



# Rutland County Council

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Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 11th January, 2022 at 6.00 pm

**PRESENT:**

Councillor E Baines (Chair)	Councillor N Begy (Vice-Chair)
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor W Cross	Councillor J Dale
Councillor A MacCartney	Councillor M Oxley
Councillor K Payne	

**OFFICERS PRESENT:**

Justin Johnson	Development Manager
Julie Smith	Interim Highways Engineer
Sherrie Grant	Planning Solicitor
Nick Hodgett	Principal Planning Solicitor
Tom Delaney	Governance Manager

## 1 APOLOGIES

Apologies had been received from Councillor P Browne.

## 2 MINUTES

Consideration was given to the minutes of the meeting held on 23 November 2021.

## RESOLVED

That the minutes of the meeting held on 23 November 2021 be **APPROVED**.

## 3 DECLARATIONS OF INTERESTS

Councillor M Oxley declared a non-pecuniary interest in item 1 – Planning Applications, application 2019/1249/MAF having previously spoken in favour of renewable energy. Councillor Oxley confirmed he came to the meeting with an open mind and would remain in the meeting.

## 4 PETITIONS, DEPUTATIONS AND QUESTIONS

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

In relation to item 1 – Planning Applications, application 2019/1249/MAF, Paul Wilson would be speaking as a member of the public opposed to the application, Pat

Ovington would be speaking on behalf of Langham Parish Council, Jeremy Smith would be speaking on behalf of Knossington and Cold Overton Parish Council, Guy Longley as the agent and Councillor O Hemsley as the Ward Member.

In relation to item 2 – Planning Application, application 2020/0706/FUL, Alasdair Ryder would be speaking on behalf of Great Casterton Parish Council and Tom Helliwell would be speaking as the agent.

In relation to item 3 – Planning Application, application 2020/1254/MAF, Mary Cade would be speaking on behalf of Ketton Parish Council and Kate Wood would be speaking as the agent.

In relation to item 4 – Planning Application, application 2021/0083/FUL, John Morris would be speaking as a member of the public opposed, David Johnson would be speaking on behalf of Ridlington Parish Council and Tom Helliwell would be speaking as the agent.

## **5 PLANNING APPLICATIONS**

Report No. 163/2021 was received from the Strategic Director of Places.

Item 1 – 2019/1249/MAF – Land at Ranksborough Farm, Melton Road, Langham. Construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 28MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works, together with retention and extension of existing hedgerow.

(Parish: Langham; Ward: Langham)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report and the Addendum.

Prior to the debate the Committee received deputations from Paul Wilson as a member of the public opposed, Pat Ovington on behalf of Langham Parish Council, Jeremy Smith on behalf of Knossington and Cold Overton Parish Council, Guy Longley as the agent and Councillor O Hemsley as the Ward Member. The Committee also had the opportunity to ask questions.

In response to a question from Members to Paul Wilson regarding his assertion that the Planning team were biased and incompetent, he stated that his understanding was, no renewable energy plan had been created by the Council on which a decision on a solar farm could be made. Paul Wilson also asserted that the interests of the local community had not been taken into account and he confirmed that he had not been consulted on regarding the application and neither had any fellow neighbours in Cold Overton.

In response to a question regarding the reasoning behind the assertion that Melton Borough Council were not in favour of the application, Paul Wilson stated that he was not aware of the reasons, but that Cold Overton was in Melton's jurisdiction and Cold Overton was to be affected by the application. Members highlighted that it was stated in the report that Melton Borough had no formal objection to the application and had only forwarded a letter of concern from a resident to the Council.

A Member questioned the assertion that the development would not benefit Rutland, as the power generated would still be received in Rutland via the National Grid, Pat Ovington stated that Rutland and the village of Langham would benefit indirectly but not directly.

In response to questions from Members asking if it was in Langham Parish Council's opinion that the developer for the application had disregarded Government recommendations for full consultation with local communities, Pat Ovington advised that a 6 page document had been sent through to Members and on page 5 all attempts made by Langham Parish to engage with the developer had been highlighted. The developer had been invited to a community meeting and did not attend.

Following a question asking for confirmation on whether an exhibition by the developer had taken place on 29 January 2019 in Langham as part of their consultation, Jeremy Smith advised that the event had taken place was not advertised to Cold Overton residents.

