

**Reference:** 15/00736/FUL

**Applicant:** ACCEPT

**Location:** Land To The Rear Of 94 - 108 Hinckley Road Barwell

**Proposal:** Change of Use of allotments for use by a charity to educate vulnerable adults together with replacement wooden shed, new storage shed and Portaloo

**RECOMMENDATION:-** Grant subject to conditions

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has attracted interest from the occupiers of more than five addresses, the views of which are contrary to the officer recommendation.

**Application Proposal**

Planning permission is sought for the change of use of a disused parcel of land to the rear of Hinckley Road Barwell from former allotments to use by a charity for education purposes. In addition to the change of use, three buildings are also proposed on site. These comprise of a Metal storage shed measuring 6m by 2.4m by 2.4m high for outdoor tools and equipment, a replacement wooden shed measuring 7.3m by 3.9m by 2.8m high to provide a meeting and storage facility for group members and a portable toilet.

ACCEPT is a small registered mental health charity based in Hinckley with 2 part-time staff. The charity is proposing to use the allotment within usual business hours ( 9am - 5pm ) to enable small groups of vulnerable adults ( 5 - 8 people ) with mental health issues to have opportunity to be involved in a variety of outdoor activities including:-

- Growing fruit and vegetables
- Developing cooking skills of Bushcraft/ use of natural resources
- gardening / outdoor development / maintenance skills
- arts and crafts

It has been stated that, the allotment will evolve naturally, over time and through the involvement and participation of vulnerable adults. It is envisaged that only up to 8 group members will be on the site at any time, under supervision of experienced staff.

The allotment is currently access via an informal track leading from Hinckley Road. The application proposes that individuals will make their way to the allotments by foot or, cycle or will be dropped off by others, or small groups will be collected by car at a convenient meeting point and taken to the allotments.

Vehicles accessing the site will be between 1 and 2 at any one time. Car parking for two cars would be located at the site entrance.

**Site and Surrounding Area**

The application site comprises a rectangular parcel of land having an area of 1.09 hectares. It is generally flat and is enclosed by overgrown hedging and wooden fencing. The site is

currently unmaintained and overgrown. The site contains 4 dilapidated sheds all proposed for removal. These were last used in 1986 for commercial purposes.

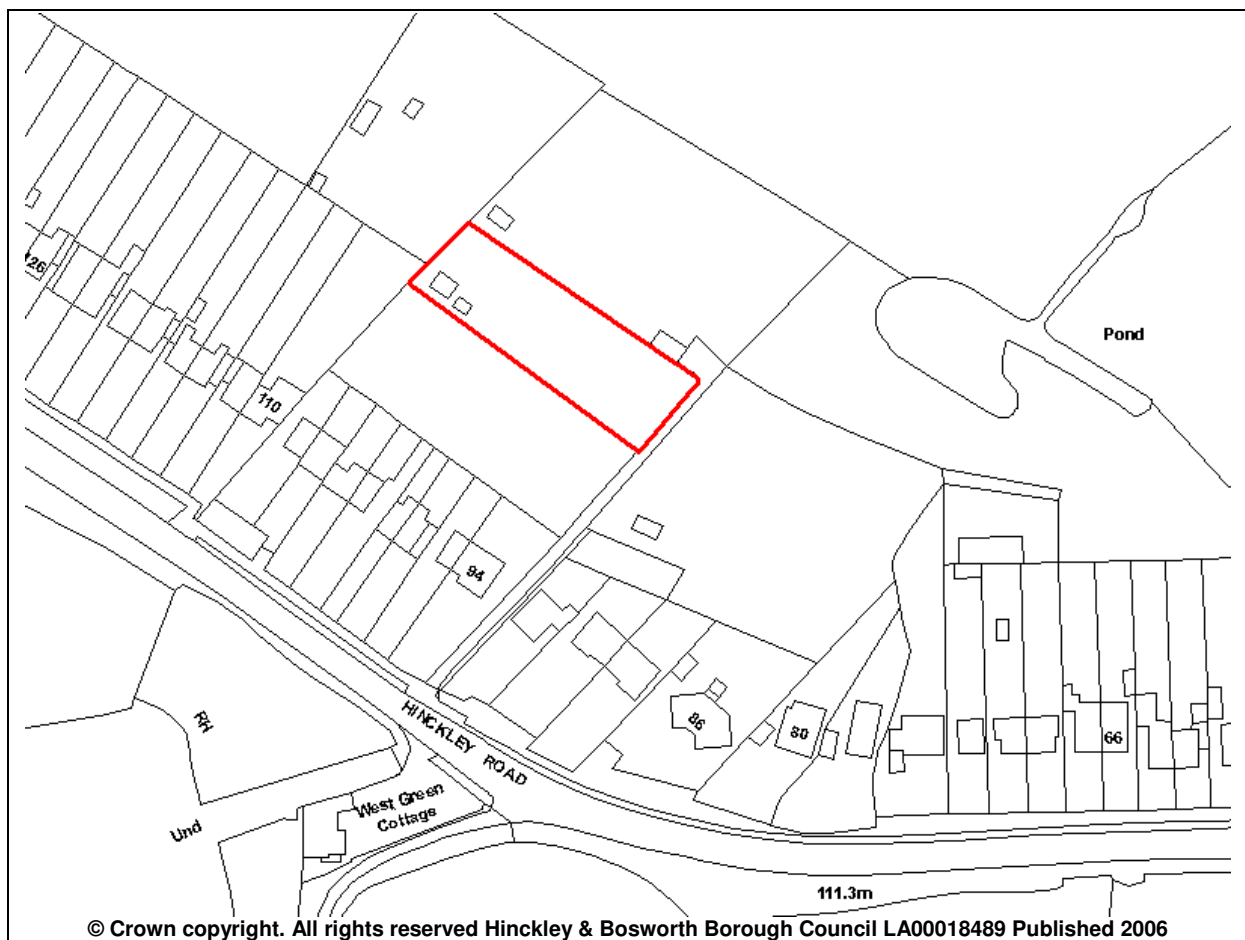
The site is situated to the rear of residential properties fronting Hinckley road, Barwell, beyond an unused plot of rough and uneven grass land. Further north the land is used for horses and some allotments.

