

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

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, 19th July, 2022** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
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/

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk, masks and sanitiser will be available at the meeting. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/87274373755>

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 21 June 2022 and receive an update on actions agreed in the minutes of the previous meeting.

(Pages 3 - 6)

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

Requests to speak on planning applications will be subject to the adopted Public Speaking Scheme.

To request to speak at a Planning and Licensing Committee, please send an email to Governance@rutland.gov.uk

5) PLANNING APPLICATIONS

To receive Report No.137/2022 from the Strategic Director of Places.
(Pages 7 - 10)

- a) 2022/0469/FUL
(Pages 11 - 16)

6) APPEALS REPORT

To receive Report No.138/2022 from the Strategic Director of Places.
(Pages 17 - 20)

7) ANY OTHER URGENT BUSINESS

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

8) DATE OF NEXT MEETING

Tuesday, 23 August 2022

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor E Baines (Chair)

Councillor P Browne (Vice-Chair)

Councillor N Begy

Councillor D Blanksby

Councillor K Bool

Councillor A Brown

Councillor G Brown

Councillor W Cross

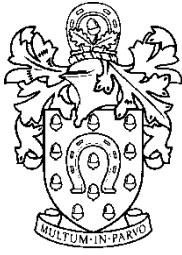
Councillor J Dale

Councillor A MacCartney

Councillor R Wilson

Councillor R Payne

OTHER MEMBERS FOR INFORMATION



Rutland County Council

Catmose Oakham Rutland LE15 6HP.
Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 21st June, 2022 at 7.00 pm

PRESENT:	Councillor E Baines (Chair) Councillor K Bool Councillor W Cross	Councillor D Blanksby Councillor A Brown Councillor J Dale
ABSENT:	Councillor P Browne Councillor G Brown Councillor R Wilson	Councillor N Begy Councillor A MacCartney
OFFICERS PRESENT:	Justin Johnson Nick Hodgett Sherrie Grant Tom Delaney	Development Manager Principal Planning Officer Planning Solicitor Governance Manager

1 APOLOGIES

Apologies for absence were received from Councillor Begy, G Brown, P Browne, MacCartney and Wilson.

2 MINUTES

Consideration was given to the minutes of the meeting held on 28 April and of both meetings held on 24 May.

It was moved by Councillor K Bool and seconded that the minutes of the 28 April meeting be approved. Upon being put to the vote the motion was carried with four votes in favour and two abstentions.

It was moved by Councillor A Brown and seconded that the minutes of the first meeting on 24 May be approved. Upon being put to the vote the motion was carried with five votes in favour and one abstention.

It was moved by Councillor A Brown and seconded that the minutes of the second meeting on 24 May be approved. Upon being put to the vote the motion was carried with four votes in favour and two abstentions.

RESOLVED

That the minutes of the meeting held on 28 April and the two meetings on 24 May be **APPROVED.**

3 DECLARATIONS OF INTERESTS

There were no declarations of interest.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations, questions or requests to speak on planning applications had been received.

5 PLANNING APPLICATIONS

Report No. 112/2022 was received from the Strategic Director for Places.

Item 1 – 2022/0078/FUL - Horse & Jockey, 2 St Marys Road, Manton. home Section 73 application to vary condition 2 of application 2020/1151/FUL - Demolition of existing garage and timber structure, proposed single storey side extension with roof terrace and first floor access with external stair access, general alterations.

(Parish: Manton; Ward: Braunston and Martinsthorpe)

Nick Hodgett, Principal Planning Officer, introduced the application and gave an executive summary, recommending approval subject to a condition outlined in the report.

During debate several Members expressed concern over the deviation from the originally submitted plans and that the staircase had already been built in the amended location prior to approval of any application. It was confirmed by officers that the applicant was not acting illegally in having built the staircase unless and until an enforcement notice was served.

Several Members felt that it was important to support local businesses and that with further conditions to amend the colouring and appearance of the staircase, such as through cladding, the application would be acceptable.

It was moved by Councillor A Brown and seconded that the application be approved subject to the condition in the report and an additional condition that:

- Details should be submitted within one month of the staining of timber and the painting and cladding of the staircase, in order to ensure the structure fitted in with the local area.
- That the details be agreed in consultation with the Ward Members.
- That the amendments be implemented within two months of agreement.

Upon being put to the vote, with four votes in favour and two against the motion was carried.

