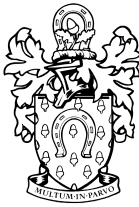


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Rutland County Council

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Minutes of the **TWO HUNDRED AND FIFTY FIFTH MEETING** of the **COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 14th November, 2016 at 7.00 pm

PRESENT:

Mr N Begy	Mr K Bool
Mr E Baines	Mr O Bird
Miss R Burkitt	Mr B Callaghan
Mr R Clifton	Mr G Conde
Mr W Cross	Mr J Dale
Mr R Foster	Mr R Gale
Mr O Hemsley	Mr T King
Mr J Lammie	Mrs D MacDuff
Mr A Mann	Mr T Mathias
Mr M Oxley	Mrs L Stephenson
Mr A Stewart	Mr K Thomas
Miss G Waller	Mr A Walters
Mr D Wilby	

OFFICERS

PRESENT:

Mrs Helen Briggs	Chief Executive
Mr Dave Brown	Director for Places – Environment Planning and Transport
Mr Robert Clayton	Head of culture and Registration
Mr Andrew Edwards	Property Manager
Miss Hannah Edwards	Planning and Highways Lawyer
Mr Nick Hodgett	Principal Planning Officer
Mr Gary Pullan	Development Control Manager
Mrs Debbie Mogg	Director for Resources (Monitoring Officer)
Mr Paul Phillipson	Director for Places - Development and Economy
Ms Natasha Brown	Co-ordinator – Corporate Support team
Miss Sue Bingham	Governance Coordinator
Miss Marcelle Gamston	Corporate Support Officer

358 APOLOGIES

Apologies were received from Mr C Parsons.

359 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that his list of engagements had been circulated.

The Chairman announced that Rutland's only Honourary Alderman, Mr Tommy Suthern had passed away at the age of 104. The funeral would take place on Monday 21 November 2016. The Chairman asked the Council to join him in a moment of silence.

360 ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE

There were no announcements from the Leader, Members of the Cabinet, or the Head of Paid Service.

361 DECLARATIONS OF INTEREST

Mr King declared an interest in item 8 of the agenda as the Portfolio Holder for the Council's assets. Mr King stated that he would not take part in this item and on a probity basis would leave the meeting during the consideration of the application.

Mr Foster confirmed that although the operational responsibility for the Children's Centre was within his Portfolio, he would focus on Item 8 of the agenda as a planning matter and base any decision on relevant planning considerations only. On the grounds of probity as a member of Cabinet that had taken the decision in favour of the proposed Children's Centre. He was not predetermined on this application and would remain for the consideration of this item.

Mr Mathias declared on the grounds of probity as a member of Cabinet that he had taken the decision in favour of the proposed Children's Centre. He was not predetermined on this application and would remain for the consideration of this item.

362 MINUTES OF PREVIOUS MEETING

The minutes of the 254th meeting of the Rutland County Council District Council held on 12 September 2016 were confirmed by the Council and signed by the Chairman.

363 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman clarified at this point that in accordance with Rutland County Council Procedure Rules, Deputations relating to Agenda Item 8 would be taken at that item.

i. Mr J Riggall - Question

Are Rutland County Council aware of The Burns Inquiry into Hunting with Dogs, and what it says on 'stopping up' of badger setts in paragraphs 9.21 - 9.24 on P149 i.e. that it is principally done to prevent the escape of foxes?

The Chief Executive, Mrs H Briggs read the response on behalf of Mr T King, Leader of the Council.

Yes the Council is aware of the Burns Inquiry and based on your question time has been taken to review the Report of the Committee of Inquiry into Hunting with Dogs in England and Wales.

It would perhaps be helpful at this point to remind Council that the decision taken to allow the Hunt to use Catmose Car Park is purely to facilitate a safe assembly point for the Hunt and to allow what is a popular spectacle to take place in line with a tradition going back many years.

As a supplementary question, Mr Riggall asked in relation to his earlier question, whether the Council was aware that one of the employees of the Cottesmore Hunt had been prosecuted last year for the offence of interfering with a Badger sett and what does the Council think that means regarding the intentions of the Cottesmore Hunt?

The Chief Executive, Mrs H Briggs gave the response on behalf of Mr T King, Leader of the Council.

It is not for the Council to ensure that the Hunt acts within the law. This is a matter for the Police. I am aware specifically of the provisions within the Burns report referred to in the question in relation to the stopping up of badger setts. I am also aware of an instance in 2015 where a hunt employee pleaded guilty to an offence and was successfully prosecuted and fined for the offence of interfering with a badger sett in contravention of the Protection of Badgers Act 1992.

To me this highlights that where illegal acts take place the police and the courts are acting.

ii. Mr M Brookes – Question 1

What is the total amount spent by Rutland County Council to erect and take down the scaffolding at the rear of Rutland County Library here in Oakham?

The Portfolio Holder for Finance and Development, Mr T King, responded that the scaffolding was erected to give Members of the Council and the public an opportunity of understanding the massing of the proposed building.

The supplier was asked to:

- Provide and erect the scaffolding
- Screening
- Dismantle and remove the scaffolding at the end of the period
- Included within the figure was up to 2 weeks rental of the scaffolding.

The cost for erecting the scaffolding and screening, 2 weeks rental and dismantling and removing the scaffolding at the end of this period was £2,931.

As a supplementary question Mr Brookes asked whether the Council thought that this money was in accordance with Council policy on value for money?

The Portfolio Holder for Finance and Development, Mr T King, responded that any new development of this size, particularly one within the centre of Oakham, would require the applicant to make some presentation to Councillors and members of the public. You only need to look at the work Aldi and Sainsbury's did before they proceeded with their proposals. We had to do some work and

officers chose to do this work in order to give an impression of the size of the building.

iii. Mrs G Rowsell – Question read by Mr R Spencer

Can we have assurance Bull Lane will become a no dropping off zone (loading and unloading) ensuring access for emergency vehicles and residents at all times.

The Portfolio Holder for Places (Highways, Environment, Transport and Community Safety) and Market Towns, Mr Mathias, responded that Bull Lane currently has double yellow lines throughout. However it can and already is used for example by Blue Badge holders. This will continue.

We are not aware of any difficulties for emergency access in this area.

Traffic associated with the Library site will decrease as the current parking spaces will no longer be used.

The Children's centre operates in a different way to a school or nursery. Children are not dropped off to attend the Centre unaccompanied by their parents. All children attending the centre are accompanied by their parents – the majority of children are under two.

Bull Lane is unlikely to be used as a dropping off point in any case as Bull Lane is completely the other side to the proposed Children's Centre access.

However, in the unlikely event that this does become a problem, loading restrictions will be considered and in any case parking enforcement will continue as now.

As a supplementary question Mr Spencer asked what the position was with Lorries coming down Bull Lane to deliver to the Children's Centre?

Mr Mathias responded that whilst the extension was being erected there would be some larger vehicles delivering to the site, but he was not aware of any particular deliveries to the Children's Centre after that. He would look into that further and provide a written response.

iv. Mr N Woodley – Question

Can the residents have assurance or a covenant if plans approved that the centre will only offer services as described in the application and that hours of operation will only be 9 am to 5 pm Monday to Friday?

The Portfolio Holder for Places (Highways, Environment, Transport and Community Safety) and Market Towns, Mr Mathias, responded that the application is under the use category D1 – which covers schools nurseries etc. and RCC does not limit establishments under this classification e.g. parents evenings etc. This is not a school or a nursery and the levels of activity are significantly lower than that.

As this is a town centre location where there is significant activity well into the evenings and at weekends there would be no justification for a condition to restrict opening hours.

The current Library opening hours extend to Saturday and there are a number of events targeted at Children already provided at the Library including Rhyme Time - weekly with up to 80 children, parents and carers in attendance.

The Library used to be open into the evening and we continue to keep hours under review; we are looking at ways that library opening hours can be extended.

On an occasional basis the Library is already used in the evening for events, meetings and clubs. Our Libraries continue to evolve - currently for example Ketton Library is co-located with a GP surgery – something we have supported and encouraged.

The Children's Centre will operate as it does now but in a way that is more integrated with the Library allowing segregation and / or integration of activities as appropriate.

As a supplementary question Mr Woodley stated that as part of the consultation residents were given details of proposed use and asked whether the hours of operation and functions could be clarified and made more specific.

Mr Mathias responded that he would have to refer to the answer already given, it has to be accepted that there will be occasions for example, parents evening, training and cleaners accessing the Children's Centre so it would be difficult to put a limit on the hours of usage.

v. Mr M Brookes – Question 2

At the last Development Control and Licensing Committee Cllr James Lammie said that flat roofs were not permitted in a conservation area. Is this true and if so why does he or the council not consider this when dealing with the proposed development at the rear of the County Library here in Oakham?

Mr J Lammie responded that there is no law, policy or regulation that precludes flat roofs in conservation areas. At the last planning meeting I voted in favour of the extension of the library which is a flat roof in a conservation area. If there was a policy precluding flat roofs, I would not have voted in favour of it. I did make comments on a different application which did contain elements of a flat roof, however the nature, structure and design of the application are severely different from the library building. Any fair minded individual would understand this and would not confuse the two. Finally I make all planning decisions on the merits of each individual application that comes before me.

There was no supplementary question from Mr Brookes.

364 QUESTIONS FROM MEMBERS OF THE COUNCIL

i. Mr ME Baines

Is the leader aware of the public perception that the decision on the planning application on tonight's agenda is a foregone conclusion and will he assure us that this is not the case?

The Leader, Mr T King, responded that originally there were two projects, the refurbishment of the library which was approved by Cabinet in June 2016 and the relocation of the children's centre. A Cabinet report combining these two projects was approved by Cabinet in September 2016, this had been published on the Forward Plan from July 2016. No major issues were received from Councillors or members of the public at that time. It was not until the planning application was submitted that I became aware of neighbours' concerns regarding children in the library, children in the garden, traffic on Bull Lane and road safety. I was also made aware of Members concerns regarding the conservation area following the Planning Committee. I hope that Members will have open minds and take into account planning matters only. I am aware of the concerns from the community about this proposal.

As a supplementary question, Mr Baines asked the Leader to comment on the assurance (taken from the minutes of 24 September 2016) given by the RCC Officer responsible for leisure and tourism at a meeting of the Local History and Records Society that eventually the Children's Centre would be moving to the library. Mr Baines stated that he did not think the officer had deliberately misled the society, but may have led the society to believe that this had already been decided and was a foregone conclusion.

Mr King responded that some projects will come from Members and others will be developed by officers. This project had been picked up and developed by officers some time ago. The refurbishment of the library was approved by Cabinet in June and the officer concerned spent some time explaining to various community groups including the one to which Mr Baines refers. Officers were aware of the recommendation to be put forward and felt it in order to discuss the proposal with members of the community. In hindsight the Officer might have qualified any discussion of this matter by specifying that it was still subject to final planning decision, but by that point professional planning advice had also been received and was supportive of the design and location. At that point there was no reason that the officer should have qualified his useful comment and I don't think it indicated it was a foregone conclusion. If we kept all decisions hidden until the final decision there would be concerns regarding secrecy and so to be open is the right way to go forward. The matter did appear in the local press on the same day or the day before the meeting of the society and that did not point out the decision was subject to a final planning decision either. I believe the officer was in order to make that comment.

The Chairman invited the Monitoring Officer, Mrs D Mogg, to give a summary of the position regarding Item 8

The Monitoring Officer gave the following summary of the position:

Part 3(2)(i) of the constitution sets out that Council is responsible for determining development proposals in the event of a conflict between the committee and an application submitted by the Cabinet. This is correct. However, further legal advice

has clarified that this rule should have been enacted as soon as it became apparent that the conflict existed during the DC&L meeting and at that point the decision should have been automatically referred to Council. So, at the point in the Committee meeting when a proposal was made to refuse the application, advice should have been given by the Committee's Legal Adviser that the decision could not be taken by the Committee and it would automatically be referred to Full Council. Consideration of the application by DC&L should have ceased at this point.

The result of this is that the decision made by DC&L in respect of this application is not in accordance with the Council's constitution. This position needs to be corrected at the meeting this evening.

To do this the Council must suspend Procedure Rule 31(5)(d)(i) which says that "In the case of a decision of the Development Control and Licensing Committee on an application for planning permission which has been referred to the Council, the Council shall either endorse the decision of the Committee or remit it to the Committee for reconsideration and final decision". Suspending this Procedure Rule allows Full Council to make the final decision in respect of the planning application, as if no decision has already been made. This means that either a refusal or approval decision will be lawful.

If this rule is not suspended, the legal position is not corrected and the Council will be unable to take a lawful decision this evening.

I am therefore seeking a proposer for the motion:

"That Council suspend Procedure Rule 31(5)(d)(i) for the duration of this meeting in order to ensure that we are operating within our constitution"

As I'm sure you will understand this is an unusual set of circumstances, but it is extremely important that this position is corrected. That is why I am advising in the strongest possible terms that you approve this motion.

