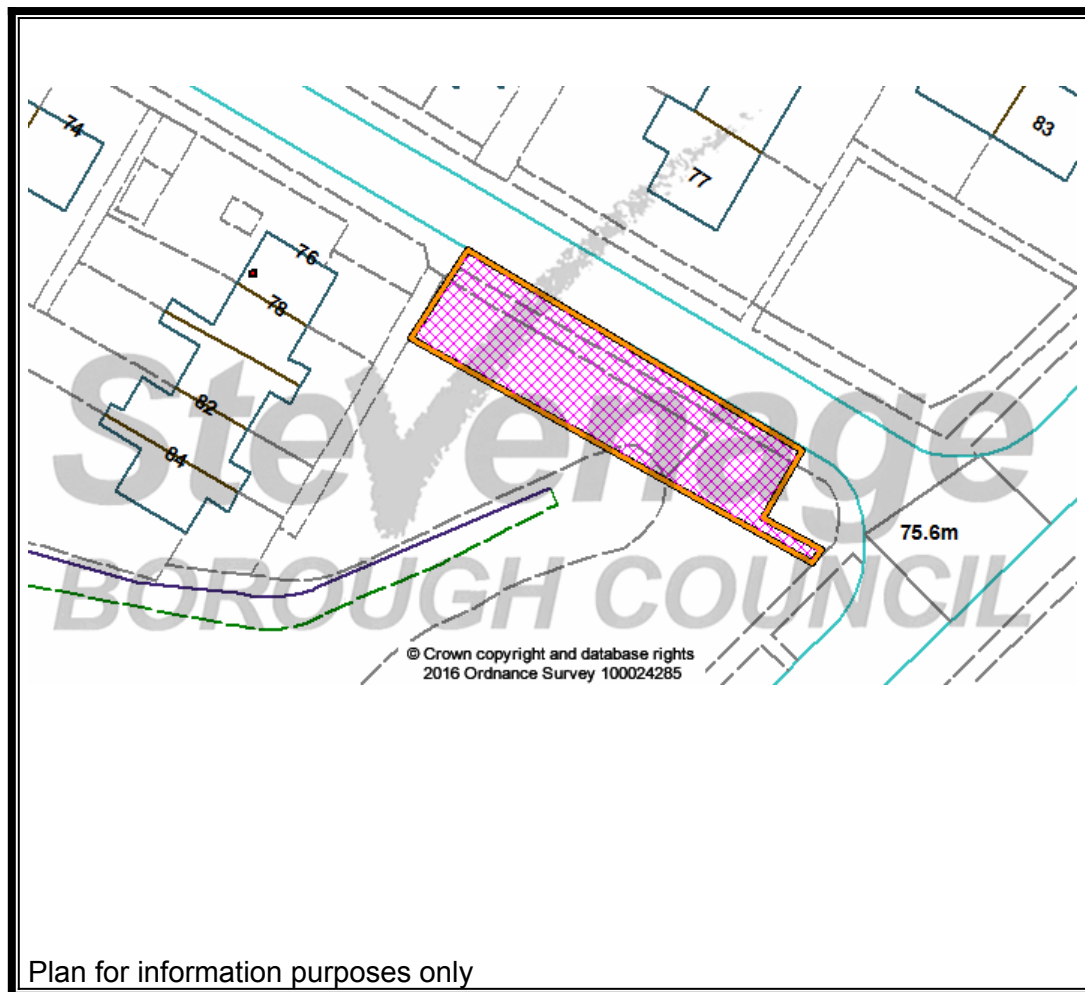


**Meeting:** Planning and Development Committee  
**Agenda Item:**  
**Date:** 5 February 2019  
**Author:** James Chettleburgh 01438 242266  
**Lead Officer:** Chris Berry 01438 242257  
**Contact Officer:** James Chettleburgh 01438 242266

Application No:	18/00734/FP
Location:	Land to front of 76 Brook Drive, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide additional parking.
Drawing Nos.:	RS/BRO/01; RS/BRO/02; RS/BRO/03.
Applicant:	Russell Sparrow
Date Valid:	29 November 2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located on the southern side of Brook Drive in close proximity to the junction with Ashdown Road and lies to the front of numbers 76 to 84 Brook Drive. The site which forms part of an area of public amenity space and is a designated Green Link, spans 35m in width and 10m in length. The proposed car parking area would be accessed off Brook Drive. The surrounding area is characterised by semi-detached and terraced properties which are generally uniform in design set in regular shaped plots and staggered building lines due to the curvature of the road. The topography of the land slopes up on a gentle gradient from south to north up from Stevenage Brook and the arboretum towards the junction of Ashdown Road and Broadwater Crescent.

## **RELEVANT PLANNING HISTORY**

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

## **2. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the change of use of an area of grassed amenity land, approximately 350 sq.m in area, located adjacent to the junction of Brook Drive and Ashdown Road. The change of use would facilitate the provision of 12 parking spaces and would be constructed from 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.