RESOLVED

That application be approved subject to the condition in the report and additional condition that:

- a) Details should be submitted within one month of the staining of timber and the painting and cladding of the staircase, in order to ensure the structure fitted in

with the local area. And that the details be agreed in consultation with the Ward Members and be built within two months of agreement.

The full list of conditions can be found on the Council's planning portal: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/viewplanningapplications-and-decisions/>

6 APPEALS REPORT

Report No. 113/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

That the contents of the report be **NOTED**.

7 ANY OTHER URGENT BUSINESS

There were no items of urgent business for consideration.

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The Chair declared the meeting closed at 19:50

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REPORT NO: 137/2022

PLANNING AND LICENSING COMMITTEE

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

REPORT OF THE STRATEGIC DIRECTOR OF PLACES

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Rutland County Council

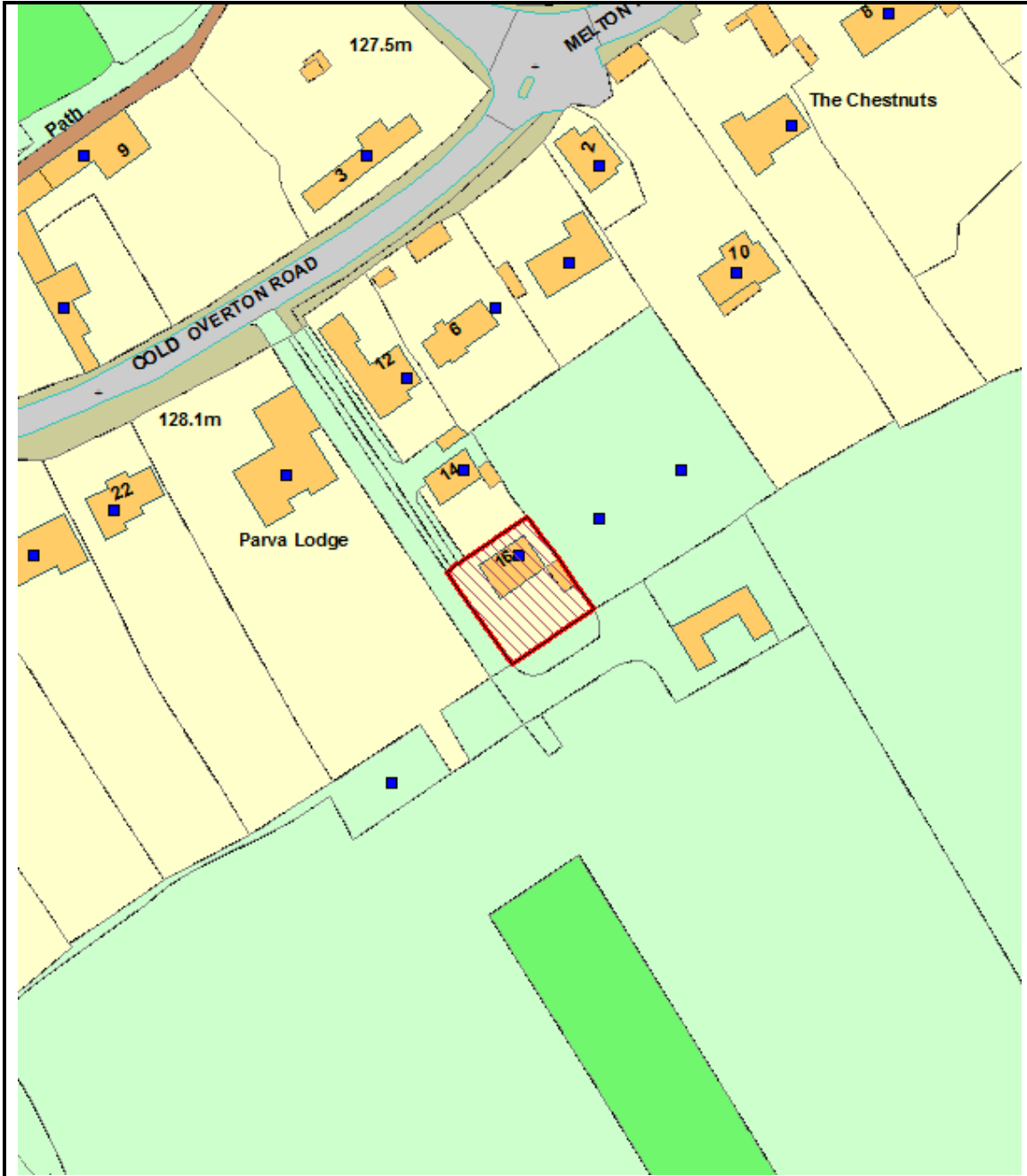
Planning & Licensing Committee – 19th July 2022