Before the Chair asks for a proposer I would like to take the opportunity to remind Members of the requirements of the Members' Planning Code.

In the run up to tonight, you will have heard and seen lots of information in respect of the project to relocate the children's centre and the varying opinions that are held about this. You will have heard from the public, the applicant and each other as councillors. This may have started to inform your decision but you should approach the decision this evening with an open mind.

When you come to make the decision you should keep at the front of your mind that:

- You are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
- You must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
- You are only entitled to take account of material planning considerations and

must disregard considerations irrelevant to the question and legal context at hand; and

- You are to come to a decision after giving what you feel is the right weight to those material considerations.

The Chairman invited Members to seek procedural clarification regarding the summary provided by the Monitoring Officer during which the following points were raised:

- i. Mr King would remain in the meeting for discussion on the procedure but would leave at discussion of item 8;
- ii. Legal Advisor confirmed that at the point where there was a clear indication that there was a conflict at the Development Control and Licensing Committee (DC&L) the matter should be automatically referred to Council;
- iii. Vexatious proposals against a recommendation should be avoided as members would be adhering to the Members Planning Code of Practice and the Code of Conduct;
- iv. Mr Baines, Chairman for Development Control and Licensing Committee accepted that he had not asked for legal advice following the briefing meeting before the Committee and requested confirmation of whether everything that followed from the decision of DC&L had been invalid and also whether it was possible to move forward this evening in any different way than that which was suggested by the Monitoring Officer. After taking legal advice the Monitoring Officer confirmed that if Council did not approve the motion and suspend the procedure rule her advice would be that Council should not continue with the decision on item 8 as to do so would be unlawful.

Mr Mathias moved the motion to suspend Procedure Rule 31(5)(d)(i). This was seconded by Mr Conde.

RESOLVED

Council **AGREED** to suspend Procedure Rule 31(5)(d)(i) for the duration of this meeting in order to ensure that we are operating within our constitution.

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In accordance with the provisions of Procedure Rule 11, paragraph 2 – Recording of Votes - Mr Gale requested that his votes against the above resolution be recorded.

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Mr T King Left the meeting at 7:50pm.

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The Chairman reminded Council that they would be operating under Council Procedure Rules for Item 8.

365 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL

Mr N Hodgett, Principal Planning Officer, gave a brief introduction and referred to the presentation provided as an annex to these minutes. Mr Hodgett displayed the existing outline of the library building and the proposed outline along with the revised plan showing the inclusion of the wall and gates.

a) To receive any deputations received from members of the public in accordance with the provisions of Procedure Rule 28. The total time allowed for this is 30 minutes. Deputations will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

i. Mrs J Lucas

Thank you for giving me time to voice my opinion and the opinions of many residents of the town.

Also thank you to the member who sent me a five page missive of why the application should be approved and the range of services Visions has to offer.

Reading page one...quote

“The Children's team provide space at Catmose each week for the following health service. Weekly antenatal clinic for midwives and health visitors, antenatal support group for prospective parents, and a breast-feeding support group, then there are a range of support programmes for young babies and toddlers and parents and development assessment clinics.”

This has nothing what so ever to do with a library service. 60% of what is on offer is NOT centred around library usage. Only two sessions each week have anything to do with books or reading ability.

Much has been said about the parking difficulties and I am sure more comments will be made on this subject.

The whole extension looks like an add-on box and is to be built in a conservation area. When Oakham in Bloom began, I was told by the then Conservation Officer that the Grey Cob Wall surrounding the Peacock Area was listed and then we had to have a Rutland County Council Officer to oversee the work. This I duly arranged and work began.

Two seats were replaced, one by a Past Mayor of the town and one by an Oakham in Bloom member in memory of his wife. Oakham Town Council have maintained these seats ever since. The seats are well used by townsfolk and visitors alike and the area is a pleasant space to read the daily papers, to sit and chat or to just watch the world go by.

I note that the Centre encompasses the whole of Rutland so I ask the questionWhy Oakham? Why not in another town or village?

Once this building is in place there is no turning back. If user numbers dwindle, then we have yet one more White Elephant in our lovely town. This application, if granted, is another dreadful example of destruction, by this authority, of a space in a conservation area. It is my, and many residents opinions, a short term gain with a long-term loss.

I ask for Members to reject this application on the grounds of pedestrian safety and an inappropriate building in a conservation area and respectfully ask members to look for an alternative site.

Thank you

Response of the applicant provided by Mr R Clayton:

Thank you for the opportunity to respond for the applicant.

Delivering Library & Children's Centre services from one site has been very successfully undertaken in many Counties, and is now regarded nationally as good practice, which brings users to both services in one convenient location.

The proposed design does not reduce library floorspace, and would provide independent access to each building, with a single interconnecting door, which would allow for integration and segregation of activities as appropriate.

Turning to the Conservation Area and Cob Wall, the application for the extension to the Library building is within the conservation area. Pre planning advice was sought in relation to the design and we have followed the advice given. The Children's Centre cannot be seen from Alwyne Close, and is well screened behind the trees on Catmos Street. The design is intended to complement the existing library building. The proposed site of the Children's Centre is a staff only car park with very few merits.

We agree that the Cob Wall is an important part of our heritage. Although it is not listed, we have carefully designed the proposed building to make sure that the wall is entirely retained, and that the Peacock Garden is not changed.

Given these points, the planning officer has concluded that there is some impact but this outweighed by public benefit. We see the benefits as:-

- Increased capacity – a 33% increase in the size of Children's Centre, which will allow the service to better meet the needs of the community
- Provision of a supervised outdoor area, which the current centre lacks
- Flexible spaces for both the Library and the Children's Centre which will support the sustainability of both
- Less traffic on Bull Lane, as there will no longer be staff parking at the rear of the Library site

We would therefore argue that the impact on the surrounding area is minimal.

Regarding the Choice of Oakham as Location, as the County town is it by far the most accessible and closest to a significant proportion of the population, and associated amenities, including facilities families use on a regular basis such as shops, post office and chemists.

As a minor point, undertaking the building works at the same time as the refurbishment of the Library gives us an opportunity to maximise the efficiencies of the projects by having a single set of contractors on site at one time.

In terms of Pedestrian Safety, the Highway Authority has raised no objections.

Questions from Members of the Council:

- a) Mr Lammie asked Mrs Lucas why the Town Council was up-keeping benches on a site which she identified in her deputation as being dangerous for pedestrians?

Mrs Lucas responded that the benches were used by the elderly and visitors and not mothers with toddlers and young children.

- b) Mrs MacDuff asked Mr Clayton whether, where library services and children's centres had been combined there was evidence of an increase in the uptake of Bookstart?

Mr Clayton responded that in other cases it had led to an increase in the uptake of Bookstart.

- c) Mr Gale pointed out that the questions put forward to this point were not planning considerations. Miss H Edwards confirmed that in deputations members of the public were able to raise all matters that are of concern to them and questions can be asked about any points raised by Members. When the Council turned to debate on the actual recommendation, that debate must be restricted to material planning considerations.

ii. **Rutland Schools Federation**

You are considering this evening the planning application regarding moving Visions from the Catmose Campus to the Library and I wish to support this application.

The current provision for Visions at the Catmose Campus is inadequate. There is no outside provision for the children; there is little space for pushchairs, and almost no natural light given its location under the mezzanine layer. It was a compromised space when the building was first completed and has become more constrained since, as the public café outside is now the College refectory. This means that breast feeding mums are overlooked by teenage students, or a blind needs to be permanently drawn down making the space even more dependent on artificial light. Young babies and expectant mothers need our best care and provision at the centre of their community rather than the current compromised space as part of a secondary school.

The Library conversion in the centre of town is ideal; it would be easier for parents to access without cars and it would introduce children and parents to the Library from a very early age, which would increase access to this important public service. It would also offer babies the opportunity to benefit from an outside space, something which is critical to the success of a children's centre such as Visions.

The space that would be vacated by Visions is also critical to allow Catmose College to continue to increase the number of children that we admit. In the last two years we have increased the students being admitted from 180 to 210; this has allowed us to better meet local demand for places. We have managed this thanks to the relocation of Adult Learning, but we have now reached the point that without additional office and classroom space we will need to revert to an intake of 180. This means that around 70 students who are local to Rutland will be declined a place, a position which I think you would agree is unacceptable.

These are children who live in local villages such as Whissendine, Market Overton, Langham and Cottesmore, which are just a few miles from the College. This is as a result of the significant number of new houses in Oakham that have been built very close to the College.

If Visions were to move as a result of this planning application being agreed, the College could increase its PAN (planned admission number) to 210. This would secure adequate secondary places locally at a very low cost to the tax payer and free up capital to be spent on other schools locally. If we are unable to relocate Visions, then, this year, we are very reluctantly going to have to turn away 70 local children. The Council will need to find transport for these children to a school a number of miles away, splitting them from their friends who attend the same primary school and wasting valuable resources and time travelling on buses.

In the medium term this situation is only going to get worse as more housing is built and the College will need a new building to meet demand from Rutland. This will cost considerably more than the refurbishment to Visions.

The Visions space will provide a much-needed life skills room at the College with cooking facilities for our special provision who currently have no access to such a provision. It will give us an additional much-needed classroom for College students. It will give space for our reprographics facility which is currently situated in a disabled toilet. It will allow our finance team and Site Manager, who are currently located off-site, to come back into the College building so that they can be accessed by staff and students.

I have no doubt that moving Visions will have some impact on local residents, but this could be managed with a parking scheme. I value the conservation area but a building could be designed to be in keeping with the Library and the rest of this area and minimise the impact. The move will have, on the other hand, significant benefits to over 1000 students and their parents who are a key part of the future of Rutland. It will also give the babies and their parents who attend Visions a far more appropriate space that will give them the best possible start in life.

It is for these reasons that the Rutland and District Schools' Federation supports this application.

Response of the applicant provided by Mr R Clayton:

We would simply wish to echo Mr Williams' comments and draw attention to the positive impact the proposal will have on increased availability of much needed school places and address the shortcomings of the current centre.

Questions from Members of the Council:

- a) Mr Gale stated that he was in agreement with everything put forward in the deputation and asked Mr Williams what he had done to address some of the issues highlighted which had been present for some time?

Mr Williams responded that he had been in contact with Council Officers for a number of years on this matter.

- b) Mr Walters asked Mr Williams if he was able to validate the claims regarding the benefit of combining the services?

Mr Williams responded that his personal view was that the earlier that children access the library and learn to read the better it was for educational outcomes.

- c) Mr Baines asked Mr Williams if he had had the opportunity to assess the benefits of other options?

Mr Williams responded that he was not in apposition to comment on where the Visions centre should go, but he thought that the library was a better location than Catmose Campus.

iii. Oakham Town Council

Oakham Town Council recommended refusal of the Library extension in September on the basis of; lack of future expansion opportunities, inadequate parking for staff, concerns over visitor drop off points.

National agreed policy for building work in conservation areas appears not to apply now, which is not in keeping with the Oakham Town Plan and this would set a precedent for future applications moving forward if the correct decision to refuse is now overturned.

Rutland County Council also refused the application in line with planning guidelines. Unless there are undisclosed, significant reasons, this decision should not be overturned. RCC Councillors, represent residents, and the views and opinions of these residents should be taken into consideration and other unrelated policies should not be allowed to cloud the issue.

The majority of residents applauded the decision to refuse this application and it is now echoing in the streets of the Town, being spoken about in the coffee shops and written about in our own local papers; why is this decision being re-visited.

Car parking in the original planning application has illustrated that people will have to use several already overstretched Town Centre Car Parks and cross busy roads to reach the site. There are no safe, controlled pedestrian crossing points from those locations to the library. There is not an appropriate location for a safe drop off point, congestion and a traffic, pedestrian risk is already a concern at other schools and this is a very busy Street.

The County Council have constantly reviewed and instigated various traffic controls in the area, is all that to be undermined by now adding to the congestion that will follow? The location of a play area in a congested Town centre where such a concentration of exhaust fumes suggests that welfare should be a consideration as an addition for refusal as well.

Residents concerns over noise from a play area which is within 6 metres of their homes rather than the suggested 30 metres should not be drowned out now by bureaucracy. The peaceful garden adjacent to the site where even the County Council employees are known to capture a moment of rest and relaxation at lunch time would no longer be a sanctuary.

The Town Councillors and the people of Oakham who we represent supported and applauded the decision to reject this application. The Town Councillors and the people of Oakham support the elected RCC Oakham Wards Councillors in upholding the original decision and we are asking other RCC Councillors to also now reject the planning application.

Thank You.

Response of the applicant provided by Mr R Clayton:

Thank you for the opportunity to respond. I will be brief:

We note that when OTC considered the application on 29th September the grounds for refusal were:

- lack of future expansion
- Inadequate parking for staff and visitors
- Drop off areas

Regarding the concern around lack of future expansion, this is not a planning consideration, however the application significantly increases the floor space for the Children's Centre and the associated amenities.

