

PLANNING & LICENSING COMMITTEE

2ND NOVEMBER 2021

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
149/2021	1	2020/1262/MAF	BALFOUR BEATTY HOMES	KETTON

Comments have been received from the Lead Flood Authority.

Anglian Water have stated the Surface Water Strategy/Flood Risk Assessment is not acceptable and they are not happy with the surface water proposals and have requested that the following condition is appended:-

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

The roof water appears to be being dealt with by soakaways in rear gardens. The highway surface water is a piped/gully system outfalling to large attenuation/infiltration tanks under the POS's. As the Local Highway Authority have already stated, the LHA will not adopt such a drainage system and consequently the highways. The developer confirmed that they have no intention of having the highways adopted and will have a management plan in place for both highways and drainage. Given this, subject to having a surface water management strategy, as already requested by Anglian Water, the Local Lead Flood Authority raise no objection.

The following informatives is also to be added:-

Rutland County Council will only adopt surface water systems which take only highway water, however the proposed scheme includes large infiltration tanks which Rutland County Council will not adopt. Consequently, the highways being drained within the

development will not meet adoptable standards either. It is noted that the developer confirmed it is their intention to keep the development fully private with their own management company. All references to adoption and Section 38 on the approved plans are to be ignored.

Additional Condition Required

The additional condition will be as follows:

‘No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.’

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Additional Comments received from Ketton Parish Council Nov 21

Whilst Ketton Parish Council accepts that this is an allocated site for development the proposals as they stand are still not acceptable.

1. Lack of affordable and house size mix. Policy SP 9, SP20

All the houses are 4 or 5 bedrooms, and for sale on the open market, which does not meet the requirements of planning policy for mixed, and affordable housing, or the needs of the local community as demonstrated by the results of the Ketton and Tinwell Joint Neighbourhood Plan 2020 Survey. 59% of the respondents were in favour of giving priority to developments that included homes below the market cost (affordable, starter and social). 61% of the respondents, rising to 88% of those with an opinion, favoured developments with 2 and 3 bedroom houses. 64% of respondents, rising to 89% of those with an opinion said that houses with 1 to 3 bedrooms were most needed.

Although the inclusion of the Chater Field affordable housing allocation at the nearby Crescent site provides the required 30% affordable housing across the 2 sites, it does generate problems of housing density and lack of spatial mix of house types at the Crescent. The original justification quoted for the lack of affordable housing on Chater Field was that the gradient of the site would result in an estate road that could not be adopted and that affordable house providers may not be prepared to pay the

management fees. We note that the estate road for the Crescent will also not be adopted and will incur management fees, even though 42% of the homes on this site are planned as affordable.

Across the 2 sites, 48% of the houses have 4+ bedrooms – the rest being 2 and 3 bed houses. The 2019 Peterborough region SHMA assessment of housing type need quotes 20% to 25% for 4+ bedrooms and 75% to 80% 2 and 3 bedrooms. The proposed housing mix across the 2 sites is hardly “reflecting the aspirations of the SHMA” as quoted in the Additional Design Rationale (30.9.21)

None of the affordable houses have 4+bedrooms despite a SHMA need for 5% to 10% of 4+ bedrooms.

2. The re-routing of the permissive footpath from the High Street to Ketton Sports and Community Centre (KSCC)

We accept that the developers have safe-guarded the existence of this permissive footpath, even though it is not a Public Right of Way, by incorporating most of it into the estate road. However, we would still prefer the path to remain in its original position.

The current permissive path has peaks of high footfall - weekends, all day from early to late, and during KSCC car boot sales. The re-routed access may therefore result in a nuisance to future residents of Chater Field in terms of noise, also from visitors to the sports complex parking cars in the estate and using the path between 16 and 17 as short cut (and to avoid parking charges for the car boot sales).

The developer contends that keeping the path in its current position would cause it to be “tightly bound by back gardens”, and needing lighting. It is currently “tightly bound” anyway by the back gardens of Molesworth Bungalows and Chater Mews, and has no lighting (which has never been an issue). There is a similar, unlit path (PROW) that runs along the back of gardens in Kelthorpe Close.

Maintaining the current route of the footpath, with its hedge separating it from Chater Field, would prevent some loss of biodiversity.

3. Net Biodiversity Loss. SP17, 19, 20, 21

It is proposed that half of the trees currently on the site will be felled, including some along the frontage; this will have an impact on the views across the site from the High Street and across the valley, and its contribution to the appearance of the Conservation Area in which it sits. The impact in terms of Biodiversity loss will be huge.

The trees that are to be retained on the site will need root protection. We can find no plans for this for Chater Field (although they form part of the Crescent application), and would recommend that suitable root protection is a condition of planning consent.

