Item: **05**

Reference: **11/00110/FUL**

Applicant: **Mrs Eileen Hemsley**

Location: **George Ward Centre Church Lane Barwell**

Proposal: **FORMATION OF A PAVED GARDEN AND CHESS SET INCLUDING THE ERECTION OF A GAZEBO**

Target Date: **6 May 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application for recreation and leisure uses to be used in conjunction with education and community facilities.

Application Proposal

Full planning permission is sought for the erection of a gazebo and formation of a paved garden and chess set at the George Ward Centre.

The gazebo set to be located in south west of the proposed site and would measure 3.6 by 3.6 metres to a maximum height of approximately 4 metres with two of the sides infilled. The gazebo would be constructed in pressure treated timber with green felt roof tiles.

A chess board is also proposed more centrally within the site, along with six seating areas, tarmac paths edged in timber and a mixture of trees, ornamental shrub planting, tall shrub planting, ground cover planting and grassed areas. A series of 2 by 2 metre art boards are also proposed along the main access path.

The Site and Surrounding Area

The area of land is currently overgrown shrub land situated to between the existing Community centre and eastern car park and to the north of the playing fields. The site is within the settlement boundary of Barwell, close to the centre of the village and specifically designated as a community facility.

Technical Documents submitted with application

The application is accompanied by a document which details the materials of the proposed Gazebo.

History:-

08/00854/C	Erection of community centre and other Works (amended scheme)	Recommendation to approve 18.09.08

07/00096/C	Erection of community centre and other Works	Recommendation to approve 21.02.07



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Consultations:-

The Head of Community Services (Land Drainage) has no adverse comments.

Site notice displayed and neighbours notified.

At the time of writing the report comments have not been received from:-
Barwell Parish Council
Ward Members.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation sets out the Government's objectives in terms of planning and sport and recreation development and seeks to deliver rural renewal, social and community

inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate locations.

Regional Policy

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010.

Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies.

The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS`s letter of 27 May 2010 and that it should still be regarded as a material consideration.

Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS`s intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration.

In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Local Development Framework Core Strategy 2009

Policy 3: 'Development in Barwell' seeks to deliver a minimum of 45 new residential dwellings within the settlement boundary of Barwell and address the existing deficiencies in the quality of green space and play provision in Barwell in accordance with the most up to date relevant Play strategy and standards set out in Policy 19.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Hinckley and Bosworth Local Plan 2001

The site is located within the settlement boundary of Barwell as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan.

Policy BE1 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements the character of the surrounding area; avoids the loss of

open spaces which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; 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 CF2A 'Development on Allocated Educations Sites' states that the Local Planning Authority will generally support proposals related to the operational needs of the education system, particularly where this will result in better education facilities.

Policy REC4 'Proposals for Recreational Facilities' states that planning permission will be granted for new recreation facilities provided that large scale indoor facilities are located in or adjoining built up areas, the facility does not have a detrimental effect on adjacent land uses or the amenities of adjacent dwellings, the form scale and design are in keeping with the area and do not detract from the character of the landscape, adequate parking and access arrangements are provided and there is sufficient capacity in the local road network, landscaping is provided as part of the proposal, the proposal is not detrimental to the rights of way network and the proposal does not adversely affect sites of ecological, geological or archaeological significance.

Policy T5 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Document on Play and Open Space provides further guidance on open space provisions for development.

Appraisal:-

The main considerations in the determination of this application are the principle of development, siting and design, impact upon residential amenity and other considerations.

Principle of Development

The principle of a new community centre on the site has already been established through the previous grant of planning permission (ref: 08/00854/C). The proposal is intended to create an additional recreation/landscaped area to be used in conjunction with the existing use.

For the reasons discussed in the report, it is not considered that there are any issues which would suggest that the scheme would be contrary to policies CF2A and REC4 the Local Plan or other relevant Saved Local Plan Policies and the overarching intentions of PPG17. In summary, there is no in-principle objection to the proposal subject to all other planning matters being adequately addressed.

Siting and Design

The area of land is sited in a currently unused site to the east of the community centre. By virtue of the siting, design and mixture of landscaping proposals, it is

considered that the proposed changes would represent a visual improvement over that of the existing shrub area.

In summary, the proposal is considered to have enhanced the character and appearance of the existing area. Accordingly the scheme is considered to be in accordance with Saved Local Plan Policies REC4 (c) and BE1.

Impact on upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be the residential dwellings to the north along Chapel Street. Given the rise in land levels it is considered that the gazebo would be visible. However, given the distance of some 40 metres, complete with the presence of a brick built wall of approximately 3 metres in height it is not considered that the proposal would give rise to any significant detrimental impacts.

The other nearest residential dwellings are those located to the east, however there is the car park area between and it is not considered that there would be any other residential dwellings impacted upon as a result of the proposal.

It is considered that given the variation of land levels on site, that details should first be submitted to and approved in writing by the Local Planning Authority in order to fully understand the existing and proposed levels in the interests of visual appearance and impact upon residential amenity. As such, a condition is suggested to secure this.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Local Plan Policies REC4 (b) and BE1.

Other Considerations

Highway Considerations

The scheme does not propose any alterations to the main pedestrian access path or vehicular access and parking arrangements and thus no further consideration of this matter is required.

Conclusion

In conclusion, the site is an established community use and the creation of a landscaped area and erection of a gazebo would not give rise to any significant material impacts that would indicate that the proposal is not in compliance with development plan policies. Accordingly the application is recommended for approval subject to the imposition of a relevant planning condition.

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 is associated with an established use, and is not considered detrimental to residential or visual amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1; CF2A; REC4; T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 3; 19.

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 be carried out in complete accordance with the details: OS Sitemap (1:1250); Sketch Landscape Scheme for Garden Area Drawing No. 4/23/106 (1:200) and Gazebo Elevated View received by the Local Planning Authority on 11 March 2011.

3 The external materials to be used in the gazebo, hereby permitted shall be in strict accordance with those set out in the accompanying documentation received by the Local Planning Authority on 11 March 2011, unless alternative materials are first agreed in writing with the Local Planning Authority.

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels shall then be implemented in accordance with the approved details.

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 ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure the development has a satisfactory visual appearance and to safeguard the residential amenities of the locality, in accordance with the requirements of Policy BE1 of the adopted Hinckley and Bosworth 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).

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