

**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**19<sup>TH</sup> JANUARY 2006**

**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS**

**LEICESTERSHIRE COUNTY COUNCIL – PROPOSED ERECTION OF  
REPLACEMENT LIBRARY INCLUDING DEMOLITION OF EXISTING BUILDING  
AND ASSOCIATED LANDSCAPING AND FENCING, KIRBY MUXLOE LIBRARY,  
STATION ROAD, KIRBY MUXLOE (BLABY DISTRICT)**

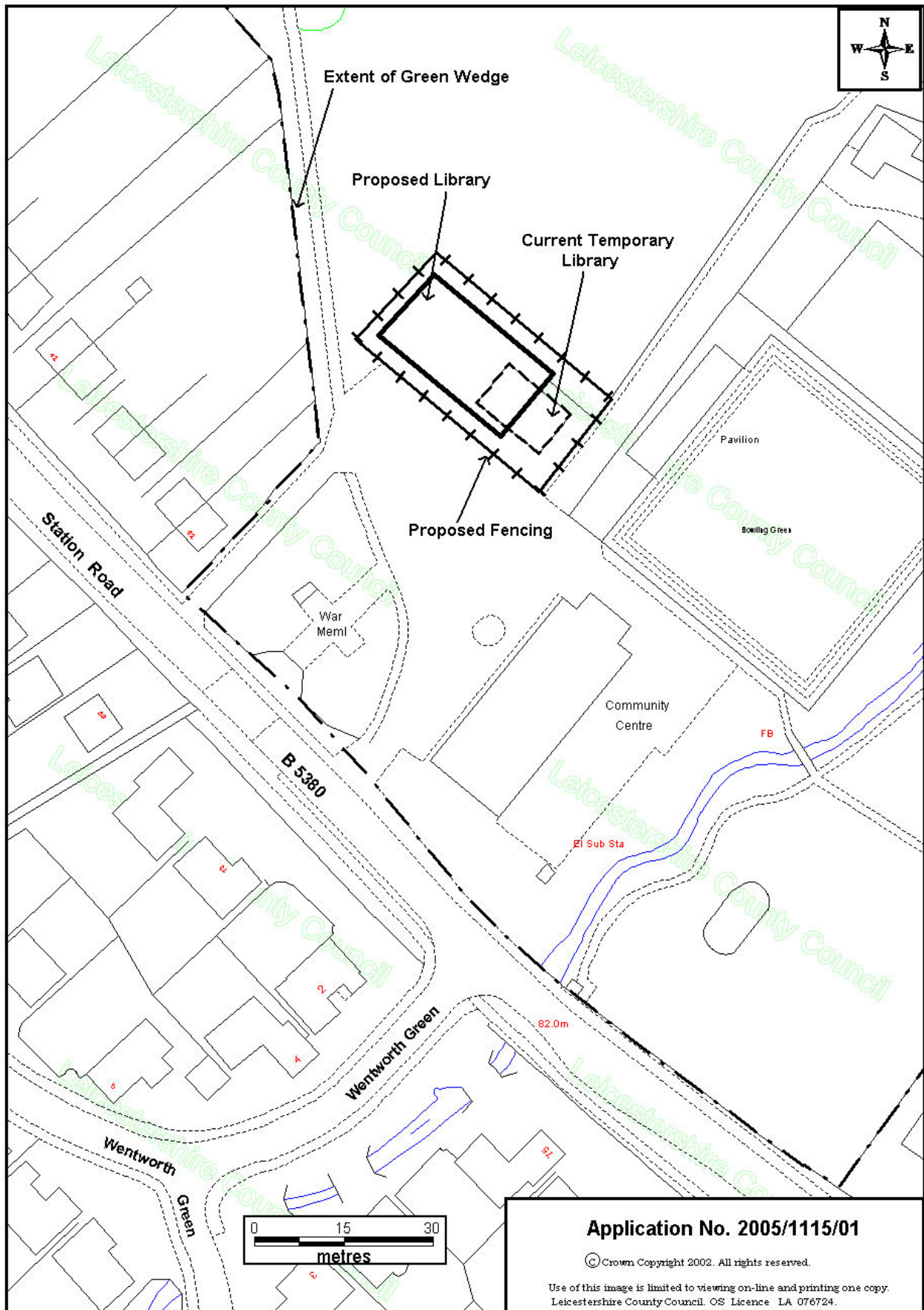
**2005/1115/01 - 29<sup>th</sup> November 2005**

**Location of proposal**

1. Kirby Muxloe library currently operates from a temporary mobile building. The replacement of the existing building with a new purpose-built structure forms part of the current capital programme for the upgrading of library premises across the County. Ratby (2004/1313/04) and Markfield (2005/0707/04) libraries have both been similarly replaced under this programme.
2. The library is located in the south east of Kirby Muxloe, to the north of Station Road. Adjacent land uses include residential housing, a sports field, a community centre, a car park and the village bowls club. The site is within an area designated as Green Wedge between the villages of Kirby Muxloe, Kirby Fields and Glenfield. The nearest property is the Bowls Club House about 15m away and the nearest residential property is approximately 50m away.
3. The current building is a single storey, flat roofed temporary structure situated to the north east of the car park. The building is finished in a dark brown colour with white window frames and doors. Access is gained via a ramp facing the car park. The building footprint is 114m<sup>2</sup>.

