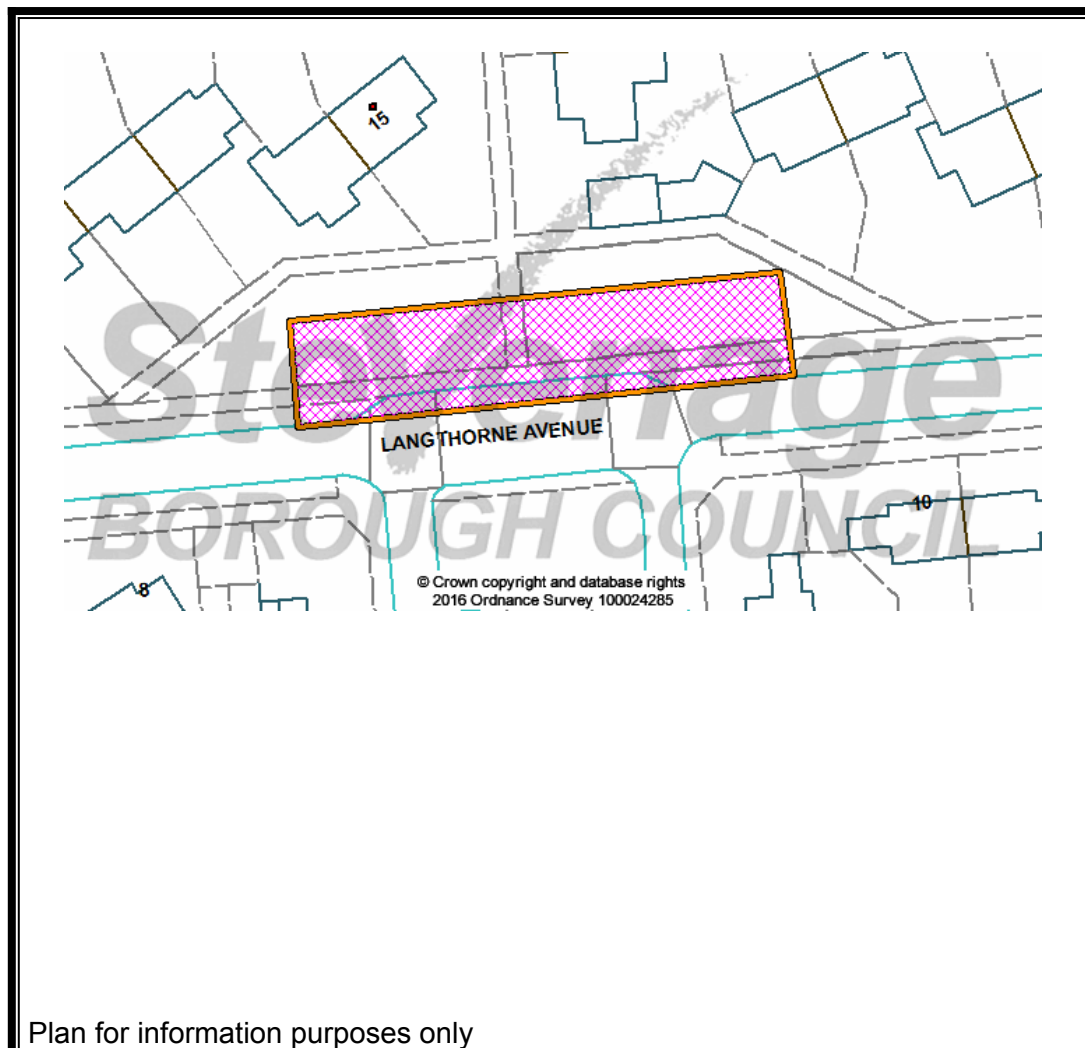


Meeting: Planning and Development Committee
Agenda Item:
Date: 5 February 2019
Author: James Chettleburgh 01438 242266
Lead Officer: Chris Berry 01438 242257
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Application No:	18/00732/FP
Location:	Land to front of 15 Langthorne Avenue, Stevenage
Proposal:	Conversion of existing parking lay-bys and amenity land into end on parking bays with additional footpaths adjacent to the kerbs.
Drawing Nos.:	RS/LAN/01; RS/LAN/02a; RS/LAN/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 northern side of Langthorne Avenue opposite the junction with Boxberry Close. The site which spans 49m in width and 7m in length, comprises an area of public amenity land and highway verge as well as on-street parking for 3 vehicles. To the north of the site are numbers 5 to 25 Langthorne Avenue which are semi-detached dwellinghouses and to the west is an existing vehicle cross-over which currently serves number 7 Langthorne Avenue. There are also four trees which are located within the public amenity space which borders the application site.