## **3. 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. Comments were received from number 80 Brook Drive who considers the proposal is welcome as it will help to ease the parking problems in the area.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council Highways**

- 5.1.1 Hertfordshire County Council as Highway Authority comment that the proposal is contrary to the County Council's Local Transport Plan 4. This is because providing parking on amenity land is not an environmentally friendly development and encourages additional cars in the area. However, the site is surrounded by residential properties and the proposed parking could remove potential on-street parking. Therefore, it will be necessary for the Council to enter into a Section 278 Agreement.
- 5.1.2 Turning to highway safety, it is considered that the proposed development would not prejudice the free and safe flow of traffic along the highway.

### **5.2 Council's Parks and Amenities Section**

- 5.2.1 We do not object the above proposed parking scheme which would result in a small loss of amenity open space. Whilst the proposal will result in a small loss of amenity land, we determine the potential impact to visual amenity to be minimal.
- 5.2.2 We identify with the scheme's objectives in alleviating the ongoing parking issues in the area which we hope will result in minimised damage of existing verges from vehicle parking. In

order to be effective, the scheme must be implemented with additional parking restrictions and enforcement.

5.2.3 in regards to the proposed small grass area at the North West whilst it is recommended that this be converted to tarmac from a maintenance perspective. This is because the Parks Teams do not normally trim or cut grass immediately adjacent to parking bays. However, it is considered that there should not be a problem to cut this area of grass in the future.

5.2.4 Currently the area of amenity open space is protected by diamond rail fencing. This shall be replaced to allow continued protection from vehicle parking whilst also providing some protection to those using the open space. However consideration must be given to allow access for maintenance (mechanical grass cutting).

### **5.3 Council's Arboricultural and Conservation Manager**

5.3.1 There are no concerns from an arboricultural perspective. However, the small trees and shrubs adjacent to the site are of poor condition and their removal would not have a detrimental impact on the landscape of the area. In regards to the large mature Oak tree, this would be impacted by the proposed car parking scheme and therefore, suggest a 20% reduction with dead wooding prior to the commencement of development.

## **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 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 the Ministry of Housing Communities and Local Government (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 Local Plan**

TW2 Structural Open Space  
TW8 Environmental Safeguards  
TW9 Quality in Design  
T6 Design Standards  
T15 Car Parking Strategy  
EN10 Green Link  
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  
NH4 Green Link  
NH5 Trees and Woodlands

### **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, the acceptability of the new parking in highway safety terms and development and flood risk.

### **7.2 Impact upon the Character and Appearance of the Area**

- 7.2.1 The application site is designated as a Green Link, which was integrated into the original design of Stevenage New Town. This link currently runs from Broadhall Way through to the water meadows and across Hertford Road. Policy EN10 of the adopted Local Plan, referring to green links, states that development proposals which would be harmful to the character of green links will not be permitted, as they are considered to be an essential part of the urban

structure of the town. When assessing a development in a green link the following criteria will be used:

- the size, form, function and character of the green space directly affected;
- the role of the green space within the green link;
- the impact of the development proposal on the green space and the green link; and
- the integrity of the green link.

7.2.2 Turning to Policy NH4 of the Emerging Local Plan (2016), this Policy states that planning permission would be granted where the development would not create a substantive physical or visual break in the Green Link and does not otherwise have a material adverse effect on the recreational, structural, amenity or wildlife value of a green link. In addition, the policy stipulates that proposals should reasonably provide extensions of, or connections to, existing Green links through the provision of on-site open space, and, reasonably contribute towards the maintenance, improvement or extension of Green Links.

7.2.3 In addition to the above, the site also forms part of an area of structural space. Taking this into consideration 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.

7.2.4 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.

7.2.5 Taking into consideration the aforementioned Policies, the proposed development would result in the reduction of an area of structural open space as well as part of an established green link. Consequently, the development would be contrary to the aforementioned policies. However, whilst the site does form part of this green link, the development does ensure a large area of the Green Link is retained to the south and east of the site which remains undeveloped. Further to this, whilst the scheme will result in an area of the green link being developed, when looking at the green link as a whole, the proposal would only reduce this link by 0.25%. In addition to this, this part of the green link is also physically segregated on three sides from the rest of the link as it is bordered by public highway on two sides (Brook Drive and Ashdown Road) as well as a public footpath which runs along the front of numbers 76 to 84 Brook Drive. To the south of the site is the Stevenage Brook which also forms a physical barrier. Therefore, the proposed development does not detrimentally impact upon the overall structural integrity of the green link in this instance as a large area of the green link will still be retained, In addition to this, the green link would still extend through the water meadows up to Broadhall Way as the proposed development would not physically break the link in this instance.

7.2.6 Looking into the recreational value of the Green Link, whilst the land at Brook Drive was not included in the 2006 Open Space Study, this study identified an overall surplus of natural/semi-natural land in the Broadwater Area. Given this, the reduction in this area of open space/Green Link would help to reduce the overall surplus of natural/semi-natural land in the area. Added to this, the amenity area in which this application forms part of provides little amenity/recreational value for the local community. This is because the site does not comprise of any play equipment, a woodland walk or other facilities which can be enjoyed by the local community. In addition to this, the site is only used as a cut through for pedestrians or for dog walkers. Consequently, the site has little recreational value in this instance.

