

Committee Date: 7th April 2011

Reference: 11/00122/COU
Date Submitted: 18.02.11
Applicant: Mr G Johnston, Estate Manager, Friars Well Farm, Wartnaby Estate, Warnaby, LE14 3HY
Location: Land adjacent Cherry Tree Cottage, Wartnaby.
Proposal: Resubmission of application for retrospective planning permission for change of use to residents' car park to serve 4 nearby cottages.



Introduction:-

This application seeks planning permission for the retention of part of existing paddock for use as a resident's car park. The site lies outside of the village boundary but falls within the designated Conservation Area. The area is currently used by 4 households on Main Street where parking is an issue due to the properties being in close proximity to the entrance of Friars Well Farm. The application site comprises of approx. 725 square metres which can accommodate approx. 12 cars with turning. There is a 1.2 metre post and rail fence along the western and southern boundary. A tall dense hedge separates the site from the drive way of Friars Well Farm; to the north, and the residential gardens of properties to the east. The area is covered in a grey hardcore.

It is considered that the main issues relating to this application are:-

- **Impact upon the open countryside**
- **Highway Safety**
- **Enforcement action**

Members may recall that the application was refused by the Committee on the 16th October 2009. It was considered that the proposal at that time had a detrimental impact upon the countryside.

The application has been re-submitted in response to an enforcement investigation and is required to be considered by the Committee because the recommendation proposes a departure from local plan policy.

Planning History: 09/00614/COU Planning permission refused for the retrospective application for change of use of part of paddock to use as a car park for residents of 4 nearby properties on Main Street, Wartnaby. The reason for refusal was the unsightly appearance and adverse impact on the countryside

Planning Policies:-

PPS5 outlines the Government's policies for effective protection of all aspects of the historic environment stating that Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

PPS7 - Sustainable Development in Rural Areas – sets out advice on development in the countryside. It states in the key principles (paragraph 1) that the Government's 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.

Melton Local Plan (saved policies):

Policies OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – Check to ensure access is suitable to cater for traffic and complies to highway standards, including visibility splays, surfacing, gradient, drainage etc.</p>	<p>Leicestershire County Council Highways standards requires a parking space to be 2.5 metres by 5 metres, the application site can accommodate more than the 12 spaces as stated on the application. However the bays are unmarked and unallocated which leads to sporadic parking. The entrance into the site is bounded by hedge which does not impede visibility out of the site entrance. Within the site easy turning manoeuvres can be accommodated in order to leave the site in forward gear. The area is flat and has been surfaced in grey road planings which provides a hard surface for parking of vehicles.</p> <p>The proposal is considered to comply with the Highway Standards and will not have a detrimental impact upon highways safety.</p>
<p>Parish Council – No objection.</p>	<p>The site lies at the very edge of the village, to the west and abuts the open countryside. The land is owned by the Wartnaby Estate and access to the site is via the driveway of Friars Well Farm which is the offices of the estate. The piece of land to which this application relates to spans 25 metres by 29 metres and is denoted by a post and rail fencing to the west, east and south, and a tall dense beech hedge to the north. The proposal does not have policy support but is considered to offer some wider community</p>

	<p>benefits removing vehicles from the highway.</p> <p>The Parish Council previously objected to this development and has not explained what has lead to their revised position.</p>
<p>Conservation Officer: - No objections</p> <p>The car park is discretely located behind a tall Beech hedge which ensures that there is no impact upon the Conservation Area.</p>	<p>The site is located at the edge of the village of Wartnaby falling outside of the Village Envelope but within the Conservation Area. The erection of the post and rail fence which encloses the area to the west and south do not require planning permission. The use of the paddock for the purpose of parking vehicles is considered to be acceptable due to the discrete location and benefiting from dense natural screening from the village itself. It is considered that the change of use, which does not involve the need for 'buildings' such as stabling if returned to use as paddock, does not have a detrimental impact upon the Conservation Area and complies with the objectives of PPS5.</p>

Representations:

A site notice was posted and neighbouring properties consulted. No letters have been received during the consultation process, however, two letters of representation supporting the proposal were submitted with the application stating;

