

Meeting: Planning and Development Committee
Agenda Item:

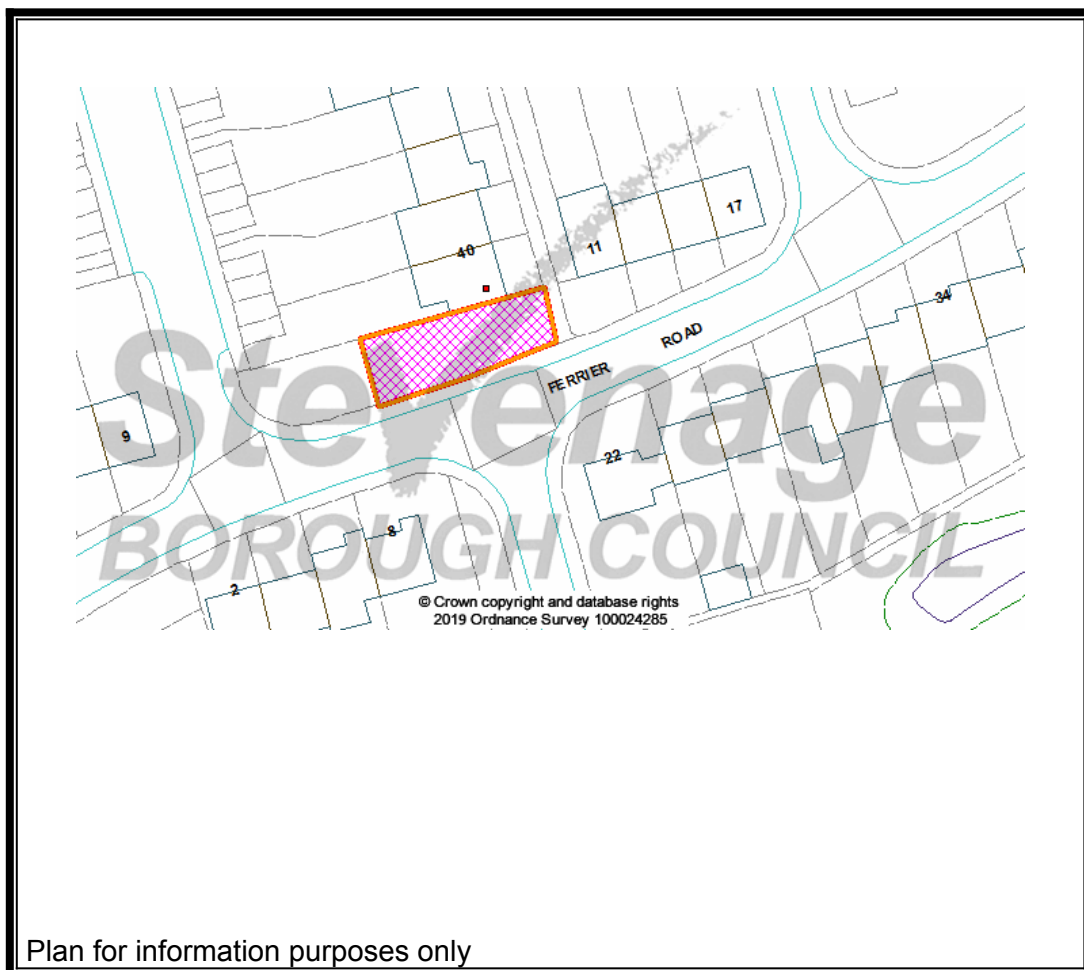
Date: 18 June 2019

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Application No:	19/00236/FP
Location:	Land to the side of 40 Austen Paths, Stevenage
Proposal:	Creation of 8 parking bays and associated footpath.
Drawing Nos.:	R162.
Applicant:	Steve Bentley (Stevenage Borough Council)
Date Valid:	18 April 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located off Ferrier Road opposite the junction of Christie Road and abuts the southern wall of 40 Austen Paths. The site which spans 25m in width and 6m in depth comprises an area of public amenity land and highway verge. To the north of the application site lies the terrace of 22 to 40 Austen Paths and to the west lies the terrace of 11 to 17 Ferrier Road. To the east of the site lies the spur road off Ferrier Road which serves Austen Paths. To the south either side of the junction of Christie Road are numbers 8 and 22 Ferrier Road which are end of terrace 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 to utilise the existing amenity land/grassed verge to create 8 parking bays. The area of soft landscaping, including the land which borders the application site is approximately, 336sq.m in area. The proposed development would result in a reduction of soft landscaping by approximately 150 sq.m or 44%. 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 The proposed parking is to be accessed from Ferrier Road via dropped kerbs. The road is designated as unclassified with a restricted speed limit of 30 mph. The pedestrian and vehicle visibilities would be acceptable in highways terms and the parking bays measuring 2.4m by 4.8m accord with Hertfordshire Design Guide. The proposed parking area and footpath will however, have to be constructed under a Section 278 agreement.
- 5.1.2 In terms of traffic generation, the proposed development is small scale and would not significantly increase the trip rates to the area. Also, the proposal would not have an unreasonable impact on the safety and operation of the highway network. As such, the Highways Authority considers the proposed development to be acceptable subject to conditions and a highways informative regarding section 278 requirements.