- 7.2.7 In regards to the justification for the development, it would help to alleviate an existing situation where there is a high level of on-street parking along Ashdown Road and Brook Drive. In addition, a number of highway verges in the immediate area have been damaged by vehicles parking on the respective verges. Therefore, the proposed development would help to alleviate to some extent the level of on-street parking which in turn would improve highway safety.
- 7.2.8 In regards to trees, whilst the proposal does not result in the removal of existing trees, the Council's Agriculturalist has recommended that prior to the commencement of development, the existing mature Oak tree which lies in close proximity of the site should be reduced. This is to ensure that during the construction phase of the development, the tree is not affected by the construction works. In addition, the Council's Arboricultural Manager has recommended the small trees and some shrubbery is removed because they are of a poor condition and provide no amenity value to the area. Consequently, it has been recommended that these trees and shrubs are removed as part of the development works as this would help to improve the visual amenity of the area.
- 7.2.9 Taking into account both the current and emerging policy, it is considered that the development will not have a detrimental impact upon the function of the green link or the structural open space. Furthermore, in line with Policy IT8 of the Emerging Local Plan, the proposal will create additional public off-street parking in an area where there is severe parking problems.

### **7.3 Impact on Amenity**

- 7.3.1 The properties most affected by the parking area would be Nos. 76 to 84 Brook Drive, which lie west of the application site. However, it is not considered that the proposed car parking area to cater for 12 spaces would significantly generate a level of noise and disturbance to an unacceptable level. This is because firstly, the car parking area is located adjacent to Brook Drive and Ashdown Road which are trafficked highways and as such already generate a level of noise. Secondly, the residential properties most affected by the proposal are positioned over 12m from the proposed car parking area. Consequently, due to the level of separation distance and the level of background noise already generated along the nearby highway network, it is not considered the development would generate a level of noise which would harm the amenities of residential properties over and above existing background noise levels.

### **7.4 Highway Safety implications**

- 7.4.1 With regard to access and highway safety, the proposal involves only modest works to Council owned land which is not designated as public highway. All of the parking bays have been designed to meet the standards which are set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council's Highways Design Guidance. Therefore, they would be of a sufficient size to accommodate a standard car. In addition, the parking bays have been designed to ensure there is the necessary vehicle-to-vehicle visibility splays to ensure vehicles can safely manoeuvre into and out of the spaces without prejudicing highway safety.
- 7.4.2 Following consultation with the County Council as Highway Authority, whilst they consider the development does not strictly accord with the County Council's Local Transport Plan 4 which seeks a modal shift from the public car to more sustainable forms of travel, they have raised no objection to the proposal in terms of highway safety. This is because the parking bays meet all the necessary highways standards with a 6m turning area in the carriageway. In addition, they consider the parking areas would be located on a local access road with the capacity to accommodate the parking area as well. Consequently, the County Council does not consider the development would prejudice the safety and operation of the highway network subject to a condition on the car parking areas access points.

7.4.3 The new spaces would be provided and maintained by the Council's Engineering Services Section.

## **7.5 Development and flood risk**

7.5.1 The application is located 55m to the north of Stevenage Brook which is classed as a main river. Therefore, there is the potential the development site could fall within a flood plain. However, the Environment Agency Flood Risk Maps identify the site falling outside of Flood zones 2 and 3. This is due to the topography of the area whereby the land slopes up from Stevenage Brook towards Broadwater Crescent. Consequently, a flood risk assessment does not have to be undertaken in this instance.

7.5.2 Notwithstanding the above, the Environment Agency Flood Risk Maps does identify the site as falling in an area which is susceptible to surface water flooding. Taking this into consideration, the proposed car parking area would comprise of a soakaway which has been designed to collect surface water runoff from the car parking area. This ensures that during a storm event, the development does not result in extensive water surface water runoff which could exacerbate any potential flooding of the Brook over and above the current situation. Therefore, the proposed development from a flood risk perspective is considered to be acceptable.

## **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 green link and structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. In addition, the development has been designed to ensure that it does not generate additional surface water flooding over and above the existing situation. It is, therefore, 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/BRO/01; RS/BRO/02; RS/BRO/03.

**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. The development hereby permitted shall not be brought into use until the proposed access and surfacing work has been constructed as identified on drawing number RS/BRO/02 to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

**REASON:-** In the interests of highway safety and amenity.

6. Prior to the commencement of the development hereby permitted, the crown of the Oak tree which is affected by the development hereby permitted shall be reduced by 20% including the removal of dead wood. In addition, the small trees and shrubs as identified on drawing number RS/BRO/02 shall be removed.

**REASON:-** To ensure that the development does not have a detrimental impact on the retained trees during the construction phase of development and to improve the visual amenity of the area.

## **INFORMATIVE**

### **Hertfordshire County Council as Highways Authority**

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

### **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 and Stevenage Design Guide adopted October 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 July 2018 and Planning Policy Guidance March 2014.