We accept that the destruction of the established traditional orchard is inevitable, and a replacement orchard at Long Paddock, beyond Home Farm (in the same ownership as Chater Field and the Crescent) is the best option. However, it will be many years before this replacement orchard achieves Biodiversity Net Gain in mitigation for habitat loss at both the Crescent and this site. It is essential that this orchard becomes a community asset with full public access, and managed as such in perpetuity with legally binding clauses, and that its establishment and management is fully funded by the developer over the next 30 years.

In view of the findings of the bat survey for this site and the presence of suitable bat foraging areas to the NE, NW and SW of the site, we suggest that the installation of 'Bat Friendly Lighting' is a condition of planning consent.

4. Surface water drainage issues

We assume that Anglian Water, and RCC as the LLFA, will comment on, and place any necessary conditions on, the adequacy and suitability of the plans for dealing with surface and foul water on the site. If surface water generated by the site is not dealt with adequately it could result in properties on the opposite side of the road, which have dropped kerbs and are on plots that slope down to the river, suffering from flooding.

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149/2021	3 & 4	2021/0855/FUL & 2021/0856/LBA	RUTLAND KINO	OAKHAM

Additional comments have been received:

51 additional letters of support have been received. The comments raise similar points to those in the main agenda.

4 Letters of objection have been received and are listed below:

Comments from Ms Joscelyne Orr:

I believe this meeting should be postponed and allow proper public consultation to take place as a debate within the Victoria Hall.

To allow the application to proceed tonight would jeopardise the outcome concerning such an important amenity to the population of Rutland.

The Charity commission will be notified about the proposed change of use which in my opinion is contrary to the constitution of Victoria Hall.

The High street appearance would inevitably be changed by Rutland Kino, the loss of community/social facility for more numerous activities beneficial to the community as a whole.

I also note that in the original document of the constitution there should be 3 Trustees from RCC and 3 from the Town Council whereas now there is only 1 of each. How and why was this changed?

If a 25 year lease is given to Rutland Kino with 5yr proviso just to allow them to refurbish the building at great expense-circa 2million. It would be extremely unfair on them to lose out financially when it is clearly the responsibility of the planning decisions made now to see that there is no real evidence that this cinema will produce the forecasts of revenue in the business plan

Comments from Mr R Miller:

With reference to the statement in section 11 page 68 of the Public reports pack published on 27th October 21.

According to the information provided by RK their projected customer numbers will be in excess of 1000 per week, a significant proportion of which will be traveling by car which cannot fail to impact the already difficult parking situation in Oakham town centre. Has RCC actually analysed The RK data, assessed its impact on parking in the town and how it plans to deal with this issue. If not why, and If so why this report has not been placed in the public domain.

11. Highways Thank you for the additional information, which I have now read through, and can confirm that the LHA are now satisfied that the development will not result in a severe impact when comparing with the existing use of the site. The LHA therefore withdraw our holding objection and request for further information.

Comments from Ms Karen Mellor:

Having read through the planning report for the forthcoming committee meeting I would like to draw your attention to the following issues:

Page 72 item 18 and 19: It specifically mentions that proposals for the loss of services

and facilities.... Will not be supported unless an alternative facility to meet local needs is available and all options for continued use have been fully explored. I do not believe that this has been carried out in the instance. The Victoria Hall is considered the equivalent of a village hall and alternative venues for large scale public meetings, events and dances are not available anywhere else in the county. Item 21 policy CS13, whilst the application does support new jobs there is no mention that at least 5 jobs will be displaced and possibly lost as a result of this approval.

Item 41, I am concerned that the report implies that there will be adequate parking in Oakham for this development. There are already parking issues during the evening for users of the Victoria Hall. The cinema is likely to attract more people from out of town and parking is going to be quite inadequate.

Comments from Mr R Gale:

The Victorial Hall is and has been an important community building for Oakham and surrounding area for many decades. By converting it to specific uses prevents it being used for many other uses. It can be used for the proposed use without extensive alterations and expense. Yes refurbish the Listed Building but do not change its character. As a former Trustee I question whether this alteration complies with the Hall's constitution. It is a fact that we have been saying for decades that we do not provide for the young people of the town and surrounding area. I ask to know how the population believe that a cinema is what is required now and in years to come. As I have said, the Hall can be used for its proposed uses more or less as it is without constructional changes, DO NOT DISTROY THE CHARACTER OF A HISTORICAL BUILDING THAT CAN BE USED FOR PROPOSED USES IN ITS CURRENT DESIGN.

