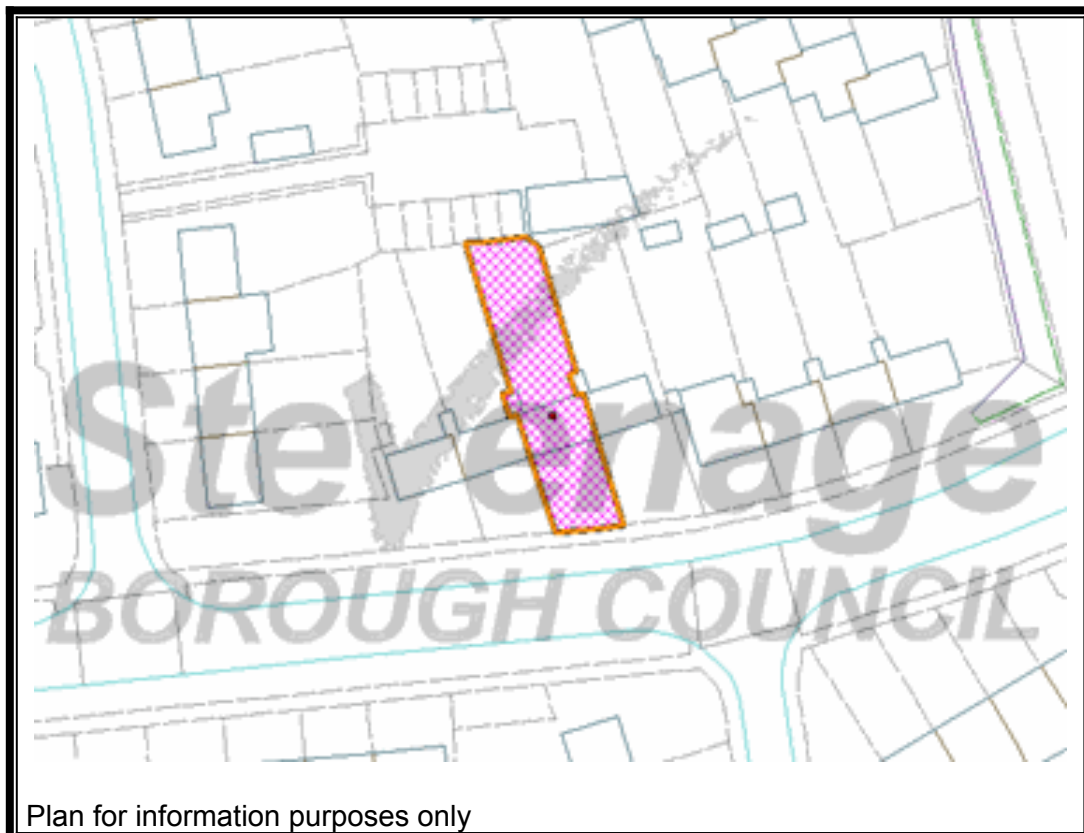


**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 24 May 2018  
**Author:** Rebecca Elliott      01438 242836  
**Lead Officer:** Zayd Al-Jawad      01438 242257  
**Contact Officer:** Rebecca Elliott      01438 242836

Application No:	18/00184/FP
Location:	455 Broadwater Crescent, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Debra Hennessy
Date Valid:	5 April 2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 455 Broadwater Crescent is a mid-terrace dwelling, located on the northern side of Broadwater Crescent, to the eastern end of the road where it meets Broadhall Way. The property forms part of a linear display of terraced properties which include minor set-backs between buildings. To the north, the rear boundary of the property backs on to a garage compound. The property frontage within the ownership of the dwelling is very small with the predominant area of grassed land to the front of the property being Council owned amenity land.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 None relevant.

