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Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **DEVELOPMENT CONTROL AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 22nd November, 2016** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

A G E N D A

APOLOGIES

1) MINUTES

To confirm the minutes of the Development Control and Licensing Committee held on 25 October 2016.

2) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rules.

The total time allowed for this item shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) DEPUTATIONS RELATING TO PLANNING APPLICATIONS

To receive any deputations from members of the Public in accordance with the provisions of Procedure Rule 94(4).

There will be no limit on the total number of deputations to be received but no more than two deputations will be permitted in respect of each planning application one of which, if required, will be from a statutory consultee.

Deputations which relate to a planning application included on the agenda for this meeting will be deferred until the application is considered by Members.

Following the deputation, the applicant or his agent will have a right of reply, the maximum time for which will be three minutes. Members will then have the opportunity to question the depute and if a response has been made, the applicant or agent, for a maximum of four minutes.

5) REPORT NO. 208/2016 DEVELOPMENT CONTROL APPLICATIONS

To receive Report No. 208/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 5 - 24)

6) REPORT NO. 209/2016 APPEALS REPORT

To receive Report No. 209/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 25 - 28)

7) REPORT NO. 211/2016 APPEALS ANALYSIS

To receive Report No. 211/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 29 - 34)

8) EXCLUSION OF THE PRESS AND PUBLIC

The Committee is recommended to determine whether the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provision of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.

Paragraph 1: Information relating to any individual.

Paragraph 2: Information which is likely to reveal the identity of an individual.
Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

9) REPORT NO. 210/2016 TO CONSIDER ENFORCEMENT ACTION AGAINST UNAUTHORISED DEVELOPMENT

To receive Report No. 210/2016 from the Director for Places (Environment, Planning and Transport).
(Pages 35 - 42)

10) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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DISTRIBUTION

MEMBERS OF THE DEVELOPMENT CONTROL AND LICENSING COMMITTEE:

Mr E Baines (Chairman)	
Mr J Dale (Vice-Chair)	
Mr G Conde	Mr W Cross
Mr J Lammie	Mr T King
Mr A Mann	Mr T Mathias
Mr M Oxley	Mr C Parsons
Mr K Thomas	Mr D Wilby

OTHER MEMBERS FOR INFORMATION

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REPORT NO: 208/2016

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

22ND NOVEMBER 2016

**PLANNING APPLICATIONS TO BE DETERMINED BY THE
DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

**REPORT OF THE DIRECTOR FOR PLACES
(ENVIRONMENT, PLANNING AND TRANSPORT)**

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Rutland County Council

Development Control & Licensing Committee – 22nd November 2016

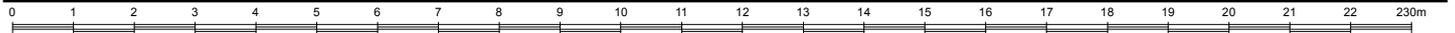
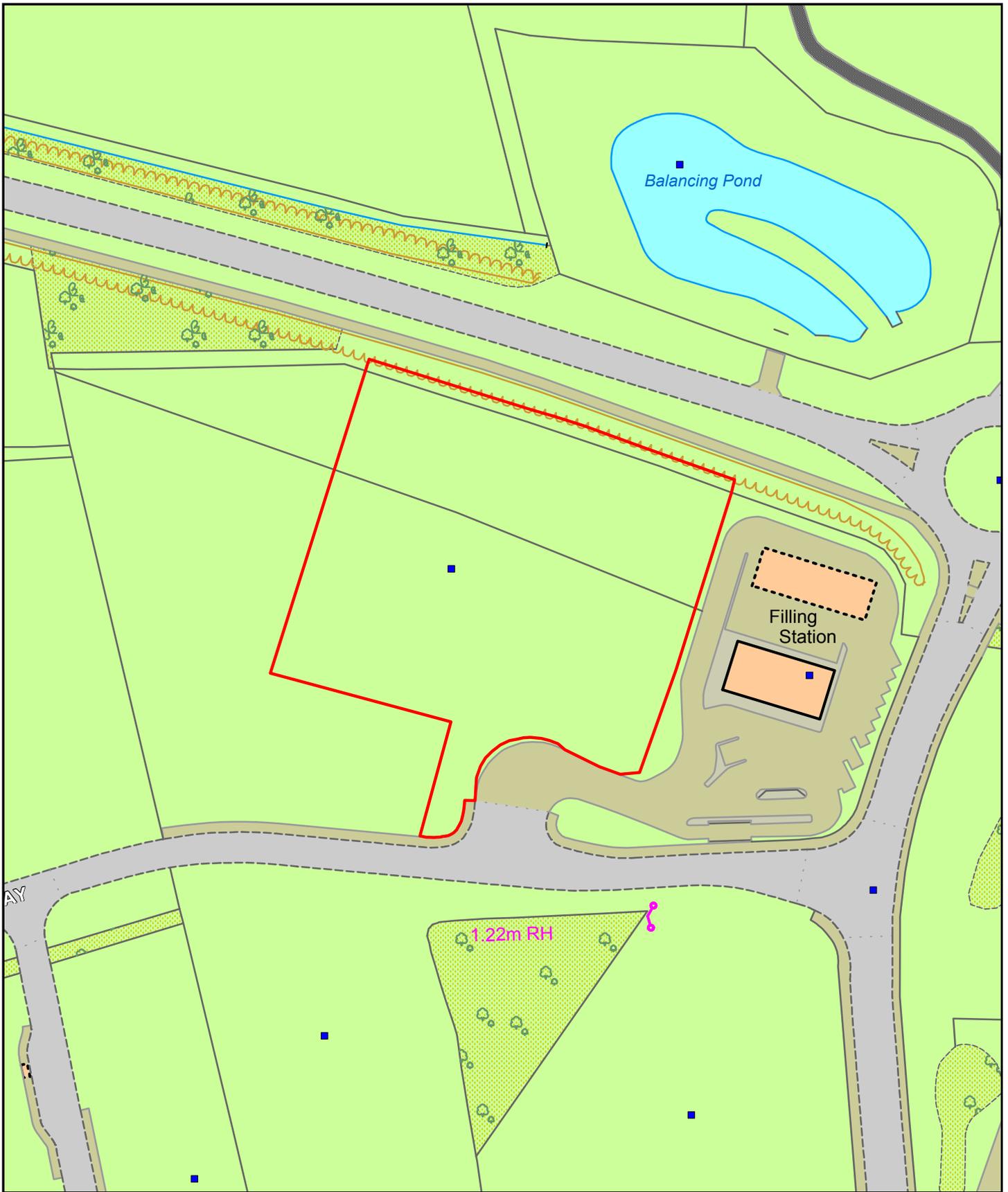
Consideration for Enforcement Action

