

110.0m

### Oakham Enterprise Park

Shelter

Gas Governor

BURLEY CRESCENT

LB

TCB

6m



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 Ordnance Survey [100018056]

Scale - 1:1250  
 Time of plot: 10:22  
 Date of plot: 21/06/2016



## Rutland County Council

Catmose,  
 Oakham,  
 Rutland  
 LE15 6HP

Application:	<b>2016/0436/FUL</b>	<b>ITEM 5</b>	
Proposal:	<b>Construction of a single storey modular classroom building for domestic cookery classes. Regulation 3 application</b>		
Address:	<b>Unit 16c, Oakham Enterprise Park, Ashwell Road, Oakham, Rutland</b>		
Applicant:	<b>James Frieland, Rutland County Council</b>	Parish	<b>Burley</b>
Agent:		Ward	<b>Exton</b>
Reason for presenting to Committee:	<b>RCC Application and neighbour objections</b>		
Date of Committee:	<b>5 July 2016</b>		

## EXECUTIVE SUMMARY

**The proposal for a cookery classroom has attracted objections from nearby residents on the basis of smells and disturbance. 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 new trees is considered sufficient to ensure that neighbours will not be unduly impacted by the development.**

## 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 16-012, received on 9 June 2016, Plans 3-6 inclusive, revised siting and planting plan received on 14 June 2016, tree specification and extraction venting received in the e-mails dated 17 June and the other details contained in the e-mail from the applicant dated 9 June 2016.
3. The use shall not operate outside of the hours of 1000 to 2130 Monday to Thursday and 1000 to 1600 on Fridays and Saturdays.
4. The tree planting shown on the approved plan received on 14 June 2016 and the e-mail on 17 June shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

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.
3. The site is located close to residential property and the restriction is necessary to ensure that the occupiers of those dwellings are not unduly disturbed.
4. To ensure that the landscaping is carried out at the appropriate time and is properly maintained

## Site & Surroundings

1. The site is within the southern end of the curtilage of Oakham Enterprise Park and is located adjacent to the rear boundaries of dwellings on Burley Crescent. There is a 2

metre high fence on that boundary. The site is adjacent to a long cycle shelter and a bus stop/smoking shelter partly occupies the actual site which will be removed.

2. There are several young self set Ash trees on site which would be removed but they are not worthy of retention. There is a large area of parking available adjacent to the site.

## Proposal

3. 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.
4. It is proposed to site a portable building 6m from the boundary with Burley Crescent. This 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 a single Island unit with 5 work stations, see layout plan in the Appendix 1.
5. There are 4 windows on the Burley Crescent elevation, 2 to a WC and 2 into the working area. These are clear glazed as it is a modular building, not specifically designed and built for the proposed use. The top of these windows is stated as 2.45m above ground level with the cill 1150mm from internal floor level. A single extraction unit would be ceiling mounted inside the unit, exiting the building into the OEP site at the front.
6. The applicant has agreed to plant 5 Prunus Amanogawa trees along the rear boundary with Burley Crescent. These are compact flowering Cherries, growing to a height of 4-8 metres in 25+ years.
7. Hours of operation are stated by the proposed tenant as Tues-Thurs 1000-1400 & 1830-2130. Fri & Sat 1000-1600.
8. A modular building of a similar scale was removed from this site in recent years, the utilities still being available in that location and hence the decision to choose this site for the new building.

## 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)**

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 2013**

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**

9. Environmental Protection
  - Given the domestic scale and nature of the business the use of domestic extraction systems is appropriate and these should be fitted in accordance with the manufacturer's recommendations to ensure they properly function. The design and appropriate fitting in accordance with the accepted standards for such equipment should protect the neighbouring amenity of the residents.

