

BLABY DISTRICT COUNCIL

Committee:	Development Control
Date:	24 September 2009
Subject:	Planning Applications for Determination
Report of:	Development & Conservation Manager
Status:	Public

1. Purpose of Report

To determine planning applications as listed in paragraph 5.2 below and detailed in the attached report

2. Recommendation

That the recommendations listed within paragraph 5.2 below and detailed in the attached report be approved.

3. Forward Plan

Not applicable.

4. Key Decision

Not applicable.

5. Matter(s) for Consideration

5.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **14 September 2009** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

5.2	<u>App. No.</u>	<u>Page No</u>	<u>Site Address</u>	<u>Recommendation</u>
	09/0341/1/PX	9	The White Bungalow Wentworth Stables Burbage Common Road Elmesthorpe	APPROVE
	09/0354/1/LX	13	The Ice House Bouskell Park Welford Road Blaby	APPROVE
	09/0474/1/PX	16	Public Conveniences at Johns Court Blaby	
	09/0509/1/AY	19	A47 Car Boot Site Land off Desford Road Thurlaston	APPROVE

5.3 Other Options Considered. These are included where appropriate as part of the reports relating to each individual application.

6. Appropriate Consultations

Details of organisations/persons consulted in relation to the applications are included in the reports for each individual application.

7. Resource Implications

There are no specific financial implications arising from the contents of this report.

8. List of Background Papers

Background papers are contained in files held in the Planning Division for each application being considered.

(Place a tick (J) to confirm that these officers have been consulted)

CE:

DR:

MO:

CPH:

Consultations

Elmesthorpe Parish Council - comments awaited.

Highway Authority - comments awaited.

Planning Ecologist, Leicestershire County Council – recommends refusal as they consider that unrestricted floodlighting within the countryside has an adverse effect on the biodiversity of the area. However, the Ecologist has confirmed that if the application is approved conditions are recommended to restrict the use of the floodlights. The County Council has further confirmed that they have no recorded information on protected species in the area and advises that the application will have no impact on any designated sites of ecological importance. Any hedgerow removal should take place outside of the bird-breeding season.

Representations

None.

Relevant History

09/0340/1/PX	Single storey rear extensions (including conversion of existing garage to granny annexe)	Pending Consideration
07/0737/1/PY	Retention of existing pond and earth bunds	Approved 16.10.07
05/1183/1/PY	Erection of stable block and ménage	Approved 17.01.06
03/0258/1/PY	Change of use of land for the keeping of horses, erection of one stable block, hay barn and poultry houses and formation of equestrian exercise area.	Approved 22.08.03

EXPLANATORY NOTE

The Proposal

Members should note that two planning permissions have previously been granted for the change of use of this land for the keeping of horses, the erection of stable blocks, an exercise area and ménage. Conditions were imposed which restricted the use of the site to the applicant's own livestock and no livery/riding school or other business or commercial use was permitted. The previous planning permissions have been partially implemented.

The planning application currently under consideration seeks approval for:

- The formation of a 20 metre diameter lunge pen to the south western side of the site with two floodlight columns with two floodlights per column;
- The erection of a hay barn with a floor area of 60 metres square and with a height of 6 metres constructed from green powder coated profiled cladding located to the south west of the vehicular access to the site. A cattle pen is proposed adjacent to the hay barn which would have a floor area of approximately 19 metres square and with a height of 4.5 metres. The hay barn previously granted planning permission in 2003 has not been erected;
- A muck pen is proposed to be sited between the hay barn and the lunge pen. The muck pen currently sited between the site and Burbage Common Road would be removed;
- The retention of the existing stable block sited to the south west of the site's vehicular access. Planning permission was granted for the erection of a stable block on this site in 2005. However, the stables have not been built in accordance with the approved plans and for this reason the retention of the stables is included as part of the current planning application;
- Creation of 2 vehicle passing bays along Burbage Common Road;
- Variation of condition 3 attached to planning permission 05/1183/1/PY to allow stables and ménage and associated facilities to be used for livestock not owned by the applicant and for full and DIY horse/equestrian livery for a maximum of 6 horses.