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation
1	2016/0808/MAJ	Aldi Stores Ltd, Land West of Lands End Way, Oakham, Rutland Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing (Revised Scheme)	Approval
2	2016/1004/FUL	Mr James Frieland, Rutland County Council. Car Park Adjacent to Unit 16b, Oakham Enterprise Park, Ashwell Road, Oakham, Rutland.	Approval

Appeals Report & Appeals Analysis Report

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Date of plot: 07/11/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/0808/MAJ	Item 1	
Proposal:	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing (Revised Scheme)		
Address:	Land West of Lands End Way, Oakham, Rutland		
Applicant:	Aldi Stores Ltd	Parish	Barleythorpe
Agent:	Mr Philip Woodsford, Stoas Architects	Ward	Oakham North West
Reason for presenting to Committee:	Contrary to the Development Plan		
Date of Committee:	22nd November 2016		

EXECUTIVE SUMMARY

Planning permission has been previously granted on the site for the supermarket; this application facilitates various changes to the scheme that have been undertaken during construction. The changes to the previously approved scheme are acceptable. The loss of employment land to facilitate the store would not be significant. There would also not be a significant adverse impact upon the vitality or viability of Oakham Town Centre. In these circumstances an exception to the policies of the Development Plan is justified.

RECOMMENDATION

APPROVAL, subject to the following conditions

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; Site Location Plan C15A44-P001 Rev A, Proposed Floor Plan C15A44-P200 Rev C, Proposed Elevations C15A44-P201 Rev A, Proposed Roof Plan C15A44-P203 Rev A, Proposed Site Section C15A44-P204 Rev C, Site Plan C15A44-P003 Rev E, Drainage Plan C15A44-P004 Rev G, Soft Landscape Proposals BIR5419_01-A, Tree Constraints and Protection Plan GC.107305.201 Rev D, Cycle Stand Detail Ad5901 Rev A, Loading Bay Ramp W208 Rev 3, Proposed Site Access Arrangements A1-12057-010 Rev E, 16.650m HGV Swept Path Analysis A1-12057-TR001 Rev B, Lighting Plan MJA-P105-4268-B. Reason - For the avoidance of doubt and in the interests of proper planning.
2. Within nine months of the first public opening of the retail unit, a Travel Plan based upon the provisions set out in the Framework Travel Plan submitted with the planning application shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved Travel Plan shall then be carried out within the timescales specified. Reason - To promote non-car modes of travel for staff, visitors and shoppers, in the interests of sustainability.
3. All planting, seeding or turfing shown on the approved landscaping plan 'Soft Landscape Proposals BIR5419_01-A' shall be carried out during the 2016/2017 planting and seeding season, (October to March inclusive), or such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted, which die, are removed or seriously damaged or seriously diseased, shall be replaced in the next planting season with others of similar size and species. Reason - To ensure satisfactory implementation of the approved landscaping scheme.
4. The building's services plant shall not exceed the noise emission limits and predicted noise levels as set out in section 7 of the revised Noise Assessment Report 2014 (Sandy Brown, 30 April 2014) as submitted as part of the planning application. Reason - To ensure that the plant services do not generate detrimental levels of noise pollution.

5. The car parking area (including disabled spaces) as laid out, hard surfaced and delineated in accordance with the approved details, shall not be used for any other purposes including other parking within the disabled spaces. Reason - In the interests of highway safety and convenience, by ensuring that adequate off-street parking is provided and maintained thereby avoiding on-street parking, and to ensure convenient parking facilities for people with disabilities.
6. The development hereby permitted shall only be undertaken in complete accordance with the sustainable drainage scheme for the site, in accordance with the submitted drainage plan, numbered C15A44-P004 Rev G, and the Drainage Principles and Calculations report labelled B1042-Doc-03 Revision X2. Within two months of the date of this decision, a long term management and maintenance plan for the sustainable drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved sustainable drainage system shall be retained and shall be managed and maintained in complete accordance with these approved details. Reason – To ensure that adequate drainage facilities are available and maintained for the site.
7. All surface water from the parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with the manufacturers guidelines. Reason - To prevent pollution to the water environment.
8. The net sales area of the retail unit hereby permitted shall not exceed 1254 sqm, and no more than 80% of this area shall be used for the sale of convenience goods. Net sales area is defined as 'The sales area within a building (i.e. all internal areas accessible to the customer), but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts.' Convenience goods are defined as 'food and non-alcoholic beverages, tobacco, alcoholic beverages (off-trade), newspapers and periodicals, non-durable household goods.' That part of the net sales area used for convenience goods shall be calculated as the shelving or other sales dispenser for such goods and the customer aisle in front of the shelf/dispenser (discounted to half its width where opposite a shelf/dispenser for comparison goods). Reason - To control the amount of convenience retail goods floor space in the new store in order to protect the vitality and viability of the town centres in Rutland.
9. The agreed lighting scheme shall be maintained in accordance with plan no. MJA-P105-4268-B, and the details within the email from the agent to the Local Planning Authority dated 12/10/16 confirming staged shut down times of the lighting. Reason - To minimise skyglow and other light pollution, in the interests of the amenity of the area.

