DELEGATED REPORT

Recommendation Made: 25 February 2009

Reference:- 09/00047/COU **Parish:- Cadeby Parish Council**

Applicant:- Mr Andrew Sutton
56 Oak Road
Desford
Leicester
Leicestershire

Location:- Bijou Stables Brascote Lane Cadeby Leicestershire CV13 0BB

Proposal:- CHANGE OF USE OF BUILDINGS AND LAND TO USE OF A LIVERY AND ALTERATION OF ACCESS.

Introduction:-

This is a re-submission for the operation of this site which currently has planning permission for a manege and stables on the land. The previous application was withdrawn because the highway issues could not be resolved within the timescale.

The site is located off Brascote Lane, to the east of the village settlement. A public footpath runs along the boundary on the site which adjoins the north eastern boundary.

History;

08/00989/COU Change of use of land and buildings for livery and altered access Withdrawn 22.12.08

08/00322/FUL Creation of a Manege Approved 20.05.08

07/01419/COU Creation of Manege Withdrawn 18.01.08

Consultations:-

Director of Highways Transportation and Waste Management does not object subject to condition that the hedge is kept cut back to ensure visibility to the access

Director of Community Services (Ecology) notes the presence of badgers nearby
Head of Community Services (Pollution) suggests condition C51
Head of Community Services (Land Drainage) suggests condition regarding animal waste

E-On no objections

Development Plan Policies:-

Government Policy

Planning Policy Statement 7 (Sustainable development in rural areas) evaluates uses in the open countryside, and seeks to ensure that development within the Countryside is sustainable and does not harm the character and appearance of rural landscapes.

Regional Spatial Plan

The Regional Spatial Strategy (RSS8) seeks to protect the open countryside and ensure that the development is sustainable.

Local Plan Policy

The site is located outside of the settlement boundary of Cadeby in the open countryside.

Policy BE1 seeks to ensure a high standard of design in order to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; avoids the loss of open spaces and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Appraisal:-

The main issues with regard to this application are principle, impact on the countryside and highway issues.

Principle

A low key livery use would be acceptable in this location. It is intended to provide livery facilities on site for 4 horses with a total 6 horses (the applicants own horses) on the site. Thesize of the current holding is sufficient for a maximum of six horses.

Impact on the Countryside

The site is well screened by existing hedges. There are no new buildings or facilities proposed as part of this application so the impact on the countryside is minimal.

Highway Issues

The first application for the manege and stables was approved on the basis that it was limited to personal use therefore it was unlikely to generate traffic that would be detrimental to this rural locality or impair road safety.

The last application for the livery use was withdrawn because highway issues could not be resolved. This application now proposes amendments to the access and a maintenance agreement with a third party land owner in an attempt to improve visibility from the access to allow a limited amount of livery at the site. County Highways have confirmed that the visibility now available from the access is improved and that they no longer object to the application subject to condition.

This application has been received following an enforcement investigation.

Conclusion

Subject to limiting the number of horses on site, conditions regarding drainage, etc., the proposal is considered to be acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

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 as the proposal will not lead to any significant impact on the countryside and will not adversely affect highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 and T5

1 No horse manure or other waste materials shall be burnt on the site at any time.

2 There shall be no animal effluent or contaminated surface water from the buildings or associated impervious areas discharged into any ditch or water course or soakaway.

3 Within one month of this decision, a visibility splay of 2.4m rnetres by 43 metres shall be provided to the south west of the access along Brascote Lane, and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays

Reasons :-

1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

2 To avoid water pollution in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

3 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with policy T5 in the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'..

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

3 In order to provide the visibility splays detailed in condition 3 above, it will be necessary to trim the hedge back to and permanently maintain it at the highway boundary and the splay shall be in accordance with the standards contained in the current County Council Design Guide.

4 List of plans used in the determination of this application:-
Site location plan, hedge detail plan to access.

5 The applicant should consider carefully the security issues with such a remote site. Existing Council policy would not permit any residential use of the site, including the siting of a caravan.

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