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1.	2022/0469/FUL	Ms J Dodman Serendene, 16 Cold Overton Road, Langham, LE15 7JG Two storey side and rear extension and associated works to existing dwelling. Detached garage.	Approval	7-12

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2022/0469/FUL



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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0469/FUL	ITEM 1	
Proposal:	Two storey side and rear extension and associated works to existing dwelling. Detached garage.		
Address:	Serendene, 16 Cold Overton Road, Langham		
Applicant:	Ms J Dodman	Parish	Langham
Agent:	Mr Chris Froggatt Architectural Building Design Services	Ward	Langham
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	19th July 2022		

EXECUTIVE SUMMARY

This is a minor household development for a two-storey side and rear extension and detached garage. The proposal would sit within the residential curtilage, and there is no material planning consideration to object this type of development in already managing land.

RECOMMENDATION

APPROVAL, subject to the following conditions:

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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers unmarked Site Location Plan dated 28.04.2022, unmarked Block Plan dated 14.04.2022, 1660-04 REV E Proposed Elevations, 1660-03 REV E Proposed Floor Plan, 1660/05 Garage Elevations, 1660/06 Section Y-Y Plan, 1660/07 Section Z-Z Plan, and details specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the work above the ground level begin a sample of the external material shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because final details have not been agreed during the lifetime of the application.
4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting that Order with or without modification); the new first-floor windows in the north-east elevation and the first floor bathroom window in the northern elevation shall be obscurely glazed and fixed-opening where any part of the window is below 1.7metres in height when measured from the internal floor level. The development hereby permitted shall be occupied until these measures have been implemented and they shall thereafter be permanently retained in this approved form.
Reason: To protect the privacy and amenities of the occupiers of adjoining property.

INFORMATIVES

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Site & Surroundings

1. The application site is located within Langham Conservation Area. The existing property comprises a two-storey detached dwelling, situated within a residential area.

Proposal

2. The development seeks permission to amend the scheme approved under reference 2020/0665/FUL. The proposals include a rear extension with room in the roofspace and a detached garage. The ridge height of the dwelling would be increased from approximately 6.1m to approximately 6.9m.

Relevant Planning History

Application	Description	Decision
2016/1105/FUL	Extension and alterations to existing dormer bungalow	Approved
2020/0665/FUL	Extension and alterations to existing dormer bungalow. Proposed detached garage	Approved

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2021) Section 12
NPPF (2021) section 16

The Rutland Core Strategy (2011)

CS19 – Promoting Good Design
CS22 – The Historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity
SP20 – The historic environment

Langham Neighbourhood Plan

Section D Character of Landscape

Representations

3. Langham Parish Council

The property is within both the Article 4 Direction and the Conservation Area of Langham.

The DAS is rather low on detail, and both the Block Plan and aerial view picture are out of date and do not show the development of 3 houses on Cold Overton Road. This house, 10 Cold Overton Road, seems to be missing from the Notified Neighbours list, but likely to be most affected by the extension, and therefore attention should be given to the windows facing east. The first-floor windows of the extension on the east side have the landing dormer window of obscured glass on drawing 1660/04 but not the bathroom window, contradicting what is in the DAS. The agricultural building mentioned in the DAS is in fact

south of the neighbouring property to the east. It is worth noting that this building is actually an equestrian building rather than an agricultural building, without planning permission and situated on the Green Separation Zone as described in Langham's Neighbourhood Plan.

Although the property cannot be seen from the road, the proposed garage will be, so it is pleasing that the plan states the materials for the garage will be 'facing brick and tiled roof to local authority approval' and this should be adhered to and match nearby properties.

The house has been extended a number of times, and the layout and external appearance will benefit from what is proposed. Plan 1660/04 shows the size of the extension compared to the existing dwelling, and our concern is that the size of the two-storey extension seems to be tripling the size of the property. Although currently RCC is lacking a Local Plan, consideration should be given to Design Guidelines for Rutland and South Kesteven SPD (2021) which states under 6G Extensions: Scale/size - The extension is expected to respect the scale and character of the existing dwelling.