Note to applicant

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Failure to enforce the effective use of petrol / oil interceptors could result in pollution of the local watercourse and may constitute an offence.

Site & Surroundings

1. The application site (approximately 0.8 hectares) was originally greenfield land, located in north-west Oakham, by the roundabout junction of Lands End Way and the Oakham Bypass (A606). This is approximately 1.6km north of the town centre.
2. The site is part of a larger area (10.54 hectares) safeguarded in the Core Strategy as employment land and (known as 'Employment Site 1'). Outline Planning Permission for

Business use (Class B1), Industrial use (Class B2) and Warehousing (Class B8) was granted for the whole area in November 2006.

3. The Oakham Bypass forms the northern boundary of the site, with Lands End Way to the east. The southern boundary faces an existing access road (Panniers Way) which serves new residential and commercial premises to the west. There are small earth bunds to the north and south boundaries. The clearest views of the site are when approaching along the Bypass from the east.
4. Immediately east of the site is a petrol filling station with ancillary shop. The petrol station is considered a road side service use, an exception to the safeguards of the Employment Land. Further west into the employment land allocation is a pub/restaurant, and permission has also been granted for a 60 bed hotel. Beyond this is the Oakham North housing development.
5. There are bus stops along Lands End Way served by Route 3 of the Oakham Hopper. Future bus stops along Bosal Way to the south of the site have been constructed but are not currently part of the Hopper service.

Proposal

6. Members will recall that planning permission was granted earlier this year for a discount food store (reference number 2015/0829/MAJ) with a net retail area of 1254sqm, and gross external area of 1811sqm.
7. The store has been built and opened on 03/11/16. However the developers have altered the plans during construction and this application seeks to regularise the changes.
8. The main changes are to the location of the store (which has been moved approximately 1.5 metres south, further away from the bypass, and lowered 0.2 metres) and to the site's Sustainable Drainage Scheme (SuDS). Additional alterations include amendments to the cycle track design and width, and changes to the landscaping and car park.
9. The vehicular and pedestrian access is to the south of the site off Panniers Way, using the same site access as the petrol station.
10. The building is positioned on the western side of the site, with the front elevation facing east over the car park, which provides 118 spaces. A cycle link adjacent to the north elevation of the store connects the site to the bypass cycleway.
11. The proposed amended site plan is attached at **APPENDIX 1**.

Relevant Planning History

12. Prior to the approved 2014 and 2015 Aldi applications (see below), planning permission was refused for a Sainsbury's Store in this location in 2011 (FUL/2010/0729). The reasons for refusal related to loss of Employment Land, and that the application failed to satisfy the sequential test. Sainsbury's have since been granted permission for a store on the former Tresham College site on Barleythorpe Road, however development has not been forthcoming, and there is a current application in for a Lidl store on that site.

Application	Description	Decision
OUT/2003/1181	Outline application for use of land as B1, B2, and B8 employment development	Approved 09/11/06

FUL/2010/0729	New retail unit (Class A1) with associated car parking, petrol filling station, vehicular and pedestrian access, highway works, landscaping and servicing.	Refused 14/03/11
2014/0258/FUL	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing.	Approved 30/01/15
2015/0829/MAJ	Proposed retail unit (A1 Use Class) with associated car parking, landscaping and servicing.	Approved 26/02/16

Neighbouring land

APP/2010/1170	Construction of Public House/Restaurant (Class A3) and associated works.	Approved 28/08/12
APP/2010/1216	Outline application for erection of hotel and associated works.	Approved 13/09/12
APP/2012/0011	Outline application for petrol filling station, car wash, sales building	Approved 27/06/12
2013/0601/FUL	Construction of a Petrol Filling Station	Approved 24/09/13

Planning Guidance and Policy

Development Plan

Rutland Core Strategy (2011)

CS1 Sustainable development principles
CS2 The spatial strategy
CS4 The location of development
CS8 Developer contributions
CS13 Employment and economic development
CS14 New provision for industrial and office development and related uses
CS17 Town centres and retailing
CS18 Sustainable transport and accessibility
CS19 Promoting Good Design
CS21 The natural environment

Site Allocations and Policies Development Plan Document:

SP3 Sites for retail development
SP15 Design and Amenity
SP17 Outdoor lighting
SP19 Biodiversity and geodiversity conservation

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

- Section 2 Ensuring the vitality of Town Centres
Section 4 Sustainable Transport
Section 7 Design

Rutland Planning Policy Documents

- Rutland Retail Capacity Assessment (2010)
Rutland Retail Capacity Assessment Update (2013)
Employment Land Assessment Report (ELAR) (2013)
Community Infrastructure Levy Charging Schedule (2016)

Consultations

13. Oakham Town Council – Recommend Approval, and that the original planting scheme remains in place
14. Langham Parish Council – Mixed comments. No objection to the proposed landscaping, external finish, surface area/kerbs, drainage plan and storm water storage and access to site boundary. However, objections to the parking provision for older residents/disabled customers and staff, limited cycle spaces, and safety issues for pedestrians from reversing articulated vehicles.
15. Highway Authority– Satisfied that the current infrastructure is able to support this development, subject to conditions.
16. Environment Agency – The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.
17. Local Lead Flood Authority (LLFA) – Objection: The LLFA requires more information relating to this scheme before it can be approved. Following the submission of further information; No objection if built in accordance with the Drainage Principles and Calculations Ref B1042-Doc-03 Revision X2.
18. Ecology – Report found no evidence of Badgers or Great Crested Newts and the findings are accepted. Concerned over the cumulative impact of piecemeal development in the area on the local badger population. Where possible trees should be retained to meet local wildlife site criteria.
19. LCC Archaeology – No archaeological work is required as part of the scheme

Neighbour Representations

20. This application has resulted in 13 letters of support from the local community. These emphasise:
 - The store would prevent consumers travelling out of Rutland for food shopping
 - Discount items/value for money for low income households
 - Job creation
 - Changes to the previously approved scheme are not significant
 - Good use of the site
 - [the town] needs more retail units and just food stores

One resident (while supporting the application) is concerned about the present poor state of Lands End Way as an access road.

