DELEGATED REPORT

Recommendation Made: 25 August 2008

Reference:- 08/00627/FUL **Parish:- Nailstone Parish Council**

Applicant:- Mr Roy Borthwick C/o Agent

Location:- Pinewood Overton Road Nailstone Ibstock Leicestershire

Proposal:- 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.

Introduction:-

This application is for the erection of a single storey extension which will replace the unauthorised dining room/part of conservatory mentioned in the planning history below. The single storey building will provide a dining room with bar area together with reception and WC facilities. The application also includes change of use of the residential property into a tea room, dining area and kitchen in relation to the tourism use on the site.

The Design ansd Access Statement states that the tea rooms are intended to be open to the general public ,given the sites close proximity to a number of cycle routes and public footpaths. This application has be submitted with capacity in mind for future development of further chalets on site. The Statement refers to the no similar facility being available within five miles of the site and refers to a recognised need for further tourist accommodation in the area. It goes on to say that the application will provide a beneficial tourist facility and compliment the tourist focus in the area

Planning History

06/00262/COU Stationing of one caravan for tourist accommodation Refused 19.5.06

04/00196/UNUSE Enforcement Notice and appeal regarding the construction of a conservatory for use as a bar and recreational building not wholly or mainly within the residential use.

98/00764/COU Change of use of ancillary domestic ancillary building to 9 accommodation units Approved 14.9.98

98/00459/COU Change of use ancillary domestic building to 9 tourist accommodation units Refused 1.9.98

Consultations:-

Director of Highways Transportation and Waste Management recommends refusal on the grounds that the access and junction are inadequate for increased traffic. A use open to the public could generate an unacceptable amount of vehicular traffic using the substandard vehicular access and the substandard junction between Overton Road and the A447 to the detriment of highway safety.

Three letters received in support of the application with the following comments;

would like to see a tea room at this location
praising bed and breakfast facility

Development Plan Policies:-

Local Plan

The site is located in the countryside and outside of the settlement boundary as defined in the adopted Hinckley and Bosworth Local Plan. It is within the designated National Forest boundary.

Policy BE1 seeks 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, materials and architectural features; avoids the loss of open spaces, important gaps in development 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; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods. Indeed, the re-use and adaptation of existing buildings in the countryside can also play an important role by providing rural employment opportunities and helping to reduce demand for new buildings in the countryside.

Policy NE22 relates to the criteria for consideration of development proposals within the National Forest and planting requirements within the area.

Policy REC21 - states that within open countryside, planning permission will be granted for new accommodation where it can be demonstrated that such accommodation makes use of existing property, or can be satisfactorily integrated with the scale of the existing buildings with which it is associated. In all cases the proposal should satisfy the relevant plan criteria for design, siting and highways considerations in respect of both residential and recreational development.

Appraisal:-

The authorised use of the site is a dwelling with 9 holiday chalets. The main issues in respect of this application are the size and design of the proposal, use, highway issues and relevant history of the site.

Size and Design

The size of the proposed dining area has a larger footprint than the one enforced against and won on appeal that is to be demolished. The proposed roof is solid and all one heigh, it is higher that the existing dining room roof but lower than the ridge of the existing conservatory roof. The external walls are to be white rendered with a tiled roof to match the existing dwelling. The proposal will project to the side of the existing dwelling for 19.75 metres and whilst the height of the proposal is subordinate to the dwelling, the projection to the side is considered to be excessive, disproportionate and over dominates the front and rear elevations. It does not have any particular design features of interest.

Use

The tea rooms are intended to be used by the general public which would generate additional use of the site. A current liquor licence exists for the bar in the existing unauthorised dining room/ conservatory, although the facility is currently closed, this also has the potential for members of the public to be utilising the site at late hours and as such is not in accordance with policies BE1 and NE5.

Highway Issues

Highways have raised an objection to the application in terms of an unacceptable increase in traffic using the access to the site and the A447 junction. Parking on site is to remain the same as at present, 18 car spaces, Highways have made no comment with regard to this.

Relevant History

In the enforcement notice, the LPA stated that the current conservatory was not wholly or mainly in the residential use and had a detrimental effect on the amenities of adjoining occupiers due to potential noise and disturbance resulting from the use of the buildings and was therefore contrary to adopted policies. The supporting information in relation to the appeal on the existing conservatory states that it is inappropriate in size and appearance and therefore contrary to Policy BE1.