Staff parking will be provided at the recently expanded Car Park here at Catmose. It is sufficient for all staff and is within easy walking distance. However, a further increase of capacity within the car park's existing footprint is also planned, and will ensure there is no net loss of parking provision within the town. For users of the service, 10 dedicated spaces will be available in the Museum Car Park.

Turning to Drop Offs, the way that Children's Centres operate makes drop offs unlikely, as Children are accompanied by their parents or carers throughout their visit, which tend to be 1 or 2 hour sessions. We believe drop off on Bull Lane is unlikely, as it is on the opposite side from the facility entrance, and families would have to walk all the way round the library.

Regarding Pedestrian Safety, the Highways Authority have raised no objections and have helpfully highlighted that, despite the existing high use of the library by children and families, there have been no related accidents. As I previously mentioned, Rhyme Time at the Library attracts a significant number of families with no traffic disruption.

In relation to exhaust fumes, this comment would equally apply to any recreational area in a town centre, including the Peacock garden next to the facility. We have looked further in to this issue, and the 2015 assessment of local air quality has not identified any concerns in relation to air quality in the area, and notes an improvement in air quality since the opening of the bypass for this location. The proposed supervised outdoor activity area is surrounded by a 6 foot high wall and is some way from moving traffic.

Finally, regarding concerns about potential noise, the majority of children that use the Centre are under 2 years of age. The Peacock Garden itself is used by all ages, including children, as a recreational area, next to a mini round-about with no screening. We therefore do not believe there will be any significant increase in noise caused by the development.

Questions from Members of the Council:

- a) Mr A Walters asked regarding the issue of noise, whether it was such a great criminal act if someone sitting in pleasant gardens hears some 0-2 year olds playing laughing and giggling and if so will OTC put that sign in all its parks?

Mr Brookes responded that he was only given authority to ask the deputation and as such was unable to answer Mr Walters question on behalf of Oakham Town Council.

iv. Mr N Woodley

The Development and Licencing Committee expressed concerns, which we echo for the refusal of the proposal to be upheld. We believe that Agenda item 8, which is to approve the planning application has a flawed conclusion and we draw your attention to the following items;

3. Design and Impact on Conservation Area.
 - 3.1 Parapet roof even though it is stated this is not visible, it is in fact still there and therefore contrary to recommendation.
 - 3.2 Two wrongs don't make a right and extending the use of cladding will set a precedence for other residents to use this material in a conservation area.
 - 3.3 and 3.4 As has been seen through installation of the temporary simulated extension the site clearly is visible from the street scene. The deciduous trees do not screen adequately during autumn and winter and neither does the stone/mud wall as it is visible above the wall from the open space on the corner of Stamford road.
 - 3.5 Whilst we note changes, it does not address the concerns about an adequate dropping off area.
4. Conservation Advisors specific comments Section 72 of the planning Act 1990.

The acknowledged harm by this proposal does not outweigh the public benefit as the proposal targets a low facility usage of 9-15 users in 2 2 hour sessions a day.

As the conservation advisor is unable to visualise materials and construction as per plan, it is unfair for the public and elected members to adequately assess the suitability.

5. Highway Safety

5.1 The proposed parking facility at the museum though 120m and one main crossing away exposes mothers with young children and modern sized buggies to exaggerated risk; due to the lack of the sites suitability for onsite parking.

5.2 Supervision does not diminish the risk from the lack of onsite parking.

5.3 We anticipate an increase in traffic accessing and exiting Bull Lane, due to supporting deliveries and drop offs.

5.7 Accident records highlight a number of recorded accidents that are due to carelessness, recklessness and excessive speed - This is in direct contradiction to this being a low risk area for the public. Clearly the lack of a speed survey data demonstrates a lack of due-diligence in the submission as evidenced.

Absence of Zebra crossings site suitability; does not remove the need for a zebra crossing to protect the public.

Parking - The lack of a 'quick fix', as referenced does not provide safeguarding for the public.

5.8 The evidence in the form of accident reports, with no other evidence based assessment, actually highlights safety concerns for refusal.

The formal objections for the planning do not reflect the actual opposition felt by the general community. We would like the elected members, to consider that when the choices you have to make seem hard, listen to the will of the people, and the choices are always easy.

Response of the applicant provided by Mr R Clayton:

I believe many of the issues raised have been covered by the responses given previously, however I would like to make two brief points.

In terms of setting precedents, the Development Control and Licensing Committee considers each planning application on its merits.

Regarding the screening of the proposed extension, it has never been the intention to completely screen the centre such that it would be invisible to

potential users. Clearly families and members of the public would need to be able to find the Centre in order for it to operate effectively.

There were no further questions from Members.

- b) Report Number 203/2016 was received from the Director for Places (Environment, Planning and Transport) the purpose of which was to request Full Council to make the final decision in respect of the planning application 2016/0872/FUL under Part 3(2)(i) of the constitution, as a conflict had arisen between the DC&L Committee and a planning application submitted by the Cabinet.

Mr N Hodgett, Principal Planning Officer, gave a presentation on the planning application which is provided as an annex to these minutes.

Mr Hodgett listed the issues for consideration below:

- Design and Conservation – the entrance to the Children’s Centre would be from Catmose Street, the glazed entrance and windows and doors reflected those on the existing building. The play area contained a high wall. There would be a ramp around the edge of the building. The wall and gate would prevent unauthorised access. The wall abuts the stone wall, but did not connect into it. The proposal was to put two piers each side of the gateway, details would be required by a condition if approved. The top of the extension would be visible, but would by no means be dominant. The extension would have a parapet wall. The view of the white wall at the rear of the library building would be partially blocked by the erection of the gates.
- The scaffolding that had been erected had an extra bay added by mistake and so looked bigger than the actual proposal being put forward.
- Design – As it had been difficult to match the brick exactly, it was proposed to use a contrasting material of cedar cladding. The flat roof would be hidden by the parapet and extended the design feature that was on the original building.
- Conservation Area – The proposal is a relatively modest alteration to a building that may already be said to cause some harm to the conservation area. The wide public benefit provided by the extension outweighs the minimal harmful impact on the conservation area.
- Residential Amenity – Use of the extension and play area is not considered to have a harmful impact. The play area was enclosed by a gate and wall and it was 15 metres from the gate to the nearest residential property. The play area would be supervised and only used during office hours. The Town Centre was already an area where background noise was higher.
- Highway Safety – 10 car parking spaces would be provided in the museum car park. The distance from the museum car park to the library was 120 metres with only one road crossing. The accident records for this area had been low in the last 10 years. There was adequate alternative parking in the locality.

The following points were raised during debate:

- Conservation advice referred to on page 7 of the report was provided by one officer from South Kesteven District Council;
- Mr Lammie highlighted that in his view the extension was in keeping with the original building; the impact on the conservation area was minimal and public interest would outweigh any possible impact, parents with young children were already accessing the library and in view of this the planning considerations outlined by Mr Hodgett had been met;
- Clarification was provided by the legal advisor that where the County Council was the applicant there was no right of appeal to the Planning Inspectorate;
- Mr Oxley expressed that he felt this was an ugly extension on an already ugly building in the centre of a conservation area that would result in a loss of open space. He fully supported the work of the Children's Centre, but felt another place should be found for it;
- On a point of information Mr Oxley asked whether there would be any parking available or restrictions on use behind the gates and would this be a condition. Mr Hodgett confirmed that the gates were to be erected to dissuade vehicles from using the area, but it would still be possible to park in the area;
- Mr Tomlinson (Senior Highways Manager) confirmed that studies on the existing crossing points did not identify any need to provide additional crossing points. The Children's Centre would not lead to a substantial increase in pedestrians;
- Mr Conde pointed out that the wall was not listed, but designated a heritage asset. He had been reassured regarding pedestrian safety and would only take account of material planning considerations. Alwyne Close itself was a modern development in the middle of a conservation area;
- Mrs MacDuff commented that the suggested proposal would also benefit older members of the community that used the library as it would move the rhyme time activities to a separate part of the building. Also as a regular user of the library she had never experienced any issues with crossing the roads and had used a variety of parking spaces;
- Mr Mathias highlighted that the extension would be well screened from the road and although it is within the conservation area it is in keeping with the existing building;
- Mr Bird expressed that this site had historically been stripped of its character, but that did not mean it had to continue, it was time to stop this type of development and maintain what is left of the heritage and character of the assets we have;
- Mrs Burkitt agreed with Mr Bird and asked why there could not be a more visionary solution such as knocking down the whole building and building something more in keeping to restore the damage already done;
- Miss Waller pointed out that no information had been provided regarding the impact on staff and users of the loss of the car parking spaces, nor had specific details of the finish been provided. Also that the conservation officer had not come to the conclusion that the public benefit outweighed the impact in his

- comments. The Children's Centre was a valuable facility but it could go somewhere else. In future it would be better to discuss items such as this in public forum through Scrutiny Panel meetings and Scrutiny Panel Chairs might look closely at the Forward Plan and Portfolio Holders could also alert Scrutiny Chairs where they feel they should draw attention to specific items;
- Mr Hodgett (Principal Planning Officer) confirmed that the conservation officer was only one consultee and that all the information must be taken into account in assessing the proposal. The finish on the exterior would be vertical cedar cladding. The other points raised by Miss Waller were not material planning considerations, but more procedural issues;
 - Mr Baines explained that members gave opinion as layman and represented the views of the community. Planning Guidance on extensions was read out. There was not sufficient grounds to refuse on residential amenity or highways grounds, but in his view the benefits to one section of the community did not outweigh the impact on the conservation area. In his view the proposal was flawed and ill-conceived as a design and the issue on the integrated services was a completely separate one;
 - Mr Walters agreed that there would be a public benefit to both existing and prospective users which outweighed developing on what is essentially a car park and rough ground, all be it in a conservation area;
 - Mr Dale felt that the impact would be high as it would double the frontage on Catmose Street. Only have one chance to get this right;
 - Mrs Stephenson highlighted that it was important to view the value we place on the conservation area in the long-term. She had difficulty in supporting this proposal on the grounds of the conservation area;
 - Mr Cross requested clarification regarding the size of the extension, at the DC&L Meeting he was told he was incorrect that it doubled the façade;
 - Mr Hodgett (Principal Planning Officer) explained that the scaffolding as previously explained was larger than the proposed extension due to a mistake by the scaffolders. Whether the façade was doubled depended on where the measurements were taken from. The existing building was 22 metres in total and the extension would be 19 metres.
 - Mr Cross accepted this information and added that the proposal would be doubling the size of this already ugly building, in his view it would compound the existing impact on the conservation area. He could not see how young babies could make use of the library service;
 - Mr Gale confirmed he was there to listen to the public and extend their views to council meetings. He had received correspondence from parents who had conveyed that they did not want new facilities that did not have free onsite parking. The proposal only provided for limited free parking and parents with young children would not want to walk from the bottom end of the Catmose car park to the library. His view was that if this application had been put forward by a member of the public it would have been refused on the basis of the impact on the conservation area. He would be opposing because of the harm caused to the conservation area;

- Mr Clifton pointed out that having grown up with this building; it had become part of his heritage. He had spoken to parents and the benefit was there and the parents also deserve access to the job searching activities which would be next door. Officers had identified parking which would replace that taken by the extension. The extension will be positioned on a car park and a bit of grass and will screen the view of the white wall, it could be seen as an improvement;
- Mr Thomas was concerned regarding the design and also had spoken to parents who were concerned about inadequate parking and road safety. He agreed there was a need for the Children's Centre to be re-located;

---o0o---

In accordance with Procedure Rule 58, Mr Mathias proposed two 15 minute extensions to the meeting. This was seconded by Mr Oxley.

RESOLVED

Council **AGREED** to extend the meeting by 30 minutes.

---o0o---

In accordance with Procedure Rule 11 Mr Gale requested that the voting on item 8 be recorded, this was supported by 4 Members

---o0o---

RESOLVED

Council **APPROVED** the planning application 2016/0872/FUL in accordance with the recommendation and conditions set out within Report No. 203/2016, and the addendum to that report.

The above resolution was voted as follows:

FOR THE MOTION (13)

Mr Begy, Mr Bool, Mr Clifton, Mr Conde, Mr Foster, Mr Hemsley, Mr Lammie, Mrs MacDuff, Mr Mann, Mr Mathias, Mr Stewart, Mr Walters, Mr Wilby.

AGAINST THE MOTION (11)

Mr Baines, Mr Bird, Mr Burkitt, Mr Callaghan, Mr Cross, Mr Dale, Mr Gale, Mr Oxley, Mr Stephenson, Mr Thomas, Miss Waller.

ABSTAINING FROM THE MOTION (0)

---o0o---

The Chairman adjourned the meeting at 9:53pm.

---o0o---

Mr King returned to the meeting at 9:55pm

---o0o---

The Chairman reconvened the meeting at 9:57pm

---o0o---

366 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 10 SEPTEMBER 2016 TO 11 NOVEMBER 2016 (INCLUSIVE)

No call-ins were received.