Planning Considerations

The application site is positioned within Countryside as defined on the Blaby District Local Plan Proposals Map where Policy C2 states that planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It does, however, allow for limited small scale employment and leisure development subject to the development complying with specified criteria. Also of relevance is Local Plan Policy C5 which allows for the change of use of existing buildings in an area identified as countryside where the specified criteria are met. It is considered that as this current proposal is for the change of use of existing stables to enable the small scale employment use of a livery yard to be established, and for development ancillary to both this proposed livery use and an existing equestrian use on this site, then the scheme is in accordance with the requirements of both Policy C2 and Policy C5 of the Local Plan.

Prior to the formal submission of this planning application, the proposals were discussed with the Highway Authority and a Transport Assessment was carried out on behalf of the applicant. Initially the Highway Authority advised that Burbage Common Road is generally substandard along its entire length and any intensification of traffic on Burbage Common road would not be in the best interests of highway safety. Further discussions have taken place and in an attempt to overcome the concerns of the Highway Authority the applicant has stated that only 6 stables would be used for livery. The remaining 6 stables would be for the use of the applicant's own livestock. The applicant is also proposing to provide 2 passing bays on Burbage Common Road on the frontage of his property. Informally, the Highway Authority have confirmed that they are satisfied that subject to the above matters being controlled by conditions, they have no objections to this proposal. However, the formal observations of the Highway Authority

on the planning application are awaited and will be reported further at the Committee Meeting.

In order to address the concerns of the County Ecologist, it is considered appropriate to impose a condition that restricts the hours of illumination of the floodlights to between the hours of 16.30 and 21.30 daily during the months of October to March inclusive. Members should note that these proposed times reflect the times that were imposed on previous permissions on this site.

In view of the above, and subject to the receipt of a favourable recommendation by the Highway Authority, the proposal is considered to be acceptable and it is recommended accordingly.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

East Midlands Regional Plan (2009)

Policy 3 – Distribution of New Development

Policy 24 – Regional Priorities for Rural Diversification

Policy 41 – Regional Priorities for Culture, Sport and Recreation

Blaby District Local Plan (1999)

Policy C2 – Other Development in the Countryside

Policy C5 – The Change of Use and Adaptation of Existing Buildings in the Countryside

Policy L1 – Location of Recreation Land and Buildings

Policy CE22 – Landscaping

09/0354/1/LX	Registered date 17 July 2009 Expiry date 11 September 2009	Blaby District Council Structural repairs and relocation and replacement of security gate – The Ice House, Bouskell Park, Welford Road, Blaby
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Because this application is made by the District Council for works to a listed building within its ownership, the application will be determined by the Secretary of State under Regulation 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990

The purpose of this report is to seek the Committee's endorsement of the proposed works and recommended conditions. This will then form part of the submission to the Secretary of State for consent.

RECOMMENDATION:

The Secretary of State be requested to grant Listed Building Consent for the works described in this report and subject to the following conditions:

1. Standard time limit to commence development.
2. Any replacement bricks shall match those of the Ice House in size, colour, texture and bonding.
3. The mortar used in the restoration shall match the existing.
4. All metal work shall be painted black.

NOTES TO COMMITTEE

Policy

Planning Policy Guidance Note 15 "Planning and the Historic Environment".

East Midlands Regional Plan

This contains no directly relevant policies.

Blaby District Local Plan

This contains no directly relevant policies.

Consultation

Leicestershire County Council – no comments received.

Georgian Group – no comments received.

Victorian Society – no comments received.

Society for the Protection of Ancient Buildings – no comments received.

Ancient Monuments Society – no comments received.

Council for British Archaeology – no comments received.

Twentieth Century Society – no comments received.

Leicestershire Archaeological and Historical Society – no comments received.