Access is via a narrow gated track capable of accommodating a vehicle with a turning area close to the site.

The site itself is located within the countryside at the edge of the settlement of Barwell, but its access is situated within the settlement boundary.

### Relevant Planning History:-

None relevant.



### Consultations:-

No objections have been received from:-

- Head of Environmental Services (Pollution)
- Head of Environmental Services (Land Drainage)
- Leicestershire County Council (Highways)

In response to the consultation 10 letters of neighbour representation have been received. These raise the following concerns:-

- a) highway issues and insufficient parking
- b) no provision for emergency vehicles
- c) queries raised overprovision of water, sewage and power
- d) subsidence to no.92 and 94 Hinckley Road if soil is removed
- e) use of open fires would be a danger and unacceptable
- f) wells on site could be danger to users
- g) sink holes on site covered up by grass
- h) queries raised in relation to expansion Impacts on wildlife on site
- i) potential injury from motorbikes and other sports using adjacent site Land liable to flooding and clearing it would make flood situation worse
- j) clearance of land would open the sites potential for other uses. Precedent for further buildings
- k) increased noise and pollution
- l) security of nearby properties

Two letters in support of the proposal have been received from Councillor White and Health England (NHS) trust.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Framework (NPPF) 2012  
National Planning Practice Guidance (NPPG) 2014

#### Hinckley & Bosworth Core Strategy 2009

Policy 3: Development in Barwell

#### Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy NE5: Development within the Countryside  
Policy T5: Highway Design and vehicle Parking Standards

### **Appraisal:-**

The main issues for consideration with regards to this application are:-

- Principle of development
- Design and Impacts on the Countryside
- Impact on Highway Safety
- Impact on Residential Amenity
- Other material considerations

As the site is within an area defined as countryside, Policy NE5 of the Local Plan applies. Whilst this policy is not strictly in accordance with the NPPF and its presumption in favour of sustainable development, due to the prescriptive nature of criterion a - c and its intent to protect the countryside for its own sake, it is supportive of certain types of development and as such some weight can be attributed to it in the determination of this application. These include development that would be important to the local economy, development for the

change of use, reuse of extension of existing buildings or development for sport or recreation purposes.

Paragraph 17 of the NPPF, which outlines the Core planning principles states planning should encourage the development of previously developed land and should support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 69 of the NPPF seeks to promote healthy communities through facilitating social interaction and creating healthy, inclusive communities. Furthermore, in rural areas paragraph 28 of the NPPF seeks to promote a strong rural economy through:- supporting sustainable leisure developments that benefit business in rural areas, communities and visitors and promote the development of local services and community facilities.

In this case the land in question is considered to comprise previously developed land, due to its historic use as allotments and for commercial purposes. Recently, the site has not been used and has become overgrown. The proposed use would bring back into viable use this parcel of previously developed land, as supported by the NPPF. In addition the use of the site for charitable purposes for the teaching of bush craft and associated skills would constitute a recreational use as defined within Policy NE5 and paragraph 28 of the NPPF. Furthermore, as the use seeks to educate groups of local vulnerable adults, it would improve health, social and cultural wellbeing and would deliver community facilities to meet a local need. This would be in accordance with paragraph 69 of the NPPF and the core planning principles outlined within the NPPF.

As such the use of the site for charitable educational purposes is considered acceptable in principle.

In conjunction with the use, as mentioned, three buildings have been proposed. Whilst the provision of new buildings within the countryside is strictly controlled, as justification has been provided to illustrate that they would be used in connection with and would be necessary to facilitate the use applied for, in principle, subject to their specific design and siting, they are considered acceptable.