Conclusion

Although the current conservatory is smaller in footprint it was considered to be too large at appeal, as the footprint of this proposal is larger, it can only be considered to be too large, the Inspectors comments still stand and the proposal is unacceptable on that basis, together with highway and potential noise and disturbance. Whilst there may well be a shortage of this type of tourist accommodation in the area, this does not outweigh the harm caused to the existing dwelling, the open countryside and neighbour amenity together with the highway objections.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons :-

1 The proposal, if permitted could result in an unacceptable increase in traffic using the sites vehicular access and the Overton Road / A447 junction which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users, it is therefore contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan. & Htd working.

2 The proposal, if permitted could result in an unacceptable increase in traffic using an access which has inadequate width and geometry. That could in turn lead to vehicles reversing onto or off the Highway to the detriment of road safety, it is therefore contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan. and Htd working

3 The proposed development is excessive in size and scale and if permitted, would be inappropriate and incongruous element which would have a detrimental effect on the existing dwelling, the site and the open countryside, it is therefore not in accordance with policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

4 The proposed development by virtue of the proposed use would be an unwarranted and unacceptable development harming the character and appearance of the countryside and has the potential to cause additional noise and disturbance to neighbouring properties, this would be contrary to policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

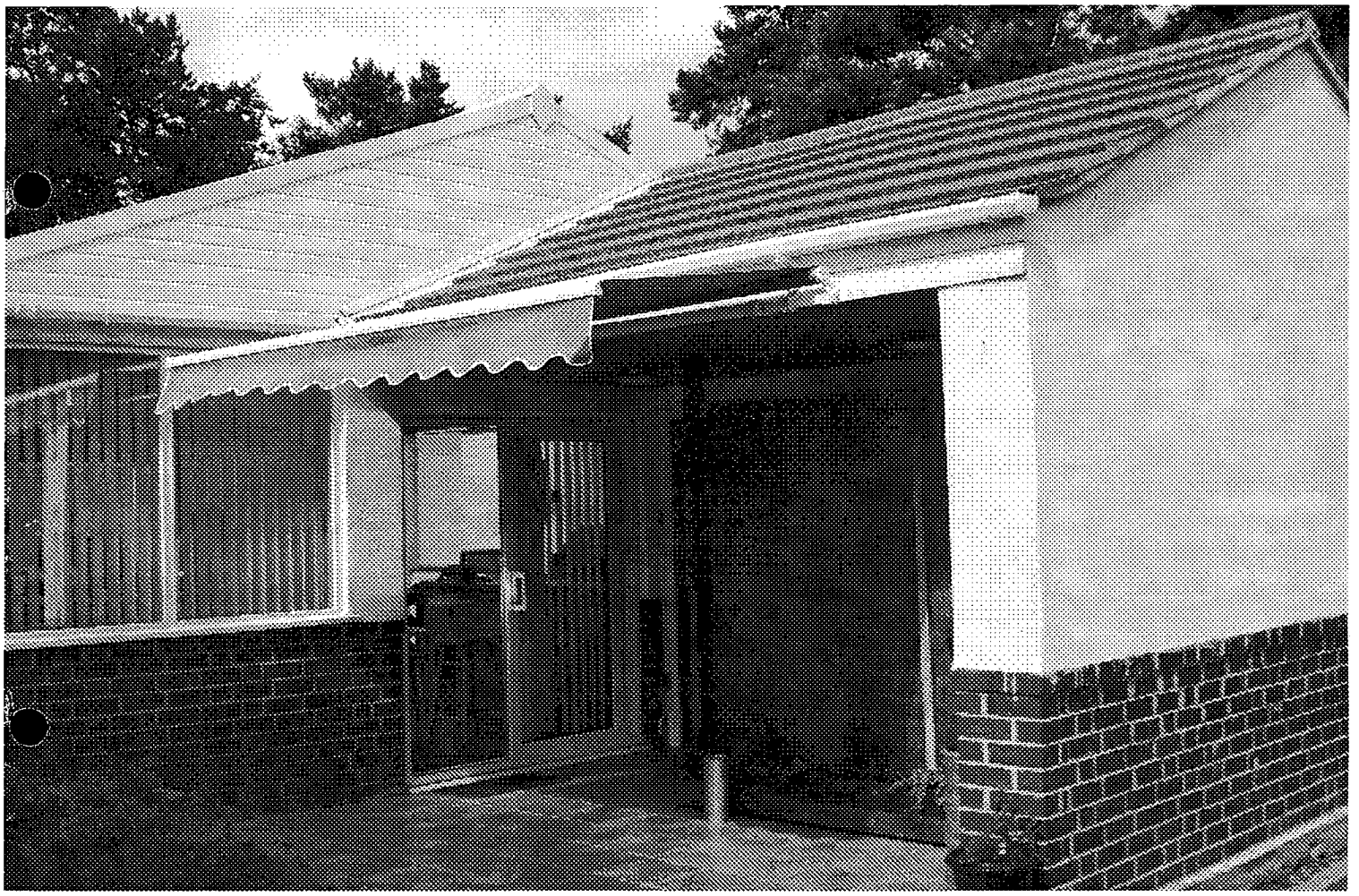
4 The applicant is advised that the Highway Authority consider notwithstanding the note above, any future proposals for additional units may not be acceptable due to an unacceptable impact on the Overton Road/A447 junction which is extremely poor in