Blaby Parish Council – *“Is the Ice House classed as a listed building? If not, is this possible? Is this listed as a Heritage Site only?”*

English Heritage – requested additional information, comments still awaited following submission of additional information.

Representation

No letters have been received.

Relevant History

96/0327/1/LY	Repair and restoration, installation of a gate to the passageway and cover to the charging hole – Blaby Ice House, Blaby Hall, Church Street, Blaby	Approved 27/6/96
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EXPLANATORY NOTE

The Proposal

The ice house within Bouskell Park is a listed structure which lies within the park which is designated as a Conservation Area. The ice house stands within a group of trees at the east end of the park and to the south of a pond. In terms of its external appearance, the structure is a dome of earth with some trees growing on it. There is a tunnel leading from its southern end.

The ice house itself is a circular brick structure within a domed roof. Access is along a brick lined tunnel with an arched roof. As its name suggests, the structure was used for the storage of ice before the invention of refrigerators or freezers.

The works proposed can be divided into two elements:

- The repairs to the tunnel; and
- Relocation of the existing gate.

The repairs to the access tunnel are the most complex part of the proposal. What the repairs are aiming to do is to re-align the walls of the tunnel so they once again sit under the arched roof and also repair consequent cracking of the brickwork. This is to be achieved by removing the soil from around the tunnel, jacking the walls back to the vertical and outside the tunnel walls constructing two concrete walls. The brick

structure would be tied to these walls with stainless steel wall ties inserted to the rear of the wall. Following completion of the works, the earth covering will be re-instated.

The existing gate closes the end of the tunnel at its junction with the main chamber of the ice house. The gate will be relocated at the entrance to the tunnel.

Planning Considerations

When repairing a listed building or structure, the general principles are that the repair should not distract from the character and appearance of the building or should be readable as part of the building's history.

The proposed repair works will not be visible once the earth mounding has been reinstated. The repairs to the pointing within the tunnel will be carried out in a matching lime mortar.

The proposed works will stabilise the structure and retain the listed structure. There are no objections to the proposal.

Conclusion

The works are necessary to stabilise the structure and preserve the listed building. The scheme proposed is the one which would have the least visual impact on the appearance of the structure. The siting of the gate will secure the ice house rather than leaving the access tunnel insecure.

09/0474/1/PX	Registered date 7 August 2009 Expiry date 2 October 2009	Mr Jon Wells Proposed refurbishment and extension of public conveniences – Johns Court, Blaby
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RECOMMENDATION
PERMIT SUBJECT TO THE FOLLOWING CONDITIONS

1. Statutory time condition.
2. Amended plan condition.
3. Materials to be agreed on site.

NOTES TO COMMITTEE

Policy

National Planning Guidance

PPS 1 – Delivering Sustainable Development
PPS 6 – Planning for Town Centres

East Midlands Regional Plan (March 2009)

Policy 22 – Regional Priorities for Town Centres and Retail Development

Blaby District Local Plan

Policy S9 – Blaby Central Area
Policy T6 – Off-Street Parking Provision

Consultations

Blaby Parish Council - makes the following comments:

“Reduced car parking facility. Request the following:

- i) existing plan;*
- ii) block plan;*
- iii) location plan.”*

County Highways – no comments to make.

Representations

1 letter of representation has been received (**see Letter A attached**).

Relevant History

None.

EXPLANATORY NOTE

This application has been submitted by the Council's Environmental Protection Group Manager and is understood to have been subject to public consultation, as reported to Cabinet Executive in June 2009.

The Proposal

This is an application to refurbish and extend the public conveniences within the public car park to the rear of Johns Court. The works include a 9.2 square metre extension to the southern end of the building, a new pitched roof and new ramped access. The works are required to improve the appearance of the building and to accommodate improved disabled and baby changing facilities and a car park attendant's office.

The originally submitted drawings have been amended so that the access ramp and platform now fully comply with Building Regulations.