One objection has been received; however it does not offer any reasons for the objection.

Finally, some local residents have mistakenly submitted comments relating to the current Lidl application (2016/0756/MAJ) at Barleythorpe Road, under the Aldi application's reference number. These residents have been made aware of this and their comments have been transferred to the Lidl application for consideration.

Planning Assessment

21. The key issues for consideration are:
- Principle of development;
 - Sequential test
 - Retail impact and CIL
 - Loss of employment land
 - Highways and accessibility
 - Revised layout and Design
 - Sustainable Drainage Systems (SuDS)

Other issues are then addressed at the end of the report.

Principle of Development

22. While the principle for a supermarket in this location has been previously established by planning permission 2015/0829/MAJ, the current application must still be considered against the NPPF, paragraphs 23-27, and the Core Strategy Policies, in particular CS13 – Employment and Economic Development and CS17 – Town Centres and Retailing. This covers the sequential test, the retail impact, and the fact that the site is on allocated employment land.

Sequential test

23. Supermarkets are classed as retail development (use class A1), which should in the first instance be located in the town centre. Outside of the town centre, the NPPF requires that a sequential test is submitted for major retail facilities on 'edge-of-centre' and 'out-of-centre' sites. An 'edge-of-centre' site is defined as being within 300m of the primary shopping frontage (PFS). The application site is approximately 1.6km from the Oakham PSF, and is therefore considered an 'out of centre' site. The NPPF also advises that potential alternative sites, within the town centre, on the edge of the town centre and also in out of centre locations should all be assessed for their availability, suitability and viability before drawing any conclusions on the appropriateness of the proposed site.
24. The applicant's sequential test concludes that there are no suitable sites in more central locations and that therefore the application site is the most sequentially preferable. Since the last application was approved at the start of this year, the main change in circumstances is that the former Tresham College site has been sold to another discount retailer (Lidl), who have submitted an application for a store on the site.
25. While Lidl have only applied for a store on part of the former college, given there is an extant permission for their store at the top of Lands' End Way, it would not be commercially viable for Aldi to attempt to purchase the remainder of the former college site at the values likely to be sought for it.

26. There are no other available, suitable or viable sites that could reasonably accommodate the development, and therefore the current application site satisfies the sequential test criteria.

Retail Impact and CIL

27. It was concluded for the previous application that an Aldi store here would not result in a 'significant adverse' impact upon Oakham or Uppingham, however there would still be some impact on town centre trade. To mitigate against this identified impact, a financial contribution towards public realm improvements (as part of a Planning Obligation) was agreed and has been paid. However, since the determination of that application, the Council has adopted the Community Infrastructure Levy (CIL), which would replace the Section 106 process for financial contributions, and the revised application would be subject to this Levy.
28. Discussions have occurred with Aldi's representatives regarding the CIL liability resulting from any approval, who proposed withdrawal of the application and instead to encumber the development with a planning obligation to secure equivalent conditions to those of the extant approval rather than under the current application (so avoiding CIL liability). This would leave the development without planning permission and depend on the same being tolerated in enforcement terms such that the same would become immune, so lawful, on the expiry of four years.
29. However, officers have sought and received legal advice on this proposal, which confirms there is no legal impediment to determination or to enforcement if the application does not succeed (or is withdrawn prior to determination).
30. Members will recall that this application was deferred at last month's committee meeting at the applicant's request, in order for them to consider their position on this issue. However, it is understood from the applicant's legal advisor that they are not seeking further Counsel opinion. Officers have sought further legal advice and see no reason for members not to determine the application.

Loss of employment land

31. The application site is safeguarded for employment use (B1 (business)/B2 (general industry) and B8 (storage/distribution)) under Core Strategy Policy CS13 (d), unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land in the County.
32. However, the principle for retail development on this site has already been established as an alternative use under the terms of Policy CS13 (d). It was concluded that the previous application for a supermarket here would have economic benefits and not be detrimental to the employment land supply in Rutland. There would be no additional loss of employment land as a result of the revised application, and the above justification for a supermarket here as an exception to the Development Plan would be applicable to this application as well.

Highways and accessibility

33. The comments from the local resident regarding Lands End Way are noted, as are the parking and safety comments from Langham Parish Council. A Transport Assessment has been submitted with the proposal. It is agreed that the surrounding highway network has capacity to absorb the development. Turning provision for delivery vehicles has been incorporated into the design of the car park, and there are sufficient parking spaces for the size of the store. The numbers of cycle stands are also acceptable. The development would not have a detrimental impact upon the highway network or highway

safety, and the Highway Authority has no objection to the proposal in principle, subject to conditions.

Revised layout and design

34. The proposed store follows the corporate design and scale of modern Aldi stores. While the design of the store is utilitarian in appearance, it is functional in its design. It is situated on the western side of the site, with the shop entrance on the north-east corner facing the bypass roundabout. The changes to the store (moving it 1.5 metres south and lowering it 0.2 metres) result in a reduced impact upon this edge of countryside location compared to the previously approved scheme, and are acceptable.
35. The changes to the cycle link and other alterations to the layout are also acceptable. With regard to landscaping, the proposed alterations to the SuDS scheme (see below) originally resulted in a reduced landscaping scheme in order to facilitate swales and a balancing pond (the comments from Oakham Town Council on landscaping are noted). However following discussions with the agent, further revised plans were received that restored the landscaping almost to the previously agreed scheme. The exception is one tree that would have been located where the pond is now situated at the south-east corner of the site. Subject to members being satisfied with the amended SuDS scheme, the loss of this potential landscaping feature is acceptable.

