Item: **08**

Reference: **11/00365/COU**

Applicant: **Mr Peter Dean**

Location: **Land Adj 50 Forest Rise Groby**

Proposal: **CHANGE OF USE OF LAND FROM OPEN SPACE TO RESIDENTIAL CURTILAGE (5 METRE STRIP) AND ERECTION OF FENCING.**

Target Date: **5 July 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it potentially raises local controversial issues and was sold to the applicant by the Borough Council.

Application Proposal

Full planning permission is sought for the change of use of open space to residential curtilage for the adjacent residential dwelling No. 50 Forest Rise.

The application site consists of a triangular shaped, grassed area of land of which 5 metres is sought for an extended garden area.

During the course of the application, the applicant has provided an additional plan and further details in respect of the size and type of boundary treatments proposed. The applicant has stated that a 1.83 metre high close boarded fence would occupy the site to the rear and side, but drop down to a height of 1 metres to the front of the site which will incorporate a matching gate to a height of 1 metre. The additional fencing is to match the existing. Re-consultation has been undertaken.

Additional information has been requested in relation to the gate and will be reported on as a late item.

The land has previously received consent for the erection of one dwelling (ref: 09/00493/DEEM) whilst under the ownership of Hinckley and Bosworth Borough Council. The land has subsequently been sold to the owners of No. 50 Forest Rise, who intend to extend their garden area.

The Site and Surrounding Area

The site is a corner plot situated at the junction of Lawnwood Road, Forest Rise and Martinshaw Lane. There is a single silver birch tree on the open space, but this does not fall within the application site and as such will be retained.

For the avoidance of doubt the site does not have any recreation designation, but falls within the settlement boundary of Groby, as defined within the adopted Hinckley and Bosworth Local Plan.

Technical Document submitted with application

The application is not accompanied by any other documentation.

History:-

09/00493/DEEM	Erection of dwelling	Approved	05.08.09



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Consultations:-

Groby Parish Council has an objection to building a residential property, but have no objections to having 5 metres of land.

At the time of writing the report no comments have been received from Ward Members.

The consultation period remains open at the time of writing and closes on 10 June 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 – 'Sustainable Development and Climate Change', outlines the Government's objectives for the land use planning system with a focus on protecting the environment.

Regional Policy

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

None relevant.

Local Development Framework Core Strategy 2009

Policy 7: 'Key Rural Centres' supports development within key rural centres to ensure they can provide key services to their rural hinterland.

Policy 8: 'Key Rural Centres Relating to Leicester' relating to Groby seeks to address existing deficiencies in the quality, quantity and accessibility of green space and play provision in Groby.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Groby, as defined in 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 or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

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, impact upon visual amenity, impact upon residential amenity and highway considerations.

Principle of Development (Loss of Open Space)

The site does not afford any recreational designation and as such there is no policy support for its retention. The existing open space is triangular in shape and the intention is to create a 5 metre linear strip adjacent to the dwelling, ensuring, as a maximum, that a 15 metre strip across the front of Forest Rise is retained.
There are also two other open spaces within the vicinity – a plot between Stephenson Way and Martinshaw Way to the east of the site and also another green space which forms more of a 'central green' around Lawnwood Road to the south of the site.

In summary, there is no in principle objection to change of use of the land within this residential setting and for the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to local development plan policies.

Impact upon Visual Amenity

The grassed land is an area of open space that enhances the character of the surrounding area and is an important part of the streetscene. The primary issue is whether the change of use of the land has a detrimental impact on the visual amenity of the area.

As previously discussed it is not the intention to remove all of the existing open space on the site, ensuring that a significant amount of this land is retained and still functions as it was originally intended to do. This also allows an 'open' element to be maintained and that the changes would not significantly detract from the function and appearance of the open space.

The application is intended to be enclosed by the erection of timber boarded wooden fencing. The application dwelling's existing boundary treatments are close boarded timber fence and there are also other examples of mature hedgerows, brick walls and timber fences that bound the curtilages of dwellings within the immediate area. As such, the close boarded timber fencing and gate are considered appropriate in this location and not visually prominent within the streetscene.

In summary, the change of use and erection of the boundary treatments does not give rise to any significant detrimental visual impacts on the area and the current open character of the area would not be significantly compromised.

Impact Upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 1 Forest Rise located due east and No. 2 Lawnwood Road located to the south west of the site.

No. 1 Forest Rise is sited directly opposite the site and currently overlooks the open space. Given that a substantial amount of the open space is set to be retained and that the proposed boundary treatments as previously discussed are not considered to be visually prominent, there are no material impacts identified.

No. 2 Lawnwood Road is located some 6 metres away and an access track occupies the land in between, which together with the presence of mature vegetation and existing boundary treatments gives significant screening between the host and this neighbouring dwelling to ensure no significant material impacts.

In summary, it is not considered that the change of use of the land and erection of boundary treatments would give rise to any significant material impacts upon residential amenity.

Highway Considerations

The application dwelling has provision for 2 no. off street car parking spaces to the front of the site, and the application site is not intended for the laying out of hard surfacing and/or parking of vehicles.

Conclusion

In conclusion, in the absence of recreational policy support, the principle of residential curtilage in this residential location is considered acceptable. The proposed scheme does not give rise to any significant material impacts on either visual or residential amenity or highway safety. Accordingly, the proposal is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to no significant material objections being received prior to the expiry of the consultation period on 10 June 2011 and 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 proposals within this residential setting are considered acceptable and do not give rise to any significant material impacts on either visual or residential amenity or highway safety.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 7, 8.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, T5.

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 details: Block Plan (Scale 1:500) received on 10 May 2011; additional details received on 30 May 2011 and additional plan (Scale 1:500) received 3 June 2011.

3 The 1 metre high fence and 1.83 metre high fence shall be retained along the boundary with the open space, as shown on the additional plan (Scale 1: 500) received by the Local Planning Authority on 3 June 2011, unless otherwise agreed in writing with the Local Planning Authority.

4 The change of use of the open space shall only be for the 5 metre strip of land as shaded on the Block Plan (1:500) received by the Local Planning Authority 10 May 2011.

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 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 For the avoidance of doubt and to ensure that a suitable level of open space area remains in the interests of preserving the open nature of the area, in accordance with 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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