

COUNCIL

11 September 2017

PLANNING APPLICATION (2017/0419/FUL)

13 CHURCH LANE, MORCOTT

Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Sustainable Growth		
Exempt Information		No	
Cabinet Member(s) Responsible:		Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
Contact Officer(s):	Gary Pullan, Development Control Manager		01572 720950 gpullan@rutland.gov.uk
Ward Councillors	Mr E Baines, Martinsthorpe		

DECISION RECOMMENDATIONS

That Council:

1. Approves the application in accordance with the decision of the Committee and the recommendation to the Planning and Licensing Committee on 29 August 2017.

1 PURPOSE OF THE REPORT

- 1.1 To consider planning application 2017/0419/FUL 13 Church Lane Morcott.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 At its meeting on 29 August 2017, the Planning and Licensing Committee considered the above application.
- 2.2 The committee resolved to approve the application. This decision was subsequently referred to Council by 4 members of the Planning and Licensing Committee in accordance with Procedure Rule 110.
- 2.3 Other background information, including the main issues, are included in the original report and Addendum Report in the Appendix.

3 CONSULTATION

- 3.1 As set out in the original report.

4 ALTERNATIVE OPTIONS

- 4.1 If the application is not approved in accordance with the original Planning and Licensing Committee decision, Council must refer the decision back to the Committee for re-consideration and final decision.

5 FINANCIAL IMPLICATIONS

- 5.1 If the application is approved in accordance with the original committee decision, it is unlikely that there will any financial implications.
- 5.2 If the application is referred back to the committee and refused there may be some costs associated with an appeal. If the Appellant chose a Public Inquiry the costs would be considerably more than in an exchange of written statements as Counsel would have to be appointed as advocate for the Local Planning Authority.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 See 4.1 above and the Planning & Guidance Policy section in the appended report.
- 6.2 With regards to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the duties do not allow the local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations following the cases of *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 and *R (The Forge Field Society & Messrs Barraud and Rees) v Sevenoaks DC and Others* [2014] EWHC 1895 (Admin)
- 6.3 When a local planning authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.
- 6.4 This does not mean that the local planning authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one and must be demonstrably applied. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Community safety may be a material planning consideration. All material planning considerations are set out in the appended report.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The application is recommended for approval as it is in accordance with the Development Plan. It would cause no harm to the setting of adjacent listed buildings or the character of the Morcott Conservation Area and there are no material considerations that would indicate a different decision.

10 BACKGROUND PAPERS

- 10.1 No additional background papers

11 APPENDICES

- 11.1 Appendix A Original Report
- 11.2 Appendix B Addendum to Planning and Licensing Committee, 29 August 2017.

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