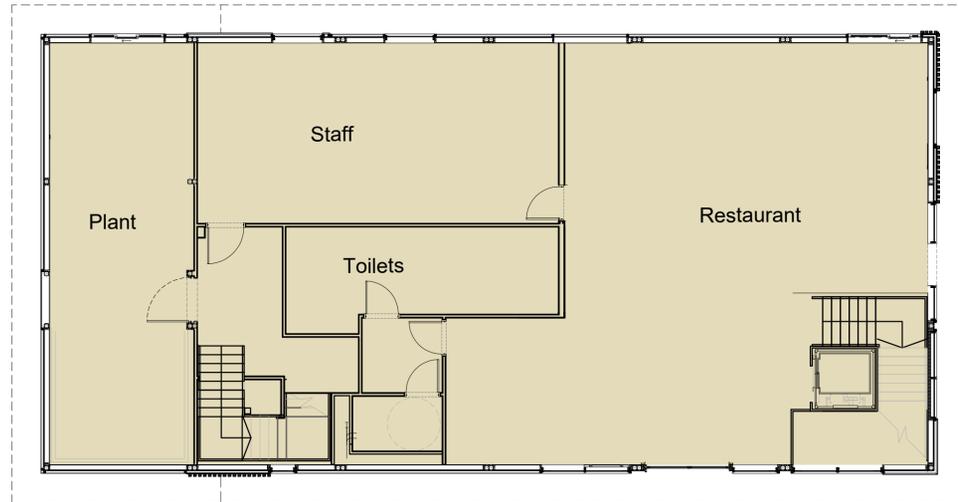
nicol thomas

Revision	Date	Details	
A	24.05.2018	Signage amended	PW
K	28.08.2018	Unit 2 adjusted to drive-by	RM
L	03.09.2018	Unit 2 location adjusted and drive-by amended to suit tracking	RM
M	04.09.2018	Adjustments made to suit tracking	RM
N	04.10.2018	Unit 1 footprint revised	RM
O	05.10.2018	Unit 1 adjusted	RM
P	09.10.2018	Coach parking removed	RM

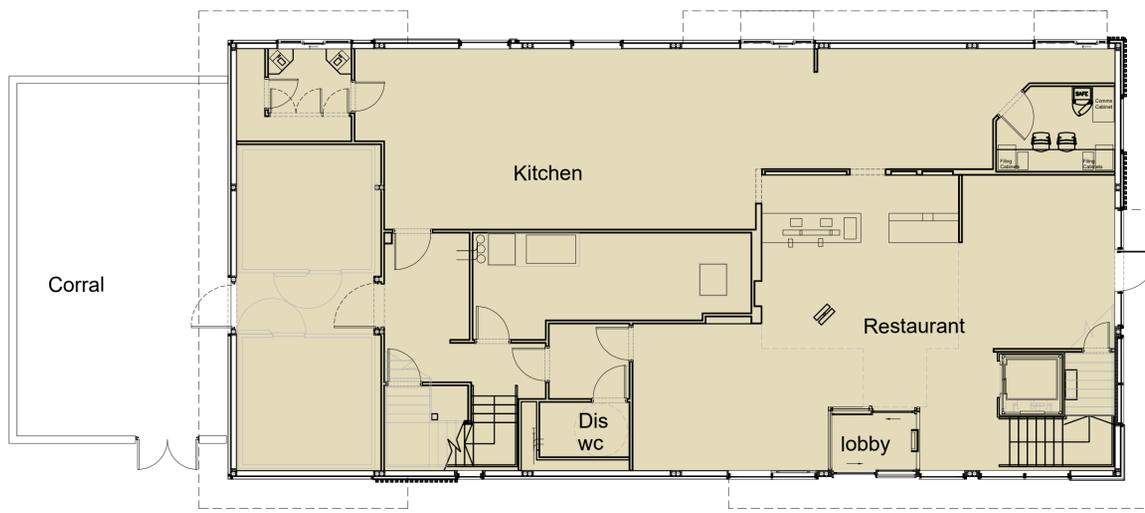
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Client:	Godwin Developments		
Job:	Ram Jam Inn, Stretton, Oakham		
Drawing title:	Site Plan		
Drawing Number: (Job number)	B6509	(PL)	02
Scale:	1:250@A1		
Date:	25.04.2018		
Drawn by/ checked by:	PW		
Revision:			P