terms of its available visibility to and from emergng vehicles in a north westerly direction.

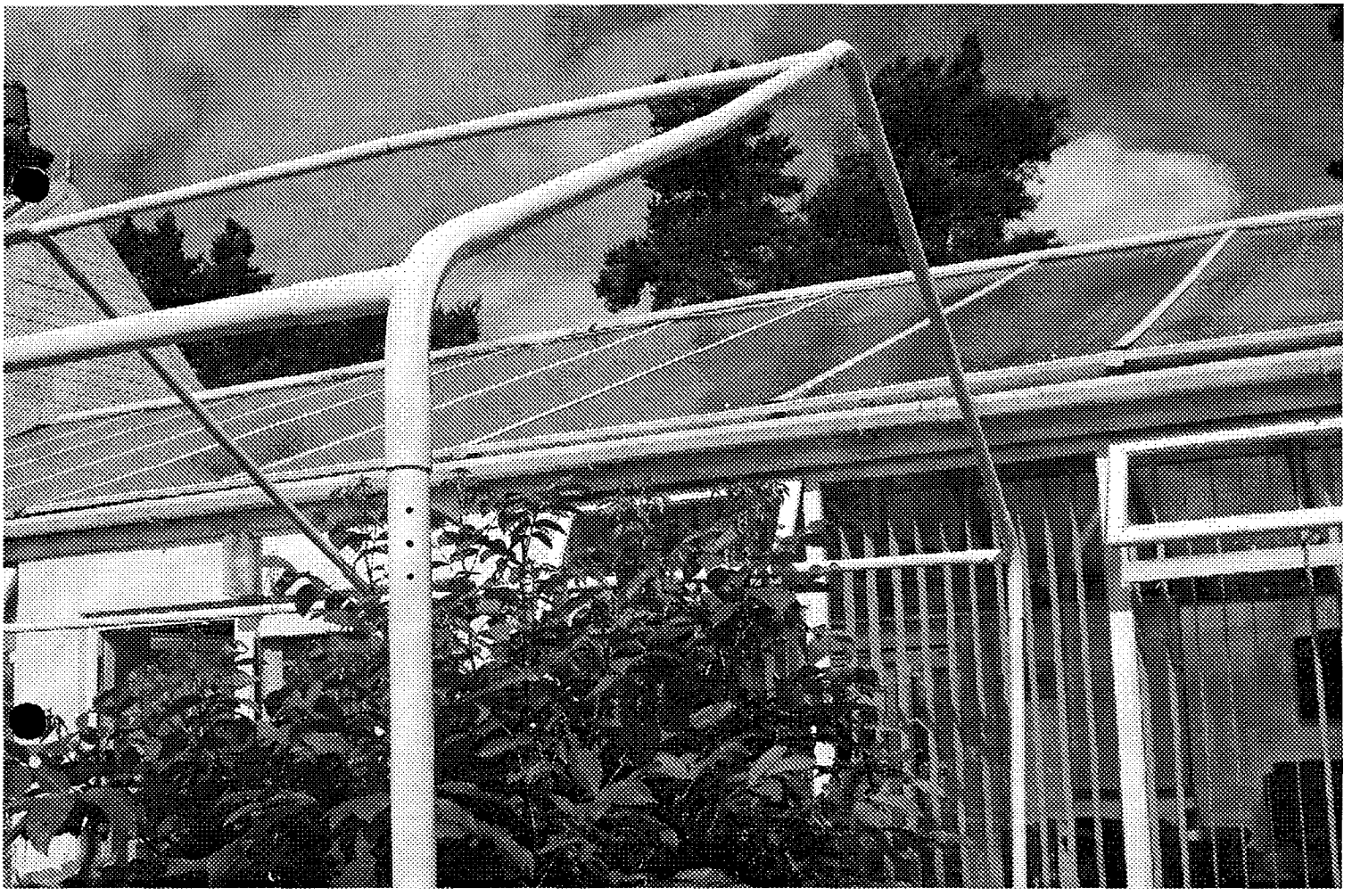
Contact Officer:- Louise Forman Ext 5682



