



Rutland County Council

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Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Rutland County Museum, Oakham and Via Zoom on Tuesday, 29th June, 2021 at 7.00 pm.

PRESENT:

Mr E Baines (Chairman)
Mr D Blanksby
Mrs K Payne
Mr W Cross
Mr M Oxley

Mr N Begy
Mr K Bool
Mr G Brown
Mrs S Harvey
Ms A MacCartney

**OFFICERS
PRESENT:**

Justin Johnson
Darren Burbeary
Nick Hodgett
Andrew Waskett-Burke
Sherrie Grant
Sue Bingham

Development Control Manager
Principal Planning Officer
Principal Planning Officer
Planning Officer
Locum Solicitor
Business Support Manager

IN

ATTENDANCE:

Cllr Rosemary Powell
Cllr Nick Woodley

Ward Member – Whissendine
Ward Member – Oakham South

1 APOLOGIES

Apologies were received from Cllr Lowe and Cllr A Brown.

2 MINUTES

The minutes of the Planning and Licensing Committee meeting held on 1 June were confirmed as a correct record.

3 DECLARATIONS OF INTERESTS

The Chairman, Cllr Baines, declared an interest in item 5, planning application number 4 2021/0012/FUL – Land adjacent to Sewage works, Seaton Road, Uppingham as he was a director of the Uppingham Homes Community Land Trust, the applicant in this case. Cllr Baines would leave the meeting for the duration of this item and the Vice-Chair, Cllr Begy would assume the Chair.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

There were several requests to speak and these would be heard under each of the applications they related to.

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Cllr Baines proposed a change to the running order of the published agenda as a ward member would be joining part way through to make a representation on the Braunston Road application. Therefore application 4, 2021/0012/FUL the affordable homes in Uppingham would be heard first, followed by application 5, units 2-3 Knights Yard, Oakham, then application 1 – Land off Braunston Road, Oakham followed by applications 2 and 3, the Whissendine and Ketton developments.

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5 PLANNING APPLICATIONS

Report No.83/2021 was received from the Strategic Director for Resources.

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As the Chair had declared an interest in this item he left the meeting and the Vice-Chair, Cllr Begy, took the Chair

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Item 1 (item 4 on the agenda) 2021/0012/FUL – Land adjacent to sewage works, Seaton Road, Uppingham

(Parish: Uppingham; Ward: Uppingham)

Mr Darren Burbeary, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending refusal.

Mr Ron Simpson, spoke first as the applicant, and argued that Community Land Trusts (CLTs) required exceptional consideration as they were usually built on difficult and challenging sites that did not attract the attention of traditional land developers. This enabled CLTs to offer homes at affordable prices relative to residents' actual incomes rather than market value. This would be the first CLT project in Rutland and Mr Simpson encouraged the Council to have the vision and courage to support this type of development and to approve the application subject to satisfactory air quality testing taking place. The agent Miss Helen Lowe spoke next and stressed that demand for affordable housing had been identified and approving the development as a rural exception site would meet this demand.

During questioning Miss Lowe said an ecology report had not been submitted but if this was a requirement of the committee this could be supplied if the decision was deferred.

The Committee moved to debate and the following points were noted:

- Notwithstanding the fact that it was sited next to a sewage treatment plant, the Ward Councillor, although very much in favour of affordable housing, felt that the

site was unsuitable as it was too far out of town and was prone to flooding on a regular basis.

- The applicant had originally said there was no odour problem but had since supplied a letter to the Planning Department, sent by him to Environmental Health, stating that the odour was now a real issue and was a statutory nuisance.
- No proper odour assessment of the site had been supplied.
- The speed limit onto the road out of the site was 60mph. As it was open countryside, it would be difficult to reduce this down to 30mph.

DECISION:

2021/0012/FUL -Land Adjacent To Sewage Works, Seaton Road, Uppingham, Rutland, Erection of 6 no. affordable apartments/maisonettes with associated access, car parking and landscaping

The Committee **RESOLVED** that the application be **REFUSED**. The full reasons for refusal can be found on the planning application page of the Council's website <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planning-applications-and-decisions/>

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Cllr Baines returned to the meeting and resumed the Chair

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Item 2 (item 5 on the agenda) **2021/0380/FUL** - Knights Yard, Gaol Street, Oakham Change of use from current retail use to a wine bar (sui generis)

(Parish: Oakham, Ward: Oakham North -East)

Mr Waskett-Burt, Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval.

Ms Ruth Hay, a member of the public who occupied the office above the premises spoke against the application and argued that her business, running a mediation service which required being able to listen carefully to her clients, meant that noise levels would be an issue. Congestion would also be an issue if the fire alarm went off and increased numbers would be congregating in the outside space.

The gates, which at the moment were locked at 6pm and afforded a degree of protection for the businesses at night, would presumably not be able to be locked if the wine bar went ahead.

Mr Chris Nix, the applicant, spoke in favour of the application. He anticipated that most of his custom would be in the evening and therefore the surrounding businesses would not be affected by increased noise levels. The wine bar would provide an alternative venue to the current options available in the town and by sourcing many local produced drinks and produce it would support the local economy.

The Committee moved to debate and the following points were noted:

- Within the building, no smoking would be allowed.
- The application before the Committee was about a change of use from retail to a wine bar. The License application had already been granted.