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 to re-configure the existing lay-by utilising some of the adjoining amenity land/grassed verge in order to turn the spaces through 90 degrees. This will enable the number of spaces to be increased from 3 to 16. The area of soft landscaping, including land to the north of the site, is approximately 593 sq.m in area. The proposed development would result in a reduction of soft landscaping by approximately 202 sq.m or 34%. The rest of the amenity land, including the trees would be retained as part of the development.
- 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.

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 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. We also identify 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.
- 5.2.2 For the perimeter path around the proposed parking bays, consideration should be given to making this less angular where it adjoins the existing surrounding pathway. By blending in, this will help reduce wear patches over the adjoined grass areas. The central area within the parking scheme (where there is an existing street lamp column) shall not be planted as this will cause maintenance issues. This area should be appropriately hard landscaped.

5.3 Council's Arboricultural and Conservation Manager

- 5.3.1 There are no concerns from an arboricultural perspective. However, as the footpath would be intruding the root protection of the existing Black Walnut Trees, it is suggested that a 20% overall reduction to the three trees likely to be affected by the development should be undertaken before the commencement of works. In addition, it is suggested that there should not be any excavation closer than 2 metres away from any of these tree trunks.

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
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

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 two small areas 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 by 34% does not compromise the recreational use of the open space for local residents and has limited visual amenity value. In addition, the scheme has been designed to ensure a large area of amenity space is retained to ensure the sense of openness on this part of Langthorne Avenue is retained. In addition, there are still large areas of amenity space within the area such as the land opposite on the junction of Boxberry Close which are being retained.

- 7.2.4 Further to the above, it was noted from visiting the site that vehicles were already informally parking on the highway verge and amenity spaces in close proximity to the application site. In view of this, the creation of 13 additional parking spaces would help to alleviate vehicles parking on the verge causing damage to these areas. Therefore, the overall benefit of the development would outweigh the loss of amenity space in this instance. 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 land, nor that it needs to be re-provided.
- 7.2.5 Turning to the impact on trees, whilst the proposed development does not involve the removal of any trees, the development works would be located in close proximity to the root protection area of existing trees. Given this, the Council's Arboricultural Manager has recommended the trees in regards to their crown should be reduced by 20%. This is to ensure that during the construction phase of the parking areas, the trees are not detrimentally affected by any associated development works. In addition, the works to the trees would improve the overall appearance of the trees which would benefit the visual amenities of the street scene.

7.3 Impact on Amenity

- 7.3.1 The properties most affected by the increased parking area would be Nos. 5 to 25 Langthorne Avenue, which lie north of the application site. However, it is not considered that the increased size of the parking area to cater for an additional 13 spaces would significantly worsen the noise and disturbance generated to an unacceptable level. This is because firstly, the parking area lies adjacent to the existing trafficked highway which already generates an element of noise. Secondly, the nearest residential property, number 13 Langthorne Avenue, is approximately 13m from the proposed car parking area. 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 the reconfiguration of the existing parking layby to create two areas of 8 parking bays creating a total of 16 bays (including one disabled bay). These parking areas would span approximately 5.2m in width and would be separated via a 2m wide highway verge with associated kerbing. 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 relating to access to the spaces.
- 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/LAN/01; RS/LAN/02a; RS/LAN/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/LAN/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.

6. Prior to the commencement of the development hereby permitted, the crowns of the trees which are affected by the development hereby permitted shall be reduced by 20%.

REASON:- To ensure that the development does not have a detrimental impact on the retained trees during the construction phase of development.

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.