367 REPORT FROM THE CABINET

Report No. 200/2016 from the Cabinet was deferred to the next ordinary meeting of the Council.

368 REPORTS FROM COMMITTEES OF THE COUNCIL

Report No. 205/2016 was received, the purpose of which was to seek approval of revised Terms of Reference for the Rutland Health and Wellbeing Board (RHWB).

The Chair of the RHWB introduced the report and moved the recommendations. Mr Wilby seconded the recommendations.

During debate of the recommendations points raised included:

- The provision to allow the Chair to make decisions for reasons of urgency outside the formal meeting, would be subject to any existing procedures and rules that are currently in place. It would only involve final approval of items already debated by RHWB and any decision would be ratified at the following meeting.

RESOLVED

Council **APPROVED** the revised Terms of Reference for the Rutland Health and Wellbeing Board.

369 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS

No reports were received.

370 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

This item was cancelled due to insufficient time.

371 NOTICES OF MOTION

The Notice of Motion submitted by Councillor Gale Waller was received in accordance with Procedure Rule 34 was received.

Miss Waller introduced the motion and moved the recommendation. Mr Thomas seconded the recommendation.

MAKE FAIR TRANSITIONAL STATE PENSION ARRANGEMENTS FOR 1950'S WOMEN

“This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951 who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women nationally had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's, including Rutland residents, are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in these women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

This Council will write to the Government to request it reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

During debate the points raised included:

- A parliamentary petition containing over 100,000 signatures on a similar subject had already been debated in Westminster in February/March 2016. The details of the decision can be found on the website and so if a letter was sent to Government, the response would be likely to refer to that decision;
- Would it be of more value to address this as part of the Scrutiny Project on Poverty in Rutland in order to achieve a more practical and local solution; and
- Sending a letter may help to raise the profile of this issue and would not involve a huge amount of work.

RESOLVED

This Council **AGREED** to write to the Government to request it to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

372 **UPDATE: COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTH WEST**

Report No. 206/2016 from the Director for Resources was received the purpose of which was to provide an update on the result of the consultation on the draft recommendations and seek approval of the timetable and next steps for the review.

A short introduction was provided by the Director for Resources, Mrs D Mogg, which clarified that Council were being asked to approve the next steps in Section 5 of the report. Should the Final recommendations be approved in January 2017, Council would be asked to formally appoint to any interim Council in March 2017.

Mr Hemsley proposed the recommendations. Mr King seconded the recommendations.

During debate the following points were raised:

- Progress on the review was welcomed and the enthusiasm of the steering group for the Parish was noted; and
- Costs listed under 4.5.4 of the report should include the costs of a website.

RESOLVED

- 1) Council **NOTED** the results of the consultation on the Draft Recommendations; and
- 2) Council **APPROVED** the timetable and next steps for the review detailed in Paragraph 5 of Report No. 206/2016.

373 **CHANGES TO THE CONSTITUTION**

Report No. 204/2016 from the Monitoring Officer was received, the purpose of which was to ensure that the list of Proper Officers remains up to date in light of personnel changes in the organisation and to amend the constitution to allow for substitutions on the Development Control and Licensing Committee subject to any members substituting having received the appropriate training.

Mrs D Mogg gave a brief introduction.

Mr King proposed the recommendations. Mr Mathias seconded the recommendations.

During debate the following points were raised:

- Members who were not part of a group could not act as substitutes for each other. This was a statutory regulation, not a council procedure.

RESOLVED

- 1) Council **APPROVED** the revision to the list of statutory Proper Officers set out at Appendix A to Report 204/2016;

- 2) Council **APPROVED** the revision to Procedure Rule 20 (6) to allow substitutions on the Development Control and Licensing Committee on the condition that any substitute has received the appropriate training;

---o0o---

In accordance with the provisions of Procedure Rule 11, paragraph 2 – Recording of Votes - Mr Gale requested that his votes against the above resolution be recorded.

---o0o---

- 3) Council **APPROVED** that attendance at annual planning training should be mandatory for all Members; and
- 4) Council **AUTHORISED** the Monitoring Officer to update the Constitution accordingly.

374 ANY URGENT BUSINESS

No matters of urgent business were received.

---oOo---

The Chairman declared the meeting closed at 10.28 pm.

---oOo---



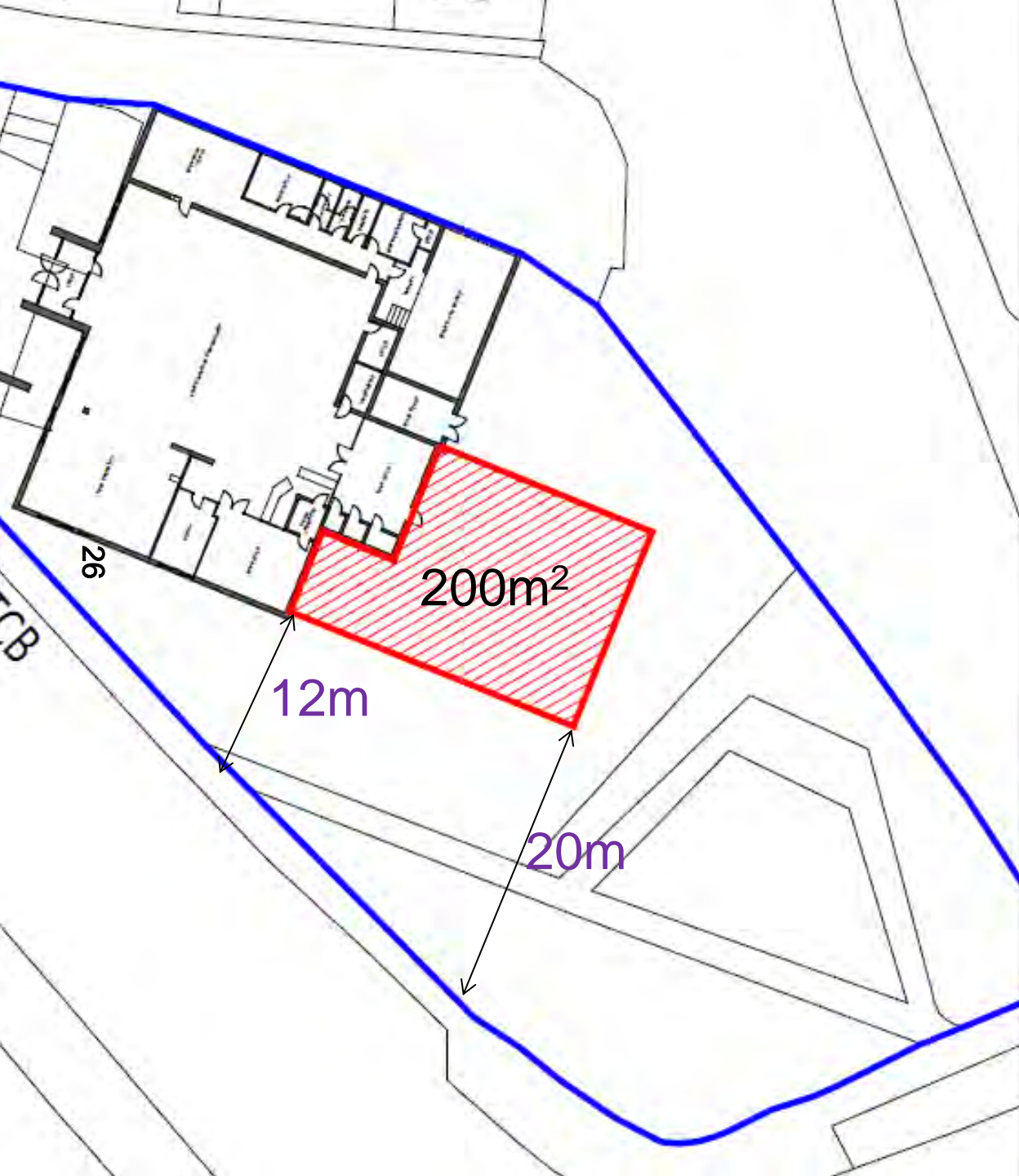
Rutland
County Council

2016/0872

Oakham Library

25





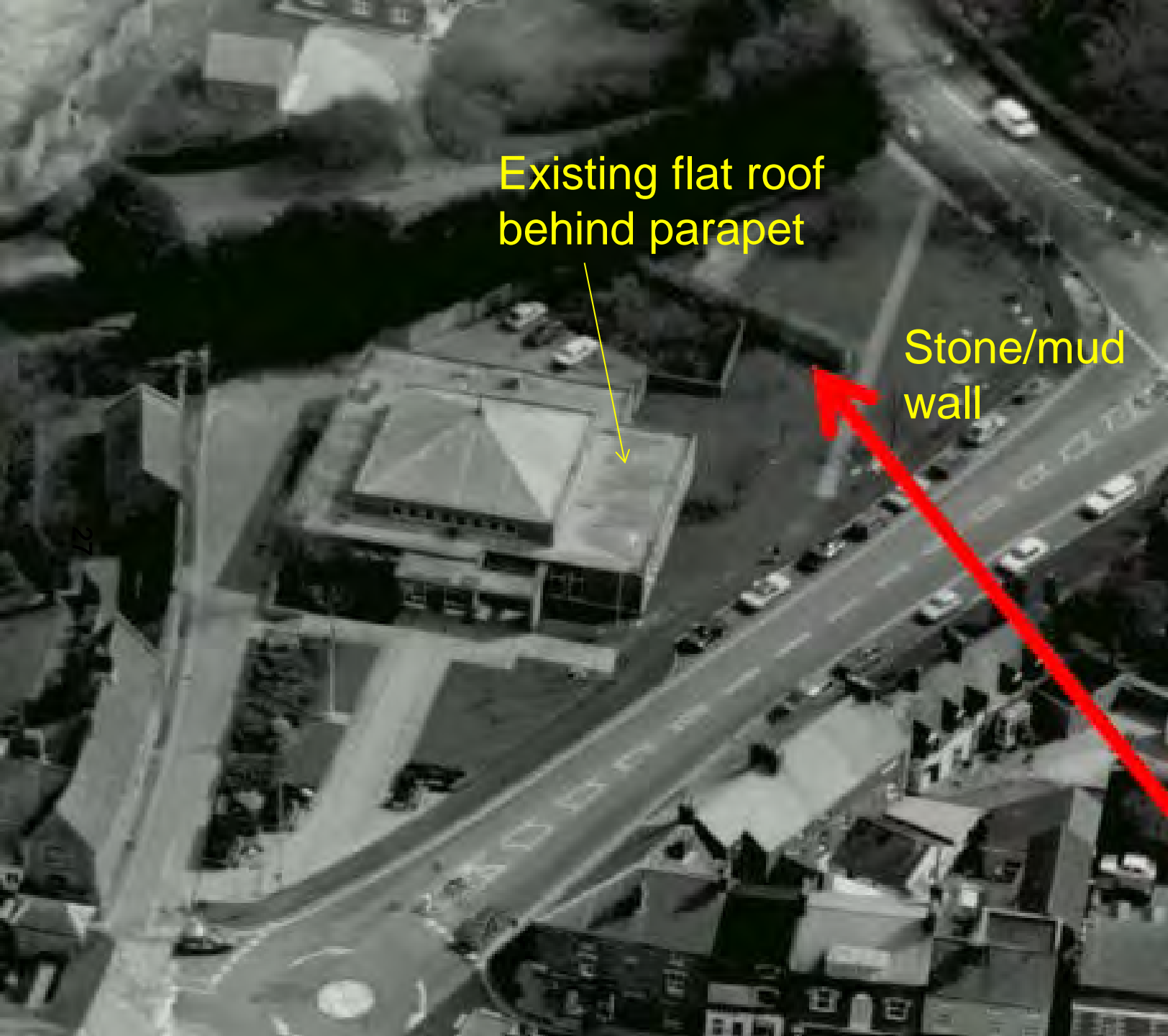
Approx 35%
increase in
floor area

(Replaces a
150m² facility)

