



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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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 Thursday, 28th April, 2022 at 6.00 pm

<b>PRESENT:</b>	Councillor E Baines Councillor K Bool Councillor G Brown Councillor W Cross Councillor K Payne	Councillor N Begy Councillor A Brown Councillor P Browne Councillor A MacCartney
<b>APOLOGIES:</b>	Councillor D Blanksby Councillor M Oxley	Councillor J Dale
<b>OFFICERS PRESENT:</b>	Justin Johnson Julie Smith Nick Hodgett David Ebbage Roger Ranson	Development Manager Interim Highways Engineer Principal Planning Officer Governance Officer Planning & Housing Policy Manager
<b>IN ATTENDANCE:</b>	Councillor O Hemsley	Ward Member

## 1 APOLOGIES

Apologies for absence were received from Councillors D Blanksby, J Dale and M Oxley.

## 2 DECLARATIONS OF INTERESTS

Councillor P Browne declared an interest in item 4, Planning applications, application 2021/1423/MAO and confirmed that he would leave the meeting before consideration of the item.

Councillor K Payne declared a personal interest in item 4, Planning applications, application 2021/1423/MAO due to knowing the applicant. Councillor Payne confirmed she came to the meeting with an open mind.

Councillors A Brown, N Begy and A MacCartney declared personal interests in item 4, Planning applications, application 2021/1417/FUL due to personally knowing the applicant, the Councillors confirmed they came to the meeting with an open mind.

### 3 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Rutland County Council Planning and Licensing Speaking Scheme, the following deputations were received on item 3, Planning Applications:

In relation to application 2021/1417/FUL, Brian Mullin addressed the Committee as the agent on behalf of the applicant.

### 4 PLANNING APPLICATIONS

Report No. 83/2022 was received from the Strategic Director for Places.

Item 1 – 2021/1339/FUL - Vine Farm, Back Lane, Morcott, Rutland, LE15 9DG. Demolition of existing barn and erection of 2 no. new dwellings.

(Ward: Braunston and Martinsthorpe, Parish: Morcott)

Nick Hodgett, Principal Planning Officer, presented the application and gave an executive summary, recommending approval subject to the conditions in the report and addendum.

Members broadly spoke in support of the application as an improvement on the exiting site although several concerns were raised during the debate regarding provision of bat lighting in line with similar development in rural areas, and Members wished for assurance that the materials used in the development's walls and roofs would be in keeping with the conservation area. In response the Principal Planning Officer set out that the proposed fifth condition would address concerns on the construction materials and a further condition regarding bat lighting could be agreed.

It was moved by Councillor G Brown that the application be approved subject to the conditions in the report and addendum, and that concerns regarding bat lighting and the materials used in the construction of the development's walls and roofing be addressed with further conditions.

This was seconded and upon being put to the vote, with eight votes in favour and one against, the motion was carried.

#### RESOLVED

That the application 2021/1339/FUL be **APPROVED** subject to the conditions in the report and addendum, and that:

- 1) Provision be made at the site for bat lighting through a further condition.
- 2) That the Committee's comments with regard to the importance of all materials used being in keeping with the conservation area be taken into account in the implementation of the fifth condition of the officers report.

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/>

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Item 2 – 2021/1373/FUL - Vine Farm, Back Lane, Morcott, Rutland, LE15 9DG.  
Demolition of existing barn and erection of one new 2 bedroom  
single storey dwelling.

(Ward: Braunston and Martinsthorpe, Parish: Morcott)

Nick Hodgett, Principal Planning Officer, presented the application and gave an executive summary, recommending approval subject to the conditions in the report and addendum.

During debate regret was expressed over the loss of the agricultural nature of the site as a result of the development. However, it was also noted that on occasion villages were happy to lose farm buildings from their immediate vicinity and this application was considered to improve the area.

It was moved by Councillor W Cross that the application be approved subject to the conditions in the report and addendum, and the additional proposals for the previous application also be applied.

This was seconded and upon being put to the vote, with nine votes in favour, the motion was unanimously carried.

## **RESOLVED**

That application 2021/1373/FUL be **APPROVED** subject to the conditions in the report and addendum, and that:

- 1) Provision be made at the site for bat lighting through a further condition.
- 2) That the Committee's comments with regard to the importance of all materials used being in keeping with the conservation area be taken into account in the implementation of the fifth condition of the officers report.

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/>

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Councillor P Browne left the meeting at this point having declared an interest in an upcoming item and did not return.