5.2 Council's Parks and Amenities Section

- 5.2.1 There are no objections to the proposal. The proposed development will result in the loss of amenity space, so request improvements to nearby spaces are carried out to offset the loss.

5.3 Council's Arboricultural and Conservation Manager

- 5.3.1 There is no objection to the proposed development. However, as the proposed parking bays fall within the root protection area of the nearby Ash Trees, it is recommended that the crowns of these trees are reduced by 20% prior to the commencement of works.

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 Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

- 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.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. 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

SP1 Presumption in favour of sustainable development
SP2 Sustainable development in Stevenage
SP8 Good design
GD1 High Quality Design
IT5 Parking and Access

6.4 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 NH6 of the Local Plan. Policy NH6 states that for development of any existing, unallocated open space, permission will be permitted where:

a. The loss of the open space is justified having regard to:

- i. The quality and accessibility of the open space;
- ii. The existence, or otherwise of any interventions to improve quality or access;
- iii. Whether the open space is serving its function or purpose; and
- iv. Whether alternate space(s) would remain available for community use; and

b. Reasonable compensatory provision is made in the form of:

- i. Replacement provision of a similar size, type and quality;
- ii. The upgrade or other, existing open space; or
- iii. Exceptionally, a commuted sum to secure open space provision elsewhere.

7.2.2 It is considered that the proposed development, whilst it reduces the overall size of the amenity area by 44%, 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 Ferrier Road is maintained. In addition, there are still large areas of amenity space within the area such as the parcel of open space to the north-east along Ferrier Road. Further to this, 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

7.2.3 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 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 proposed parking area would be No. 40 Austen Paths, which lies north of the application site and number 11 Ferrier Road to the north-east. However, it is not considered that the proposed parking area for 8 spaces would significantly worsen the

noise and disturbance generated to an unacceptable level. This is because the parking area lies adjacent to the existing trafficked highway which already generates an element of noise.

- 7.3.2 In addition to the above, the proposed car parking area is set away from habitable rooms of the nearest properties whereby it is positioned approximately 3m south of the flank elevation and private garden area of 40 Austen Paths and over 9m from the nearest habitable rooms of 11 Ferrier Road. As such, when vehicles are parking their headlights would not shine directly into habitable rooms which would generally affect the living standards of the aforementioned properties. Consequently, the proposed development would not harm the amenities of the nearest residential properties in this instance.

7.4 Highway Safety implications

- 7.4.1 With regard to access and highway safety, the proposal involves the creation of 8 parking bays which would be split into two (3 spaces and 5 spaces) due to the positioning of an existing light column. The three space parking bay area would span approximately 7.2m in width and the five space parking bay area would span 12m. These parking bays would be split via a 1.4m 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 as the parking bays meet all the necessary highways standards. In addition, they consider the parking area would be located on a local access road with the capacity to accommodate the new spaces. Consequently, the County Council does not consider the development would prejudice the safety and operation of the highway network. Hertfordshire County Council are recommending a condition be imposed requiring the submission of a construction management plan. However, this is considered unreasonable in that the scale of the development is minor in nature. In addition, there would be limited construction works associated with the creation of the parking bays so such a condition is not deemed necessary. Further, any works on highways land is controlled via a Section 278 agreement under the Highways Act. Therefore, it is recommended that this condition is reasonable.
- 7.4.3 Notwithstanding the above, it is recommended a condition be imposed requiring the development to be constructed in accordance with the details specified in the plan. In terms of provision and maintenance, the new spaces would be provided and maintained by the Council's Engineering Services Section.

7.5 Other matters

- 7.5.1 In regards to the comments raised by the Council's Parks and Amenities Section they have suggested that to off-set the impact of the development, they recommend some improvements to nearby spaces in the area. Notwithstanding this, Stevenage Borough Council is the land owner of not just the application site, but a number of open spaces in the area. Consequently, the Council's Engineering Section in conjunction with the Council's Parks and Amenities Section can agree between them what improvements should be undertaken on nearby areas of open space in order to off-set any impact the development has on the structural open space.

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: R162.
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 R162 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 Ash 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 Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.