The Planning Inspectorate

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28 APR 2009

Mrs T Darke
Hinckley and Bosworth Borough Council
Planning Officer
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Your Ref: 08/00635/COU

Our Ref: APP/K2420/A/09/2097838/NWF
Further appeal references at foot of letter

Date: 27 April 2009

Dear Mrs Darke

Town and Country Planning Act 1990
Appeals by Mr Roy Borthwick
Site at Pinewood Lodge Holiday Village, Overton Road, Ibstock, LE67 6PD

I enclose for your information a copy of the appellant's final comments on the above appeals. Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely

DEVELOPMENT SERVICES
28 APR 2009
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Jenny Howland

217L(BPR)

Further appeal references:- APP/K2420/A/09/2097840 and APP/K2420/A/09/2097837

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

Our Reference: SS/drb/B66
Your Reference: APP/K2420/A/09/2097838/NWF,
APP/K2420/A/09/2097840 &
APP/K2420/A/09/2097837

Wilbraham Associates Limited

Chartered Town Planning Consultants

Ms Jenny Howland
Room 3/22
The Planning Inspectorate
Temple Quay House
2 The Square
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Bristol
BS1 6PN

SENT BY EMAIL AND POST

22 April 2009

Dear Ms Howland

Appeals by Mr Roy Borthwick
Site at Pinewood Lodge Holiday Village, Overton Road, Ibstock, LE67 6PD

Thank you for your recent letters (dated 8 April 2009) enclosing copies of the Local Planning Authority's statement as well as the two statements provided by Leicestershire County Council (Highway Authority), together with letter dated 21 April 2009 providing a copy of the site notice detailing the Inquiry arrangements.

On behalf of the appellant, we would like to make a number of comments on the content of the documents as follows:

1. HINCKLEY AND BOSWORTH BOROUGH COUNCIL RULE 6 STATEMENT

We consider that the LPA's statement does not detail the full particulars of their case which they propose to advance at the Inquiry. In light of this and the advice provided within the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, we would invite the Secretary of State/Inspector (pursuant to Rule 6(8) of the Rules) to require the LPA to provide further information, on the following:

Section 4.0, Paragraph 4.1

To identify what aspect of the planning history is relevant and explain its relevance.

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Section 4.0, Paragraph 4.2

To identify which conclusions made by the previous Inspector are said to be relevant and explain their relevance.

Section 4.0, Paragraph 4.3

To explain the relevance of Policies BE20, NE22 and REC22 of the adopted Hinckley and Bosworth Local Plan, none of which are mentioned in the reasons for refusal.

Section 4.0, Paragraph 4.5

To identify which paragraphs from which documents setting out Central Government Guidance are said to be relevant and explain their relevance.

Section 4.0, Paragraph 4.6

To give similar particulars in relation to RSS8 to those requested under paragraph 4.5 above.

Section 4.0, Paragraph 4.7

To give full particulars of case that the LPA intends to advance at the Inquiry as to why the applications were refused and how and why 'the appeals and supporting documentation conflict with Central Government and Local Planning Policy and Guidance'.

Furthermore, we set out below detailed comments on the LPA's statement as follows:

Section 1.0, Paragraph 1.2

We would draw your attention to the fact that there is an error in the appeal references listed within this paragraph.

Section 4.0, Paragraph 4.3

The Council's statement outlines that the three appeals should be considered as part of a cumulative development in relation to the planning unit as a whole. It is however important to state that the proposed developments were the subject of three separate applications and are the subject of three separate appeals.

Section 4.0, Paragraph 4.4

The statement refers to the planning policy framework and includes references to relevant policies within the adopted Hinckley and Bosworth Local Plan. The statement goes on to state that extracts from these documents have been supplied with the

appeal questionnaire. Having the opportunity to review the contents of the questionnaire, we note that Policy REC22 is not included. However, this policy refers to development associated with hotels, motels, guest houses and conference centres and we consider that this is not relevant to the appeal proposal(s). Furthermore, Policies BE20 and NE22 are also referred to in the Council's statement and whilst these have been provided with the appeal questionnaire, these policies were not referred to in any of the reasons for refusal for the three development proposals.

Section 4.0, Paragraph 4.9

The previous Inspector did not consider the planning merits of the allegedly unauthorised development. He noted that 'since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the Act, as amended, does not fall to be considered'. Accordingly, he dealt with the appeals solely under grounds (c) and (d).

Section 5.0, Paragraph 5.6

The Council have provided a list of documents to be referred to. Within paragraph 5.6, reference is made to the Regional Spatial Strategy (RSS8) published on 17 March 2005. We would comment that this document has now been replaced by the recently adopted East Midlands Regional Plan (March 2009).

2. LEICESTERSHIRE COUNTY COUNCIL STATEMENT (PLANNING REF: 08/00627/FUL AND APPEAL REF: APP/K240/A/09/2097837/NWF

Please refer to comments provided separately (and enclosed) by Mike Cullington of Pick Everard.