## **Neighbour Representations**

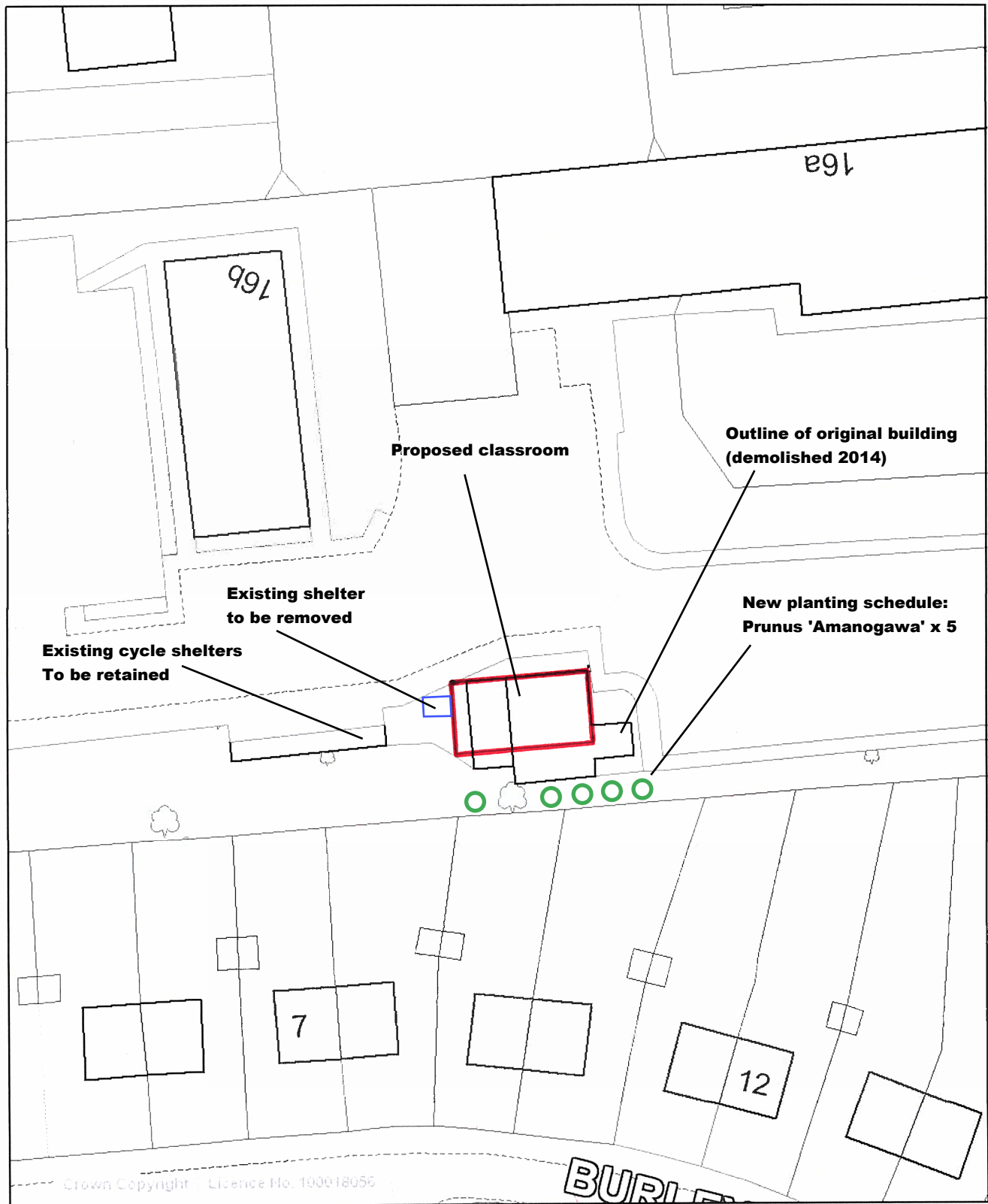
10. Objections have been received from the 3 nearest neighbours on Burley Crescent as follows:
  - Will replacement trees be planted
  - There are many other places on Oakham Enterprise Park where a porta cabin could be built, impacts greatly on outlook
  - operation in the evenings - privacy and peace will be adversely affected.
  - Standard of living compromised
  - outdoor living space inaccessible due to the fact that currently suffer asthma - partner suffers from chronic lung disease and children and grandchildren are also asthmatic. Constant smell will trigger all of these medical issues hence the reason that I have recently moved to this property away from largely populated areas.
  - area has been unkempt for a number of years, creating a huge amount of environmental waste which has resulted in a concern over vermin to the area
  - Already experience inconvenience noise from the nearby National Rail Service – now subject to (possible) additional noise and almost certainly, odours from cooking activities
  - site could be further developed after some period once initially constructed
11. Following a meeting on site with the applicant, one objector has now stated:
  - We are happy that all of our queries and objections have been addressed. We are happy that the noise will be minimum, and the smells if any, will be no more than that of cooking coming from any of our neighbours houses as this is a small business and not of industrial proportions. Our main concern has always been the outlook from our back garden and as a solution to this it was suggested that cherry trees be planted to conceal and draw the eye away from the building. Subject to this being made a part of

the planning application I would be happy to withdraw my original objections.

## **Planning Assessment**

12. The main issue is impact on residential amenity.
13. The building would be 6m from the boundary and 22m from the nearest corner of the houses on Burley Crescent.
14. The use is a low key cookery school where there will not be any major cooking/frying etc. going on, unlike a commercial cooking business preparing food for sale. There may be a minor exhausting of cooking odours but if vented in the opposite direction to Burley Crescent there will not be any more significant impact than from a domestic kitchen. The scheme would comply with Policy SP15. The applicant, tenant and installer have confirmed that the extracts will vent towards OEP and not the neighbours.
15. The unit comes with clear glazed windows all round (except the WC). In terms of overlooking from the windows, the internal cill height is 1150mm above the floor and the top of the window is 2.4m from ground level outside. These windows are bottom hinged and open inwards from the top. A 1.7metre high person would not be able to see over the top of the fence at that height but would see the first floor windows of the houses on Burley Crescent, but at a distance that would be acceptable for a 2 storey house. It is not therefore considered necessary to require an obscured film to be placed over these 2 windows.
16. The latest revised layout plan shows tree planting along the boundary with Burley Crescent which has helped overcome some of the concerns of neighbours. It has been confirmed that the trees to be planted will be in 35 litre pots and be 2.4-3m in height.
17. The proposal is also considered to meet policies encouraging employment and provides a facility for the public whilst having a negligible impact on neighbours.
18. Neighbours have raised health related issues but the level and intensity of use as proposed will not lead to a detrimental impact on those issues.

2016/0436/FUL - Proposed modular building  
Revised Plan - 14 June 2016



Centre = 486737 E 311089 N

Scale 1/500

Date 14/6/2016

Note: Printing may affect the scale of this plan



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