

Rutland County Council

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

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held virtually on **Tuesday, 9th March, 2021** commencing at 7.00 pm when it is hoped you will be able to attend.

<https://zoom.us/j/92053079755?pwd=RUJKbGNDSG9wNlp3MkhYMkMxZkJSZz09>

Yours faithfully

Mark Andrews
Interim Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committees held on 9th February and the special meeting held on 2nd March 2021.

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) PLANNING APPLICATIONS

To receive Report No. 18/2021 from the Strategic Director for Places.
(Pages 5 - 20)

6) APPEALS REPORT

To receive Report No. 19/2021 from the Strategic Director for Places.
(Pages 21 - 24)

7) EXCLUSION OF THE PRESS AND PUBLIC

The Committee is recommended to determine whether the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provision of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in paragraph Part 1 of Schedule 12A of the Act – to be defined at the meeting if required.

8) ANY OTHER URGENT BUSINESS

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

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Mr I Razzell (Chairman)	
Mr N Begy (Vice-Chair)	
Mr P Ainsley	Mr E Baines
Mr W Cross	Mrs S Harvey
Mrs K Payne	Mr M Oxley
Miss M Jones	Mr A Brown

Ms A MacCartney	Mr N Woodley
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OTHER MEMBERS FOR INFORMATION

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REPORT NO: 18/2021

PLANNING AND LICENSING COMMITTEE

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

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

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Rutland County Council

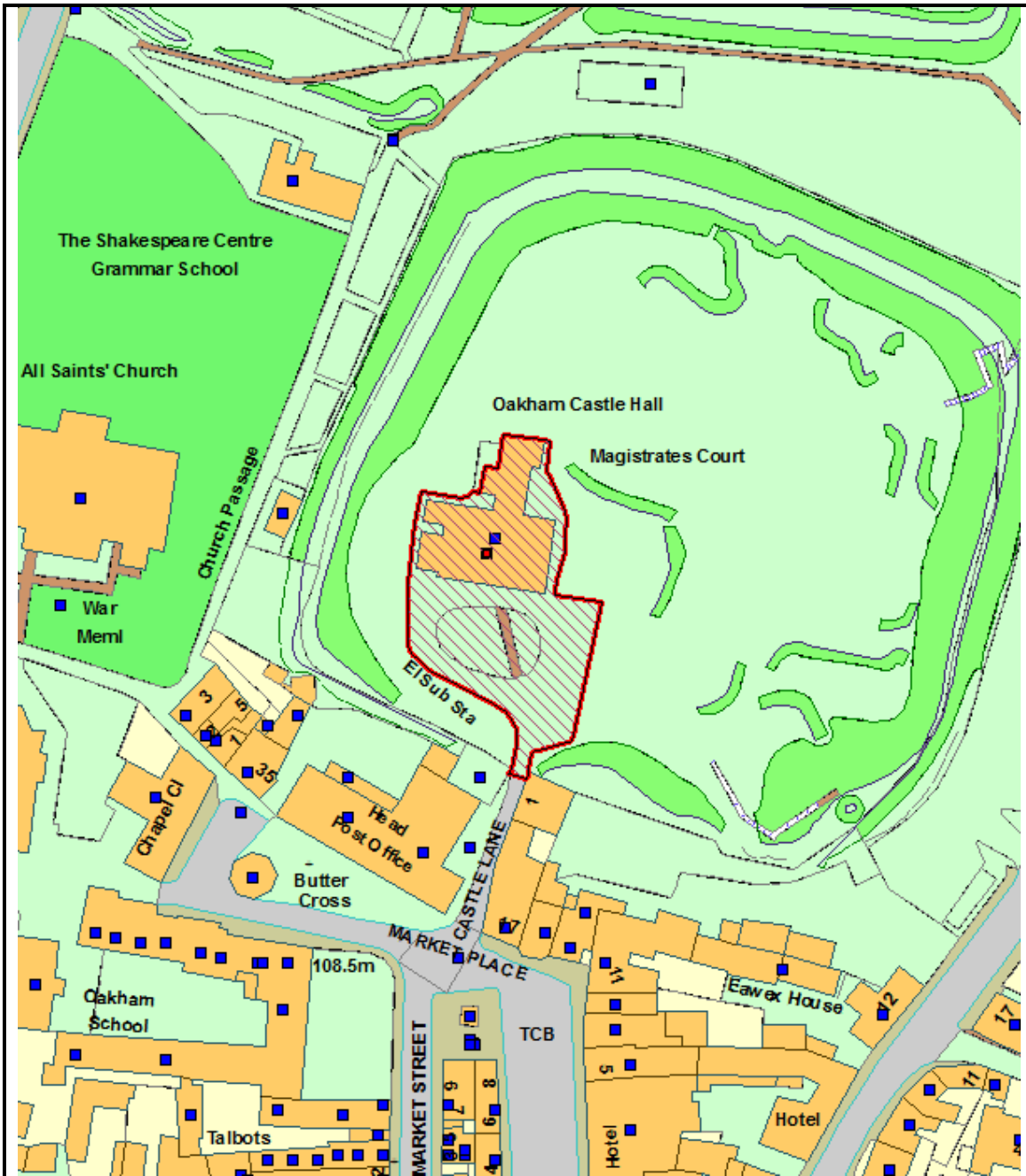
Planning & Licensing Committee – Tuesday 9th March 2021