3. LEICESTERSHIRE COUNTY COUNCIL STATEMENT (PLANNING REF: 08/00635/COU AND APPEAL REF: APP/K240/A/09/2097838/NWF

Please refer to comments provided separately (and enclosed) by Mike Cullington of Pick Everard.

As requested in your letter (dated 8 April 2009), we set out below the additional information required in connection with the planning appeal:-

List of Witnesses

Mr Roy Borthwick, the appellant;
Ms Sally Stroman, the agent/planning consultant (of Wilbraham Associates);
Mr Mike Cullington, Highway Engineer (of Pick Everard); and
Mr Les Jephson, Acoustic Consultant (of Acoustics Noise and Vibration (ANV)).

Estimation of Time to Present Case

Opening the case - ½ hour

Appellant	-	Evidence in chief	- ¼ hour
		Cross-examination	- ½ hour
Ms Stroman	-	Evidence in chief	- ½ hour
		Cross-examination	- 1 ½ hours
Mr Cullington	-	Evidence in Chief	- ½ hour
		Cross-examination	- 1½ hours
Mr Jephson	-	Evidence in Chief	- ¼ hour
	-	Cross-examination	- ½ hour

Closing submission – 1½ hours

In light of the above estimation of time to present the case, we consider that the Inquiry should be scheduled to last two days and not one day as currently planned.

I trust the above is clear. Should you wish to discuss this matter further please do not hesitate to contact me at this office.

I provide two copies of this letter and enclosures as requested.

Yours sincerely

S. Stroman

Sally Stroman MRTPI
Wilbraham Associates Ltd

Enc

Pick Everard comments on Statement prepared by Highway Authority (Leicestershire County Council) in connection with Appeal Ref: APP/K2420/A/09/2097837/NWF (dated 22.04.09)

Pick Everard comments on Statement prepared by Highway Authority (Leicestershire County Council) in connection with Appeal Ref: APP/K2420/A/09/2097838/NWF (dated 22.04.09).

COMMENTS PROVIDED BY PICK EVERARD (HIGHWAY CONSULTANTS) ON PLANNING APPEAL IN RESPECT OF REFUSAL TO ALLOW THE DEMOLITION OF THE EXISTING CONSERVATORY AND REBUILD TO PROVIDE A FAMILY DINING/BREAKFAST ROOM WITH BAR AREA, WC FACILITIES AND RECEPTION AREA TOGETHER WITH CHANGE OF USE OF PART GROUND FLOOR OF DWELLING TO PROVIDE A TEA ROOM/DINING AREA AND KITCHEN AT PINEWOOD, OVERTON ROAD, NAILSTONE, IBSTOCK.

Planning ref: 08/00627/FUL
Appeal ref: APP/K2420/A/09/2097837/NWF

COMMENTS ON WRITTEN STATEMENT BY S J HILL ON BEHALF OF THE HIGHWAY AUTHORITY
Using the same paragraph reference nos. for convenience.

13. **The esfimation of traffic speeds along Overton Road is reasonable and acceptable.**

14. **'It would be reasonable to suggest that motorists would feel reasonably confident with speeds that are close to or even substantially greafer than the speed limit (60mph)' Evidence will be provided on behalf of the Appellant to refute this statement. A speed survey was carried out on the A447 in the vicinity of the Overton Road junction on 24 and 25 February 2009. The weather conditions were fair with overcast cloud cover and the road surface was dry throughouf the survey period. The results of the survey record that the measured 85th percentile wet weather speed of traffic on the A447 was 80kph (50mph) Northbound and 78kph (48mph) Southbound which are significantly below the speed limit of 60mph.**

16. **Factual information acceptable. The LHA's appendix 1 to this statement is not the directional classified vehicle count. However, appendix 1 of the LHA's other sfatement in respect of refusal of planning ref 08/00635/COU would appear to be the relevant document.**

17. **The traffic speed survey and traffic count details should be included wifh fhe Highway Statement as it is nof acceptable to produce evidence on the day of the Public Inquiry. The survey and fraffic count should be undertaken immediately and the results given to the appellant's traffic consultant wifhout further delay.**

18. to 21 Inclusive - **Accident stats suggest that there is not an existing safety risk at the A447/Overton Road junction in terms of recorded accidents. Again, appendix 2 is attached to the LHA's other statement in respect of refusal of planning ref 08/00635/COU which would appear to be the relevant document.**

23. **The trip rate of 6.83 trips per household is a reasonable average estimate of the two way traffic trips per dwelling per day in Leicestershire and is acceptable.**

24. **The trip rate of 2 trips per day per chalet is reasonable and acceptable.**

28. to 31. Inclusive - **The suggested trip rates of 144.9 trips per day (A3) and 163.04 trips (A4) for the proposed dining/breakfast room with bar area and tea room/dining area are way in excess of that anticipated. The proposed tea room is intended to cater for cyclists and walkers and the Appellanf has underfaken not to advertise the facility to passing motorists on the A447. The proposed dining/breakfast room and bar area is intended for the use of fhe occupants of the chalets already on site with the facility to accommodate**

some additional visitors arriving by car. The available space on site for parking is limited and it is intended to provide additional parking spaces for visitors arriving by car.

