Item: **10**

Reference: **11/00638/FUL**

Applicant: **Mr G Ingram**

Location: **Gnarley Farm Ashby Road Osbaston**

Proposal: **CHANGE OF USE OF EXISTING LAKES TO COMMERCIAL FISHING LAKES, CHANGE OF USE OF AGRICULTURAL LAND TO PLAYING FIELDS, ERECTION OF CHANGING ROOM AND FORMATION OF ASSOCIATED ACCESS**

Target Date: **8 December 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a new development for recreation and leisure use.

Application Proposal

This application seeks planning permission for the change of use of existing lakes to commercial fishing lakes, change of use of agricultural land to playing fields, the erection of a modular building to house changing rooms, the creation of a new access from Barton Road and the construction of a car park.

The proposed access involves the removal of an existing section of hedge. The access track will meander northwards through the adjacent field for 290m. At this point it will join an existing farm track.

The car park will be roughly 378 square metres in area and the portable building has a footprint measuring 7 metres x 3 metres, with a maximum height of 2.5 metres. These will be situated on an existing area of hardstanding.

This application is a resubmission following refusal of 10/00254/FUL and withdrawal of 11/00252/FUL. These schemes were identical to the current submission aside from the fact that the fishing lakes were not included within the former proposals. Application 10/00254/FUL was refused by members at the planning committee meeting on 28 September 2010. The application was refused on sustainability grounds and impact on the countryside.

The Site and Surrounding Area

The proposed site of the playing fields is located to the north west of Barlestone village and to the northeast of Osbaston Tollgate in an elevated position within the countryside. The site comprises agricultural grazing land. The proposed playing field measures 1.69 hectares in area and is 370m to the north of Barton Road and 154m to the east of the A447 (Ashby Road). The fishing lakes are situated north of the playing fields, at Osbaston Hollow, off Ashby Road. The lakes measure 0.5 hectares each. The land on which they are sited slopes down towards the north. The site is well screened by mature vegetation and is bound by open fields to each elevation. The site is located in a remote position from the villages of Barlestone, Nailstone and

Osbaston Tollgate. The nearest residential properties comprise a row of terraced houses located on Ashby Road and Gnarley Farm. These are situated in the western side of Ashby Road, and are in excess of 200 meters from the application site. 'The Gate' public house is a similar distance from the application site, to the north west.

Technical Document submitted with application

The application is accompanied by a Design and Access Statement. This provides a site analysis, stating that the play field will be situated on a flat, well drained field, and discusses the proposed access in more detail. It suggests that the proposed point of access has been chosen as it minimises the amount of hedgerow that needs to be removed to provide the required visibility splays. It goes on that the access road will be constructed from tarmacadam for 8 meters back from the highway and will then be finished in hardcore.

History:-

10/00254/FUL	Change of use from agricultural land to playing fields including the erection of changing rooms and associated car parking and access	Refused	01.10.10
00/00678/FUL	Construction of two wildlife amenity Lakes	Approved	26.02.03



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection subject to conditions have been received from:-

Head of Community Services (Pollution)
Directorate of Chief Executive (Ecology).

The Director of Environment and Transport (Highways) has objected to the proposed development on the grounds that the site is located within the open countryside and the applicant has failed to demonstrate that the proposal will be in a location that is easily accessible by different modes of travel and is therefore considered to be unsustainable.

At the time of writing the report no comments have been received from:-

Sport England
Directorate of Chief Executive (Archaeology)
Head of Community Services (Land Drainage)
Head of Corporate and Scrutiny Services (Green Spaces)
Osbaston Parish Council
Nailstone Parish Council
Barlestone Parish Council.

Site notice displayed and neighbours notified.

At the time of writing the report no comments have not been received from Neighbours.