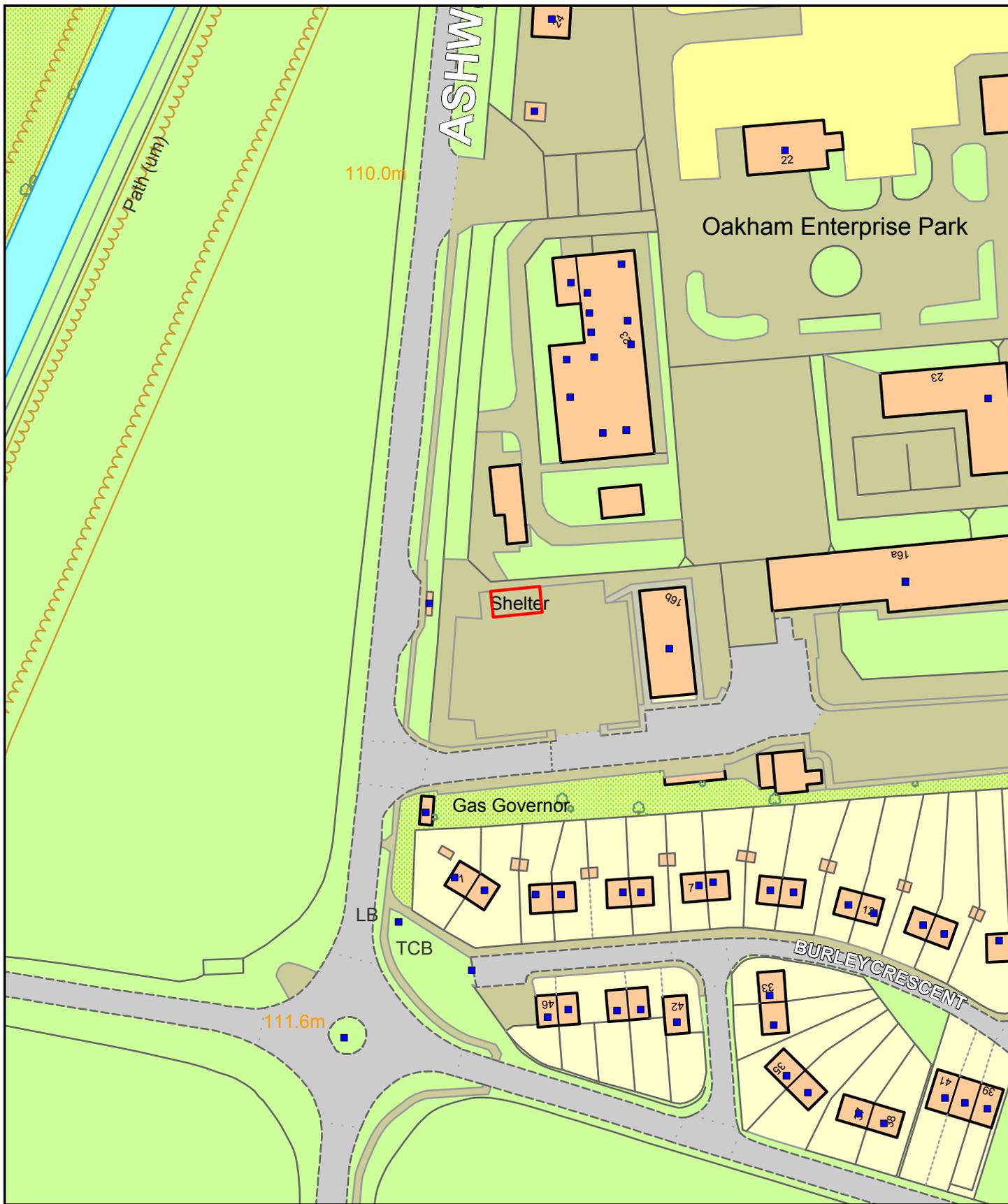
Sustainable Drainage Systems (SuDS)

36. In May 2015 legislation was changed to make the Local Lead Flood Authority a statutory consultee to planning on all major applications regarding surface water flood risk and the implementation of SuDS through planning. As stated in the ministerial statement from December 2014, all major planning applications must ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
37. The 2015 application complied with the SuDS requirements, and included features such as permeable paving, and a condition was included to ensure that SuDS are delivered, and maintained. However, the development as built has completely changed this scheme. The LLFA objected to these revisions. Since then officers and the LLFA have been in discussions with the developers, and the agent has now provided further information and calculations in support of their revised SuDS scheme. While the revised scheme would not be as sustainable as the previously agreed scheme, it would still comply with the SuDS requirements, and is therefore acceptable. A revised condition is included to ensure the maintenance of the drainage system.

Other issues

38. The ecological report submitted with the application found no evidence of badgers or Great Crested Newts and these findings are accepted. Some of the trees to the west have a medium to high probability of bat interest, however these are outside of the application site, and unlikely to be adversely affected by the store. The concern from Leicestershire Ecology colleagues regarding the cumulative impact of development in the area on the local badger population to the south is noted, however given that badgers are not using the application site, this carries limited weight, and would be more relevant for future schemes to develop other areas of the employment land where they are present.
39. A noise impact assessment has been submitted and agreed. The store would not have an adverse impact upon the residential amenity of the nearby new housing. External lighting for the store has also been agreed.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2016/1004/FUL	ITEM 2	
Proposal:	Construction of a single storey modular classroom building (Regulation 3 Application).		
Address:	Car Park Adjacent To Unit 16b, Oakham Enterprise Park, Ashwell Road, Oakham, Rutland		
Applicant:	Mr James Frieland, Rutland County Council	Parish	Burley
Agent:		Ward	Exton
Reason for presenting to Committee:	Councils own application		
Date of Committee:	22 November 2016		

EXECUTIVE SUMMARY

The proposal for a cookery classroom is an alternative siting to the one approved in July. The use is low key and barely more intensive than a domestic kitchen. The distance from the boundary, the hours of use and planting of a new roadside hedge is considered sufficient to ensure that the proposal is not unduly prominent in the street scene.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 1/500 Location Plan, 553376.dwg, North Elevation, South Elevation, East Elevation and West Elevation.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

Site & Surroundings

1. The siting of the proposal is on part of a car park in front of the Nursery Building (Unit 16b) on OEP. Most of the site is screened from Ashwell Road by a hedge and bus shelter although there is a gap in the hedge at this point which has recently been planted with new hawthorn hedging plants.