38 and 39. **The extracts to which references are made are not found in the appendices to either statement.**

49. **It is agreed that Highways Transportation and Development (HTD) and the Design Manual for Roads and Bridges (DMRB) are the relevant design documents.**

51 and 52. – **These paragraphs are disputed: see in particular the response to paras 28 - 31.**

53. and 54. **It is agreed that HTD is the relevant design document for the visibility splays. The reference to appendix 3 should in fact be to appendix 1.**

55. **The visibility splays stated are appropriate and achievable and will be shown on a drawing to be submitted in support of the appeal.**

57. **Evidence will be provided on behalf of the Appellant to refute this statement.**
A speed survey was carried out on the A447 in the vicinity of the Overton Road junction on 24 and 25 February 2009. The weather conditions were fair with overcast cloud cover and the road surface was dry throughout the survey period. The results of the survey record that the measured 85th percentile wet weather speed of traffic on the A447 was 80kph (50mph) Northbound and 78kph (48mph) Southbound.
With reference to the Leicestershire County Council's design guidance document 'Highways Transportation and Development' Table DG4 'Visibility Splays' for a measured 85th percentile speed of between 45 and 53mph the appropriate visibility distance should be 160m and not 215m.

58. **Visibility splays of 2.4m by 160m can be achieved at the Overton Road / A447 junction by removal of obstructions to visibility on the east verge of the A447.**

59. **It is not accepted that there would be a substantial increase in turning traffic.**

60. to 63 Inclusive. **The minimum entrance width would be achievable and would be provided. The reference in paragraph 60 to appendix 4 should be to appendix 2.**

64. **Drawings will be submitted to demonstrate that the proposed access would be of sufficient width with appropriate kerb radii.**

66. to 70 Inclusive. **It is the appellant's case that, in the absence of a significant increase in traffic, there would be no need to widen Overton Road.**

SUGGESTED CONDITIONS

The proposed condition that the appellant should provide 41 additional car park spaces is manifestly unreasonable. Nothing like that number would be required.

M P Cullington
Pick Everard 22.04.09

COMMENTS BY PICK EVERARD (HIGHWAY CONSULTANTS) ON PLANNING APPEAL IN RESPECT OF REFUSAL TO ALLOW THE CHANGE OF USE OF PART OF GARAGE TO PROVIDE TWO HOLIDAY CHALETS AND MANAGERS'S ACCOMMODATION AT PINEWOOD,OVERTON ROAD, NAILSTONE, IBSTOCK.

Planning ref: 08/00635/FUL
Appeal ref: APP/K2420/A/2097838/NWF

COMMENTS ON WRITTEN STATEMENT BY S J HILL ON BEHALF OF THE HIGHWAY AUTHORITY
Using the same paragraph reference nos. for convenience.

12. **The esfimation of traffic speeds along Overton Road is reasonable and acceptable.**

13. and 14. **The traffic speed survey and traffic count details should be included with the Highway Stafement as it is not acceptable to produce evidence on the day of the Public Inquiry. The survey and traffic count should be undertaken immediately and the results given to the appellant's traffic consultant without further delay.**

18. **The trip rate of 2 frips per day per chalet is reasonable and acceptable.**

22. **The site manager only will be resident on site but not with family. As provided in support of the original planning application by letter dated 5 August 2009, the appellant confirmed that he would accept a planning condifion restricting the occupancy of the flat for use by the on-site manger only. The total of an additional 2 trips per day is therefore reasonable for the manager's office giving a total number of 6 trips per day for the proposed development.**

24. **There would be a marginal, rather than a significant, increase in traffic.**

31 and 32. **The extracfs do not appear to have been appended to Appendix 4.**

42. **The vehicular access for the occupants of the two chalets and the site manager would be via the existing north-eastern access. The south-western access would not be used by the new development, but exclusively by the appellant and his family.**

43. **There will be a marginal, rather than a significant, increase in traffic.**

44. **The reference to appendix 1 should be to appendix 3.**

44 to 46. Inclusive - **The required visibility splays for the norfh-eastern access are both appropriate and achievable.**

47. to 49. Inclusive – **The minimum entrance width for the norfh-eastern access would be achievable and would be provided. The reference in paragraph 48 to appendix 2 should be to appendix 4.**

50. to 54. Inclusive. – **Drawings will be submitted to demonstrate that the proposed north-eastern access would be of sufficient width with appropriate kerb radii.**

M P Cullington
Pick Everard 22.04.09