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2020/1459/RG3	Rutland County Council Oakham Castle, Castle Lane, Oakham Regulation 3 application for change of use of the Court number 1 room, kitchen (total 55 square meters) and courtyard outdoors space (40 square meters) at Oakham Castle for a cafe.	Approval	
2	2021/0033/FUL	Abigail MacCartney Workshop off America Lodge Lane, Brooke Change of use of an agricultural building to B1 use.	Approval	

Appeals

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/1459/RG3	ITEM 1	
Proposal:	Regulation 3 application for change of use of the Court number 1 room, kitchen (total 55 square meters) and courtyard outdoors space (40 square meters) at Oakham Castle for a cafe.		
1Address:	Oakham Castle, Castle Lane, Oakham		
Applicant:	Rutland County Council	Parish	Oakham
Agent:	N/A	Ward	Oakham NE Ward
Reason for presenting to Committee:	Regulation 3 (Council Application)		
Date of Committee:	9 March 2021		

EXECUTIVE SUMMARY

This is a Council application to change the use of the back room/kitchen of the castle (and the adjacent outdoors area) to a café. In principle the café would be a compatible use with the Castle as a heritage attraction, and would not have a detrimental impact upon the town centre, the historic significance of the heritage assets, local amenity, or the surrounding area.

Notwithstanding this, a condition is included for a 12 month review of the use, to ensure that there isn't an unacceptable impact upon the educational offer of the Castle as a result of the change of use.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of the permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, labelled; Location Plan 1:1250, Block Plan 1:500, change of use floor plan.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. This permission shall expire one year after the change of use has been implemented, at which date the use shall cease and the area revert back to its original use.
REASON: To enable a review of the impact of the change of use upon the educational offer of the castle to be undertaken and properly assessed.
4. Prior to the use commencing, final details of bin storage for the café shall be submitted to and approved in writing by the Local Planning Authority. The use shall then commence in accordance with these agreed details.
REASON: To ensure that the siting of any addition bins for the café does not have a detrimental impact upon the setting of the surrounding heritage assets, or upon public amenity, and because final details have not been agreed during the lifetime of the application.
5. Prior to the use commencing, details of the hours of use shall be submitted to, and approved in writing by, the Local Planning Authority. The use shall then be restricted to these agreed hours.

REASON: To ensure that the hours of use are appropriate, in the interests of surrounding amenity.

6. No means of external artificial light shall be installed or operated for the cafe at any time.
REASON: In the interests of the setting of the grade I Listed building and its grounds.

Note to applicant

The roof voids are known to support a significant bat roost, which is protected by law from harm, disturbance or obstruction, as are any individual bats. Any works to the property, however minor, that could affect these roof voids or access to them (all parts of the roof structures, internal and external, including tiles, ridge, flashing, eaves, gables, soffits, bargeboards, chimneys, under-tile area, felting, joists, rafters, beams, boarding and ceilings, etc.) are likely to require a European Protected Species Licence. Failure to obtain this in advance of such work could lead to criminal prosecution.