Existing flat roof
behind parapet



Stone/mud
wall





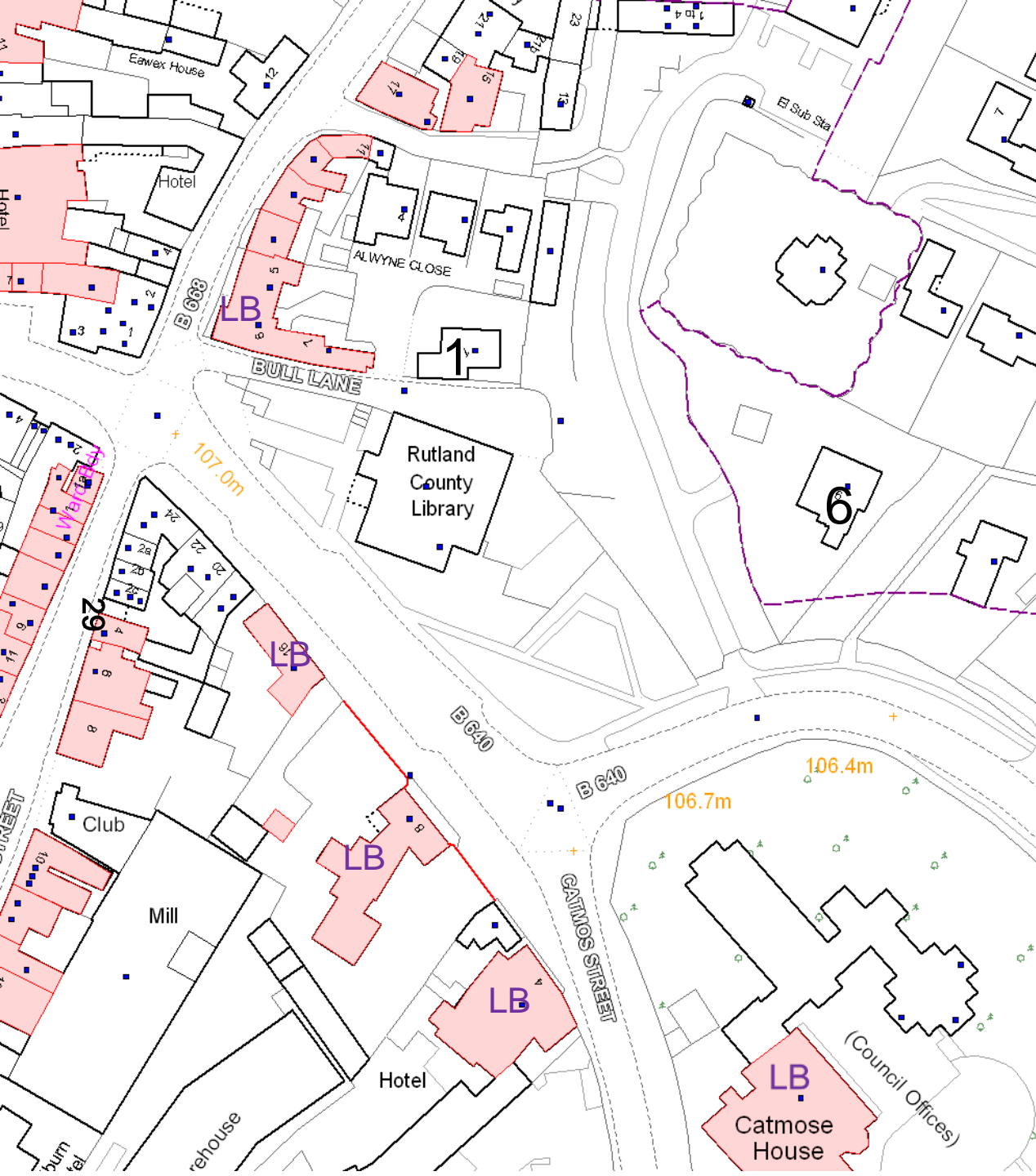
28



1970's

Today





Conservation Area Boundary



30

CATMOSE STREET, OAKHAM

M 4433



31

Catmos Street, Oakham No. 7



Bull Lane

No.1

33





Outline of proposal

Existing Plan



35

36



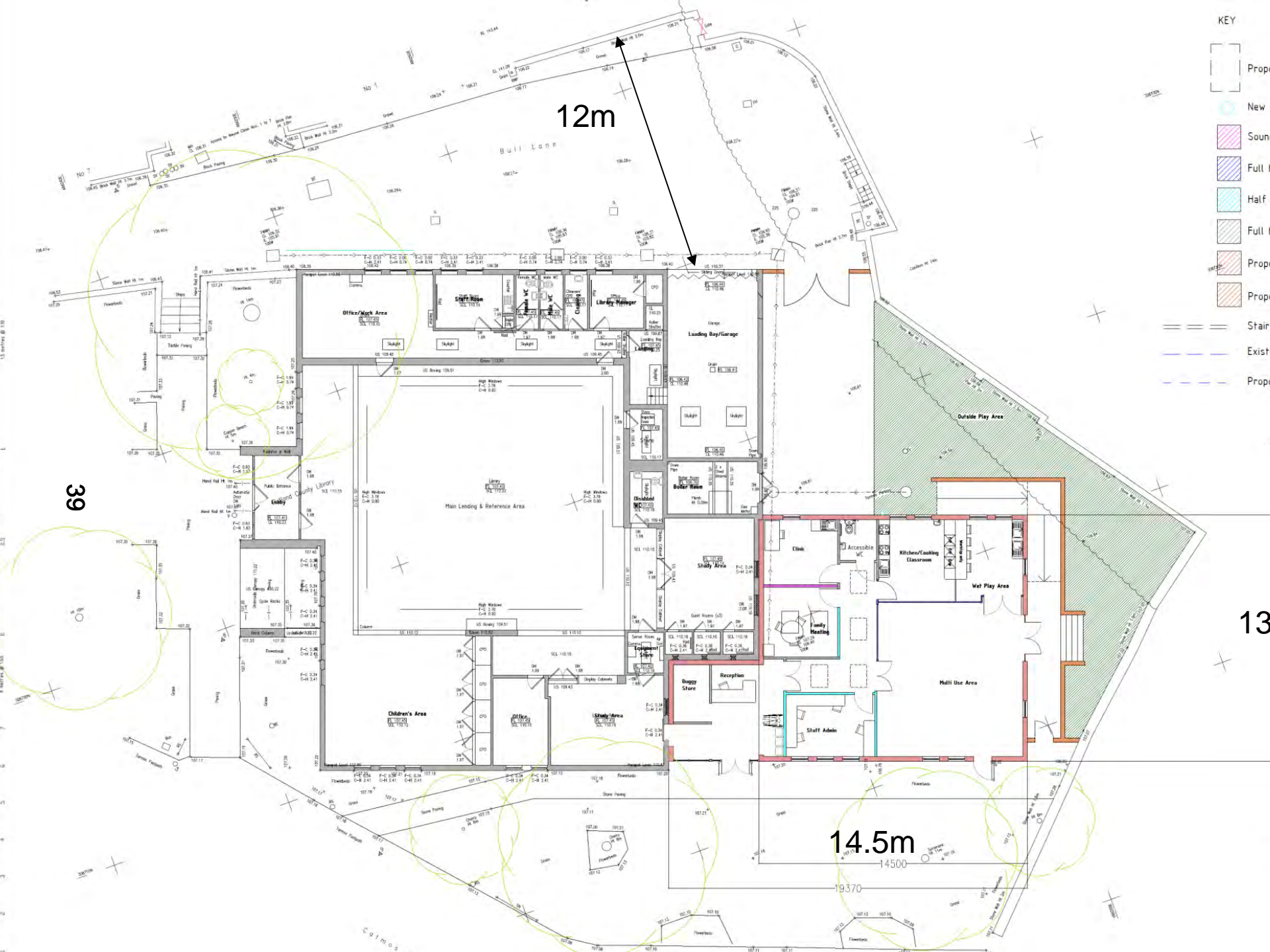


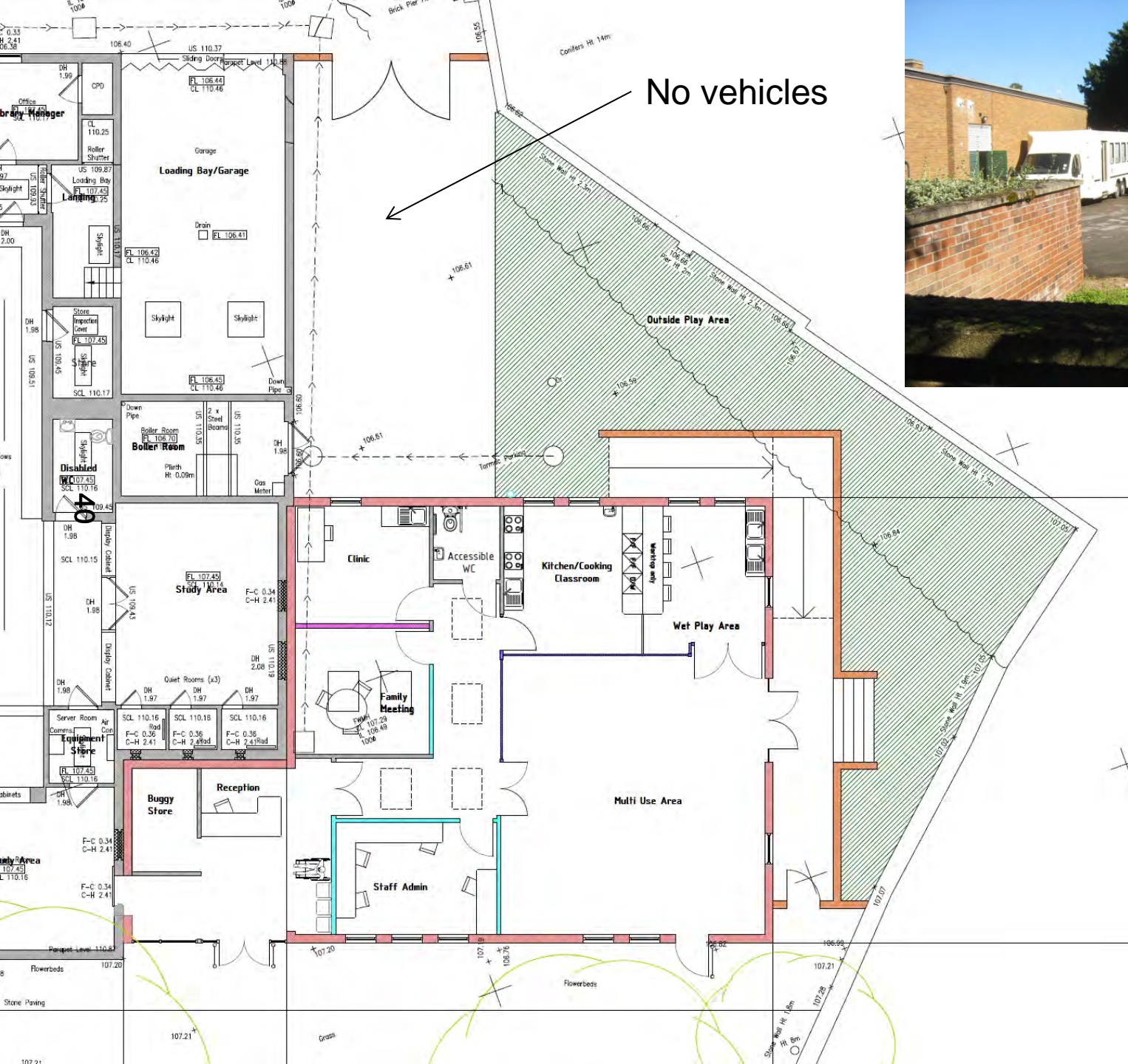
Issues for Consideration

- Design
- Impact on Conservation Area
- Residential Amenity
- Highway Safety
- Note: Alternative sites and management issues are not planning issues