Proposal

2. The proposal is an application under Regulation 3 of the Town & Country Planning General Regulations (1992) where the County Council is the applicant and is carrying out the development itself. This means that only the Council can undertake the development.
3. The proposal is for an alternative siting of the classroom approved by this Committee in July.
4. The siting would occupy 5 spaces in the car park which contains 61 spaces in total. A

similar large car park is also located to the rear of the site. The building would be 12m from the front boundary of the site and 22m from the Nursery.

5. The building would be 12.23m long and 6.055m wide, single storey with a flat roof, 2.8m high. It would be used by a local Chef to give cookery lessons to small groups of clients. The internal layout would comprise separate work stations. The site layout plan is at Appendix 1.
6. Hours of operation are stated by the proposed tenant as Mon-Fri 1000-2130 & 1000 - 1600 on Saturdays, Sundays and Bank Holidays.

Relevant Planning History

Application	Description	Decision
APP/2013/0192	Proposed demolition of identified buildings, Change of Use of land and buildings from former Prison (Sui Generis Use) to B1 (Business), B2 (General Industry including manufacturing), B8 (Storage and Distribution), D1 (Non-residential Education and Training Centres), D2 (Assembly, Leisure and Community Use) and part Outline for Winter Storage Depot (Sui Generis i.e. no defined Use Class) and B1, B2, B8 Uses identified development zones within the site.	Approval May 2013

Planning Guidance and Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) supports sustainable economic development in rural areas including the reuse of brownfield sites, the conversion of existing buildings and well-designed new buildings.

The Rutland Core Strategy (2011)

The Rutland Core Strategy (2011) CS13 Employment and economic development CS19 Promoting good design

Site Allocations and Policies DPD (2014)

SP15 – Design & Amenity

Other Considerations

Ashwell Business Park SPD – Jan 20913

Encourages good design. Site is within an area where B2 or B8 uses are not permitted as part of the planning permission for the use of the site as a business park but individual proposals have to be treated on their merits.

Consultations

7. **Environmental Protection**
For the benefit of users, the cooking facilities will require suitable ventilation. Given the low level of use this can be achieved via domestic scale ventilation systems or even an open window. If such units are used we would have no objection. If a larger scale

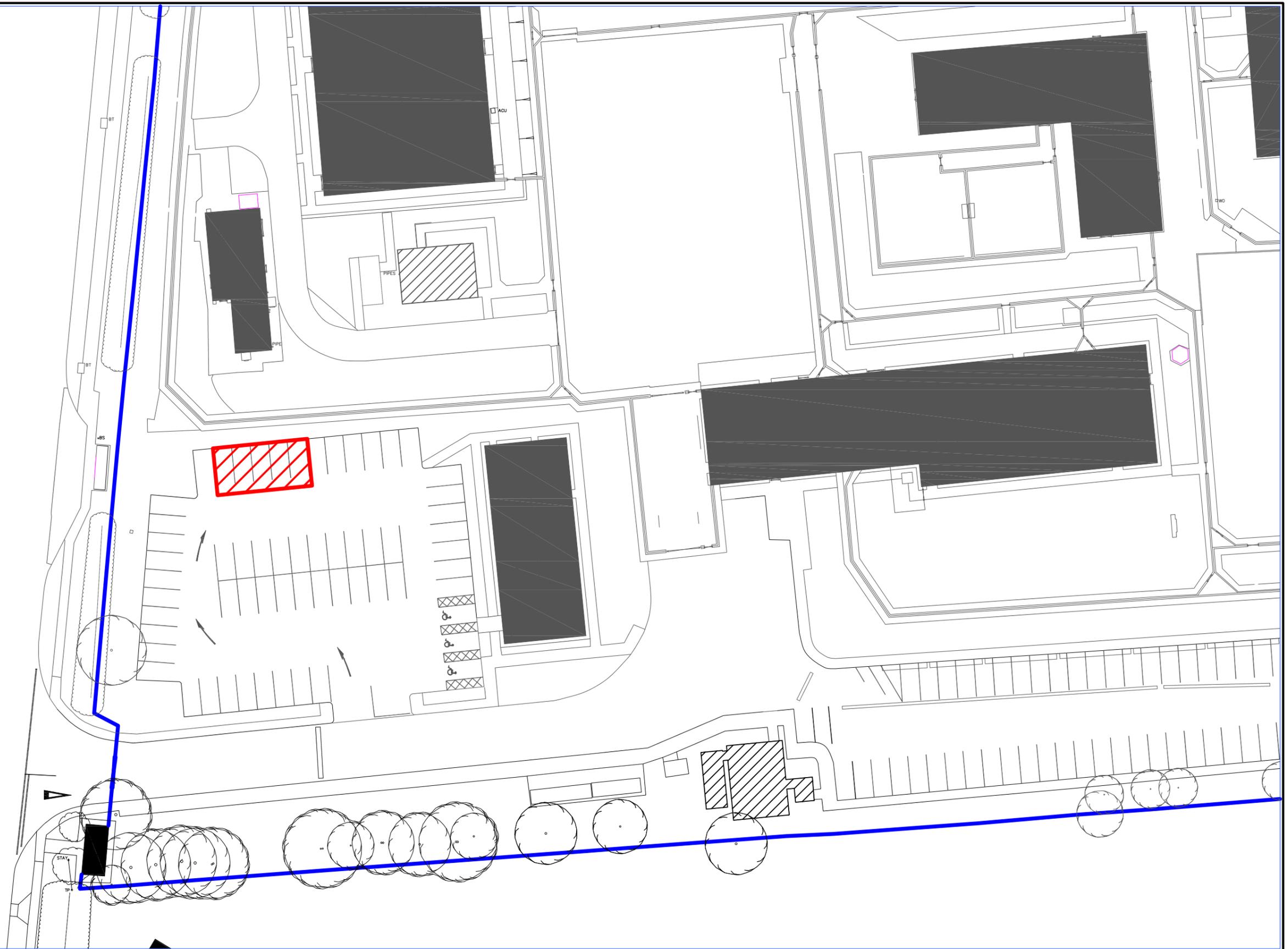
ventilation system is to be used then details should be submitted for approval

