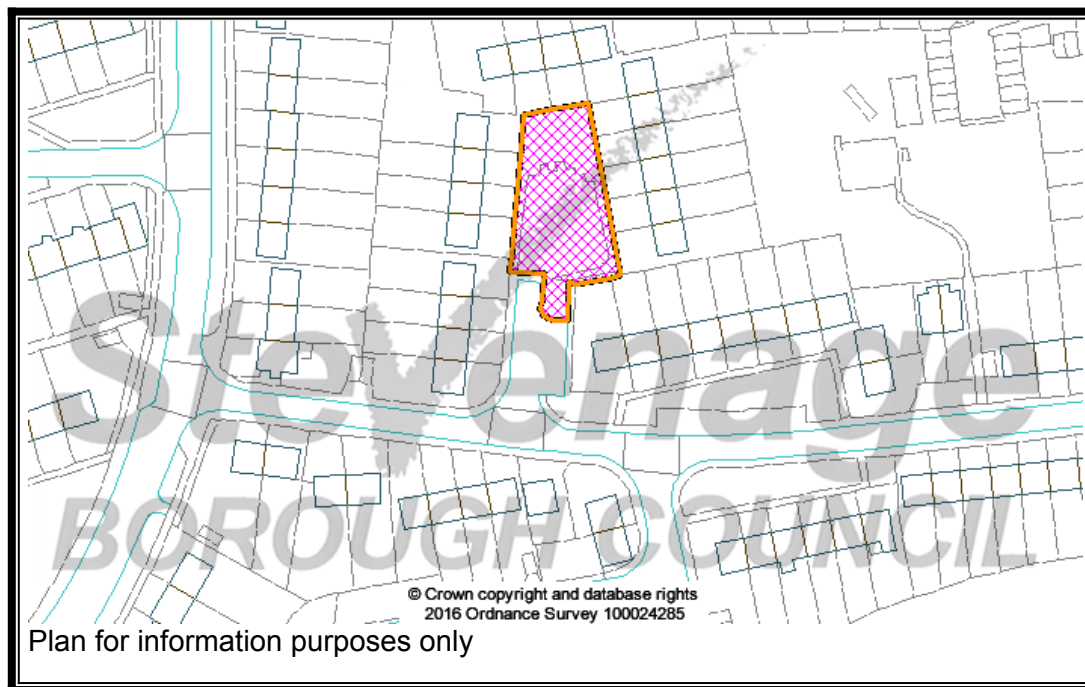


Meeting: Planning and Development Committee **Agenda Item: 6**
Date: 5 September 2017
Author: Dave Rusling 01438 242270
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Application No:	17/00452/FP
Location:	Land to the front of 9-35 Holly Leys, Stevenage
Proposal:	Change of use of public amenity land to create new car parking area.
Drawing Nos.:	RS/HOLL/01, RS/HOLL/03, RS/HOLL/02B
Applicant:	Russell Sparrow
Date Valid:	4 July 2017
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises an area of grassed and landscaped amenity land to the front of nos.9-35 Holly Leys. To the south there is an existing parking area which is accessed via the main thoroughfare of Holly Leys. The land which is “wedge” shaped in appearance measures approximately 14m in width at the northern end increasing to approximately 23m at the south and ranges between 35m and 37m in length. In total the application site measures

approximately 725sqm in area. The land comprises a mixture of grass and some shrub beds, with an area of hardsurfaced paving to the north. There are two mature trees within the land and what appears to be a newly planted staked tree. There is a footpath around the perimeter of the site separating the residential properties from it. At the southern end there are a number of concrete bollards demarking the separation from the existing parking area.

2. RELEVANT PLANNING HISTORY

2.1 There is no relevant planning history associated with the site.

3. THE CURRENT APPLICATION

3.1 The current application seeks planning permission for the change of use of the grassed and landscaped area to the front of Nos 9-35 Holly Leys in order to create an additional hardsurfaced area to facilitate the enlargement of the existing parking area which is sited to the front of Nos 1-7 and to the side of No.37 Holly Leys. The new parking area would accommodate a further 14 parking bays with some associated landscaped areas. The proposal would require the loss of one mature tree and a recently planted tree, however, it is proposed that these would be replaced as part of any re-planting regime. It is proposed that the new parking area would be constructed out of block paving and tarmac.

3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council and the works are proposed on behalf of the Council by the Engineering Services Section.

4. PUBLIC REPRESENTATIONS

4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. No response has been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council - Highways

5.1.1 HCC as highway authority considers that the development is located along a local access road which has the capacity to accommodate the volume of traffic along this residential estate. The traffic generation of vehicles is, therefore, considered not to have a significant impact on the local highway network. They are, therefore, raising no objection subject to the inclusion of a condition requiring the parking spaces to be constructed in the materials identified.