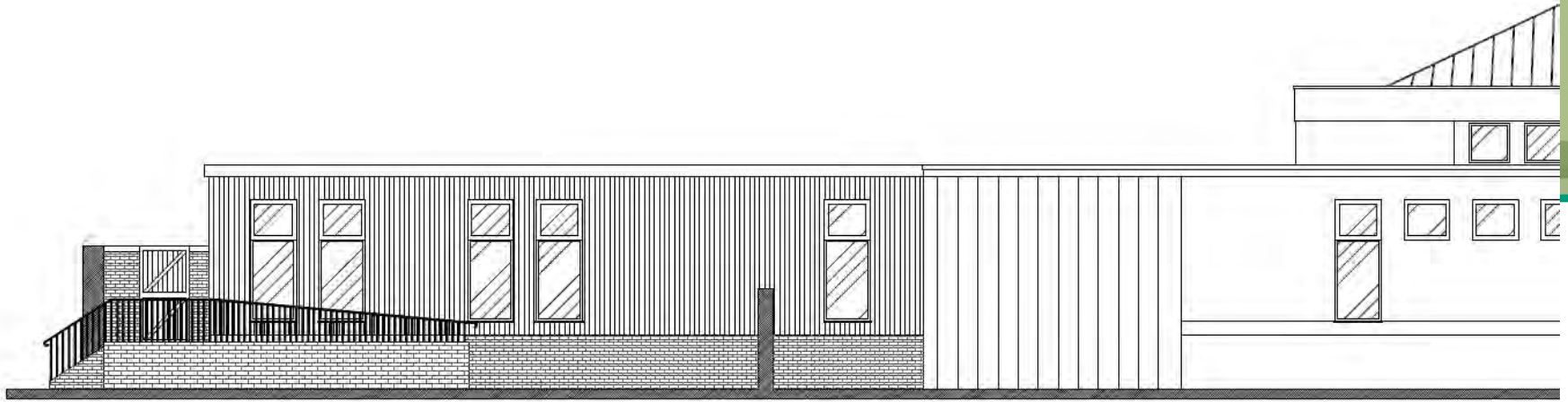
Design/Conservation Issue





No vehicles





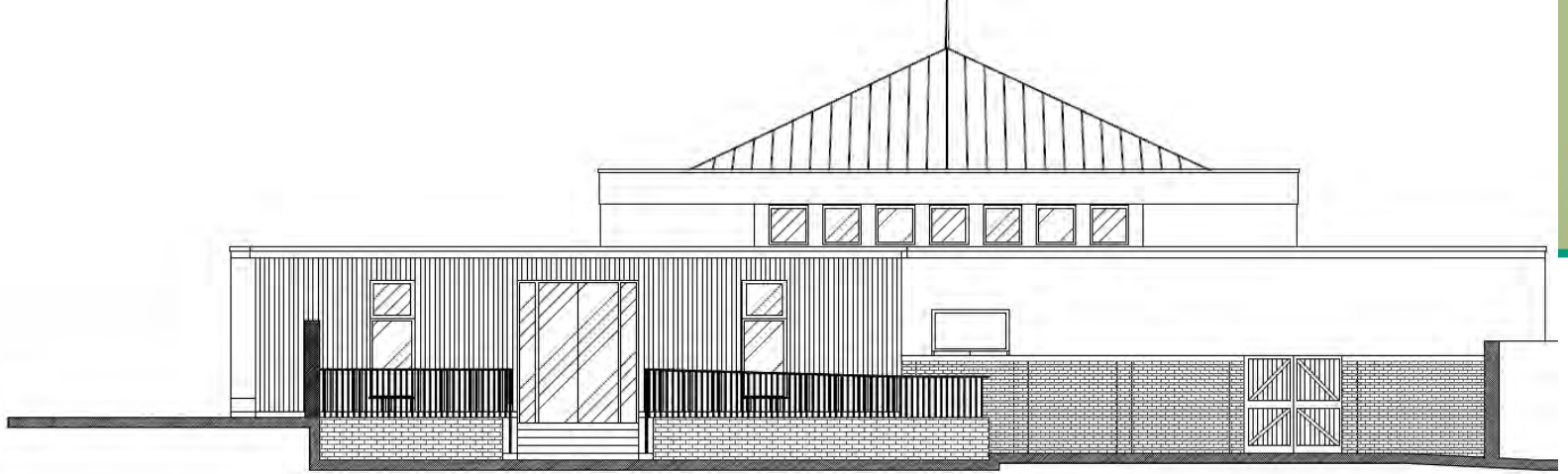
41



North elev

View of
extension
screened by
gates

Bull Lane



East Elevation Proposed

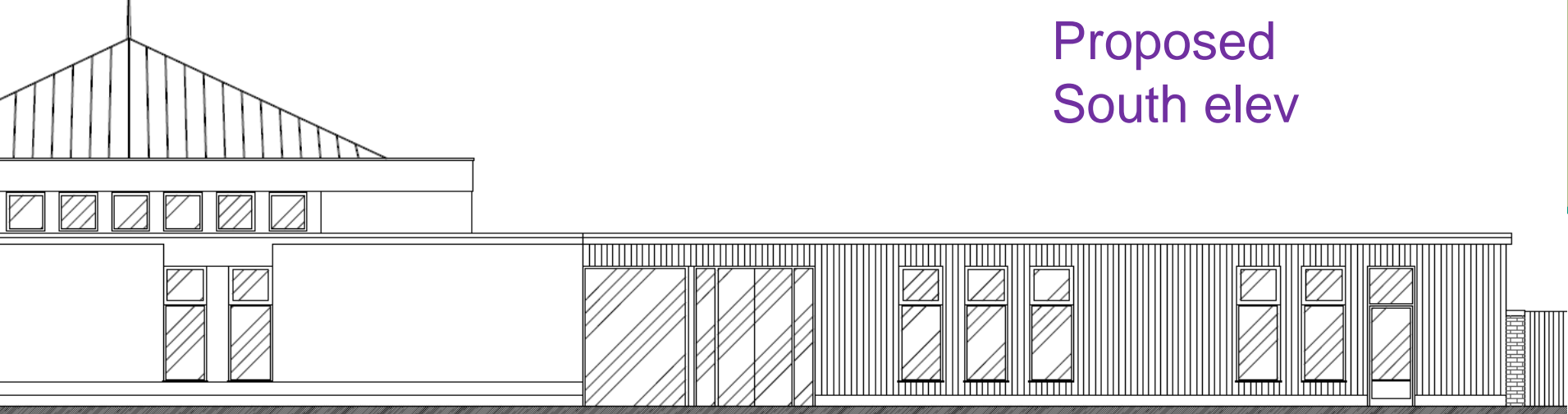


East Elev

43

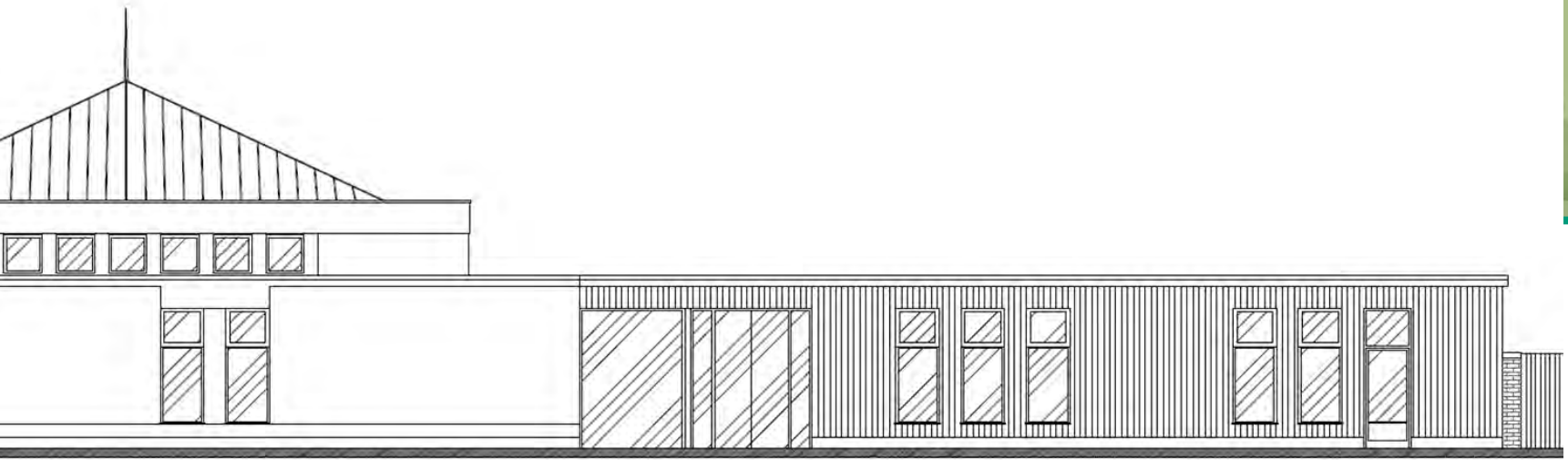


Proposed South elev



44





Proposed

45

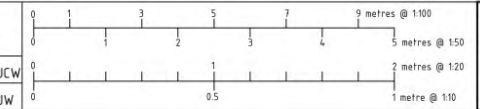
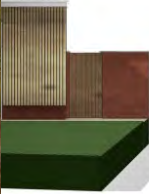
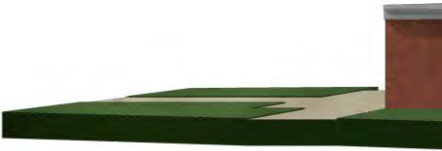


46



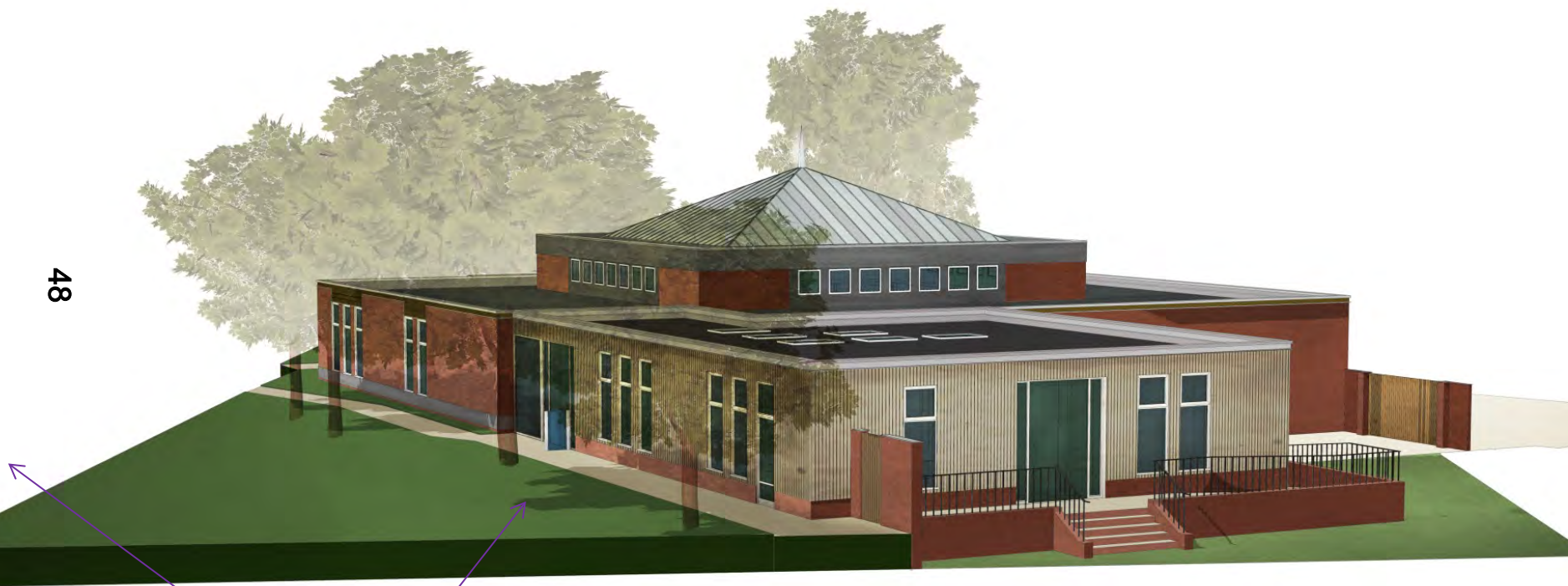


47



Drawing No.	3945/038
Scale	NTS
Project	Oakham C

48



Setback from angle of highway

Castle ↑

← P ↓

← P Town centre

H ↑

All directions →

↳ Barmode Gardens

↳ Riland Water

69



50

Castle ↗
P ↗
Town centre ↗
H Urgent care ↗

All directions
Barnsdale Gardens
Hustand Water



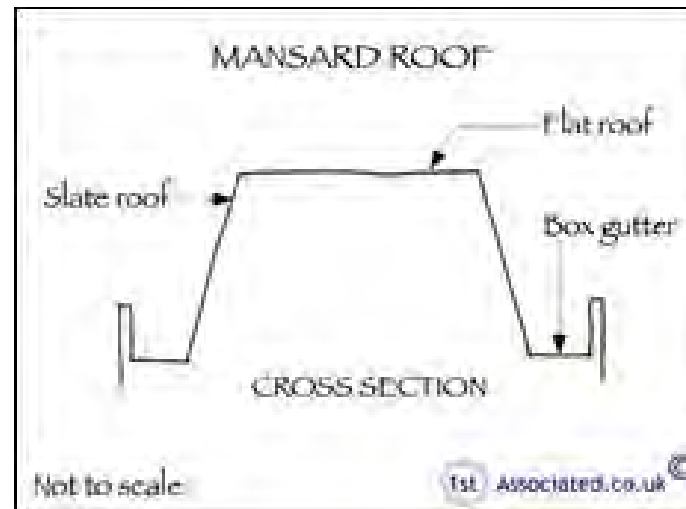
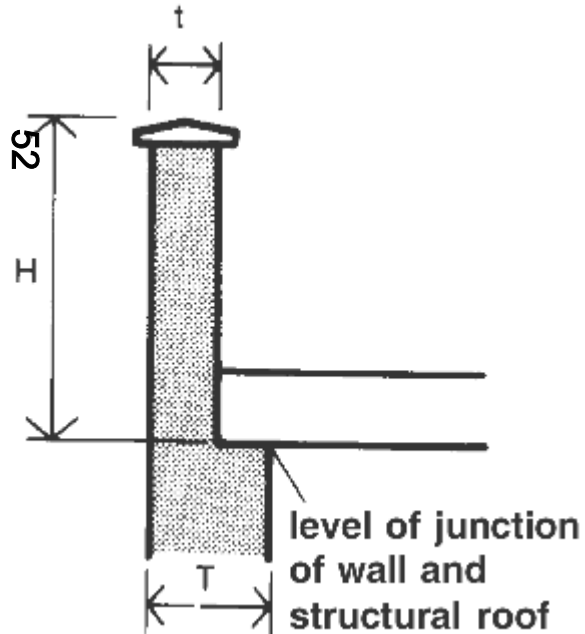