Site & Surroundings

1. The site is Oakham Castle, located adjacent to the town centre, within the conservation area. The Hall itself is a Grade 1 Listed Building. Additionally, the Castle grounds are a Scheduled Ancient Monument. The site is accessed off the Market Place, between the Old Post Office Building and Café Nero.
2. To the rear of the main hall of the Castle is 'Court number 1 Room' which is used for meetings, exhibitions, functions in association with the hall as well as an educational space for visitors/school groups etc... Beyond this is a kitchen area, and rear access to the Castle grounds.

Proposal

3. The proposal is an application under Regulation 3 of the Town & Country Planning General Regulations (1992), where the County Council is the applicant and is carrying out the development itself, or jointly with another party.
4. The application seeks the change of use of the Court number 1 room, kitchen (total 55 square metres) and courtyard outdoors space (40 square metres) to a café use. The space would then be leased to a café owner to operate from. Castle Cottage Café has recently closed around the corner (with that site reverting back to residential use), and the owner has expressed interest in moving the business to here.
5. The applicant has advised that the food served will be mainly cakes, toasts/paninis and salads. There will be no deep fat frying or open fire cooking. The kitchen is well ventilated and there is no need for extraction or other plant. Additionally no internal alterations are proposed that would require Listed Building Consent.
6. The plan is attached as Appendix 1.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 6 - Building a strong, competitive economy

Chapter 7 - Ensuring the vitality of town centres

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Core Strategy DPD

- CS01 - Sustainable Development Principles
- CS02 - The Spatial Strategy
- CS04 - The Location of Development
- CS07 - Delivering Socially Inclusive Communities
- CS13 - Employment & Economic Development
- CS15 - Tourism
- CS17 - Town Centres & Retailing
- CS21 - The Natural Environment
- CS22 - The Historic and Cultural Environment

Site Allocations and Policies DPD

- SP15 - Design and Amenity
- SP17 - Outdoor Lighting
- SP19 - Biodiversity and Geodiversity Conservation
- SP20 - The Historic Environment

Neighbour and Parish Representations

7. **Oakham Town Council**
No comments received
8. **Historic England**
Can see the benefit of the proposal to the viability of the site, however concern about the potential impact on the listed building and the scheduled site, including;
 - a) Long term aspirations for the site
 - b) Erosion of Educational offer due to the loss of the room/create need for additional buildings in the future – would welcome temporary nature of the use for a year, after which a review of the impact could be established
 - c) Visual impact (any outdoor lighting/additional bins)
9. **Public Protection**
No objection.
10. **Property Services**
No objection
11. **LCC Ecology**
Records of bat roosts in the building, however given that no structural works are to be carried out a bat survey is not required. Note to applicant included.
12. **Conservation Officer**
No objection
13. 1 letter received from a local resident, supporting the application in general, but raising the following considerations;
 - Shouldn't have paper cups (due to waste/bin collection).
 - What provision will the Council make for groups that would use the room for meetings/exhibitions/craft sales etc..?
 - Concern about marques/live music in grounds/noise impacts

Planning Assessment

14. The main issues are the principle of development and the impact upon the heritage assets/amenity. The concerns from Historic England and the local resident are noted, and have been given due consideration.

Principle of Development

15. The Castle would have historically fallen under use class D1 (non-residential institutions). However from 1st September 2020, the Government introduced *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757)*. This has made radical changes to the various use classes, and under the amendment, the hall would now fall under **Use Class F1** (Learning and non-residential institutions).
16. Similarly a café would have historically been classed as an A3 use under the old use classes, however under the above amendment the café is now classed as **Use Class E(b)** (Sale of food and drink for consumption (mostly) on the premises);
17. While the castle is outside of the defined town centre, it is directly adjacent to it, and the proposed use of the area as a café is an appropriate town centre use. Additionally a facility such as this is a compatible use with a heritage attraction like the castle, as it would attract visitors to the castle, inline with the Council's policies on tourism.