**Description of proposal**

4. The proposal is to demolish the current library building and to build a replacement library building upon the same site. The proposed structure would be around 7m at the highest point with a staggered sloped roof design. The building would be a brick clad timber structure with powder coated aluminium windows. The proposed building would be 245m<sup>2</sup> in floor area with a fence. The proposed fence would be 1.75m in height at the rear and 1.2m high 'hoop top' to the front. It is intended to place a row of bollards along the front of the library, in order to prevent car parking upon the grass.



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### **Planning Policy**

5. The Development Plan in this instance is made up of the East Midlands Regional Spatial Strategy (EMRSS) 2005, the Leicestershire, Leicester and Rutland Structure Plan (LLRSP) 2005, and the Blaby District Local Plan 1999. The most relevant policies for this development are set out below.
6. *Strategy Policy 5* of the adopted Leicestershire, Leicester and Rutland Structure Plan (LLRSP) states that the following land uses will be acceptable in Green Wedges provided they do not damage the open and undeveloped character of the Green Wedge: agriculture; outdoor recreation; forestry; footpaths, bridleways and cycleways; and burial grounds. Provision will be made in Green Wedges for the retention or creation of green links between urban open spaces and the Countryside, and for the retention and enhancement of public access facilities, particularly for recreation.
7. *Strategy Policy 10* of the Structure Plan requires that development protects or enhances the form and local character and distinctiveness of the built and natural environment.
8. *Policy C2* of the adopted Blaby Local Plan states that permission will not be granted for developments that significantly affect the appearance or character of the countryside. Small scale and employment developments will be granted providing they are in keeping with the appearance and character of the landscape, would have a satisfactory relationship with nearby uses and would not unacceptably sever or fragment and agricultural landholding.
9. *Policy C3(iv)* relates to the Green Wedge and states that planning permission for development for agriculture, recreation, forestry, transport routes and mineral uses will be granted providing that the development is sited, designed and landscaped in a manner which does not damage the open and undeveloped character of the area and meets the criteria of (ii) and (iv) of Policy C2 (i.e. is in-keeping with the appearance and character of nearby built development and would not unacceptably sever or fragment and agricultural land holding).

### **Consultations**

#### **Blaby District Council**

10. No objection

#### **Environment Agency**

11. No objection , subject to a planning condition imposed to provide a drainage scheme prior to the development commencing.

#### **Highways Advice**

12. The Highway Authority has no formal comment to make on the submission.

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### **Kirby Muxloe Parish Council**

13. Response not received at the time that this report was published.

### **Ramblers' Association**

14. No objection. The library should not lower the usefulness of the PROW in any visual way with a modern building.

### **Rights of Way Advice**

15. Does not consider the public footpath nearby to be a material consideration when determining the planning application. However, would like the applicants to note the following:
- During demolition and subsequent construction the path should be kept clear of any associated building materials or plant;
  - Care should be taken with the storage of building materials to avoid users of the path being placed at risk from falling objects;
  - During the development appropriate signs should be displayed;
  - If work is required that will disturb the surface of the path then prior authorisation should be sought from the Southern Highways Area Divisional Engineer.

### **Sport England**

16. No objection, provided that the proposal will not lead to the loss of a playing pitch.

### **Publicity**

17. The proposal has been advertised by site notices and neighbour letters posted on the 17<sup>th</sup> November 2005. One letter of representation has been received in the designated period for response.

### **Representation**

18. Kirby Muxloe Bowls Club has no objection to the proposed development.

### **Assessment of Proposal**

19. The relevant considerations in determining this planning application are the proposed design, its suitability within and impact upon the Green Wedge.
20. The proposed building would be at least twice the height and cover twice the footprint of the current building. The height is increased because the proposal has a sloped roof whereas the current temporary structure is of a flat roof design. The proposed footprint of the building is from the County Council's minimum specifications for community libraries of this size. The Parish Council requested the addition of a meeting room within the library for community use.