FIRST FLOOR



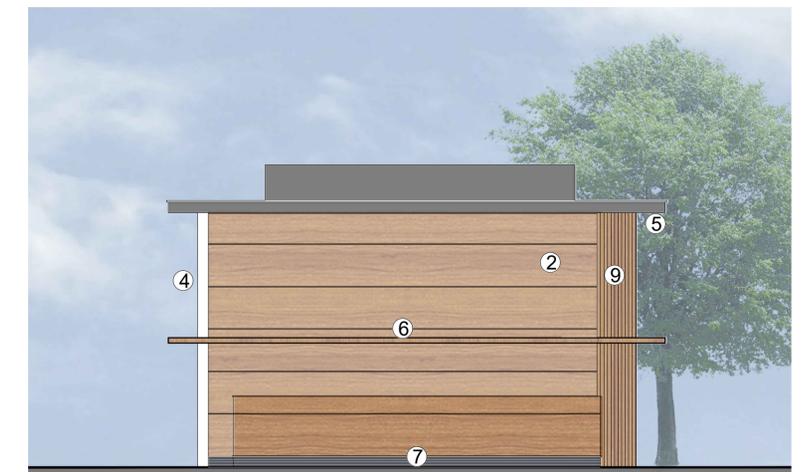
GROUND FLOOR



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

72

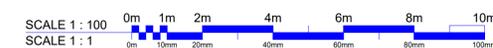
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Revision	Date	Details

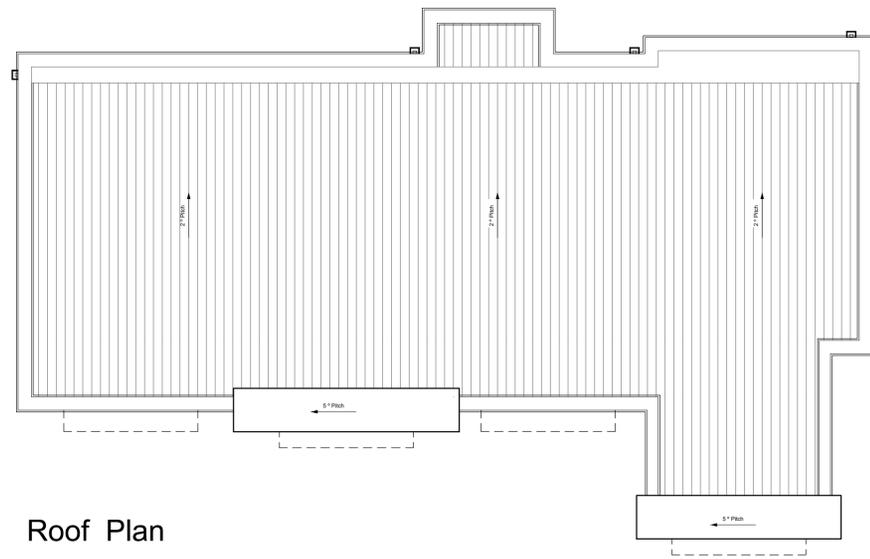
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Materials:

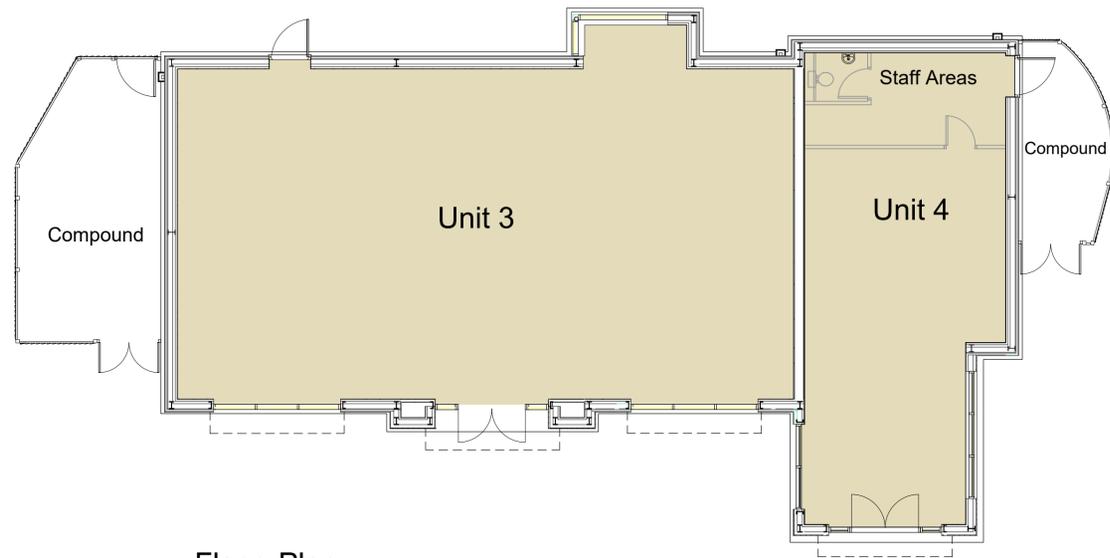
- ① Trespa Meeon Anthracite Grey Cladding
- ② Trespa Meeon Wooden Decor Italian Walnut Cladding
- ③ Glazing: Dark Grey RAL 7022 Aluminium curtain walling and window frames window and door frames
- ④ Composite Aluminium Panel Pure White RAL 9010
- ⑤ Projecting Canopy Dark Grey RAL 7022
- ⑥ Brise Soleil Aluminum Timber Effect finish
- ⑦ Dark Grey Engineering Brick Plinth
- ⑧ Dark Grey Delivery Door RAL 7022
- ⑨ Vertical Timber battens 70 x 70



Client:	Godwin Developments		
Job:	Ram Jam Inn, Stretton, Oakham		
Drawing title:	Unit 1 Floor Plans and Elevations		
Drawing Number: (Job number)	B6509	(PL)	03
Scale:	1:100@A1		
Date:	24.04.2018		
Drawn by/ checked by:	PW		



Roof Plan



Floor Plan



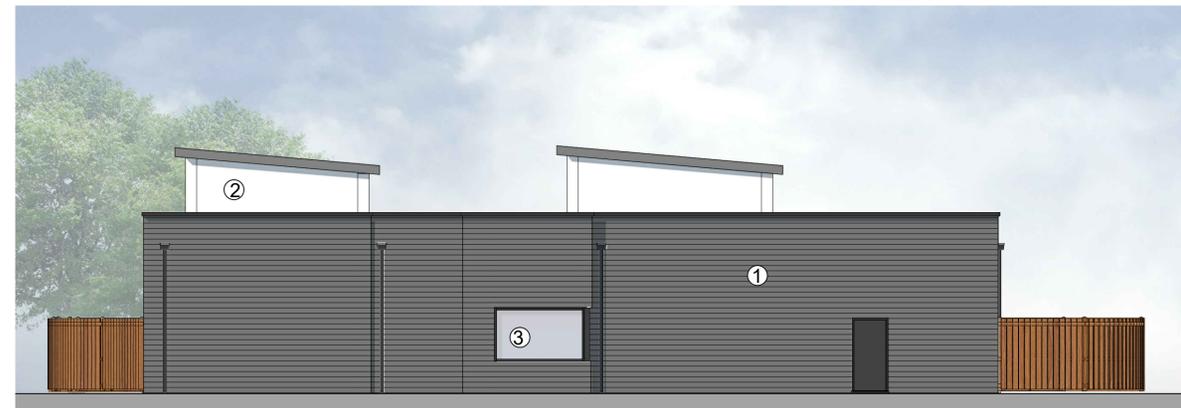
East Elevation



South Elevation



North Elevation



West Elevation

Note:

Signage shown indicative only, subject to separate planning application.