Recommend Approval if clarity is given to the large size if the extension meeting the Design Guidelines for Rutland mentioned above, and other points raised above acted upon.

Consultee Comments

The following consultee comments have been received from relevant professional bodies and advisors and have been taken into consideration by Officers in the assessment of this application.

4. Ecology

Please just add the following note to applicant re bats for this planning application (2022/0469/FUL):

'The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls'.

5. Highways

I have now reviewed the application and provide the following comments on behalf of the LHA:-

There is no existing site block plan showing where parking and turning currently occur and the proposed block plan shows no detail in relation to parking, turning or shows dimensions to demonstrate what level of parking/turning will be made available post development. However, the proposed floor plan does show the garage and wording for parking, which would appear to be suitable for only one additional vehicle plus the garage, and it would appear that turning is not achievable to ensure all vehicles enter and leave the site in forward gear.

The proposed floor plan shows 9 habitable rooms and as such would require a minimum of 3 allocated parking spaces in accordance with Appendix 2 of the Site Allocations & Policies DPD 2014. 3 parking spaces are unachievable within the site with the garage in the proposed location. Even assuming that turning is achievable for one vehicle the LHA suspects that provision of 3 parking spaces would result in an under-provision of amenity

area for a dwelling of this size. In any event, given the constraints of the site, it would not appear feasible for independent manoeuvring and turning of vehicles.

The site edged red does not abut the public highway, but clearly the existing house has at minimum a right of access along the shared access track. Personally, I would request an updated site location plan to include the shared access track and notice should be served accordingly.

Based on the above assessment the LHA would recommend refusal on the basis that the proposal does not provide adequate parking and turning for the proposed development, which is contrary to Policy SP15 of the Rutland Local Plan Site Allocations & Policies DPD 2014.

Neighbours and Members of Public

6. Two representations have been received objecting to the proposal and the points raised can be summarised as follows:
 - Site is in a conservation area,
 - The existing properties in area are bungalows and provide accommodation for over 55's this proposal is contrary to that aim,
 - Overbearing and adverse impact on residential amenity,
 - Impact on biodiversity

Other concerns raising issue not relating to this application or the applicants land have also been raised and passed on to the enforcement officer.

Planning Assessment

7. The proposed development is a revised scheme of the proposal reference 2020/0665/FUL. The proposed amendments would modestly increase the height of the dwelling. The proposed alterations would not have a significant impact on the appearance of the already approved development although the rear elevation would be two storey for its full length.
8. The site is set back from the main road and its visibility from the public scene is limited. As such, the development would not affect the character and appearance of the conservation area of Langham and would not be contrary to the relevant planning policy. The overall height of the proposed dwelling would be similar to the new development adjacent to the site.
9. Concerning the comments about boundary disputes. The plans of the proposal indicate that the development would be located within the residential curtilage. The boundary dispute is not a material planning consideration.
10. The comments from the Local Authority Highways have been full considered. However, the proposed garage has been approved under the reference 2016/1105/FUL and 2020/0665/FUL. The amended proposal would not increase demand for parking space above that which the property has and the already approved scheme. There whilst the highway authority comments are noted it would be unreasonable to use as a reason for refusal in this instance given the previous approvals.

Impact on the neighbouring properties

11. The proposed amendments would not lead to any unacceptable impact on the neighbouring properties. Conditions have been recommended to avoid overlooking by obscure glazing windows on the north eastern boundary. Whilst the two storey element

running the full length of the rear garden would have more impact than the approved scheme it is considered that this is still within acceptable limits.

12. Given the above, it is considered that the proposed amendments would comply with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015).

Conclusion

13. Given this, the proposal by virtue of the design and scale would be in keeping with the host dwelling, street scene and surrounding in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015). The proposal would not be contrary to the Langham Neighbourhood Plan (2017).

PLANNING AND LICENSING COMMITTEE

19 July 2022

APPEALS

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Rosemary Powell – Deputy Leader & Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	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 APP/A2470/W/22/3295674 – Mr Tony Wray – 2021/1405/FUL

Land east of Cemetery Lane, Manton, Rutland

Retention of existing building for use as an Artist's Studio.

