



# 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 Tuesday, 18th July, 2023 at 7.00 pm

**PRESENT:**

Councillor N Begy (Chair)	Councillor A Brown (Vice-Chair)
Councillor G Clifton	Councillor K Corby
Councillor A West	Councillor S McRobb
Councillor K Payne	Councillor R Payne
Councillor T Smith	Councillor D Wilby
Councillor H Zollinger-Ball	

**ABSENT:** Councillor C Wise

<b>OFFICERS</b>	Justin Johnson	Development Manager
<b>PRESENT:</b>	Joe Mitson	Planning Officer
	Sherrie Grant	Planning Solicitor
	Nicholas Thrower	Principal Planning Officer
	Robyn Green	Highways Engineer
	David Ebbage	Democratic Services Officer

**IN ATTENDANCE:** Councillor P Browne Portfolio Holder

## 1 APOLOGIES

Apologies were received from Councillor C Wise.

## 2 MINUTES

Consideration was given to the minutes of the meetings held on 13<sup>th</sup> June 2023.

## RESOLVED

- a) That the minutes of the meeting on the 13<sup>th</sup> June 2023 be **APPROVED**.

## 3 DECLARATIONS OF INTERESTS

Councillor A Brown declared a non-pecuniary interest in Agenda Items 5 and 6 as he was previously the Chairman of Rutland Countryside Access Forum where both footpaths were discussed but he confirmed he came to the meeting with an open mind.

Councillor A Brown declared a non-pecuniary interest in item 7b, Planning Applications, application 2022/0449/FUL as he knew the applicant as a local farmer but confirmed he came to the meeting with an open mind.

Councillor West declared a personal interest in item 7b, Planning Applications, application 2022/0449/FUL as the applicant was her brother therefore would leave the meeting at that point.

#### 4 **PETITIONS, DEPUTATIONS AND QUESTIONS**

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 5, Planning Applications:

In relation to 2022/0254/FUL, Steve Machen spoke as a member of the public supporting the recommendation, Kevin Atkinson spoke as a member of Morcott Parish Council and Councillor Andrew Johnson spoke as a Ward Member.

In relation to 2022/0449/FUL, James MacCartney spoke as the applicant.

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At 7.05pm Councillor A West left the meeting

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#### 7b **2022/0449/FUL**

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

Prior to the debate the Committee received deputations from James MacCartney who spoke as the applicant. The Committee also had the opportunity to ask questions of the speaker.

It was moved by the Chairman and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eleven votes in favour, the motion was unanimously carried.

#### **RESOLVED**

- a) That the application 2022/0449/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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/>

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At 7.18pm Councillor A West re-joined the meeting

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## 5 PROPOSED DIVERSION OF PUBLIC FOOTPATH D79

Report No.110/2023 was introduced by Stuart Crook, Highways Asset Management and Policy Manager.

The application was submitted on 27th of September 2021 by John Gregory of Wright Hassall on behalf of Whissendine Farms Limited to divert part of public footpath D79 in the parish of Whissendine.

The application was made under section 119 of the Highways Act 1980 (the 1980 Act), which gave the highway authority (Rutland County Council) the power to make orders to divert footpaths, bridleways, or restricted byways in the interests of the owner, lessee, or occupier of land where it was expedient.

It was clarified during debate to Members that it was the Highways Authority responsibility to maintain all services of highways including footpaths where naturally occurring vegetation grew.

The recommendations of Report No. 110/2023 were moved by the Chairman and seconded, upon being put to the vote, with eleven votes in favour the motion was unanimously carried.

### RESOLVED

That the Committee:

- a) **APPROVED** the application to divert public footpath D79 and authorised legal services to make an order under section 119 of the Highways Act.

## 6 APPLICATION FOR DMMO (REF:RCCDC-M17)

Report No.111/2023 was introduced by Stuart Crook, Highways Asset Management and Policy Manager.

The report dealt with an application to add a public footpath between Main Street in Barrow and Sheep Dyke in Cottesmore to the Definitive Map and Statement (DMS) for Rutland and sought committee approval to make a Definitive Map Modification Order (DMMO).

The Ward Member through the Chairman wanted to thank the Ways Around Cottesmore group for the hard work and effort that had gone into this footpath.

The recommendations of Report No. 111/2023 were moved by the Chairman and seconded, upon being put to the vote, with eleven votes in favour the motion was unanimously carried.

