DELEGATED REPORT

Recommendation Made: 23 March 2011

Reference:- 11/00114/FUL **Parish:- Nailstone Parish Council**

Applicant:- Mr Roy Borthwick
C/O Agent

Location:- Pinewood Overton Road Nailstone Nuneaton Leicestershire

Proposal:- CHANGE OF USE OF PADDOCK TO CARAVAN/CAMPING SITE (NINE PITCHES) (RESUBMISSION OF 10/00606/COU)

Introduction:-

This is a full application to change the use of a paddock to a caravan/camping site with nine pitches. A waste and recycling point to serve the camp is to be situated adjacent to the south-eastern boundary of the site. Associated facilities, including wc's, showers and washing up area are already situated within Pinewood and will be available to the guests of the proposal. This application follows the previously withdrawn application 10/00606/COU.

Pinewood is a small holiday village situated within rolling, open countryside about 1.5 km south of the large village of Ibstock on a corner formed by Overton Road and the A447. The site is surrounded by densely planted hedges and there are a number of mature trees, mainly along the Overton Road frontage. The application site comprises an open paddock fronting the A447. This is separated from the main site by a mature hedge. South east of the site is a large detached property and outbuildings know as Belchers Cottage, and opposite the site is a rundown large detached property, screened by dense vegetation. Pinewood is to the north east of the site.

Pinewood is accessed via two accesses from Overton Road. The first is located approximately 45m from the junction of Overton Road. This access is flanked by mature pine trees and shrubbery. The second is also situated on Overton Road and is for visitor and general use. This is situated approximately 115m from the junction with the A447. There is a large willow tree to tree to the left of this access. The site is to be accessed via the main access to the site, in front of the chalet accommodation, leading along the south eastern boundary of the Pinewood site. Improvements are to be made to the access, to improve visibility as part of this application.

Following concerns raised by the Director of Environment and Transport (Highways) a series of plans in relation to ongoing vey access improvements within the site have been submitted to accompany the application. These plans are identical to those subject to the conditions imposed by the Inspector in the most recent appeal decisions.

Supporting Documents

A Design and Access Statement has been submitted with the application. This outlines the scheme and provides a history of the site and goes on to justify how the proposal meets national and local planning policy. It concludes that the proposal will enhance an existing tourist facility and will meet with the local economic objectives of the area.

Planning History

10/00606/COU Change of use of paddock to caravan/camping site (Nine Pitches) Withdrawn

08/00627/FUL Demolition of 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 tea room/dining area and kitchen. Refused - Upheld on Appeal.

08/00635/COU Retrospective application for the retention of alterations to part of detached garage to provide manager's accommodation and two ground floor chalets Refused - Allowed on Appeal

08/00636/COU Change of use of a building into a shower room and rest area for staff Refused - Allowed on Appeal

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:-

North West Leicestershire District Council do not object to the application, subject to the following criteria:-
That the site will not be used a permanent caravan site; that the ground levels will not be raised and that the highways improvements outlined can be achieved.

Head of Community Services (Pollution) has no objections subject to a condition requiring directional signs to be located within the site to reduce noise.

Director of Environment and Transport (Highways) has no objection subject to conditions

Head of Community Services (Drainage) has no objection.

No comments have been received from:-
Parish Council
Neighbours

Development Plan Policies:-

National Policy
PPS1
PPS4
PPS7

Core Strategy (2009)
Policy 21
Policy 23

Local Plan (2001)
BE1
T5
NE5

Appraisal:-

The main considerations in this case are the principle of the development, impacts on the character of the countryside and visual amenity, impacts on residential amenity and on highway safety.

Principle

The site is situated within the open countryside where new development is normally restricted. However as the application proposes the development of an existing tourist facility, both local and national policy is supportive, subject to specific siting and design and impacts on highways etc.

At a national level, PPS7, Sustainable Development in Rural Areas, supported by the Good Practice guide on Planning and Tourism and PPS4, Planning for Sustainable Economic Growth, specifically Policy EC7 – tourism in rural areas, are supportive of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors. The policy goes on that Local Planning Authorities should support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help the future viability of such business.

At a local level Core Strategy Spatial Objective 1 seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism.

Policy 21, which relates to the National Forest, identifying it as a major resource for tourism and recreation is supportive of proposals which contribute to the delivery of the National Forest Strategy which includes tourism developments. Further paragraph 4.73 recognises the need to encourage people to visit the borough to contribute to a dynamic and vibrant visitor economy.

Policy 23 states that new tourism development for extended visitor attractions, including tenting fields will be encouraged in suitable locations where the development can help support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and adds to the economic wellbeing of the area.

Finally saved local plan policy NE5, development in the Countryside is supportive of development which is important to the local economy and where it is for recreation purposes. As the proposal will extend the activities available at the existing holiday village, thus benefiting this rural business and enhancing the local economy, is supportive of the National Forest Strategy , resultant of its ability to encourage more visitors to the area , and will be a form of development which will not have a lasting impact on the character of the area, and will benefit from screening from the maturely vegetated boundaries which surround the site; the proposed use is considered acceptable in principal and will not have a detrimental impact on the character of the surrounding countryside.