Delegated Decision - The application site is located outside the Planned Limits of Development for Manton. Existing policies only allow for the conversion and re-use of appropriately and suitably constructed rural buildings in the open countryside and does not apply to new build in accordance with the Council's Core Strategy Policy CS4 (Location of development). The artist studio would fail to contribute positively

to the local distinctiveness and sense of place, being inappropriate and unsympathetic to its landscape setting in terms of the location, scale, design, siting and use. As such the development would be contrary to Adopted Local Plan Policies CS4 (Location of development), CS19 (Good design), of the adopted Core Strategy (2011) and Policies SP6 (Housing in the countryside), SP7 (Non-residential development in the open countryside), Policies SP13 (agricultural, horticultural, equestrian and forestry development), SP15 (Design and amenity) and SP23 (Landscape character in the countryside) of the adopted Site Allocations and Policies Development Plan Document (2014) together with the advice in Chapters 6 and 12, of the NPPF (2019).

2.2 APP/A2470/D/22/3295803 – Mr David Taylor – 2021/1134/FUL

The Limes, 42 Burley Road, Langham

Retrospective application to tarmacadam driveway and yard.

Delegated Decision - The Limes is a Grade II Listed, early C19 house located within the Langham Article 4 Conservation Area. The house is set well back from the road behind a brick and stone wall. It has dual entrances off Burley Road with recently erected gates recessed several metres back from the public highway. The area between the gates and the public highway is surfaced in loose gravel and beyond the gates the driveway has been surfaced in tarmacadam. Formerly, the driveway was surfaced in gravel with rutted, earth tracks with some modern concrete aprons. The driveway is part of the setting of the house and contributes to the manner in which the property is experienced. It is considered that the driveways provide a formal approach to house and surfacing of the driveways in a non-traditional material more suited to an urban setting, such as tarmacadam, detracts from the setting of the Listed building and erodes the rural character and appearance of the Conservation Area. The proposal would, in the opinion of the LPA result in less than substantial harm to the setting of the Grade II Listed Building and the character and appearance of the Langham Article 4 Conservation Area without any compensatory public benefits and is, therefore, contrary to national planning policies contained in Sections 12, and 16 of NPPF (July 2021), Policy CS19, and CS22 of the Rutland Core Strategy (2011) and Policy SP5, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) ,Policies CH1 and D3g of the Langham Neighbourhood Plan.

3. DECISIONS

3.1 APP/A2470/W/22/3293770 – Mr Alan Freeman – 2021/0485/FUL

The Rutland Point, 5 Glaston Road, Morcott, Oakham, LE15 9DL

Change of use of one staff flat and one guest house manager's flat to short-term letting accommodation.

Refused – Delegated Decision

Appeal Decision: Dismissed 9 June 2022

3.2 APP/A2470/W/22/3291051 – Mr Michael Allen – 2021/0698/FUL

Brooke Priory School, Station Approach, Oakham, Rutland, LE15 6Q

Construction of a new artificial multi use games area (MUGA) with associated sports lighting, fencing and ancillary features for pupils at Brooke Priory School. Includes a change of use from domestic gardens to school.

Refused – Committee Decision

Appeal Decision: Allowed 14 June 2022

- 3.3 APP/A2470/W/21/3289079 – Kaybee Developments Ltd – 2021/1359/FUL**
Pridmores Haulage, 1 Tippings Lane, Barrowden
Demolition of Commercial buildings and construction of 2 dwellings and associated access and external works
Refused – Delegated Decision
Appeal Decision: Dismissed 27 June 2022
- 3.4 APP/A2470/W/21/3284377 – Mr Paul Chenery – 2021/0446/PAD**
Town Park Farm, Oakham Road, Brooke
Change of use of agricultural building to form 1 No. Dwelling; and building operations reasonably necessary to convert the building to a dwelling.
Refused – Delegated Decision
Appeal Decision: Dismissed 28 June 2022
- 3.5 APP/A2470/W/22/3293464 – Mr Paul McSorley – 2021/0018/MAF**
Land North of A47, Duddington Way, Uppingham
Proposed roadside services and recharge centre, comprising eight pump petrol filling station including supporting retail unit (330m²) and canopy, four electric charging stations, drive thru coffee shop (165m²), new vehicular access, drainage, parking and landscaping.
Refused – Committee Decision
Appeal Decision: Dismissed 01 July 2022
- 3.6 APP/A2470/W/21/3287842 – Mr David Joyce – 2021/0455/FUL**
9 Whitwell Road, Empingham.
Application for vehicular access.
Refused – Delegated Decision
Appeal Decision: Dismissed 04 July 2022
- 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.