#### Design and Impact on the Countryside

Criteria I - iii of Policy NE5 seeks to ensure that developments within the countryside do not have an adverse impact on the appearance or character of the landscape, are in keeping with the scale and character of existing buildings and the general surrounds and that where necessary the development is screened by landscaping. Policy BE1 requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Paragraph 56 of the NPPF identifies good design as a key aspect of sustainable development, stating that it should contribute positively to making places better for people.

The overall appearance of the site would be improved through its redevelopment. The site would be cleared and the existing dilapidated structures would be removed. The proposed shed would be sited in the western corner of the site on the footprint of one of the existing sheds and the portable toilet would be sited adjacent to this. By virtue of the design, siting and scale of these structures they would not appear prominent within the landscape and thus would not have a detrimental impact upon its character. The secure metal storage shed would be sited within the north eastern corner of the site, adjacent to the site entrance and proposed parking spaces. Although this will be more prominent when entering the site, again, by virtue of its scale and design, it is not considered to result in any harmful impact on the character of the area. Such structures are common place on allotments and thus, would not appear as incongruous features within the landscape.

In terms of design and impact on the character of the countryside, the structures would be in accordance with Policy BE1 (criterion a) and policy NE5.

### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenities of neighbouring properties.

Concerns have been raised by nearby residents in relation to noise and disturbance and security issues as a result of the proposed use. The closest dwellings to the site are those situated on Hinckley Road (numbers 94 - 108). The application site is separated from the rear gardens of these dwellings by a parcel of paddock land. As such the separation distance between the site and the boundaries of these dwellings would be roughly 40 metres. In addition a small section of the boundary of number 110 Hinckley Road would bound the site; but the property would be in excess of 50 metres from the boundary.

The site could lawfully be used as allotments and potentially for commercial activities, which would both result in an element of noise and disturbance. The use of the site as proposed is not considered to result in any material increase in noise and disturbance and the activities proposed could be undertaken on the land without the requirement for planning permission. The site is secured by a fence and the personal management of the activities and persons on site is considered a private matter for the company/charity concerned.

By virtue of the separation distance between the site and surrounding dwellings and the type and level of activities proposed to be undertaken on site there are considered to be no arising harmful impacts on the residential amenity of nearby dwellings. The development would therefore be in accordance with Policy BE1 (criterion i).

### Highway Safety

Policy BE1 (criterion g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of inadequate parking provision, inadequate provision for emergency vehicles and highway safety.

The site would be accessed via the existing track leading from Hinckley Road which serves the allotments. Upon entrance to the site two parking spaces are proposed. These spaces would provide provision for staff parking. The applicant has provided evidence stating that service users would be brought to the site in groups or would walk/cycle. As such no further parking provision is considered necessary and vehicle trips to and from the site would be similar to those associated with the site's historic use. Based upon this no objection has been received from Leicestershire County Council (Highways). Furthermore, there is no formal requirement in this case to provide provision for emergency vehicles to enter the site.

Therefore the proposal is considered to comply with policy BE1 criterion g and Policy T5 of the Local Plan.

### Other Matters

Concerns have been raised by surrounding residents in respect of drainage and flood risk. There are no activities proposed that would further impede drainage of the site or would

increase flood risk and no objections have been received from Environmental Health (Drainage).

Queries have also been raised by residents in respect of the provision of water, sewage and power. These issues are private issues for the applicant and would not influence the determination of this application.

Neighbours have also raised concern that the use of the site may cause subsidence to nearby dwellings. In respect the activities proposed on site are no different to that that could be undertaken under its current use as allotments. As such this proposal will not result in any further impacts over and above those that could already occur. Furthermore there is no large scale earth movement proposed by this scheme that could result in subsidence.

Safety concerns have been raised in respect of the end users of the site. The safety of the users of the site is the responsibility of the company/charity to whom they are responsible. This is a private matter and do not constitute a material planning consideration.

There are no plans to expand the site at this stage and the development will not set a precedent for further similar developments. Each individual planning application is determined upon its individual merits.

Concern has been raised that the use would be harmful to local wildlife. As the site will be cultivated as an allotment, there would be no adverse impacts caused in this respect.

### Conclusion

The use of the site for charitable educational purposes is considered acceptable in principle. The development would bring back into viable use a parcel of brownfield land and would provide a recreational activity that would be beneficial to the local community. The structures proposed are of an acceptable scale and design and would not have any adverse impacts on the character of the surrounding countryside and the use would not result in any materially harmful impacts in terms of residential amenity or highway safety. The proposal would therefore be compliant with Local Plan Policies NE5, BE1 and T5 and paragraphs 17, 28 and 69 of the NPPF.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

### **RECOMMENDATION:- Grant subject to conditions**

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

### **Conditions:-**

- 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:- Location Plan @ 1:1250 scale; Block Plan @ 1:500 scale; Existing Site Plan @ 1:200 scale; Proposed Site Plan @ 1:200 scale; proposed elevations; Proposed General Arrangement received by the Local Planning Authority on 6 July 2015.

**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.

**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](http://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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