

Meeting: Planning and Development Agenda Item:
Committee

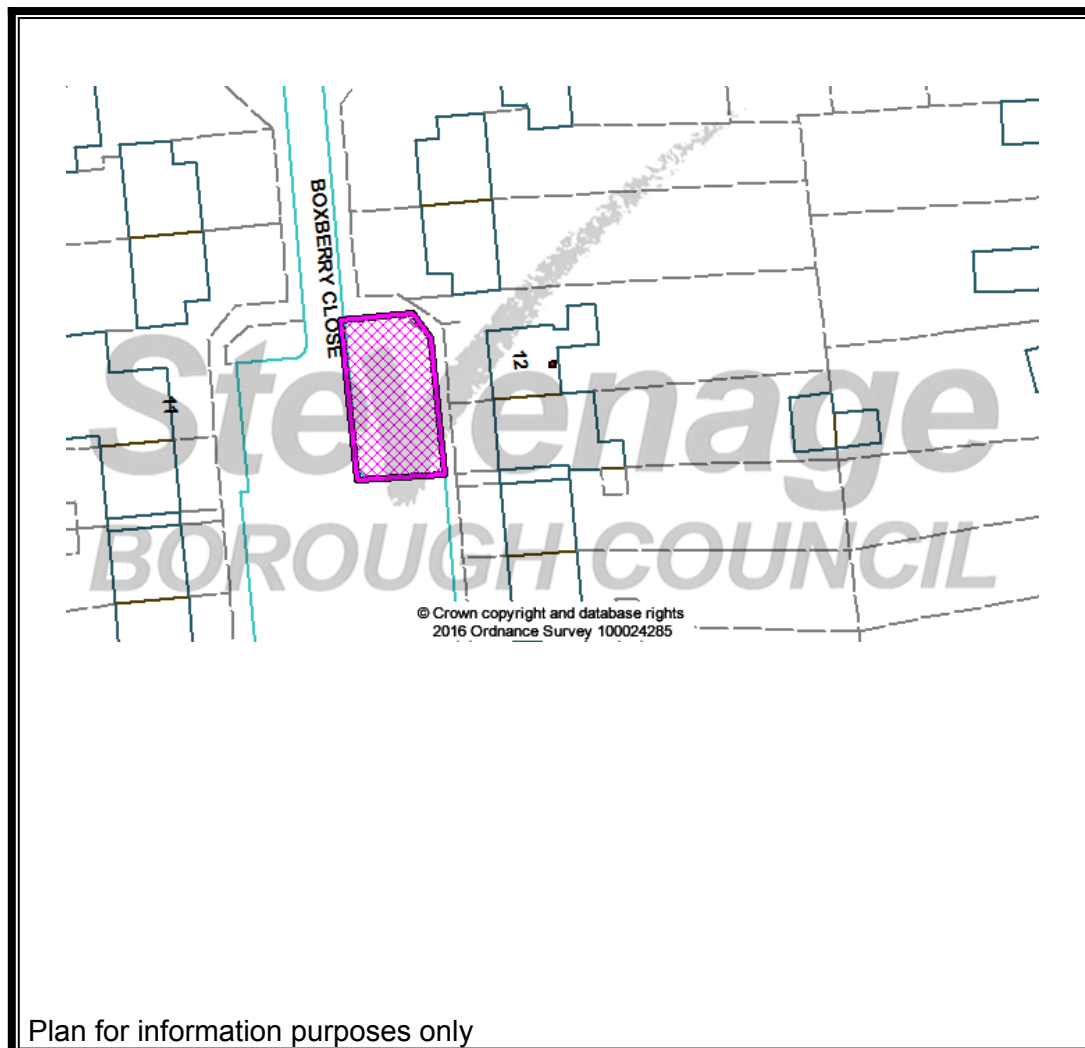
Date: 5 February 2019

Author: James Chettleburgh 01438 242266

Lead Officer: Chris Berry 01438 242257

Contact Officer: James Chettleburgh 01438 242266

Application No:	18/00733/FP
Location:	Land to front of 2 to 12 Boxberry Close, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide additional parking.
Drawing Nos.:	RS/BOX/01; RS/BOX/02a; RS/BOX/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 eastern side of Boxberry Close to the front of numbers 10 to 12. The site, which is an area of public amenity space, spans 13m in width and 8m in length and lies to the north and opposite existing parking areas within Boxberry Close. The Close is served by an existing local access road which runs off Langthorne Avenue to the north. Boxberry Close is a cul-de-sac development which consists of a mixture of semi-detached and terraced properties.

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 a small area of grassed amenity land, approximately 104 sq.m in area, located adjacent to the vehicular access into Boxberry Close. The change of use would facilitate the provision of an additional four 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. No comments or representations have been received on this application.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 Hertfordshire County Council as Highway Authority comment that the proposal would not have an unreasonable impact on the safety and operation of the highway network. However, this is subject to a condition that the works are to be carried out to the current specification of Hertfordshire County Council.

5.2 Council's Parks and Amenities Section

- 5.2.1 We do not object the above proposed amended parking scheme which would result in a small loss of amenity open space. As such we determine the potential impact to be very low. The small area for which there is an existing telegraph pole shall be hard landscaped rather than left as grass to help avoid maintenance issues.
- 5.2.2 The proposals shall also include works to limit unauthorised vehicle access / parking to the main area of open space to the south in Boxberry Close. This shall include reinstatement of damaged grassed areas, repairs / replacement of bollards and erection of a robust drop-down /removable bollard to allow access for maintenance.

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

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

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 It is considered that the proposed development, whilst it reduces the overall size of the amenity area within Boxberry Close, the proposal only relates to a small parcel of land whereby the larger area of public open space to the south of the development is to be retained. Furthermore, the area of open space as you enter into Boxberry Close would also be retained as part of the development proposal. In addition to this, due to the limited size of the parcel of land affected by the proposal combined with the fact it is bordered on all four sides by hardsurfacing, it would not be considered conducive to being used as recreational open space by nearby residents. In view of the points raised, it is not considered that the loss of this small area of open/amenity land would harm the character and appearance of the area but would, in fact, facilitate the provision of additional off road parking space, which would help to alleviate the existing parking problems in the area. Furthermore, as the land is currently not used for any particular purpose, it is considered that the proposal would not harm the form or function of the open space, nor that it needs to be re-provided.

7.3 Impact on Amenity

- 7.3.1 The properties most affected by the increased parking area would be Nos. 10 to 12 Boxberry Close, which lie east of the application site. However, it is not considered that the increased size of the parking area to cater for an additional 4 spaces would significantly worsen the noise and disturbance generated to an unacceptable level. This is because firstly, the parking area lies adjacent to existing surface parking which already generates an element of noise. Secondly, the residential properties most affected by the proposal are positioned around 5m from the parking area and are set up from the parking area due to the sloping topography of the road. Consequently, 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, they have raised no objection to the proposal in terms of highway safety. This is because they confirm that 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.

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 harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. 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/BOX/01; RS/BOX/02a; RS/BOX/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/BOX/02a 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.

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 in 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.