Representation Supporting the Proposal	Assessment of Head of Regulatory Services
<p>Highway Safety</p> <ul style="list-style-type: none"> • The retention of the car parking facility benefits the local residents whilst removing the need for parked vehicles along Main Street, which is narrow in design. • The car park facility is needed to keep main street free from parked cars. • Parking is an issue in Wartnaby and this facility for residents is very much welcomed. 	<p>Main Street is narrow in design with no footways for pedestrian use. Due to the very rural nature of this smaller village most of the dwellings do not benefit from having off street parking. This inevitably leads to on street parking which can be hazardous to other road users. It is considered that the proposal offers some amount of highway gain by removing some of the vehicles from the highway.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Departure from Local Plan:</p> <ul style="list-style-type: none"> • Proposal exceeds village envelope 	<p>The site is outside the village boundary and development could proceed only as an exception to the Local Plan policy. Such an exception can be justified only if there are material considerations present to outweigh the development plan. It is considered in this case that the removal of parked vehicles off the highways is an improvement in terms of highways safety and impact upon the Conservation Area setting. There is limited</p>

	<p>availability for residents to park vehicles in this part of the village and there are no footways either side of Main Street. The removal of parked vehicles will benefit pedestrians and motorists providing a safer environment.</p>
<p>Impact on the character of the area:</p>	<p>The site has been used as a resident's car park and a retrospective application was refused by the Committee as it was considered that the car park had a detrimental impact upon the open countryside. Whilst the change of use is not considered to be a small amount of land it is considered that the benefits of the enclosed parking area allows for safe access along Main Street, removing a number of parked vehicles from the highway leading to Friars Well Farm. Letters of support confirm this view.</p> <p>The application site can not be viewed from the street due to being screened by a large beech hedge and being set further into the grounds of the Wartnaby Estate. Access is via the driveway to Friar Wells Farm. The site is defined by a post and rail fence and further hedging can be conditioned if considered necessary. The field itself is defined by hedging and mature trees along the west and south which reduces any visual impact upon the wider open countryside. It is considered that the Conservation Area designation has not been undermined by the proposal and that no detrimental impact upon the character of the area has taken place due to reasons stated above. The parking area proposes no illumination.</p>
<p>Impact upon neighbouring properties.</p>	<p>The access was already in place allowing access into the field. The car parking area is to serve the dwellings, that are owned by the Wartnaby Estate in the immediate vicinity but it has been stated that the car park can be used by other residents of Wartnaby providing approval is sought from the Estate Office first. It is considered that there will be no detrimental impact upon neighbouring properties arising from the change of use of the paddock to a resident only car parking area, providing that no commercial use is allowed and this is required to be secured by imposing a condition.</p>
<p>Enforcement Action:-</p>	<p>Since the refusal was issued in 2009 the applicants did not seek to appeal the Councils decision and the use ceased on the site resulting in no further action required by the Enforcement Team. However later in 2010 the Council was notified that the car park area had reopened for residents use. Following investigations this further application was submitted to retain the use as a residents car parking which has been submitted with letters of support.</p>

Conclusion

The retention of the residential car parking facility, on part of what was once agricultural field, does not comply with Policy OS2 of the Adopted Melton Local Plan. Although the proposal represents a departure from the Local Plan the proposal is considered to provide some community benefits to the village of Wartnaby by providing a safer environment and alleviating highway congestion. It is considered that by reinstating the use of the parking facility which residents support that proposal outweighs the previous refusal. It is considered that the continued use as a car park would not have a detrimental impact on the character and appearance of the open countryside and would not adversely affected the residential amenities of neighbouring dwellings due to the location and screening of the application site. Therefore, for the reasons stated above the application is recommended for approval subject to the imposing of conditions.

The recommendation by the Officer remain unchanged from the previous application, however, Members are reminded that the application was refused by Committee in October 2009 and there have been no changes in Policy or other considerations which would impact on this decision.

Recommendation : PERMIT, subject to the following conditions:

1. The parking area hereby approved shall be made available and sign posted as residents only parking and no visitors/employees of the commercial business use of the Wartnaby Estate is permitted.
2. The residents car parking area hereby approved shall not be illuminated at any time unless agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To preserve the character of the area.
2. To preserve the character of the area.

Officer to contact: **Mrs Denise Knipe**

Date: 28th March 2011