### RESOLVED

That the Committee:

- a) Considered the application **APPROVED** the making of a Definitive Map Modification Order (DMMO) to add the footpath shown ABC on the draft order map at Appendix 1 to the definitive map and statement for Rutland.

## **7 PLANNING APPLICATIONS**

Report No.108/2023 was received from the Strategic Director of Places.

Item 7a – 2022/0254/FUL – Conversion of the former White Horse Inn public house to residential use including demolition of existing single storey elements and the erection of a two-storey rear extension, demolition of the existing outbuildings and the erection of 4 no. new dwellings with associated infrastructure.

(Parish: Morcott; Ward: Braunston & Martinshorpe)

Item 7b – 2022/0449/FUL - Construction of 4 bed farmworkers dwelling to allow family member to live on site.

(Parish: Braunston in Rutland; Ward: Braunston & Martinshorpe)

Item 7c – 2023/0146/RG3 - Regulation 3 application for variation of condition No. 3 (permission expiry) on Planning Permission ref: 2020/1459/RG3 to allow permanent use of the No. 1 court area of Oakham Castle as a cafe. 2020/1459/RG3 - Regulation 3 application for change of use of the Court number 1 room, kitchen (total 55 square meters) and courtyard outdoors space (40 square meters) at Oakham Castle for a cafe.

(Parish: Oakham; Ward: Oakham North East)

Item 7d – 2023/0388/FUL - Replacement oak gate posts and 2 1.2m high oak gates.

(Parish: Exton and Horn; Ward: Exton)

Item 7e – 2023/0389/LBA - Replacement oak gate posts and 2 1.2m high oak gates.

(Parish: Exton and Horn; Ward: Exton)

### **7a 2022/0254/FUL**

Joe Mitson, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Steve Machen who spoke as a member of the public supporting the recommendation, Kevin Atkinson who spoke as a member of Morcott Parish Council and Councillor Andrew Johnson who spoke as a Ward Member.

Through questioning, it couldn't be confirmed if the pub had been put on the market for sale previously. Members felt that further evidence of marketing would help with their decision making.

It was confirmed by officers in Planning Policy that the number of dwellings proposed on the application did not meet the threshold for the need to provide affordable housing.

Members were concerned with the impact of removing a community facility from the village.

Officers explained to Members that with the comments made around the marketing of the pub, where an application like this would be assessed by officers, it would be expected to ask for marketing when 1 pub had been vacant for 12 months, the White Horse Inn had been vacant for over 10 years.

It was moved by Chairman and seconded that members agreed with the officers recommendation. Upon being put to the vote, with 5 in favour and 6 against, the motion was lost.

It was moved by Councillor West and seconded that the application be deferred and for it to be brought back to a future meeting. The reasons for deferral were:

- To provide further evidence of the marketing of the pub over the past 12 months, the levels of that marketing and if any interest was received.

This was seconded and upon being put to the vote, with 5 votes in favour and 5 against, the Chair had the casting vote, the Chair voted in favour of the deferral to make it 6 votes in favour and 5 against, the motion was carried.

## **RESOLVED**

- a) That planning application 2022/0254/FUL be **DEFERRED** to a future meeting.

### **7c 2023/0146/RG3**

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

It was moved by the Chairman and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eleven votes in favour, the motion was unanimously carried.

## **RESOLVED**

- a) That the application 2023/0146/RG3 be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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/>

### **7d 2023/0388/FUL**

Joe Mitson, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

It was moved by Councillor Clifton and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eleven votes in favour, the motion was unanimously carried.

## **RESOLVED**

- a) That the application 2023/0388/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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/>

## **7e 2023/0389/LBA**

Joe Mitson, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

It was moved by Councillor Clifton and seconded that the application be approved subject to the conditions in the report. Upon being put to the vote with eleven votes in favour, the motion was unanimously carried.

## **RESOLVED**

- a) That the application 2022/0389/LBA be **APPROVED** subject to the conditions outlined by the Planning Officer.
- 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/>

## **8 APPEALS REPORT**

Report No. 109/2023 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**.

## **9 ANY OTHER URGENT BUSINESS**

There were no items of urgent business.

## **10 DATE OF NEXT MEETING**

Tuesday, 8<sup>th</sup> August 2023.

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**The Chairman declared the meeting closed at 9.19pm.**

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