Policy:-

National Policy Guidance

PPS 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' seeks to ensure that development in the countryside is sustainable, and that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. Paragraph 6 states that Local Planning Authorities should accommodate housing principally

within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Guidance 17 (PPG17): 'Planning for Open Space, Sport and Recreation' sets out the Government's commitment to the need for 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 rural locations.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

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.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 14 Rural Areas: Transport, provides a broad policy approach to developing the rural transport network in a sustainable and responsive manner.

Policy 19 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

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy NE5: states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Supplementary Planning Guidance/Documents

None relevant.

Other material policy guidance

None Relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, sustainability, impacts of the countryside, highways, residential amenity and other issues.

Principle of Development

Both PPS7 and Policy NE5 are generally supportive of recreational development within the countryside providing the development does not result in any material harm to the existing character of the landscape. In this case the proposed change of use of land for the playing fields (as presented) is not likely to give rise to any material harm as the site will remain grassed similar to many fields in the surrounding landscape. Further, in respect of the use of the fishing lakes for commercial activity, there are no external changes proposed. Therefore, at the most basic level there is no objection in principle to the uses proposed.

The accompanying operational development associated with the playing fields, does however pose a greater range of problems that would indicate that the development

is not acceptable in other respects. These matters will be appraised in more detail below.

Sustainability

The site is located at least 360 metres (straight line distance) from the proposed access from Barton Road and the access drive, by virtue of its route amounts to a total distance of 410 metres from the access. The proposed car park and changing room location is an additional 210 metres from the access (total distance of 620 metres from the access). Accordingly, the site is considered to be located in a position remote from its access and from the villages of Barlestone and Osbaston Tollgate.

The accompanying information submitted with the application fails to demonstrate who the principal users of the facility will be and whether such users would have either have to walk to the site or be brought by car. The application does not provide any information about where the proposed users of the site will live and therefore the site must be considered as being available to all, rather than just local children.

The remote location of the site, not only from Barlestone Road, but from the residential areas of the nearest settlements and the usability of the site by people from villages and towns further afield would suggest that access to the site is only likely to be via car. Whilst there may be opportunities for users who live nearby to walk or cycle to the site, the overall distance of 620 metres from Barton Road is considered to be a significant distance to discourage frequent trips to be made to the site on foot. Therefore, it is reasonable to conclude that this development will be solely accessed by car.

The application further confirms the assumption that car travel will prevail because of the scheme's indicative provision of a car park as part of the development.

The dependence of the development on car travel is not considered sustainable and is contrary to the guidance contained within PPS1, PPS7, PPG13 and PPG17.

PPS1 makes a number of references to the need to develop land sustainably and to reduce the dependency on travel by private car.

PPS7 states clearly that "accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres". In this case the development cannot be termed as being adjacent given its position, length of the access track and the distance from the nearest villages.

A key objective of PPG13 is to reduce the need to travel by car.

PPG17 at paragraph 25 seeks to ensure that all recreational development is accessible by walking, cycling and public transport as alternatives to the use of the car.

In light of the nature of the proposal and the planning policy background, the proposed development of the site for recreational purposes is considered to represent an ill-conceived, opportunistic form of development that would be highly unsustainable resulting in increased journeys by car and therefore contrary to national and local policy.

Highways

The Director of Environment and Transport (Highways) has objected to the proposed development on sustainability grounds as the application site is located in a relatively isolated location and the applicant has failed to demonstrate that the facility will be easily accessible by various methods of transport. The creation of the access will require the removal of approximately 60 metres of roadside hedgerow to facilitate the necessary highway visibility splays. Local Transport Plan 3 seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in PPS1, PPS7 and PPG13. Therefore the proposal is contrary to the above policy objectives.

Character of the Countryside

Whilst the use of the land as a playing field and the commercial use of the existing fishing lakes does not have any material impact on the character and appearance of the countryside, the associated operational development, including the construction of the access, drive/track that leads to the site and the siting of the portable changing room building is considered to have an impact.

The removal of 60 metres of roadside hedgerow to facilitate highway visibility splays would significantly alter the character of this rural stretch of road along Barton Road. The roadside hedgerows are attractive features in the locality and have a degree of biodiversity value. The removal of hedgerows needs to be carefully balanced against the merits that the proposed development may bring, which in this case are considered to be very minimal given the other harm and deficiencies related to the proposal.