5.2 SBC Parks and Amenities Section

5.2.1 No objection to the loss of the amenity green space, but recommend that any replacement low level planting along the east and north of the bays is in the form of grass rather than shrubs, which will aid future maintenance. It is also recommended that to offset the loss of the Purple Plum tree and Liquid Amber, compensatory measures are undertaken and 2 replacement trees of a similar species are introduced one at the northern end of the proposed parking area and one to the south of the existing Hornbeam.

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 Local Plan

TW2 Structural Open Space
TW8 Environmental Safeguards
TW9 Quality in Design
T6 Design Standards
T15 Car Parking Strategy
EN13 Trees in New Developments

6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)

GD1 High Quality Design.
NH6 General Protection for Open Space.
SP8 Good Design
IT5 Parking and Access
IT8 Public Parking Provision
NH5 Trees and Woodlands
GD1 High Quality Design

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.
Stevenage Design Guide 2009.

7 APPRAISAL

7.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity and the acceptability of the new parking in highway safety terms.

7.2 Impact upon the Character and Appearance of the Area

7.2.1 The application site forms land in the ownership of the Borough Council and constitutes a small area of landscaped open space as defined by policy TW2 of the 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 As the proposal involves the loss of a relatively large area of open landscaped space to the front of Nos. 9 to 35 Holly Leys, the impact of the loss of the space has to be assessed in the light of the aforementioned policies. At present the land comprises a grassed area with a large shrub bed and tree roughly central within it and a smaller bed containing a tree toward the northern end. Whilst the area is relatively attractive in appearance, its use is hindered by the existing landscaping and, therefore, its function is more a visual open space rather than one which can be used for recreational purposes. The land the subject of the planning application has been assessed by the Council's Parks and Amenities Section who are raising no objection to the loss of the open space, but have requested that low level maintenance landscaping be introduced as part of the redevelopment proposals and that the two trees to be lost are replaced by new specimens to be located at the northern end of the site and to the south of

the remaining Hornbeam tree. This request is considered to be reasonable and with the imposition of a suitably worded condition this replacement landscaping can be secured.

- 7.2.4 Having regard to the above, whilst it is clear that the creation of additional car parking in lieu of the open space would alter the character and appearance of the area, the works would be seen as an extension of the existing parking area. Furthermore, in accordance with policy IT8 of the Emerging Local Plan, the proposal will create additional public off street parking provision in an area where there are currently severe parking problems. The creation of the parking area would also open up the opportunity for some of the adjacent dwellings to create additional parking within their frontages. Consequently, on balance, it is considered that the change of use of the land to create much needed addition parking provision is acceptable and this need outweighs the loss of this existing amenity land. Furthermore, the use of block paving and tarmac represents an appropriate finish for the proposed parking bays.

7.3 Impact on Amenity

- 7.3.1 As set out above, there is already a car parking area to the front of Nos.1-7 and the side of 35 Holly Leys. The creation of the additional car parking would extend the parking area northwards and Nos 9-35 would front onto it. Whilst this will introduce car parking and car movements where there presently are none, the parking area would be located a minimum of 8m from the frontage of these properties. With this level of separation, it is considered that the amount of noise and disturbance suffered by the occupants would be acceptable and would be no worse than that normally associated with dwellings fronting a highway. Furthermore, no objections have been received regarding noise and disturbance from any of the adjoining premises following a wide consultation on the application. Given this, it is not considered that the creation of the new parking area would create an unacceptable level of noise and disturbance to these existing occupiers.

7.4 Highway Safety implications

- 7.4.1 With regard to access and highway safety, the proposal involves works to Council owned land which is not designated as public highway. The County Council as Highway Authority have raised no objection to the proposal in terms of highway safety caused by the increased use of the area for car parking. In terms of usability, the new spaces have been designed by the Council's Engineering Services Section to ensure they would be of sufficient size to accommodate a standard car. The new spaces would be provided and maintained by the Council's Engineering Services Section.

8 CONCLUSIONS

- 8.1 The proposed change of use of this area of land and the creation of the additional parking facilities is not considered to harm the form and function of the structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not cause any significant harm to the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. The proposal would provide for much needed additional off street car parking to serve the area and, in view of this, it recommended that planning permission be granted.

9 RECOMMENDATIONS

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: RS/HOLL/01, RS/HOLL/03, RS/HOLL/02B.

REASON: - For the avoidance of doubt and in the interest 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 materials to be used in the construction of the new parking spaces hereby permitted shall be as specified on the drawings and application details forming part of this application.
REASON:- To ensure the development has an acceptable appearance.
4. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
5. Prior to the first use of the parking spaces hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of the replacement landscaping and trees and their locations in order to offset the loss of the existing trees and landscaping at the site. The replacement planting shall be undertaken as agreed in the first available planting season following the completion of the works.
REASON:- To ensure a satisfactory appearance for the development.
6. If within a period of five years from the completion of the development the replacement landscaping and trees die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012. Stevenage Design Guide 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and Planning Practice Guidance March 2014.