In response to Members questions, Councillor Hemsley confirmed that his recommendation would be for the application to be rejected and for the applicant to be invited to consult with the community and reapply. It was also confirmed that the Council did not currently have any targets for renewable energy production within the County. An application for the footpath running across the site to be upgraded to a bridle pathway had been submitted. Following a question from a Member as to whether this should be considered prior to 2019/1249 MAF, Councillor O Hemsley stated that this would be a decision for the Planning Committee. Following a question regarding the exhibition on 29 January 2019 in Langham and whether this took place, Councillor O Hemsley confirmed that the consultation did take place and some minor adjustments were made to the application, but these did not address the issues raised during the consultation process.

Following a question from Members, Guy Longley confirmed that a reduction in size to the site had already been made to the proposed area and that contact, and dialogue had taken place with Langham Parish Council. It was also confirmed that there was scope for continued agricultural use and that the ecological benefits were set out in the Planning Officer's presentation. Justin Johnson, Development Manager confirmed that there was potential for grazing on the land and around the panels.

Prior to the debate Sherrie Grant, the Planning Solicitor, confirmed to the Committee that there was no legislation regarding pre consultations having to take place in relation to solar panels. There was strong guidance stating that there should be community engagement prior to any application being submitted. From the committee report it was clear that some engagement had taken place and therefore the requirements had been met from a legal perspective and the application could be considered. The Development Manager confirmed that as a Planning team, applicants were encouraged to engage with communities.

The Principal Planning Officer confirmed that the lack of a renewable energy plan was not a material planning consideration when looking at the application. It was also confirmed that the operation period of the solar panel site would expire after 30 years as stated within the addendum.

Several Members raised concerns over the detrimental effect the application would have on the landscape. It was therefore requested, that if the application was approved then the landscaping plan that would be submitted as a requirement would be thoroughly comprehensive so to meet the needs of the community and for ecological purposes to maximise biodiversity. The lighting would also need to be minimised as part of the conditions.

It was moved by the Chair that the application be refused due to the scale of the application, the impact on the landscape and the interference of the enjoyment of the landscape and public right of way. This was seconded and upon being put to the vote with four votes in favour and seven against the motion failed.

A second proposal was moved by Councillor G Brown that the application be approved subject to conditions in the officer's report and addendum, with a thoroughly comprehensive landscaping plan to be submitted, the lighting to be minimised and the Ward Member to be consulted regarding the landscaping plan. This was seconded and upon being put to the vote with seven in favour and four against the motion was carried.

#### **RESOLVED:**

That Application 2019/1249/MAF be **APPROVED** subject to the conditions in the report and addendum, and the following additional conditions outlined during the debate:

- 1) A thoroughly comprehensive landscaping plan be submitted with the Ward Member to be consulted on this.
- 2) The lighting to be minimised.

The full list of conditions 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/>

Item 2 – 2020/0706/FUL - Stamford Osteopathy Clinic, Old Great North Road, Great Casterton. Erection of 4 No. residential two-storey dwellings and introduction of an access road on the western side of the existing Stamford Osteopathic Clinic car park.

(Parish: Great Casterton; Ward: Casterton and Ryhall)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report.

Prior to the debate the Committee received deputations from Alasdair Ryder on behalf of Great Casterton Parish Council and Tom Helliwell as the agent. The Committee also had the opportunity to ask questions.

A question was raised by Members regarding the open space outlined in the application and whether this was an open space or a play area. The agent, Tom Helliwell confirmed that the area as outlined in condition 8 was planned play area and the intention would be for the land to be transferred free of charge as a gift to Great Casterton Parish Council who would then maintain ownership. Justin Johnson, Development Manager advised that the play area due to the proximity to the residents would only be suitable for smaller children. Alasdair Ryder confirmed that Great Casterton Parish Council were in favour of the proposals for the development and the design.

The Development Manager advised Members that if the application was approved and it was insisted by Members that a footpath be erected from the Pickworth Road through to the development, that an amended plan be submitted and deferred to the Chair for final approval. The only area available for the footpath would be through the middle of 2 plots and their garages. Julie Smith, Highways Officer confirmed that this would need to be DDA compliant and would be a private route. There would need to be high fencing on both sides which would impact on the appearance of the entrance to the site, and it was not known what the levels or gradient would have to be. Concerns were raised by Members regarding the safety of having a footpath through the 2 plots in question.

It was moved by Councillor M Oxley that the application be approved subject to the conditions in the report and subject to discussions taking place with the Chair and Ward Member regarding the feasibility of a footpath being included between the 2 plots in question. This was seconded and upon being put to a vote which was unanimous the motion was carried.

