



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto: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, 14th March, 2023 at 7.00 pm

**PRESENT:**

Councillor E Baines (Chair)	Councillor N Begy
Councillor D Blanksby	Councillor A Brown
Councillor G Brown	Councillor J Dale
Councillor A MacCartney	Councillor R Payne
Councillor R Wilson	

**ABSENT:**

Councillor P Browne	Councillor K Bool
Councillor W Cross	

**OFFICERS PRESENT:**

Justin Johnson	Development Manager
Nick Thrower	Principal Planning Officer
Sherrie Grant	Planning Solicitor
David Ebbage	Governance Officer

## 1 APOLOGIES

Apologies were received from Councillors K Bool, P Browne and W Cross.

## 2 MINUTES

Consideration was given to the minutes of the meeting held on 14<sup>th</sup> February 2023.

## RESOLVED

a) That the minutes of the meeting on 14<sup>th</sup> February 2023 be **APPROVED**.

## 3 DECLARATIONS OF INTERESTS

There were no declarations of interest.

## 4 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 7, Planning Applications:

In relation to 2022/0778/FUL, Tim Hills spoke as the member of the public supporting the application, Andy Williamson spoke as a representative from Market Overton Parish Council and Matt Taylor spoke as the agent.

## **5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023 CONSULTATION**

Report No.51/2023 was introduced by Angie Culleton, Head of Public Realm.

The report proposed consultation with key stakeholders on the draft taxi licensing policy. The new policy would provide guidance and information regarding the general approach taken by Rutland County Council, when administering its functions within the legislative framework of The Town and Police Clauses Act 1847 and the provisions within The Local Government (Miscellaneous Provisions) Act 1976. A draft of the proposed policy was attached and would be subject to change following the consultation.

Members made several comments and noted the report.

### **RESOLVED**

That the Committee:

- a) **NOTED** the proposal to consult on the draft hackney carriage and private hire licensing policy with key stakeholders, the outcome of which would be reported back to the Committee at the next available meeting in Summer 2023.

## **6 PROPOSED DIVERSION OF FOOTPATH E229, KETTON**

Report No.39/2023 was introduced by Stuart Crook, Highways Asset Management and Policy Manager.

The report considered an application which was submitted on 9th of February 2022 by Kate Wood of Eddisons on behalf of Beeson Wright Limited to divert part of a public footpath E229 in the parish of Ketton, as shown in the appendix to the report.

The application was made under section 257 of the Town and Country Planning Act 1990 (the 1990 Act), which gives the local planning authority (Rutland County Council) the power to make orders to extinguish or divert footpaths, bridleways, or restricted byways where it is necessary to enable development for which planning permission had been granted.

Members raised concerns around the shared surface and if the road could be more clearly defined for road users by additional signage. Officers responded to Members of the Committee and were happy to take that recommendation away to discuss with the developers.

It was moved by Councillor G Brown and seconded that the application be approved subject to the conditions in the report and the additional informative suggested by Members to have further discussions with the developer around pedestrian safety. Upon being put to the vote, this was unanimously carried.

### **RESOLVED**

That Committee:

- a) **APPROVED** the application to divert public footpath E229 and authorised legal services to make an order under section 257 of the Town and Country Planning Act subject to the conditions and the informative.

## 7 **PLANNING APPLICATIONS**

Report No.45/2023 was received from the Strategic Director of Places.

Item 5a – 2022/0778/FUL – Land South of Lodge Trust, Main Street, Market Overton. Erection of 8 dwellings, comprising 5 no. bungalows and 3 no. two-storey houses. Formation of a new access onto Main Street.

(Parish: Market Overton; Ward: Cottesmore)

## 8 **2022/0778/FUL**

Nick Thrower, Principal Planning Officer, introduced the application and gave an executive summary, recommending refusal for the reasons outlined in the report.

Prior to the debate the Committee received deputations from Tim Hills who spoke as the member of the public supporting the application, Andy Williamson who spoke as the representative from Market Overton Parish Council and Matt Taylor who spoke as the agent. The Committee also had the opportunity to ask questions of these speakers.

It was clarified by the agent through questions from Members that the trees on the development on the western boundary were owned by the applicant and a tree preservation order had been placed on the trees.

It was highlighted to Members in the addendum report with an amended highways plan submitted, the highways objection to the proposal had been removed.

Following a further presentation from the Planning Officer and Councillors MacCartney and Harvey speaking as Ward Members, the Chair opened the debate. During the debate the following points were raised:-

- Members were in agreement that the proposed development was outside the planned limits of development and if members were in agreement for this application, other applications would wish for the same outcome. Concerns were raised around the precedent which would be set by the Council if the application would be approved.
- Each application had to be looked at on its own merits, in response to a question by members around precedent, officers confirmed that if Members approved this application and refused another which also was outside the planned limits of development, the likelihood of this application being brought up at appeal was likely.
- Members agreed that the neighbourhood plan did not set out any proposed sites for development which made the site contrary to policy.

- Concerns were raised over the level of shading from the trees situated on the western side of the site and the lack of bio-diversity net gain. Officers confirmed that a bio-diversity net gain plan had been provided and if the application was approved, then the plan would be seen by the ecologist for comment and to ensure an appropriate management scheme was in place either by a condition or through a Section 106 agreement.
- Members highlighted that the Market Overton Neighbourhood Plan had only been approved less than a month ago and residents were not wanting to work towards it and to make changes to it.
- It was pointed out quite clearly in the Council's Local Plan that developments outside planned limits of development were not accepted unless exceptions applied. Members struggled to see the exception for this application.
- The potential impact on the view to the entrance of the village was raised, Members were unsure to how it would not affect the village entrance.
- Members felt the application was premature, was not in line with the neighbourhood plan, should wait until the call for sites had been evaluated across the County.
- The Ward Member highlighted that the application was fully supported by the local community and the current PLD limits within the village had no further space for expansion so felt this was an exceptional circumstance and should be approved.

It was moved by Councillor G Brown and seconded that the application be refused. Upon being put to the vote, with 8 votes for and 1 vote against, the motion was carried.

## **RESOLVED**

- a) That application 2022/0778/FUL be **REFUSED** for reasons outlined by the Planning Officer and agreed by Members within the debate.
- b) The full list of reasons 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-planningapplications-and-decisions/>

## **9 APPEALS REPORT**

Report No. 46/2023 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**

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

### **10 ANY OTHER URGENT BUSINESS**

Councillor A Brown raised one item of urgent business on a recent application where a footpath was to be diverted by a developer in Langham. It was no longer able to be diverted to where it was originally planned and now the footpath had to be stopped up. He asked officers in future whether footpath diversions could be secured before planning permission was granted.

It was confirmed Officers would in future fully consider the potential impacts on any footpath diversion when considering the planning application as it is a material planning consideration. Within the planning department, additional consultations within the team and the wider users of PROW had been set up to pick this issue up in the future.

Councillor A Brown requested the Rutland Countryside Access Forum could be added on the list of consultees and this was agreed with officers.

Members also wanted thank and acknowledge Nick Hodgett, Principal Planning Officer for the service he had given to the Council and this Committee. Members wanted to pass on their best wishes to Nick on his upcoming retirement.

### **11 DATE OF NEXT MEETING**

Tuesday, 18<sup>th</sup> April 2023.

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**The Chairman declared the meeting closed at 8.40pm**

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