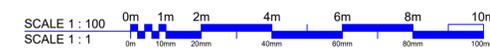
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Revision	Date	Details	
A	30.05.18	Signage amended	PW
B	01.06.18	Composite panels revised	PW

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Materials:

- ① Composite Cladding Charcoal
- ② Render: White
- ③ Glazing: Black ppc window and door frames



Client:	Godwin Developments		
Job:	Ram Jam Inn, Stretton, Oakham		
Drawing title:	Units 3 & 4, Floor, Roof Plans and Elevations		
Drawing Number:	B6509	(PL)	05
Scale:	1:100@A1		
Date:	8.03.2018		
Drawn by/ checked by:	PW		

PLANNING AND LICENSING COMMITTEE

23rd October 2018

APPEALS

Report of the Strategic Director for Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Steve Ingram, Strategic Director for Places (Environment, Planning & Transport & Highways)	Tel: 01572 758868 singram@rutland.gov.uk
	Justin Johnson, Interim Development Control Manager	Tel: 01572 720950 jjohnson@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/W/18/3199057 – Mr Robert Miles – 2017/1196/FUL**
 Manor House, Main Street, Clipsham
 Replacement conservatory/garden room. Conversion of existing outbuilding to living accommodation. Alterations to existing cart shed.

Delegated Decision – Refused due to the garden room being an inappropriate addition to the grade II* listed building, with its size and design adversely impacting its setting and significance, as well as unwarranted loss of historic fabric.

- 2.2 **APP/A2470/Y/18/3199054 – Mr Robert Miles – 2017/1197/LBA**
Manor House, Main Street, Clipsham
Replacement conservatory/garden room. Conversion of existing outbuilding to living accommodation. Alterations to existing cart shed.
Delegated Decision – Refused due to the garden room being an inappropriate addition to the grade II* listed building, with its size and design adversely impacting its setting and significance, as well as unwarranted loss of historic fabric.
- 2.3 **APP/A2470/Y/18/3202945 – Mr Robert Miles – 2018/0299/LBA**
Manor House, Main Street, Clipsham
Replacement Conservatory/Garden Room. Conversion of existing Outbuilding to living accommodation. Alterations to existing Cart Shed.
Delegated Decision - Delegated Decision – Refused due to the garden room being an inappropriate addition to the grade II* listed building, with its size and design adversely impacting its setting and significance, as well as unwarranted loss of historic fabric.
- 2.4 **APP/A2470/Y/18/3202407 – Mr Ian Balmer – 2017/1084/LBA**
Thatch Farm, 4 Spring Lane, Glaston
To alter 2 x no windows to ground floor. Centre bars reduced to 30mm (match other ground floor windows). New, flush fitting casements provided (to match existing). Use of heritage sealed double glazed units, as per enclosed.
Delegated Decision – Proposal would fail to respect the historic and architectural significance of the listed building and fail to preserve the setting of the listed building.
- 2.5 **APP/A2470/D/18/3208065 – Lindsay Taylor – 2018/0275/FUL**
81 Welland Way, Oakham
Single storey extension
Delegated Decision – The extension would result in a loss of an onsite parking space. The proposal would thereby result in two car parking spaces not being able to be accommodated within the curtilage of the application site.

3. DECISIONS

- 3.1 **APP/A2470/W/17/3190658 – Towngate Developments Ltd – 2017/0245/FUL**
Land to the south east of 4 Redmiles Lane, Ketton
Erection of a two storey dwelling and extension to existing garage (Revised scheme).
Appeal Allowed – 02 October 2018

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 **APP/A2470/C/17/3190600 – Towngate Developments Ltd – 2016/0145/CMP**

Land on the south-west side of Chapel Lane, Ketton

New house not being built in line with planning permission 2014/0747/FUL

Appeal Dismissed – 02 October 2018 (Subject to the corrections and variations specified on the decision the enforcement notice is upheld).

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.