Neighbour Representations

8. No responses

Planning Assessment

9. The main issues are the design and appearance of the building and highway safety. There is no issue with residential amenity as there was in the previously approved scheme nearer the Burley Crescent boundary of the site.
10. The site is located towards the road side of OEP. It is a simple modular building with its narrower end elevation facing towards the Ashwell Road boundary. Given time the newly planted hedge will combine with the existing hedge and obscure views of the building from the public realm. A bus shelter also stands across part of the current gap.
11. The size of the building would self-limit the number of occupants that could attend at any one time. In any event there is an underutilised car park surrounding the site and further to the rear. The access has good width and visibility to serve both the current and future uses of OEP. There is no conflict with highway safety.
12. On that basis the proposal is acceptable.



RUTLAND COUNTY COUNCIL

TITLE: LOCATION PLAN

PROJECT: Oakham Enterprise Park - Unit 16C

2016/1004/FUL

PROPERTY SERVICES
 CATMOSE
 OAKHAM
 RUTLAND
 LE15 6HP

ADDRESS: OAKHAM ENTERPRISE PARK
 ASHWELL ROAD
 OAKHAM
 LE15 7TU

DRAWN: RoB

SCALE: 1:500

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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

22nd November 2016

APPEALS

Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

1.1. This report lists for Members' information the appeals received since the last meeting of the Development Control & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

2.1 APP/A2470/D/16/3156488 – Mr & Mrs Simon Smith – 2016/0476/FUL

48 High Street, Ketton, Stamford, Rutland, PE9 3TE

Two storey extension to form entrance hall, circulation, family room with bedroom and bathroom over

Delegated Decision

2.2 APP/A2470/D/16/3156473 – Mr Timothy Wade – 2016/0567/FUL

6 Stamford Road, Ketton, Stamford, Rutland, PE9 3ST

First floor extension above single storey extension

Delegated Decision

- 2.3 APP/A2470/W/16/3158759 - Mr Michael Culpin – 2016/0412/FUL**
38A High Street East, Uppingham, Rutland, LE15 9PZ
Replace 6 windows with new UPVC double glazed safety units.
Delegated Decision

- 2.4 APP/A2470/W/16/3158950 – Hereward Homes – 2016/0636/FUL**
Land opposite 2 Blacksmiths Lane, Exton, Rutland
Construction of one three bedroomed dwelling with attached garage
Delegated Decision

3. DECISIONS

- 3.1 APP/A2470/W/16/3153613 – Hereward Homes – 2015/1113/FUL**
Clatterpot House, 4 Clatterpot Lane, Cottesmore, Rutland, LE15 7DW
Construction of 2 x 3 bedroom detached houses. One with integral garage and one with a detached garage.
Delegated Decision
Appeal Dismissed
Award of Costs Refused

- 3.2 APP/A2470/W/16/3154473 – Mr Clive Giles – 2015/0997/FUL**
14a Queen Street, Uppingham, Oakham, Rutland, LE15 9QR
Installation of 13 no. rooflights, 1 no. window to side elevation, external staircase and walkway to rear elevation, 1.8m boundary wall and gates, enlargement of 2 no. window openings replaced with new window and patio style access door (with glazing bars to match existing) and re-instatement of a chimney (part retrospective).
Committee Decision
Split Decision
The appeal is dismissed insofar as it relates to the external staircase and walkway, the replacement and enlargement of 2 windows and the patio door. The appeal is allowed insofar as it relates to the roof lights, a new window to side elevation, the boundary wall and gates and reinstatement of chimney and planning permission is granted for the installation of 13 no roof lights, 1 no window to side elevation, 1.8m boundary wall and gates and reinstatement of chimney (part retrospective)

- 3.3 APPA2470/W/16/3154482 – Mr Clive Giles – 2015/0998/FUL**
14b Queen Street, Uppingham, Oakham, Rutland, LE15 9QR
Conversion of outbuilding to dwellinghouse including installation of new windows and access door (part – retrospective)
Committee Decision
Appeal Dismissed

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

- 4.1 None

5. ENFORCEMENT DECISIONS

- 5.1 None

6. CONSULTATION

- 6.1 None.

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

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DEVELOPMENT CONTROL AND LICENSING COMMITTEE

22 November 2016

APPEALS ANALYSIS

Report of the Director for Places (Environment, Planning and Transport)

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No.	
Cabinet Member Responsible:	Councillor Terry King, Portfolio Holder for Places (Development) and Finance	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning and Transport)	Tel: 01572 758461 dbrown@rutland.gov.uk
	Gary Pullan, Development Control Manager	Tel: 01572 720950 gpullan@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

1.1. This report provides an analysis for Members' information of recent appeal decisions.

2. BACKGROUND

2.1 The Council's success rate on appeals is normally good. As mentioned at committee meetings in recent months the success rate has declined. To provide some context when the Government used to have a best value indicator for appeals it expected only 35% or less to be allowed. Generally the Council exceeds this indicator.

2.2 From August 2015 to November 2016 as the analysis in Appendix 1 shows the Council has had 35% of appeals allowed. However further analysis shows that from August 2015 to April 2016 only 24% were allowed, which is a very good performance. In the period from June to November 2016, 50% of appeals have been allowed. This report therefore

focusses on those appeal decisions from June this year to try to see if there are lessons to be learnt.

