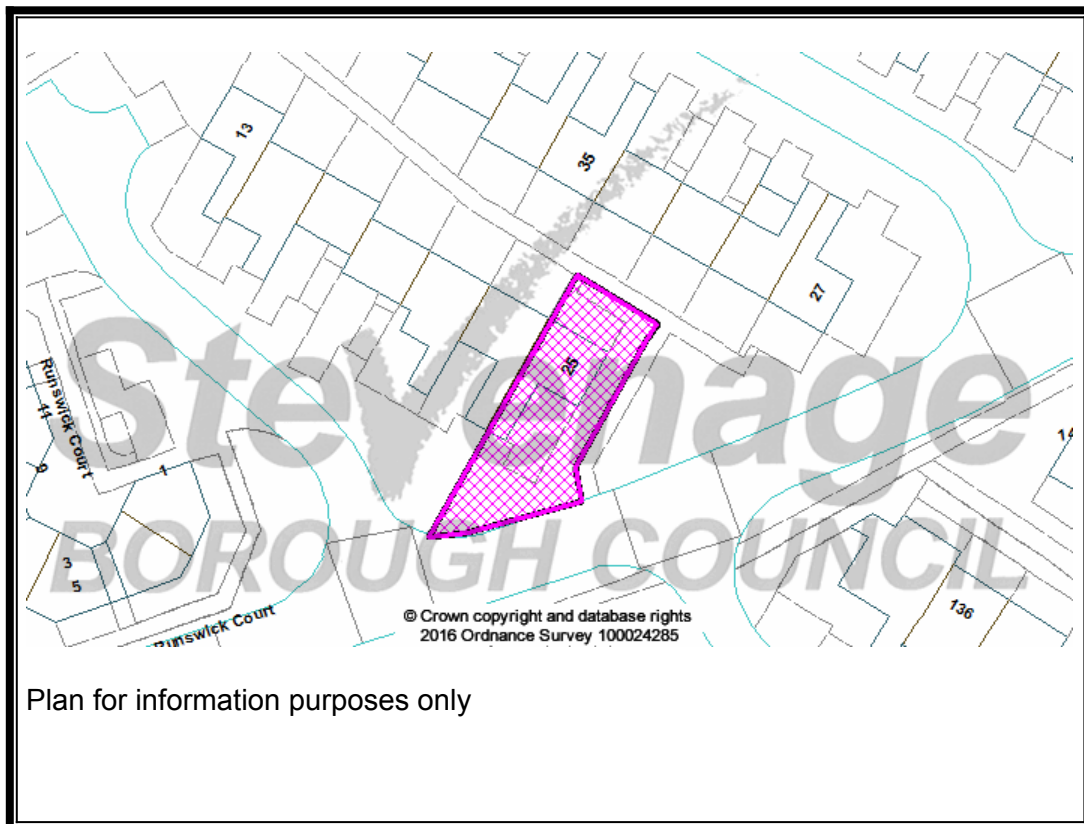


**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 6 November 2018  
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**Lead Officer:** Chris Berry      01438 242257  
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Application No:	18/00602/FP
Location:	25 Bude Crescent, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	542H-C-012-01 Site Location Plan; 542H-C-012-07 Proposed Site Plan.
Applicant:	Stevenage Borough Council
Date Valid:	1 October 2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 25 Bude Crescent is an end of terrace 'Radburn' style dwelling, located on the northern side of Bude Crescent. The property forms part of a linear display of terraced properties which include minor set-backs between buildings. Vehicular access is provided off the corner of a small spur road of Bude Crescent and the main highway to the south west of the site. To the south east the property abuts a triangular area of green open space in the ownership of the Council.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Application reference 18/00603/FPH for a single storey side extension is also being considered for the property. The proposed change of use of land is required to allow a transfer of the land to No.25 enabling the erection of the extension.

## **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. The parcel of land seeking the change of use is sited to the side of No.25 Bude Crescent abutting the south eastern side boundary of the property. The land would measure approximately 3.1m in width and between 12.7m and 9.4m in depth. The area would be enclosed with 2m (max) high close boarded timber fencing.
- 3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and who are also the applicant.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by the posting of a site notice on a lamp post immediately south of the land in question. No representations have been received.

## **5. CONSULTATIONS**

- 5.1 None required

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

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 reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016.

The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by MHCLG, which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 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, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

## **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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 213 of the NPPF applies which states that 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 Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 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 side of 25 Bude Crescent measuring approximately 33 square metres. The layout of the estate and road is such that the amenity space forms part of a larger useable space, providing a green break between the built form and highway edge. Due to the orientation of the terraces next to the road the space has a triangular form. An existing footpath runs along the southern boundary of the land the subject of the change of use. A larger area of open space would be retained as open space to the south / south east of the site. The proposed site plan shows two areas of adjacent land edged in blue. These areas would remain as open space and do not form part of the change of use.
- 7.2.4 The application runs concurrently with planning reference 18/00603/FPH for a single storey side extension at No.25, utilising the land in question. Consequently, the side elevation of the extension would be closely sited to the proposed feather edge timber fencing to form the proposed boundary of the red line plan, and thus would bring the flank wall and built form up to the foot path edge. Notwithstanding this, the impact of the change of use on this area of land, considering the larger area of grass retained, is not considered to adversely impact the area.
- 7.2.5 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.

## 8 CONCLUSIONS

- 8.1 The proposed change of use of the land 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: 542H-C-012-01 Site Location Plan; 542H-C-012-07 Proposed Site 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 area of land, shown red on the approved drawing 542H-C-012-07 Proposed Site Plan, located to the side / south east of 25 Bude Crescent, shall be enclosed by timber fencing to match the existing fencing and to be no higher than 2m in height unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure the development has an acceptable appearance.

### **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 (paragraph 38) 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 July 2018 and the National Planning Policy Guidance 2014, as amended.