51





Parapet Walls

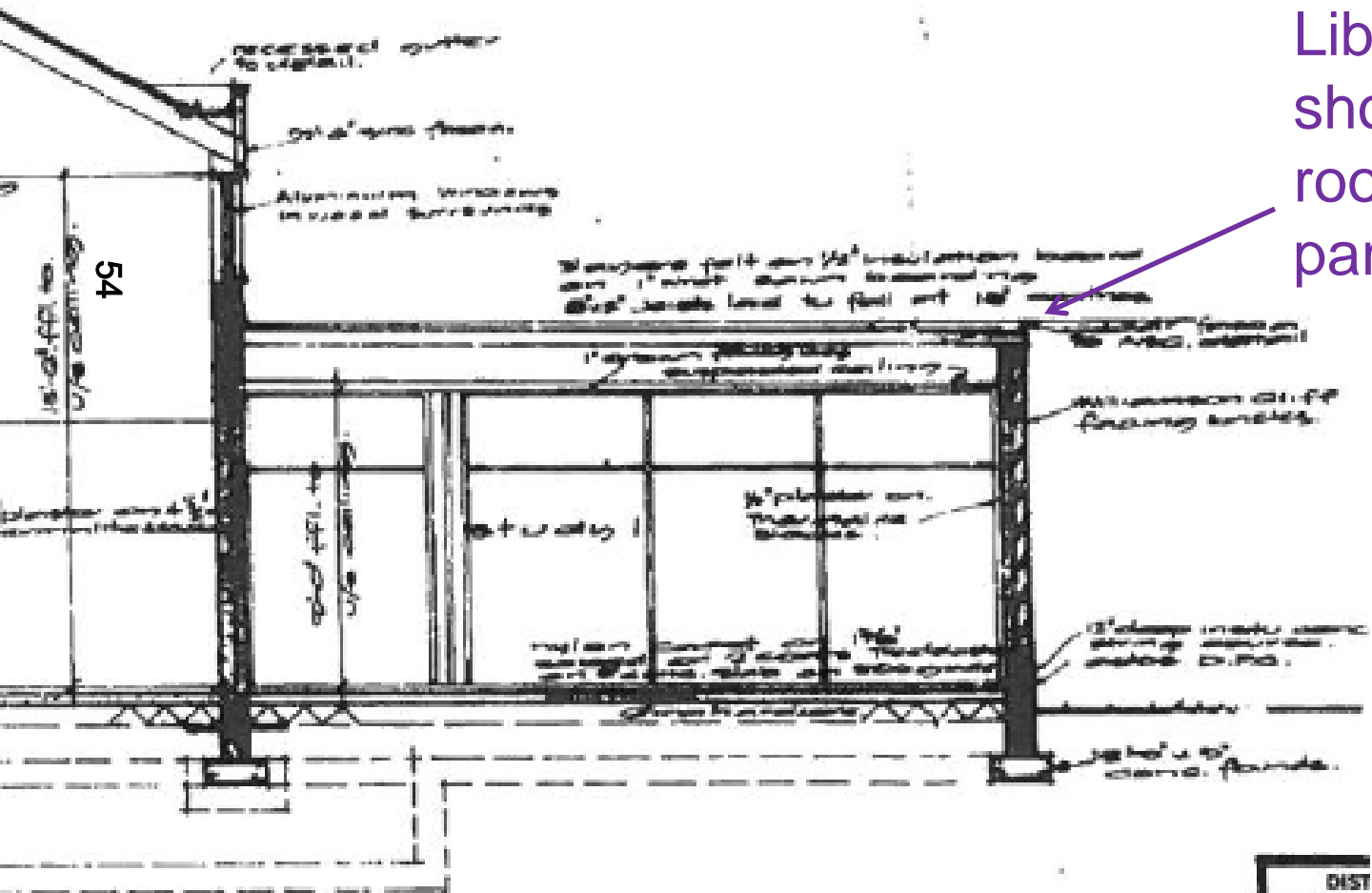




53

Parapet wall/flat roof on
Listed building and
extension

Handwritten notes at the top left of the page, partially cut off.



54

1971 - Original Library plan shows just a flat roof - no parapet



DIST
date



55





Design /Conservation Area Summary

- **General**

- town centre location conforms with policy

- **Design**

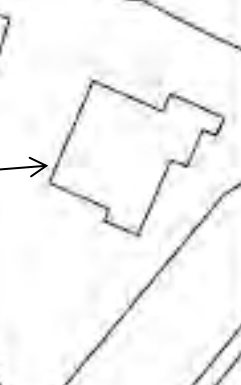
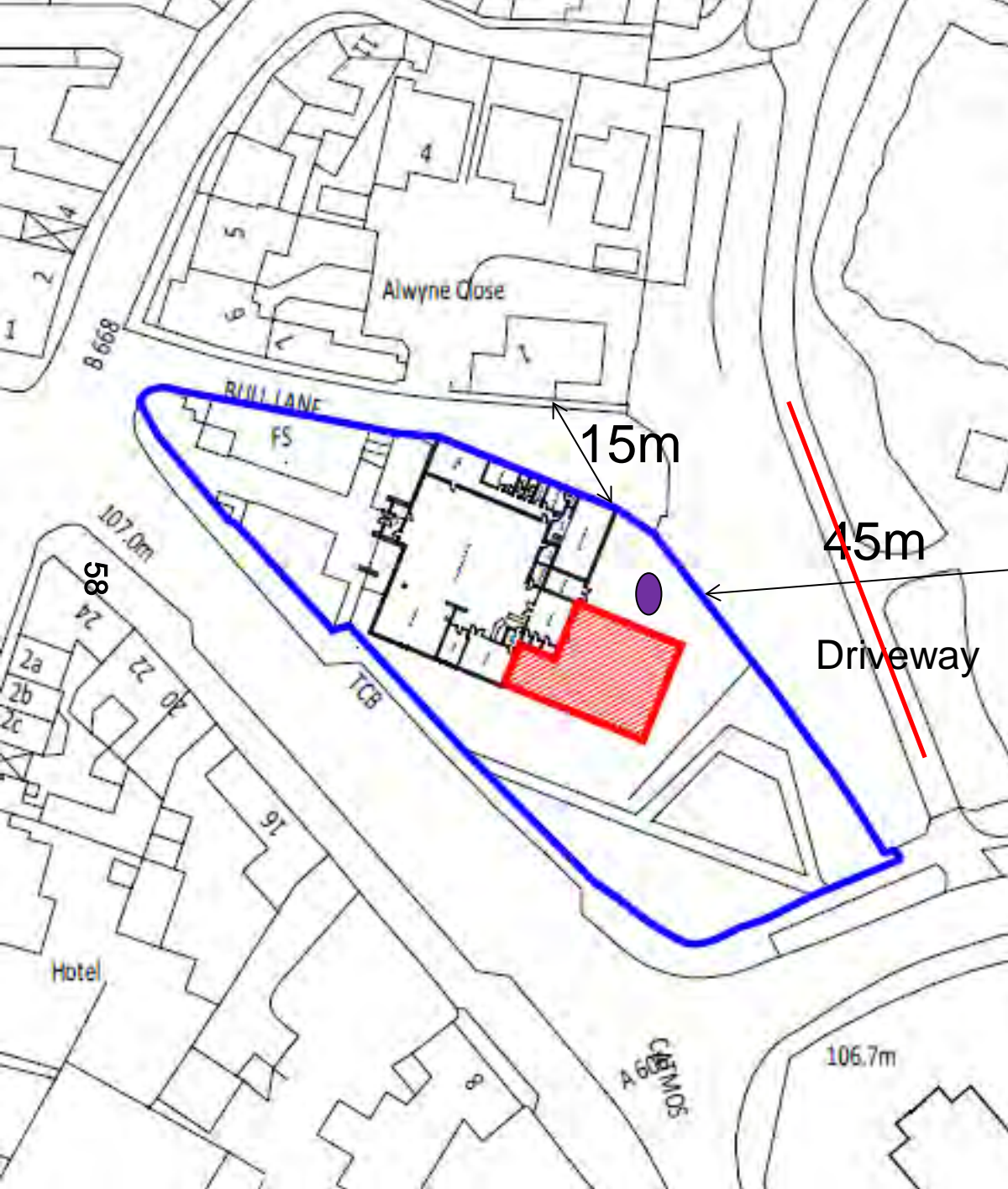
- 56 ▪ Difficult to match brick, appropriate to existing building – condition to require approval of materials
- Cedar cladding and matching fenestration
- Flat roof hidden behind parapet as existing building

- **Conservation Area**

- Statutory requirement to ensure preservation or enhancement – neutral is acceptable
- Main impact is from original Library
- Some additional impact here but outweighed by public benefit of the facility

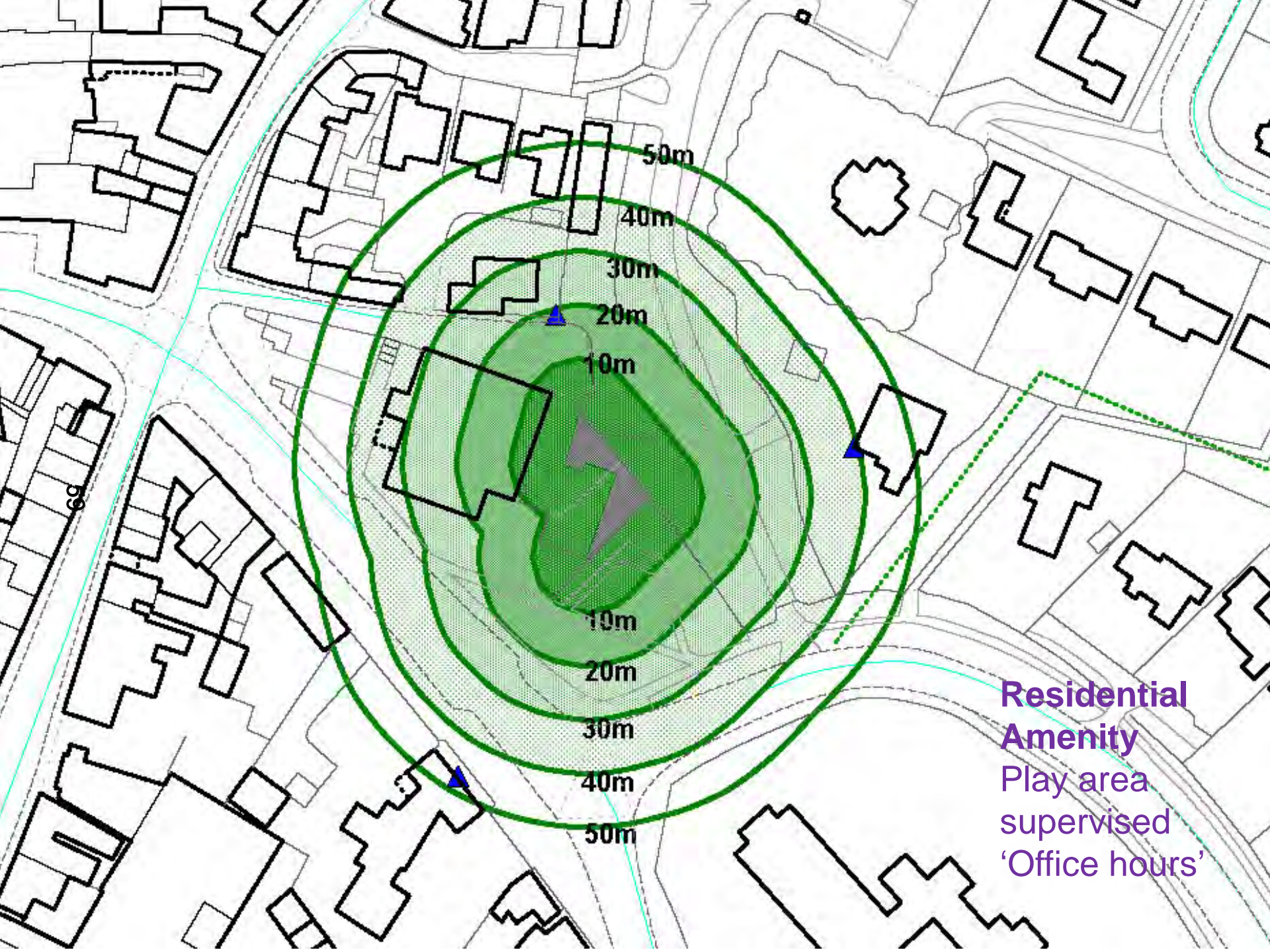


Residential Amenity Issue



**Residential
Amenity
Play area
supervised
'Office hours'**





Residential
Amenity
Play area
supervised
'Office hours'