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The Chair reconvened the meeting at 19:00

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Item 3 - 2021/1423/MAO - Land On The North Side Of, Cold Overton Road, Langham, Rutland. Erection of up to 50 no. dwellings with associated access, highways, open space and drainage infrastructure (all matters reserved except access).

(Ward: Langham, Parish: Langham)

Nick Hodgett, Principal Planning Officer, presented the application and set out to Members that since the previous consideration where the application had been refused, a Pre-Action Protocol letter had been issued challenging the decision and had led to the matter being referred back to the Committee, an executive summary was given recommending approval subject to the conditions in the report and addendum.

Roger Ranson, Planning Policy Manager, addressed the Committee and confirmed the policy position in respect of the emerging Langham Neighbourhood Plan and that limited weight could be applied to it. Prior to debate it was confirmed that the Committee was being asked to re-consider the application with all the correct information before them but were not being solely asked to re-consider the previously agreed reasons for refusal.

It was clarified during the debate that as the application had been brought back to the Committee as a part-heard application it had not been permitted for the Ward Member or the other deputies to re-address the Committee.

Notwithstanding the previous approval for an adjacent site, concerns were expressed by other Members regarding the sustainability of the development in Langham for a further 50 dwellings given the greater impact this would have on local services such as health and education to the adjacent site's 18 dwellings. Concern was also expressed regarding the precedent for future applications if approval was given for the application of the basis if approval for an adjacent site.

Other Members felt that limited weight could be applied to the emerging Langham Neighbourhood Plan given the clarification on the plan provided to the Committee, and it was therefore difficult to justify a decision other than the officer's recommendation to approve. It was highlighted that a key factor in the limited weight that the Neighbourhood Plan could be given under the National Planning Policy Framework was the extent to which there may still be outstanding objections to be resolved in the next stages of the process.

It was noted that the applicant had expressed willingness to agree an extension beyond the proposed 10 metres to the proposed buffer zone between the north of the site and neighbouring Ranksborough mobile homes to address concerns raised by local residents.

It was moved by Councillor G Brown that the application be approved subject to the conditions in the report and addendum, with the incorporation of an expanded buffer zone as a further condition to be negotiated and agreed with the applicant.

This was seconded and upon being put to the vote, with four votes in favour and three against, the motion was carried.

**RESOLVED**

That application 2021/1423/MAO be **APPROVED** subject to the conditions in the report and addendum, and the incorporation of an expanded buffer zone as a further condition to be agreed with the applicant.

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/>

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Councillor A MacCartney re-joined the Committee at this point

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Item 4 – 2021/1417/FUL - Clonmel Farm, Cold Overton Road, Langham Rutland. Retrospective planning application for construction of an agriculture building and solar panels.

(Ward: Langham, Parish: Langham)

Justin Johnson, Development Manager, addressed the Committee and gave an executive summary of the application, recommending refusal for the reasons set out in the report.

Prior to the debate the Committee received a deputation from Brian Mullin, the agent for the application, the Committee also had the opportunity to ask questions of this speaker.

Several Members spoke in support of the application and the Development Manager, suggested a number of other informatives to the applicant and conditions should the application be approved besides those suggested in the addendum, including removal of all permitted development rights at the site, to minimise storage outside the proposed building. Other Members set out concerns regarding the lack of essential need for the proposed application, the ongoing enforcement action the potential for precedent for similar sites.

It was moved by Councillor A MacCartney that the application be approved subject to the informatives and conditions suggested by the Development Manager in the debate and addendum report. And an additional condition that the proposed solar panels be placed on the roof of the proposed building. This was seconded and upon being put to the vote, with three votes in favour and five against, the motion was defeated.

It was then moved by Councillor E Baines that the application be refused in line with officer recommendations. This was seconded and upon being put to the vote, with five votes in favour and three against, the motion was carried.

## **RESOLVED**

That application 2021/1417/FUL be **REFUSED** for the reasons set out in the officers report.

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/>

## 5 APPEALS REPORT

Report No. 79/2022 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 meeting of the Planning & Licensing Committee on 15 March and summarised the decisions made.

Thanks were expressed to officers for their continuing hard work under a period of high pressure caused by the number of appeals.

### RESOLVED

That the report and its contents be **NOTED**.

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As the remaining two planning applications could not be considered until 19:00, the Chairman adjourned the meeting at 18:42 for eighteen minutes.

Councillor A Macartney left the meeting at the conclusion of the adjournment as she was unable to participate in discussion on the next application having not been present for the previous hearing.

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**The Chairman declared the meeting closed at 8.29 pm.**

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