The access track is proposed to run from Barton Road in a northerly direction to meet up with an existing access track that runs in an east-west direction from an existing access from Hinckley Road (A447) to then abut the proposed playing field. A further access track is then proposed to the north side of the playing field to the car park and changing room location.

Whilst the site has been chosen for its level characteristics that would lend it to be used as a playing field, little consideration has been given to the route of the access to the site and the impact this would have on the landscape. Whilst PPS7 and Policy NE5 take an encouraging view over recreational development in the countryside there is no suggestion that all other elements of the proposal are acceptable in principle.

The proposed access track will take a course straight across an existing field with the sole objective of providing access to the site. Limited details have been provided in respect of its construction or mitigation that could be proposed. The track would be clearly visible from Barton Road and is considered to be visually incongruous and a wholly unexpected and inappropriate form of development in the countryside, to which no overriding justification is provided. This harm is not outweighed by the nature of the use.

The proposed portable building to be used as a changing room would represent an unexpected and incongruous structure within what is predominantly an undeveloped rural landscape. The accompanying design and access statement identifies the sites expansive views from the north which would enable the unacceptable form of the

proposed portable building to be easily seen from numerous vantage points to the north.

Impact on Neighbours

The nearest residential property is no.100 Barton Road which is located approximately 60 metres from the access track. In addition there are a number of dwellings located on the south side of Barton Road in close proximity to the proposed access to the site. The use of the access track for the proposed facility would be to the detriment of the amenities currently experienced by the occupiers of 100 Barton Road and would be difficult to mitigate against. It is worth noting that should this development proceed, 100 Barton Road would be bound on three sides by roads or access tracks.

Conclusion

The proposed use is considered to be located in a position remote from any settlement in a location that would inevitably result in users accessing the site by car. Furthermore the use of the site for playing fields and as a commercial fishing lake, will encourage car borne journeys to access the site. A key objective of national and local planning policy is to encourage sustainable forms of development and discourage unsustainable developments particularly those that are car dependent.

The nearest settlement of Barlestone already benefits from football pitches and sports grounds and the application does not seek to demonstrate that the proposal is required in connection with local recreational needs.

Notwithstanding the issues of the proposed use, the operational development relating to the proposed playing fields will result in significant harm to the character and appearance of the countryside. No justification has been given which would outweigh the level of demonstrable harm to policy and the character and appearance of the landscape.

RECOMMENDATION:-

That the Deputy Chief Executive (Community Direction) be granted authority to refuse planning permission for the development for the reasons set oy below subject to no additional significant planning issues being raised before the expiry of the consultation period on 21 November 2011:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 In the opinion of the Local Planning Authority, the playing field would be relocated some distance away from Barton Road and the nearest settlements of Barlestone and Osbaston Tollgate, and would consequently result in the need for additional journeys to be made by users, spectators and others associated with the use of the site. It is considered that it would not be feasible for most people to walk or cycle to the proposed ground, given the distance and nature of the route from the nearest settlements. In the absence of any convenient means of alternative public transport, those journeys would have to be made by private car. It is therefore considered that the proposed development would not be a sustainable form of development as it would lead

to additional use of the motor car and, thereby, be contrary to Central Government advice contained in PPS1, PPG13, PPS7 and PPG17.

2 In the opinion of the Local Planning Authority the site is located in an isolated and predominantly undeveloped rural landscape, where the proposed use and the associated works to create the access, drive, hard standing and portable buildings represent inappropriate and incongruous elements of operational development which will result in the unnecessary loss of the countryside and have an adverse effect on the character and appearance of the open surrounding undeveloped rural landscape. The development is therefore contrary to the requirements of PPS1, PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan, which seeks to protect the countryside from inappropriate development for its own sake.

Contact Officer:- Eleanor Shaw Ext 5680