3. ALLOWED APPEALS

- 3.1 Appendix 2 contains an analysis of the appeal decisions since June 2016. Until the new local plan is adopted there is a difficult assessment of when sites in restraint areas are sustainable. This is likely to result in an increase in appeals allowed in the short term. The two decisions in Belton are not exceptional. The appeals dismissed show we won 2 appeals on listed building issues. As Rutland has so few appeals when there are two decisions on the same proposal it does have a disproportionate effect on statistics. The split decision is anomalous in Uppingham as we succeeded in our concern but Government statistics record it the other way.
- 3.2 The common thread is the effect on conservation areas, as this is the key factor in four of the seven. The Greetham decision in the view of officers is poor but occasionally any authority will get such decisions that we do not agree with. The Oakham and Barrowden decisions are both a little unusual and the common thread is Inspectors finding ways to agree schemes where there was harm to the conservation area. Finally the Langham decision and the lesson here is perhaps one of context. In Exton and Uppingham in historic cores there were robust dismissals of appeals. The Langham site by contrast was on the edge of the village amid 20th century development. Had it not been a conservation area the scheme would have been approved by officers. It exhibits no historic character and arguably the site should not be in a conservation area.

4 CONTEXT

- 4.1 In analysing recent performance are there other factors affecting performance? The policy position both nationally and locally has not changed during this period. Officers have discussed this internally but our consensus is that our approach to decisions has not changed. Whilst we did change our source of conservation advice in February 2016 this is not seen as a factor for two reasons. Firstly both conservation officers advice has been similar with no real difference in assessing conservation impacts. Secondly the appeal decisions stem from decisions that both conservation officers have been involved in.
- 4.2 Recent appeal decisions have been discussed at a meeting with all the Leicestershire planning authorities. Other authorities have not noticed a current change in performance as we have. Specifically decisions involving conservation issues were discussed. There were 2 cases in Leicester and Hinckley and Bosworth where appeals were allowed that the councils had expected to win. One involved a sign that had been seen as harming a conservation area and the second was for a new dwelling in a conservation area that was also within the Bosworth battlefield site. So there was some but limited similarity. Due to the quality of the environment in Rutland we will get proportionately more appeals that raise heritage issues than many authorities.

5. CONSULTATION

- 5.1 None.

6. ALTERNATIVE OPTIONS

- 6.1 Alternatives have not been considered as this is an information report

7. FINANCIAL IMPLICATIONS

7.1 None

8. LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 As this is only a report for noting it has not needed to address authority, powers and duties.

9. EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

10. COMMUNITY SAFETY IMPLICATIONS

10.1 There are no such implications.

11. HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no such implications.

12. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 There are three areas where it is suggested there are lessons to be drawn from this analysis.

1. There is going to be a period of uncertainty around planning policy and sustainability until the new local plan is adopted. It reinforces the approach the Council is already taking in preparing a new local plan.
2. We may be detecting a more robust line from the Planning Inspectorate when harm to conservation areas is alleged. As officers this is already becoming a focus of our discussions. Where we are less sure of a rejection going forward we may need to consider more negotiations to try to overcome the concern.
3. In future reviews of conservation area boundaries there is a need to focus on the core historic area more than areas of recent development or of little intrinsic merit.

13. BACKGROUND PAPERS

13.1 None as all planning records are public documents

14. APPENDICES

14.1 Appendix 1 - Appeals Analysis Table
Appendix 2 – Determining Issues on Appeals

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix 1 - Appeals Analysis Table

Date reported to committee	Dismissed	Allowed	Allowed Application References
2016			
November	2	1	
October	4	4	2016/0280; 2016/0063; 2016/0064; 2016/0080
September	0	1	2016/0193
August	1	1	2015/1030
July	0	0	
June	1	1	2015/0535
April	0	0	
March	3	0	
February	4	2	2015/0482; 2015/0829
2015			
December	3	0	
November	1	1	2015/0130
October	0	0	
September	2	2	2014/1125; 1999/0825
August	3	0	
Total	24 (65%)	13 (35%)	
Total August 2015 to April 2016	16 (76%)	5 (24%)	
Total June to November 2016	8 (50%)	8 (50%)	

Appendix 2 – Determining Issues on Appeals

Application number	Parish	Key Issue	Comment
Dismissed appeals			
2013/1088	Manton	Is permission needed	This was an application about whether a use was lawful.
2016/0130	Normanton	Impact on setting of listed building (LB)	Accepted there was harm to setting
2015/1114	Exton	Impact on conservation area (CA)	In context of historic buildings around it the new house would harm the area.
2016/0293	Empingham	Domestic extension	Not in CA
2015/0272	Cottesmore	Whether dwellings sustainable	In this case, unlike Little Casterton below, Inspector found not sustainable.
2015/0430	Caldecott	Impact on LB	Harm found to LB
2015/1113	Cottesmore	Impact on conservation area	Harm caused by loss of important historic wall
2015/0998	Uppingham	Impact on conservation area	In context of historic area conversion design details were harmful.
Allowed appeals			
2016/0080	Little Casterton	Whether dwelling sustainable	In a restraint settlement so Rutland policy against. Allowed due to access to Great Casterton and Stamford and their facilities. This reflects where we are with the Local Plan where until new plan is in place it can be outweighed by the NPPF.
2016/0064	Belton	Impact on LB	Inspector felt further enlargement was not harmful. Subjective and Inspector entitled to this view. As both planning and LB it's 1 scheme but 2 decisions
2016/0063	Belton	Impact on LB	As above.
2016/0280	Greetham	Character of the area	Inspector said not in CA but made no reference to the fact it adjoined on 2 sides and did affect CA setting. A poor and harmful decision.
2016/0193	Langham	Impact on conservation area	Inspector noted mixed styles in area and considered extensions design would not harm the area. This is not part of the historic core of Langham and it is arguable whether the site merits CA status.
2015/1030	Barrowden	Impact on conservation area	Inspector did not follow a previous Inspectors harder line
2015/0535	Oakham	Impact on conservation area	Inspector accepted revised plans. Said they were minor but accepted they overcame objections
2015/0997	Uppingham	Impact on conservation area and neighbours	Inspector gave a split decision agreeing with our objections. Unfortunately counts as allowed in Government statistics

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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