- If the building did not comply with building regulations on fire safety then the Council would be able to intervene in its role as building control authority, rather than that of a planning authority.
- Before use of the wine bar commenced a sound insulation scheme between the site and the first floor premises would be installed.

DECISION:

2021/0380/FUL - Mr Christopher Nix Unit 2-3, Knights Yard, Gaol Street, Oakham, Rutland, LE15 6AQ Change of use from current retail use to a wine bar (sui generis)

The Committee **RESOLVED** that the application be **DEFERRED FOR APPROVAL TO THE CHAIRMAN** subject to agreeing the wording on conditions.

The conditions of approval can be found on the planning application page of the Council's website <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planning-applications-and-decisions/>

Item 3 (item 1 on the agenda) **2020/1473/MAO** - Land Off, Braunston Road, Oakham, Rutland, outline planning application for the construction of up to 62 no. dwellings

(Parish: Oakham, Ward: Oakham South)

Mr Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval.

Mrs Jane Ellis spoke as a representative of Braunston Parish Council against the application. Mrs Ellis felt that looking at proposals before a draft Plan had been signed off was preemptive and it was difficult to understand how a decision could be made on this application at this point in time, particularly as the proposal did not seem to align with the Council's stated strategic objectives in the Local Plan that any development needed to access services locally, minimise travel to work and reduce carbon emissions, make as much possible use of brown field sites and protect the natural environment. The Parish Council therefore did not believe that the site was suitable and it was suggested that, at the very least, a decision on this proposal should be delayed.

Members sought clarification on the travel survey and were informed by the Highways Officer that although the census information regarding demographic data was from 2011 (which was the latest available data and included information on, for example, commuting journeys) the Transport Assessment had provided up-to-date traffic surveys for the local area.

Mr and Mrs Boulton spoke against the application as members of the public who lived adjacent to the proposed site. Mr Boulton stated that improvements to services and infrastructure needed to be made before any such development could proceed. The only access to the ring-road was via the railway crossing and increased traffic would result in even longer tailbacks when the crossing was down.

Mr Lewis-Roberts spoke as the agent on behalf of the applicant and referred to the fact that the site had been allocated for development in the draft Local Plan and as that Plan had already been submitted, he felt that the application held weight, particularly as there had been no objections to the site following the Regulation 19

consultation. In further support of the application, Mr Lewis-Roberts stated that there were no technical objections to the development from any of the statutory consultees, the S106 agreement would deliver c£500,000 to help grow local infrastructure, the site would include 19 affordable homes and the Council was reliant on the development to show that it had an adequate housing supply.

In response to Councillors' questions Mr Lewis-Roberts confirmed that the affordable homes would be built as they went and not left to the latter stages of the development and would be sited amongst the other homes being built.

In addition Mr Lewis-Roberts suggested that the s106 agreement could allow for the management of the open spaces to be transferred to a residents' management company or the town council to allay Councillors' fears that the land owners would operate it as a money making scheme and hold residents to ransom.

The Chair directed the Committee to the written submission from Cllr Razzell, one of the ward councillors for Oakham South, included in the addendum report.

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As the time was 9.20 and the debate had not yet started the Chair warned that it was unlikely that the remaining two applications would be heard within the time allowed and so gave those who were in attendance for these items an opportunity to leave.

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Next to speak was Cllr Woodley, one of the Councillors for Oakham South ward who felt that the five year housing supply should not override a decision on merit. Although it was a factor, there were other material planning considerations that should be assessed. These included the risk of flooding, the highways issue, ecology, and social amenities including medical services.

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The Chair proposed that a full extension of 30 minutes be taken and this was approved by the Committee.

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The Committee moved to debate and the following points were noted:

- Developers had to leave in excess of six metres when building near the high voltage line running overhead on site.
- The Braunston road was a very busy road and was already dangerous where it joined onto the Cold Overton road.
- The five year land supply could not be overlooked as it had many knock on implications for development elsewhere in the County.
- The five year supply was based on a 130 dwellings per annum so the development of 62 houses was roughly half a year's supply.
- The sites included in the five year supply were ones that would be deliverable and where there were statements of common ground.
- Concerns were expressed about non-determination and the officer confirmed that a previous extension of time was now out of date so there was a risk of this if the application came back to a later meeting
- The Chair expressed his own concerns about the application being on a greenfield site and was also not inclined to support it as he felt that it was the wrong time for it to be presented when the Local Plan had not yet been approved.

DECISION:

2020/1473/MAO - Mr Gareth Ball and Ms Amy Ball and Rosconn Strategic Land. Land Off, Braunston Road, Oakham, Rutland, Outline planning application for the construction of up to 62 no. dwellings (Use Class C3) with associated landscaping, open space and access, drainage and services infrastructure; to include details of access off Braunston Road, with all other matters reserved.

The Committee **RESOLVED** that the application be **APPROVED** subject to completion of Section 106. The conditions of approval can be found on the planning application page of the Council's website.

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planning-applications-and-decisions/>

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The Committee requested that an additional meeting be convened as soon as possible, and before the next scheduled meeting on the 27 July, in order to hear the outstanding Whissendine and Ketton applications which otherwise would be at risk of non-determination.

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6 APPEALS REPORT

The report was noted.

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The Chairman declared the meeting closed at 9.58 pm.

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