Visual Amenity and Character of the Countryside

As this application proposes 9 pitches, there is no built development, and as the caravans and or tents are temporary, movable structures, there will be no permanent impacts on the character of the countryside. Further, as the site is screened by mature hedges, when in use, only fleeting views of the tents/caravans will be available.

Residential Amenity

The property closest to the application site is Belcher's Cottage, which is situated 11m from the site boundary. Whilst there may be some impacts in terms of increased noise and disturbance when all 9 pitches are in use, when considering the background road noise generated by the A447, the adjacent building to the southeast within neighbouring site and the presence of dense landscaping screening enclosing the site, noise will be reduced to a level that is not to the material detriment of the adjacent occupiers. It is also necessary to consider that the wider Pinewood site has approval to be used as a holiday park where there will already be a good degree of background noise.

The Head of Community Services (Pollution) has requested that a scheme for internal site signage be submitted and approved to draw to the attention of the site occupiers that there is a residential property nearby and occupiers should respect the privacy and keep noise levels down. Having carefully considering this request it has been concluded that such a condition would fail the statutory tests to be used as a planning condition. Such a condition would not prevent any noise pollution and therefore is not considered reasonable or precise.

Highways

The visibility spay to the south east of the existing access is to be improved. The existing trees and bushes are to be cut back to provide a 2.4m by 160m Visibility Splay Line and the existing earth bund, which is currently within this visibility splay is to be excavated to the original ground level and relocated to the rear of the visibility splay line.

The Director of Environment and Transport (Highways) has commented that the site is situated within an un-sustainable location and rely upon car usage and that taking into consideration available traffic counts and using figures from the TRICS database, the proposal will also be likely to lead to a significant increase in turning traffic at the junction of Overton Road and Hinckley Road. However this said, on the basis of the improvements outlined above, and illustrated on drawing No. 080613/C/004 Rev C, it is considered that the proposal will result in a highway gain, and thus it would not be possible to warrant refusal of the application on highway safety grounds.

The Director of Environment and Transport (Highways) has requested a series of other conditions in respect of vehicle access and turning within the site and the set back of gates and provision of drainage. Following discussions with the applicant's agent it has been agreed that the previously approved internal site layout and access plan (applicable to the appeals) can be submitted with this proposal as access is taken through the existing site to gain access to the touring field. Accordingly, conditions are proposed to this effect; however the request for a highway drainage condition is omitted as this is continually found to be unreasonable by Planning Inspectors.

Conclusion

The proposal is considered to enhance the range of tourist facilities on an established tourist site within the Borough benefiting both the local economy and the vitality of the area. Resultant of the screening of the site the proposal is not considered not have a detrimental impact on the character of the countryside and due to the highway improvements proposed will not have an adverse impact on highway safety. Therefore the proposal is considered 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. Resultant of the specific use proposed in relation to the existing use of the site as a holiday complex, and the highway improvements proposed the development will not have any adverse impacts on the character or the surrounding countryside or on highway safety and thus is considered acceptable.
Adopted Core Strategy (2009)
Policy 21, Policy 23

Adopted Hinckley and Bosworth Local Plan (2001)
BE1, T5, NE5

1 The development hereby permitted 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 otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 080613/C/004 Rev C; Block Plan scale 1:500; Site Plan scale 1:1250 received by the Local Planning Authority on the 17.2.11; 080613/C/006 Rev A received by the Local Planning Authority on the 13.4.11

3 Before first use of the development hereby permitted, the off site highway works at the junction of Overton Road and Hinckley Road as illustrated on drawing No. 080613/C/004 Rev C shall be completed in accordance with the submitted details and shall be maintained thereafter.

4 Before first use of the development hereby permitted, visibility splays of not less than 59 metres to the right hand side and 43 metres to the left hand side from a set back distance of 2.4 metres shall be

provided at the junction of the access to serve the proposal with Overton Road. These shall be in accordance with the standards contained in the current County Council design guide 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.

5 The accommodation (camping and caravan pitches) hereby approved shall not be used for any purposes other than short term holiday accommodation and shall not be occupied for a continuous period exceeding 28 days at any one time.

6 Before first use of the development hereby permitted, the turning facilities and access improvement as illustrated on drawing No. 080613/C/006 Rev A shall be completed in accordance with the submitted details and shall be maintained thereafter.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning

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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

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5 The development accords with Policy 23 of the Adopted Hinckley and Bosworth Core Strategy, however as the development is located in the countryside where new dwellings are not normally permitted it is necessary to prevent its use as permanent residential accommodation as this would be contrary to the requirements of PPS3, PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.

6 To ensure that there are adequate turning facilities within the site and that there is adequate visibility at the sites access. To accord with Policy T5 of the adopted Local Plan.

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 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 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).

5 On the basis of the submitted plans, the details of visibility splays at the access, access width and radii, gates set back distance, and cycle parking provision are not in accordance with the guidance contained in "The 6Cs Design Guide - Highways, transportation and development". Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority.

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- (telephone 0116 3052202). All works within the highway in connection with the off site highway works at the junction of Overton Road and Hinckley Road shall be carried out to the satisfaction of the Northern Area Manager- (telephone 0116 3052114).

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site Highway works before development commences.

The Highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

Contact Officer:- **Eleanor Shaw** **Ext 5680**