Residential Amenity Summary

- No impact from internal use of building
- 09 Limited impact on neighbours from outdoor play
 - Supervised young children
 - External play area in Office hours only
 - Higher background noise levels in this area



Highway Safety Issue

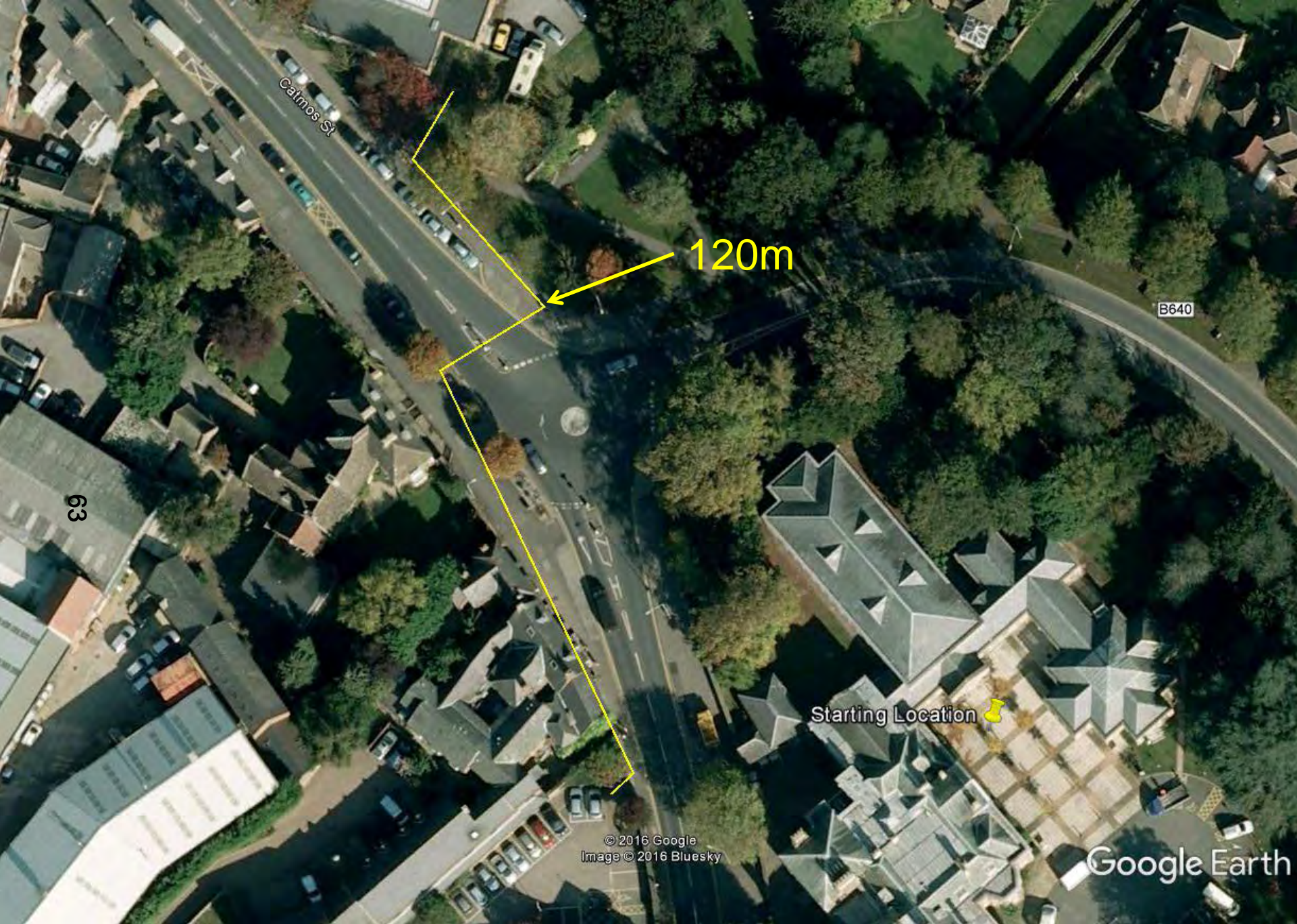
10 Children's Centre Parking Spaces (proposed)



Parking



5 Museum Parking Spaces (existing)



Catmos St

120m

B640

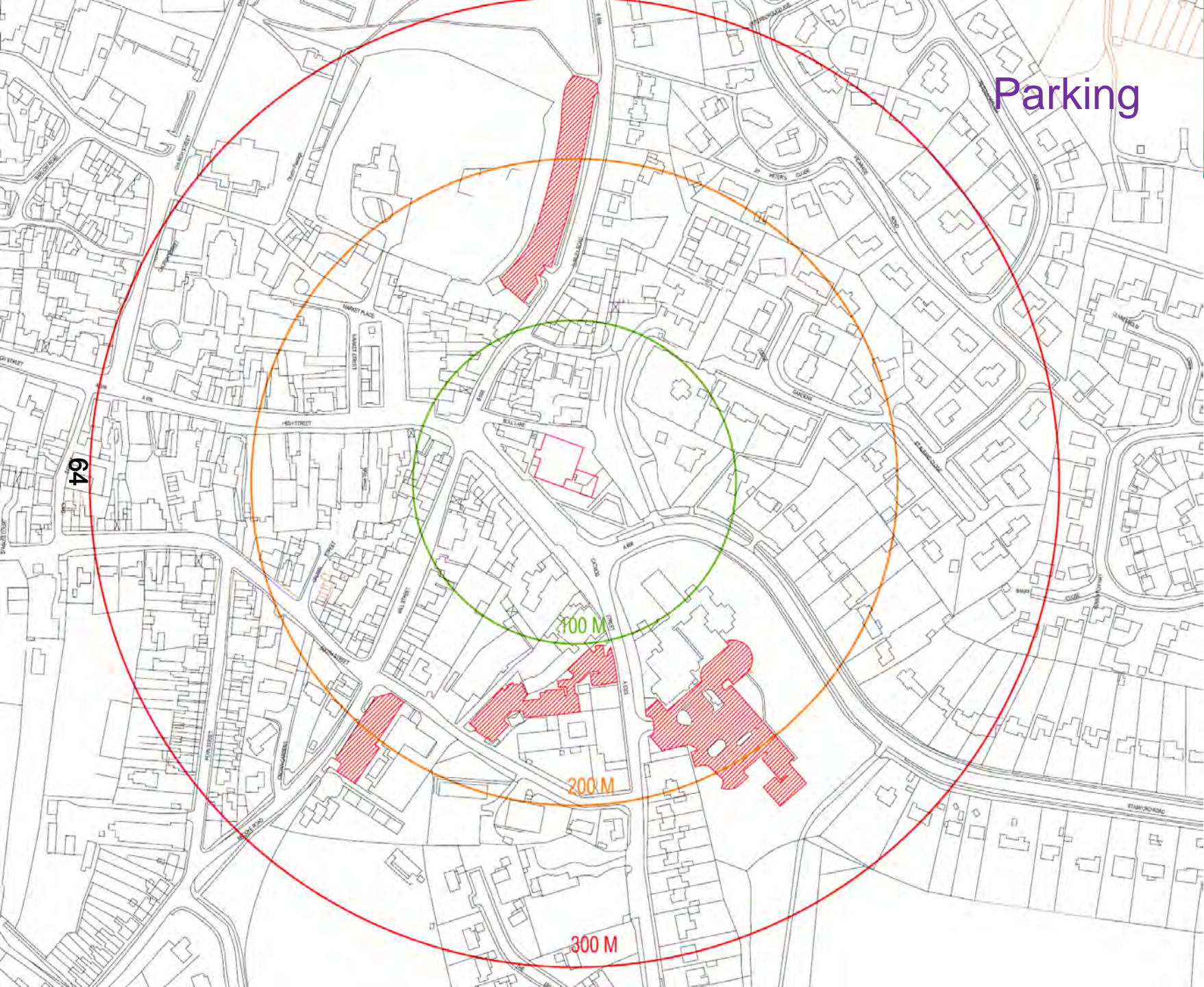
69

Starting Location

© 2016 Google
Image © 2016 Bluesky

Google Earth

Parking



64

100 M

200 M

300 M

Crossing point
(Refuge)

Lone Car – driver
error

201104311

Cyclist/car on
roundabout

200707226

69

201206631

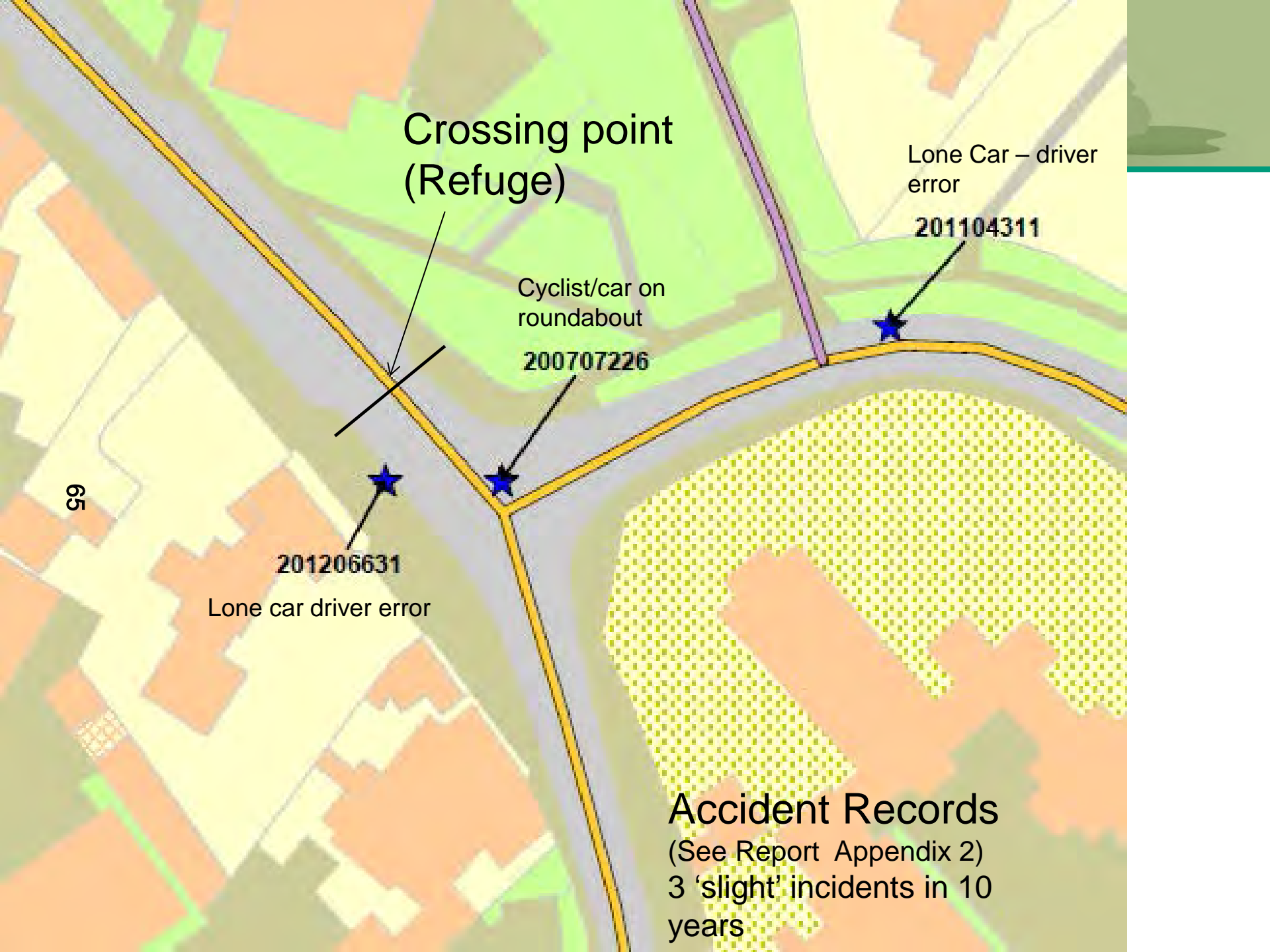
Lone car driver error

Accident Records

(See Report Appendix 2)

3 'slight' incidents in 10

years





Highway Safety Summary

- 10 parking spaces reserved for visitors in Museum car park during opening hours only – 120m door to door – 1 road crossing
- 69 ■ Mitigation of loss of 10 spaces at the museum and 7 at Library by providing 15 additional pay and display spaces at Catmose and 2 at South Street.
- Other public car parks nearby
- Policies prefer town centre location for this type of facility
- No pedestrian accident records in the locality



Conclusions

- 4 main Planning Issues only – The scheme complies with the relevant policies for each
- 67 ■ Other issues are not planning matters, e.g. alternatives, management and future expansion and must not be given any weight in a planning decision
- Decision must be based on the proposal in front of you
- Recommended for Approval inc Condition in the Addendum

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