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21. In terms of design the building would not be unsympathetic to its surroundings. The nearby community centre is a building of a similar design but of greater scale. However, the proposal includes the installation of palisade fencing to enclose the building. Justification for the fencing has been offered, in that it would reduce the problems of vandalism and youths congregating around the fire door that currently occur. The need for the fencing is accepted but the type proposed is deemed to be unacceptable. Palisade fencing is of a style that can give rise to a solid look which would be out of keeping with the principle of a Green Wedge. Instead, fencing of a more open design, such as welded wire mesh, would be more suitable.
22. The fencing in the proposal would encroach upon the sports field behind the current library. It would not result in a loss of the football pitch itself but would encroach by 61.3cm onto the 9m 'run-off' margin recommended by NPFA (National Playing Fields Association).
23. The site is within an area designated as Green Wedge, as are the adjoining car park and community centre. It is generally unacceptable for development to occur within the Green Wedge that would reduce its open nature. This development would also encroach upon the grassed field behind the current library.
24. The proposed location for the new library has been chosen because it is situated (as the current library) near to the community centre and is relatively near to the local school. Other sites have been considered but none was identified that was readily available nor as suitable, in terms of proximity to other community facilities, as the proposed site. The Parish Council is keen to see the library retained on the existing site because it provides a focus for community activities within the village.
25. In this instance it is felt that, whilst the proposal would impact upon the open and undeveloped character of the Green Wedge it would not do so to such an extent that it would materially reduce the segregation of Kirby Muxloe and Kirby Fields. Therefore, it would not have a significant impact upon the role of the Green Wedge. The design and scale is in keeping with the surrounding developments and would not look incongruous.
26. Consequently, it is considered that the overall benefit to the provision of local community facilities offsets the marginal impact on the character of the Green Wedge and is acceptable in planning terms, and is recommended for approval accordingly.

### **Recommendation**

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by the Town and Country Planning (General Development Procedure) Order 1995 (as amended) a summary of the:

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- (i) Policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions, as set out in the appendix: -

Countryside Policies C2 and C3 of the Blaby Local Plan;  
Strategy Policies 5 and 10 of the Leicestershire, Leicester and Rutland Structure Plan.

- (ii) Reasons for the grant of planning permission as follows:

The County Council is of the opinion that notwithstanding the fact that the proposed development will have a marginal impact on the open character of the Green Wedge, this is more than offset by the overall community benefit arising from the improved library facilities. Any impact on the locality can be mitigated by the imposition of appropriate conditions.

### **Circulation under Sensitive Issues Procedures**

Mr. D. R. Parsons, CC

### **Officer to Contact**

Mr. P. C. Larter (Tel: 0116 265 7292)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

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**Conditions**

1. The development hereby permitted shall commence within three years of the date of this permission.
2. Unless previously agreed in writing by the County Solicitor the development hereby permitted shall be carried out in accordance with the submitted plans and details except where modified by this schedule of conditions.
3. Prior to the commencement of the development details of the design, appearance and siting of the proposed fencing shall be submitted to and agreed in writing by the County Solicitor.
4. The details required by condition 3 above will ensure that the fencing will not encroach upon the 9.0 safe area that surrounds the football pitch to the immediate rear of the proposal, as marked on plan 2005/115A/.
5. Prior to the commencement of the development details of colour of the proposed fenestrations shall be submitted to and agreed in writing by the County Solicitor.
6. Prior to the commencement of the development details of the design, appearance and siting of the proposed bollards shall be submitted to and agreed in writing by the County Solicitor.
7. A landscape scheme shall be submitted to and approved in writing by the County Solicitor prior to commencement of the development. This scheme shall indicate the treatment proposed for all ground surfaces, together with the numbers, types, species of planted materials and their disposition.
8. Before development commences a minimum of 10 car parking spaces will be marked for the use of library staff and users within the car park to the immediate front of the development. The markings shall be implemented before the development is brought into use and thereafter the approved car parking spaces shall remain available for such use at all times free from obstruction.
9. Unless otherwise agreed in writing with County Solicitor, all site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0730-1300 hours on Saturdays. No such activities shall take place at any other time on Saturday or Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise agreed in writing with the Director of Community Services.
10. Prior to the commencement of the development a scheme for the provision of surface water drainage works shall be submitted and agreed in writing by the County Solicitor. Such a scheme shall consider the use of Sustainable Drainage Techniques and shall not result in an increase in the rate of surface water discharged to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

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**Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and to ensure that development is carried out in a satisfactory manner (Policy C3 of the Blaby Local Plan).
3. To ensure a satisfactory external appearance (Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan).
4. To provide adequate distance between the sports pitch and the development.
5. To ensure a satisfactory external appearance (Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan).
6. To ensure a satisfactory external appearance (Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan).
7. To ensure a satisfactory external appearance (Policy C3 of the Blaby Local Plan).
8. To ensure that suitable parking facilities will be available to serve the development when it is brought into operation (Policy C2 of the Blaby Local Plan).
9. To safeguard the amenities of nearby residents (Policy C2 of the Blaby Local Plan).
10. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**Note to applicant:**

Attention is drawn to the comments made from Rights of Way in regard to the public footpath.

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPLUSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Regional Spatial Strategy, Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices ;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.