Impact on educational space/offer

18. The potential impact as a result of the loss of educational space is noted. The applicant has advised that the café is to support/share the space with craft and exhibition events at the castle to enhance the overall experience. The castle team are also liaising with regular users of the space to provide services outside of the core café opening hours, and during café closed days, so such meetings and booking can still happen. Where this would not be possible they would look to utilizing spaces within the main Hall.
19. Notwithstanding this, some form of review of the use after 12 months would be reasonable in order to establish whether this relationship works. A condition has been included to this effect. Should the impact be considered too great, the café use would need to cease, and the space revert back to its previous use.
20. With the 12 month review condition in place, it is considered that the proposed change of use is acceptable, and in accordance with Sections 6, 7, 8, 9, 15 & 16 of the National Planning Policy Framework (2019), Policies CS01, CS02, CS04, CS07, CS13, CS15, CS17, CS21 & CS22 of the Adopted Core Strategy (2011), and Policies SP15, SP17, SP19 & SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on heritage assets/amenity

Lighting/bins

21. With regard to lighting, it is understood that this concern from Historic England arose from a superseded plan that showed lighting for a previous scheme. This plan is not part of the application and no outside lighting is proposed for the café, though a restrictive condition has been included, for the avoidance of doubt.
22. With regard to the bins, final details are to be conditioned, however a likely solution could be to hiring a space in the post office yard, between the castle and the post office, with access from the castle lane. The yard is not being used at present, the yard door is lockable, and the bins would be away from buildings and out of sight. There would be a small element of takeaway from the café that would generate some additional waste, though this would be ancillary and the majority of the food/drinks sold would be served on china/reusable cups/plates etc...

Marquees/music

23. With regard to the query about marquees/music, marquees have been used previously during the warmer months at the castle grounds. Given the nature of the proposed business and catering for events such as weddings for the hall there would likely to be some usage of a marquee in connection with the licensed use and parameters of the Castle as a wedding venue. If live music were to be part of a wedding/other event held at the Castle it would be kept to the legal level and cease as per the existing licensed hours.
24. The proposed use of the back of the castle and an outside seating area for a café would not have a detrimental impact upon the historic significance of the Castle, the Scheduled Ancient Monument, the Conservation Area, or local amenity, in accordance with the Section 16 of the NPPF (2019), Policies CS19 & CS22 of the Rutland Core Strategy (2011) and Policies SP15 & SP20 of the Site Allocations and Policies Development Plan Document (2014).

Other issues

25. Hours of use have not been finalised, and are conditioned to be agreed prior to commencement of the use.
26. In terms of car parking the castle has provision for up to 15 visitor spaces, with pay and display car parks around the town as well. It is in a sustainable location for the proposed use, and would not have a detrimental impact upon parking provision for the site or wider area.
27. The comments from LCC Ecology are noted, and a note to applicant is included.