#### **RESOLVED:**

That Application 2020/0706/FUL be **APPROVED** subject to the conditions in the report and addendum, and that discussions would take place with the Chair and Ward Member regarding the feasibility of a footpath being included between two plots.

The full list of conditions 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/>

Item 3 – 2020/1254/MAF - Demolition of Existing Modern Buildings, Conversion and Extension of Barns to 6 no. Dwellings and 2 no. offices, Erection of 9 no. Dwellings, and Alteration to Access and 2020/1249/LBA - Application for Listed Building Consent for the Conversion and Extension of Listed Dovecote to a Dwelling.

(Parish: Ketton; Ward: Ketton)

Nick Hodgett, Principal Planning Officer, addressed the Committee and gave an executive summary of the application, recommending approval subject to the conditions set out in the report.

Prior to the debate the Committee received deputations from Mary Cade on behalf of Ketton Parish Council and Kate Wood as the agent. The Committee also had the opportunity to ask questions.

Following a question from Members regarding the self-build plots and those potential buyers having primary input into the final design and layout, Kate Wood stated that the new dwellings would be offered on the open market and if a plot was purchased as a self-build project the intention would be that the buyer would build the houses identified within the plans. If the buyer wanted to build using different plans than a new planning application would need to be submitted. The viability assessment currently assumed that all of the dwellings would be normal market housing but there was a claw back set out in the addendum report whereby if more money was made by the developer, this would be included towards the commuted sum for affordable housing.

Kate Wood confirmed that there would not be a specific track through the site for pedestrians as the access road was not wide enough. The access going into the site was called a shared surface whereby pedestrians would have the right of way. Members asked Officers to seriously consider the surface water drainage system.

Kate Wood explained that the surface water on the site would be managed by soakaways and crate systems. This would allow the surface water to be held back and distributed through the pipes at a controlled rate. As the water system was underneath a private road it could not be adopted by Anglian Water so would be managed by a management company.

Concerns were raised by Members regarding the lack of affordable homes included within the development and the use of steel roofing.

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At 9:29pm the Chair proposed that a full extension of 30 minutes be taken, and this was unanimously approved by the Committee.

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Councillors G Brown and K Payne raised concerns as Ward Members regarding the visibility of entering and exiting the development given the High Street already experiencing parking issues and the narrow entrance to the site. The Highways Officer stated that the road through the site was narrow as the developer was trying to encourage slow moving traffic through the site. The Principal Planning Officer confirmed that there had been discussions regarding the widening of the entrance, but this would have involved demolition of the attractive stone barn at the frontage. 4.8 metres was the standard measurement for a private drive and did give enough room for 2 passing cars.

It was moved by Councillor A MacCartney that 2020/1254/MAF be approved subject to the conditions in the report and addendum, with additional conditions for the removal of the zinc sheeting and an alternative roofing material to be identified, but lighting to be a standard and when the drainage system was submitted for final approval that the flow into the main drainage system was minimised. This was seconded and upon being put to a vote with seven in favour and four against the motion was carried.

## **RESOLVED:**

That Application 2020/1254/MAF be **APPROVED** subject to the conditions in the report and addendum and the following additional conditions:

- 1) Zinc sheeting to be removed and an alternative roofing material to be identified.
- 2) Bat lighting to be a standard.
- 3) Following the submission of a final drainage system plan, the flow into the main drainage system would be minimised.

The full list of conditions 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/>

It was moved by Councillor Brown that 2020/1249/LBA be approved subject to the conditions in the report and addendum. This was seconded and upon being put to the vote with eight in favour and three against the motion was carried.

## **RESOLVED:**

That Application 2020/1249/LBA be **APPROVED** subject to the conditions outlined in the report and addendum.

The 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/>

Item 4 – 2021/0083/FUL - Church Farm, 2 Church Lane, Ridlington.

Development of the land on the south side of Church Farm, Ridlington to create 1 no. detached 2.5 storey C3 dwellinghouse with associated driveway, parking and garage with first floor habitable space.

(Parish: Ridlington; Ward: Braunston and Martinsthorpe)

It was noted that there was insufficient time left for the remaining application to be considered and Councillor E Baines apologised to those who had been waiting to speak to the application and undertook that the application would be considered as soon as practicable.

## **RESOLVED:**

That Application 2021/0083/FUL be **DEFERRED** to a future Planning and Licensing Committee meeting and to be the first item on the agenda.

## **6 APPEALS REPORT**

Report No 11/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed the appeals received since the 23 November meeting of the Planning and 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 Chairman declared the meeting closed at 9.51 pm.**

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