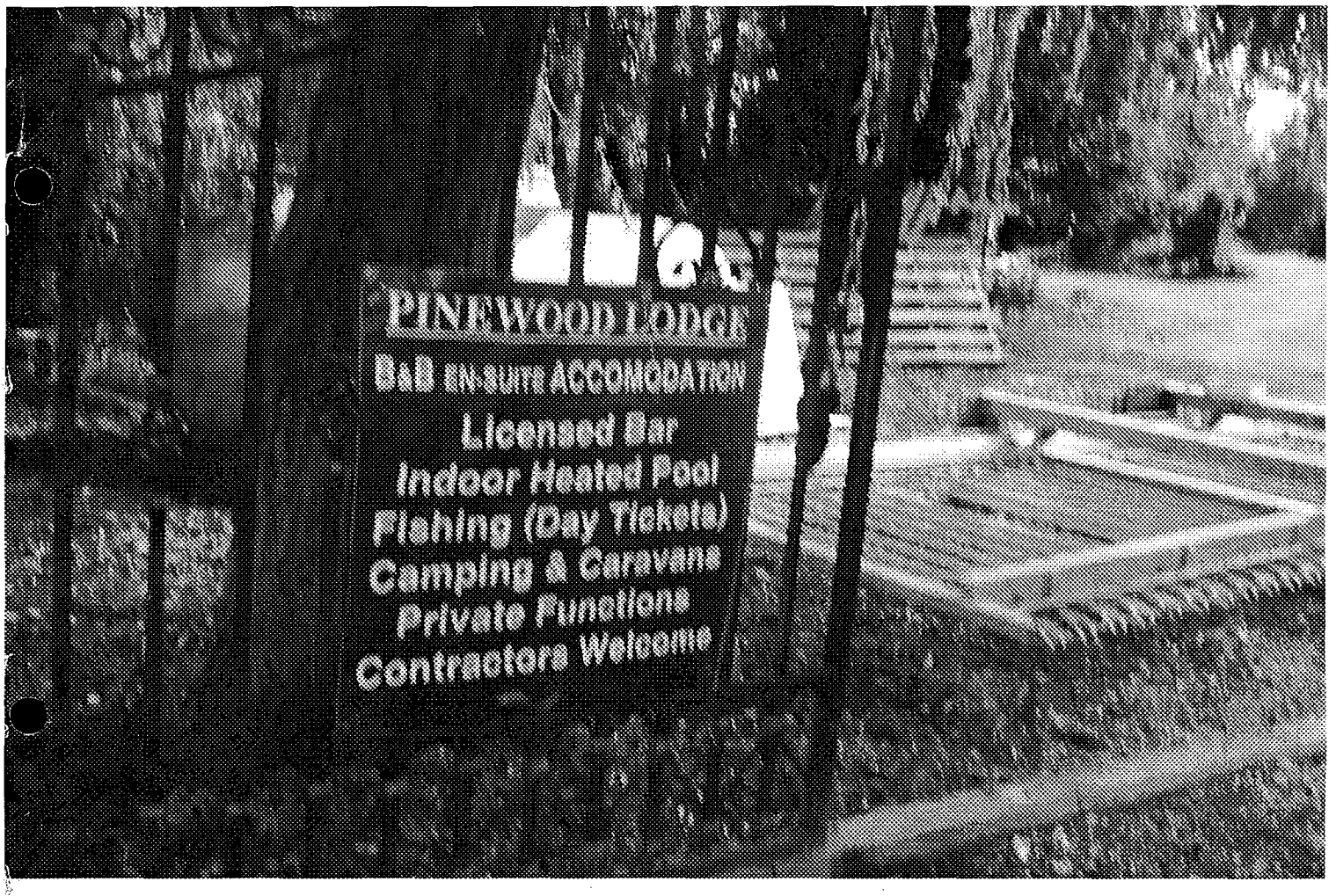











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B&B EN-SUITE ACCOMODATION
Licensed Bar
Indoor Heated Pool
Fishing (Day Tickets)
Camping & Caravans
Private Functions
Contractors Welcome