Crime and Disorder

28. It is considered that the proposal would not result in any significant crime and disorder implications.

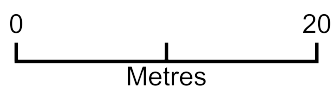
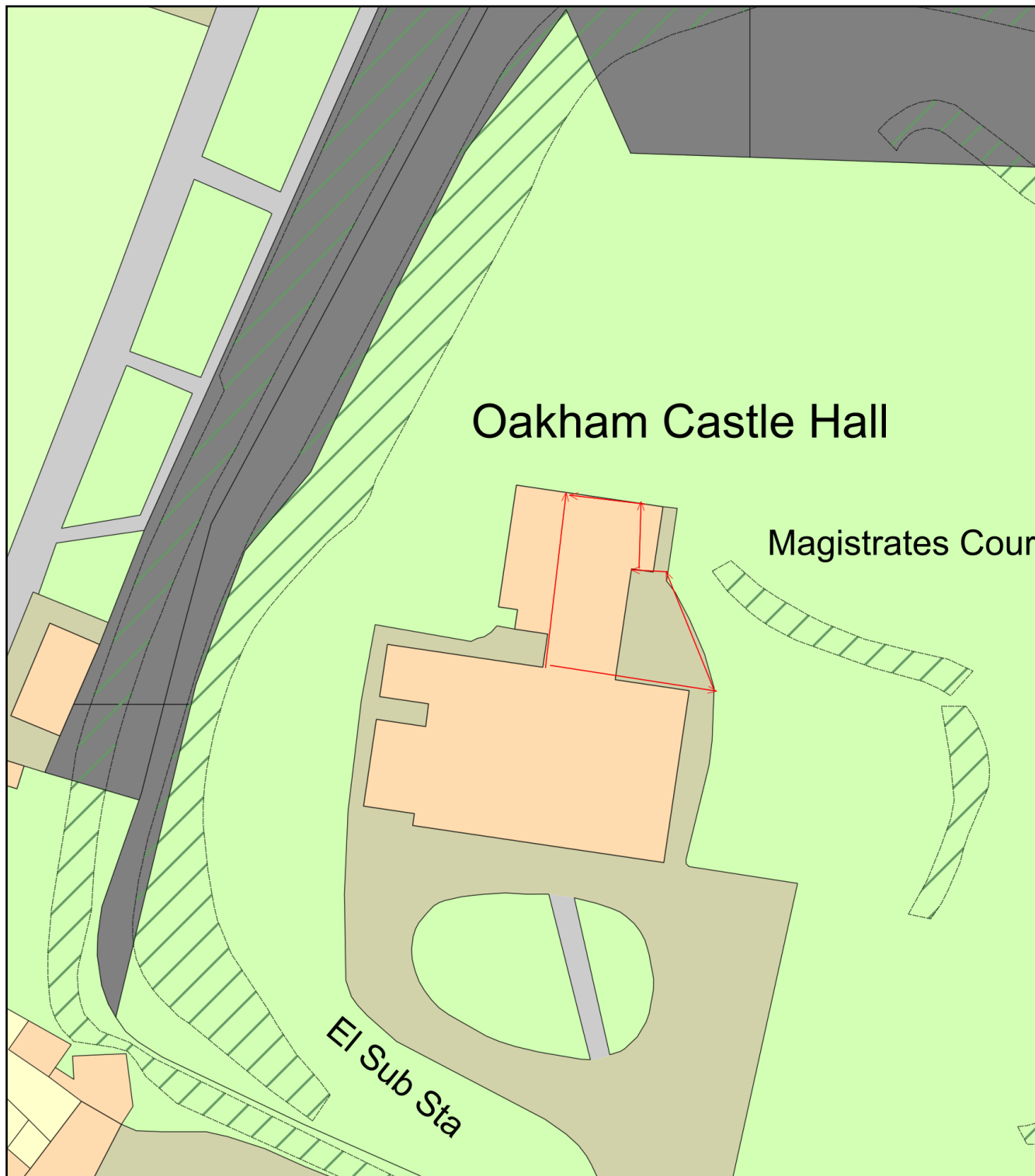
Human Rights Implications

29. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
30. It is considered that no relevant Article of that act will be breached.

Conclusion

31. The proposal has been assessed against the local and national planning policies and would not have a detrimental impact upon the town centre, the historic significance of the heritage assets, local amenity, or the surrounding area.