## **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the change of use of an area of amenity land to residential curtilage and the construction of a hardstanding for the parking of two vehicles. The parcel of land seeking the change of use is sited immediately to the front of No.455 Broadwater Crescent and appears as the front garden of the property. The land would measure approximately 7.5m in width and between 7.5m and 9m in depth. The area is not to be enclosed. The property is currently served by an existing dropped kerb, which is to be retained and unaltered.
- 3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and an objection has been received in respect of the proposal.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The proposal has been publicised by way of letters to immediately adjoining premises and a site notice posted on a lamp post to the south and opposite side of the road. One letter of objection has been received from 457 Broadwater Crescent. The objection raised relates to the refusal of a similar proposal at No.457 for a widened driveway, because it would mean driving over the footpath. There is no record of a planning application for this property. The objector has suggested that because No.457 was not allowed to drive over the footpath to gain access to the additional driveway then No.455 should not be allowed to do the same. Furthermore, the objector suggests that the applicant can only achieve access by removing an existing tree, and questions whether the applicant can apply for permission because they are employed at the Council.

## **5. CONSULTATIONS**

- 5.1 The applicant has gone through the Land Sales process with the Council's Estates department and the Council are agreeable to sell the land subject to the granting of planning permission.

## **6. RELEVANT PLANNING POLICIES**

- 6.1 **Background to the Development Plan**

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and will be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

## **6.2 Central Government Advice**

6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

### **6.3 Adopted District Plan**

TW2 Structural Open Space  
TW8 Environmental Safeguards  
TW9 Quality of Design

### **6.4 Emerging Local Plan**

GD1 High Quality Design  
NH6 General Protection of Open Space

## **7 APPRAISAL**

7.1 The main issue for consideration in the determination of this application is the impact of the loss of the amenity land on the character and appearance of the area.

### **7.2 Loss of Amenity Land and Impact upon the Character and Appearance of the Area**

7.2.1 The land the subject of the change of use is currently in the ownership of the Borough Council and constitutes a small informal piece of open space as defined by policy TW2 of the Adopted Local Plan. Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.

7.2.2 Furthermore, the new emerging Local Plan Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.

7.2.3 The application site forms an area of grassed amenity space to the front of 455 Broadwater Crescent measuring approximately 62 square metres. The layout of the road is such that the amenity space appears as the front garden of the property as no definition is shown between residential curtilage and Council owned frontage. The open space would not therefore be considered accessible for use by the public. The change of use from amenity land to residential curtilage would not alter the character and appearance of the area, or harm the form and function of the town's structural open space. The proposed use is, therefore, considered acceptable.

7.2.4 The proposed hardstanding is to be located perpendicular to the front of the property, towards the eastern side of the piece of land and resultant front garden. The hardstanding would measure 5m in width to allow two cars to park side by side and would stretch the full length of the land in question. An area of land on the western side of the space would remain as open grass. There are other examples of hardstandings to the frontages of neighbouring properties along Broadwater Crescent. Furthermore, the property currently has a double track of concrete slabs for the parking of vehicles in this area. The partial loss of the existing lawn to the front of No.455 is not considered therefore to detrimentally impact the visual amenity of the area.

7.2.5 The objector has suggested that the applicant would need to remove a tree to the front of the property to allow for three vehicles to park side by side. The hardstanding is only to be 5m in width which would allow for two vehicles to park side by side. Consequently, there is no need to remove the tree to the front of the property as the existing arrangement is acceptable.

## 8 CONCLUSIONS

- 8.1 The proposed change of use of the land and the construction of a hardstanding is not considered to be detrimental to the form and function of the structural open space, or the character and appearance of the area. It is, therefore, recommended that planning permission be granted.

## 9 RECOMMENDATION

- 9.1 Planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in general accordance with the following approved plans: Site location plan.

**REASON:** - For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The proposed hardstanding shall be made of a porous material, or provision shall be made to direct surface water run-off from the hardstanding to a permeable or porous area or surface within the curtilage of the dwellinghouse.

**REASON:** - In the interest of visual amenity and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

### Pro-active Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## 10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Emerging Stevenage Local Plan 2011-2031.
4. Central Government advice contained in the National Planning Policy Framework March 2012 and the National Planning Policy Guidance 2014.
5. Letters received containing representations referred to in this report.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.