Planning Considerations

The policies in National Government Guidance, the East Midlands Regional Plan and in the District Local Plan are aimed at sustaining and enhancing the vitality and viability of town centres by offering a range of shopping facilities and services which are conveniently located and widely accessible.

The site lies within the Blaby Central Area, as designated in the Blaby District Local Plan, where Policy S9 applies although only essentially in relation to development which would have a significant effect in the Central Area. Given that the nature and scale of the proposal is unlikely to have a significant effect in the Central Area, it is considered that this policy has no direct relevance. Notwithstanding this, the provision of public facilities such as this supports the role and functions of the Area and therefore contributes to the overall aim and intention of sustaining and enhancing its vitality and viability.

Conclusion

It is considered that the proposals will improve the existing facilities and therefore enhance the contribution it already makes to the function of the Blaby Central Area.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

The site lies within the Blaby Central Area where Policy S9 of the Blaby District Local Plan applies. This policy relates to development that would have a significant effect in the Central Area of Blaby. Although it is considered that this proposal is relatively minor in scale, the existing facility makes a contribution to

the function of the Area. The proposed extension and alterations to the building will improve both its appearance and its accessibility to the public and, therefore, will help in sustaining and enhancing the overall vitality and viability of the town centre. As such, it is considered that the proposed development does not conflict with the aims of Policy S9 of the Blaby District Local Plan or the advice contained in Planning Policy Statement 6: Planning for Town Centres. In addition, adequate off-street parking would remain available on site and therefore the proposal complies with Policy T6 of the Blaby District Local Plan.

09/0509/1/AY	Registered date 26 August 2009 Expiry date 21 October 2009	Mr David Freer Display of 2 non-illuminated entrance signs – A47 Car Boot Site, Land off Desford Road, Thurlaston
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RECOMMENDATION
PERMIT SUBJECT TO THE FOLLOWING CONDITIONS

1. }
2. }
3. } Statutory advertisement conditions
4. }
5. }
6. Signs to be removed during the “closed season”

NOTES TO COMMITTEE

Policy / Guidance

PPG 19 – Outdoor Advertisement Control

Consultations

Thurlaston Parish Council – No objections

County Highways – No comments

Hinckley & Bosworth Borough Council – Objects to the application for the following reason:

“inappropriate permanent signage in the countryside.”

Representations

None.

Relevant History

09/0251/1/PY

Use of land for holding of car boot sales on 35 days per calendar year, siting of toilet blocks and retention of alterations to vehicular access.

Approved
29/6/2009

EXPLANATORY NOTE

The Proposal

This application for advertisement consent proposes the display of two non-illuminated signs located at the entrance to this agricultural field that has approval for use for the holding of car boot sales on 35 days per calendar year. The signs each measure 1.2m wide and 0.6m high and are to be mounted onto the post and rail fencing that bound the vehicular access to the site. The signs comprise white painted letters on a black background.

Planning Considerations

The site lies within countryside as identified on the Proposals Map of the Blaby District Local Plan (1999). The land to which the adverts relate already has permission for car boot sales. The signs proposed are considered to be an acceptable and required ancillary feature of the approved car boot use.

The car boot use is restricted by condition to only operate for 35 days per year between the months of March to October and the site has to be returned to agricultural use after that time. Accordingly, it is considered appropriate to impose a condition that requires the signs to be removed during the “closed season”, i.e. between November to February every year in order to preserve the agricultural appearance and character of the area.

It is considered that as the signs are relatively small in scale, non-illuminated, located so as not to cause a distraction to users of the highway, nor impede visibility when exiting the site, then their display would be acceptable and they are recommended for consent accordingly.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

Having regard to the approved use of the site and the guidance contained within PPG 19: Outdoor Advertisement Control, it is considered that, subject to compliance with the conditions attached to this consent, display of these signs would be in accordance with the Development Plan, would not materially harm the character or appearance of the area and would be acceptable in terms of traffic safety and convenience.