Oakham Castle; change of use of court no 1 room, kitchen and courtyard



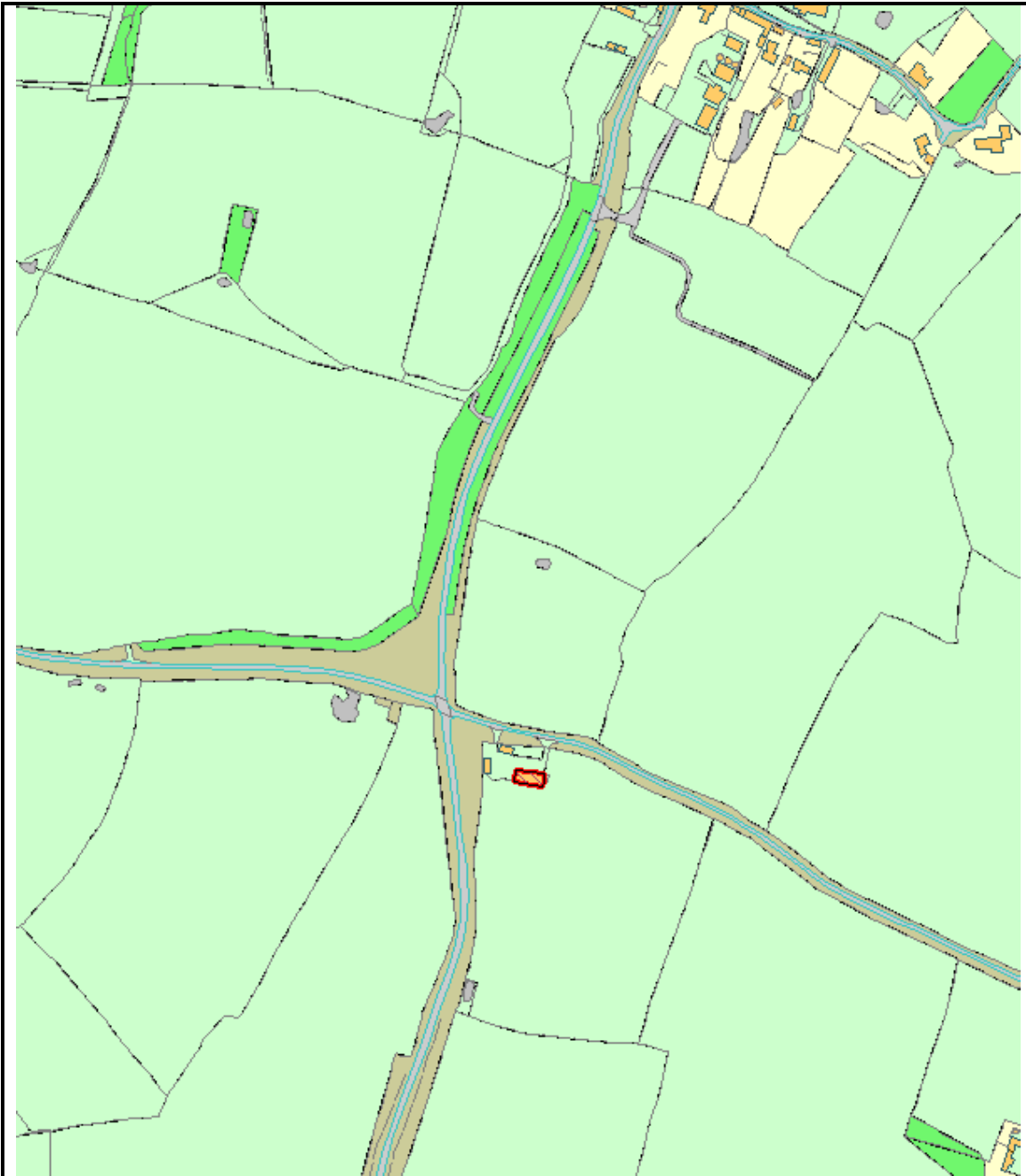
Plan Produced for: RCC, Ari Volanakis

Date Produced: 08 Jan 2021

Plan Reference Number: TQRQM21008120200481

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0033/FUL	ITEM 2	
Proposal:	Change of use of an agricultural building to B1 use.		
Address:	Workshop off America Lodge Lane, Brooke		
Applicant:	Abigail MacCartney	Parish	Brooke
Agent:	N/A	Ward	Braunston & Martinthorpe
Reason for presenting to Committee:	Member application		
Date of Committee:	9 March 2021		

EXECUTIVE SUMMARY

This is a retrospective application to use the former agricultural general purpose building for office, research & development and light industrial purposes. There are no objections from any consultees and the proposal is in line with development plan policy so can be approved.

RECOMMENDATION

APPROVAL, subject to the following condition:

1. The building shall only be used for purposes within Use Class E(g) (Office, Research and Development and/or Light Industry) of the Town & Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order and Class revising, re-enacting or replacing that Order or Class.
Reason: The site is in remote open countryside where other uses within Class E would not be appropriate by virtue of sustainability and impact on nearby local centres.