Comments from Mr Brookes:

Since submitting my comments via the council portal, I had a meeting with Mr Peter Jones a trustee of Victoria Hall for 25 years. 20 years longer than the legal deeds of trust permit. There is one of the problems with the management of Victoria Hall. The meeting went well certainly a lot more pleasant than back in the days when he was a Rutland County Councillor. One of the main concerns I have is the appointment of trustees.

The deed clearly states 4 must be appointed from the elected membership by both Rutland and Oakham Council for four years after an election. Others should be appointed from the community for a max of 5 years. None of this has been done for years. This is why there is now such a low number of long-term trustees who in my opinion have become stale. The hall needs new fresh Trustees.

Mr Peter Jones made it very clear to me Rutland County Council do not want to appoint any trustees. Please can Rutland County Council explain why they do not want to comply with their legal obligation and what are they going to do to rectify this failing?

The same issue applies to Oakham Town Council who only have one representative because it suits the longer serving Trustees. Who are known to reject people the council has appointed. It is shocking that this has been permitted to happen I feel if the Trustee rules were followed the council would not be considering this application this evening.

The application is only being supported in my opinion by the few long-term serving trustees due to laziness and a need to secure a simple easy income due to the retirement of the hall manager.

Mr Peter Jones tells me that the Trustees have funds to revert the hall alterations if the cinema fails. The Charity commission website has a very clear statement listing how Victoria Hall funds should be used and it does not include putting right alterations after a failed business departs.

Mr Peter Jones assures me the Hall Ceiling would not be boxed in although I was original given this information by a member of staff, so that comment in my response is no longer relevant.

I notice there is a comment from a Jayne Williams about the dance floor. Although Mr Peter Jones tells me it won't be damaged. I cannot see how seating anchored into the floor won't cause damage.

Over the years the hall has received various funding from charities and lottery because it claims to be a community asset. It disappoints me that the hall has not been used to its full potential. Most concerning is the kitchen currently let to Kavanaghs Tea Rooms Catering a commercial business. When funding was granted for the splendid kitchen, it was claimed the kitchen would be used for community purposes. I understand that is to be ripped out which is really quite disgusting.

Officer Comments:

The points raised above have been commented on in detail in the main report and will be picked up in the officer presentation.

Recommendation:

That the applications are approved but that condition 3 and 4 of application 2021/0855/FUL are amended from:

3. Before any works hereby approved commence large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - Large scale details of proposed glazed entrance lobby (including fixings).
 - Large scale details of proposed handrails to the step at the front entrance (including fixings).
 - Large scale details of proposed film poster display boxes (including fixings).
 - Large scale details of proposed high level LEDs to be affixed to underside of cornice (including fixings).
 - Large scale details of the proposed signage to be installed on the existing canopy (including fixings)

 - A schedule and annotated plans/drawings to a scale of not less than 1:20 showing the full extent of the works shall be submitted to and approved in writing by the Local Planning Authority and no works shall be undertaken except in accordance with these details.

Reason: in the interests of preserving the historic character of the listed building in accordance with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

4. Prior to any works commencing precise details of the location for the careful storage of any doors to be removed as part of the works hereby approved shall be submitted to and agreed in writing by the local planning authority. The doors shall be carefully stored and made available for inspection on request by the Local Planning Authority. The doors shall be stored in perpetuity unless reinstalled in the Hall or as otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of preserving the historic character of the listed building in accordance with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

To state:

3. Before any works related to the items listed below commence large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- Large scale details of proposed glazed entrance lobby (including fixings).
- Large scale details of proposed handrails to the step at the front entrance (including fixings).
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- Large scale details of proposed high level LEDs to be affixed to underside of cornice (including fixings).
- Large scale details of the proposed signage to be installed on the existing canopy (including fixings)
- A schedule and annotated plans/drawings to a scale of not less than 1:20 showing the full extent of the works shall be submitted to and approved in writing by the Local Planning Authority and no works shall be undertaken except in accordance with these details.

Reason: in the interests of preserving the historic character of the listed building in accordance with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

4. Prior to any works involving the removal of any doors commencing precise details of the location for the careful storage of any doors to be removed as part of the works hereby approved shall be submitted to and agreed in writing by the local planning authority. The doors shall be carefully stored and made available for inspection on request by the Local Planning Authority. The doors shall be stored in perpetuity unless reinstalled in the Hall or as otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of preserving the historic character of the listed building in accordance with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

And amend conditions 2 & 3 of application 2021/0856/LBA to

2. Before any works related to the items listed below commence large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority:

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- Large scale details of proposed handrails to the step at the front entrance (including fixings).
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- Large scale details of proposed high level LEDs to be affixed to underside of cornice (including fixings).
- Large scale details of the proposed signage to be installed on the existing canopy (including fixings)
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Reason: in the interests of preserving the historic character of the listed building in accordance with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

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