Site & Surroundings

1. The site is located on America Lodge Lane, close to its junction with Brooke Road and Braunston Road, approximately 620 metres south of the village of Brooke.
2. The existing building was erected under agricultural permitted development as a general purpose building in 2014/15.

Background

3. This is a small agricultural business performing agronomy, trials and testing of different crops, starting at America Lodge in 2006.
4. In 2013 the business won a large contract to perform testing of anaerobic digestion materials, digestates and feedstocks and outgrew its premises by mid 2014 but no suitable alternative premises could be found.
5. It remains the UK's largest grain lab with roots firmly in grain and crops. It employs 5 people.
6. As a guide, the current business split is approximately as follows:

Agricultural R&D and Quality Control – 50%
Anaerobic Digestion analysis (many customers are on farms) 50%

7. In addition to the use as the lab, the office also serves as the farm office serving the properties of America Lodge, Crossroads Farm, land at Uppingham and Flitteriss Park Farm west of Braunston.
8. The lab is also used for a lot of the applicants own on-farm analysis of soils, manures, faecal egg counts and feeding stuffs.

Proposal

9. It is proposed to continue the use of the building for agricultural related research and development, a use falling within new Use Class E(g) (Office R&D, light industrial) as set out in the background above.

Relevant Planning History

Application	Description	Decision
2014/1076/AGP	Prior Approval for agricultural building	Approved Dec 2014

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 6 – Building a Strong competitive economy

Site Allocations and Policies DPD (2014)

SP7 – Non-residential development in the Countryside
 SP15 - Design and Amenity

Core Strategy DPD (2011)

CS04 - The Location of Development
 CS13 – Employment and Economic development
 CS16 – The Rural Economy
 CS19 - Promoting Good Design

Other Policies

Submission Draft Rutland Local Plan –

This Plan still carries limited weight until it's adopted but now that it has been submitted for Examination, those policies that are not subject to objections can be afforded more significant weight.

Policy SD5 - Non-residential development in the countryside
 Policy E4 – The rural economy
 Policy EN3 - Delivering Good Design

Consultations

10. **Public Protection**
 No objection

11. **RCC Highways**
No objection

Neighbour Representations

12. None

Planning Assessment

13. The main issue is the principle of the use in open countryside.
14. The business is closely related to agriculture and provides local employment in a rural area. It also serves the needs of the immediate farming business. The policy supports re-use of rural buildings to employment uses so this proposal is wholly in line with current and emerging development plan policies set out above.

PLANNING AND LICENSING COMMITTEE

9th March 2021

APPEALS

Report of the Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Oliver Hemsley - Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Penny Sharp, Director of Places (Environment, Planning & Transport & Highways)	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, 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 None

3. DECISIONS

- 3.1 **APP/A2470/Y/20/3259600 – Mr N Townsend – 2020/0377/LBA**
3 New Row, Mill Street, Ryhall, Rutland PE9 4HG
Erection of single storey front porch and conversion of existing attic/loft space for habitable use, including insertion of 2 no. rooflights.
Delegated Decision
Split Decision 27th January 2021
Erection of single storey porch – Appeal dismissed
Conversion of attic loft space - Appeal allowed
- 3.2 **APP/A2470/W/20/3262096 – Mr Labruzzo – 2020/0835/RES**
Innisfree, 4 Stamford Road, Essendine, Rutland, PE9 4LQ
Reserved matters in relation to application 2019/0559/OUT (Outline application for 1.5 storey detached dwelling with some matters reserved) - appearance, landscaping, layout and scale.
Delegated Decision
Appeal Dismissed 9th February 2021
- 3.3 **APP/A2470/W/20/3262931 – Mrs Louise Brown – 2020/0843/PAD**
The Barn, Fairchilds Lodge, Lyddington Road, Caldecott, Rutland, LE16 8TE
Prior approval for proposed change of use of an Agricultural building to 3 no. dwellinghouses.
Delegated Decision
Appeal Allowed 9th February 2021

4. APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None

7. ALTERNATIVE OPTIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

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

10. EQUALITY IMPACT ASSESSMENT

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

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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

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