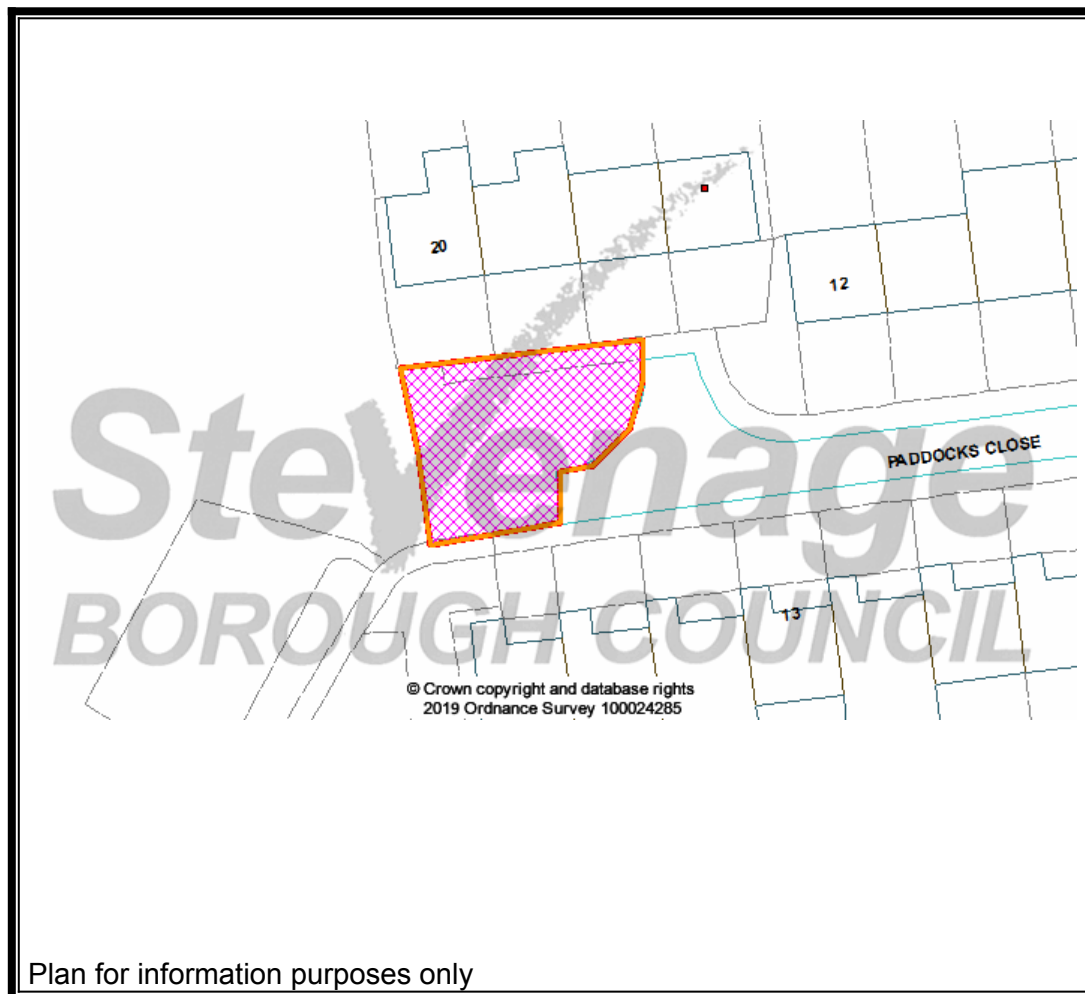


Meeting: Planning and Development Committee
Agenda Item:
Date: 16 December 2019
Author: James Chettleburgh 01438 242266
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No:	19/00639/FP
Location:	Land at 14 to 20 Paddocks Close, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide 5no parking bays.
Drawing Nos.:	SPB R169.
Applicant:	Stevenage Borough Council
Date Valid:	29 October 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Paddocks Close to the front of numbers 14 to 20. The site, which is an area of public amenity space, spans 13m in width and 18m in length and lies adjacent to the turning head of the spur road. The Close is served by an existing local access road which runs off The Paddocks to the east. Paddocks Close is a cul-de-sac development which consists of terraced properties which are generally uniform in design set in regular shaped plots in regimented building lines.

2. RELEVANT PLANNING HISTORY

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

3. 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 178 sq.m in area, located at the end of Paddocks Close. The change of use would facilitate the provision of an additional five 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.

4. 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. Two representations were received from numbers 19 and 20 Paddocks Close. A summary of the comments raised are as follows:-

- The proposed parking bays would alleviate existing parking issues on the street;
- The proposal could potentially result in a loss of 2 spaces in the turning areas;
- Could a shared driveway still be provided in the future to 18 and 20 Paddocks Close;
- Were under the impression there was going to be 6 to 8 spaces provided;
- Cannot wait for the Council to start works.

- 4.2 Please note that the aforementioned is a summary and not a verbatim copy of the comments which have been received. A full copy of the comments raised can be viewed on the Council's website.

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. In addition, they recommend a condition requiring the parking area to be constructed from hard surface materials as specified in the submitted drawings.

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.

5.3 Council's Arboricultural Manager

- 5.3.1 There are no concerns with the parking scheme. However, as excavation would be intruding the Root Protection Area, it is suggested a 30% crown reduction to both trees. The tree reduction works should compensate for the root disturbance but also diminish the amount of overhang onto the new bays.

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

- GD1 High Quality Design.
NH6 General Protection for Open Space.
NH5 Trees and woodland.
SP8 Good Design.

- IT5 Parking and Access.
- IT8 Public Parking Provision.

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 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.

7.2.2 It is considered that the proposed development, whilst it reduces the overall size of the amenity area within Paddocks Close, only relates to a small parcel of land whereby the larger area of public open space (Peartree Park) just to the west of the application site would not be affected by the proposed works. 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 three sides by hardsurfacing, it would not be considered conducive to being used as recreational open space by nearby residents.

7.2.3 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, facilitating the provision of additional off road parking 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.

7.2.4 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 30%. 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. 14 to 20 Paddocks Close, which lie north of the application site. However, it is not considered that the creation of the parking area to cater for 5 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 surface road which already generates an element of noise. Secondly, the residential properties most affected by the proposal are positioned around 8m from the parking area which is a reasonable separation distance. 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 (HCC) 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 given there would be a 6m turning area in the carriageway. In addition, they consider the parking area would be located on a local access road with the capacity to accommodate the parking area as well. In terms of traffic generation, HCC does not consider the development would result in a significant increase in vehicle movements along Paddocks Close to significantly impact upon the local highway network.
- 7.4.3 Given the aforementioned assessment, the County Council concludes that the development would not prejudice the safety and operation of the highway network subject to a condition on the car parking area access points. In addition, they recommend a condition on the materials to be used in the construction of the parking area. This is to prevent any loose material being deposited on to the highway which could pose a threat to highway safety. 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: SPB R 169.
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 parking spaces and public footway have been constructed as identified on drawing number SPB R169, the existing half battered radius kerbs have been replaced with flush kerbs to form a delineation between the public highway and private parking area and the carriageway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
REASON:- To ensure suitable, safe and satisfactory planning and development of the site.
6. The new parking area shall be constructed in a hard surfacing material as identified on drawing number SPB R169 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).
REASON:- To prevent loose material from passing onto the public highway may be detrimental to highway safety.
7. 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 30%.
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

Construction standards for works within the highway: 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 38/278 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/transtreets/highways/>

or by telephoning 0300 1234047.

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 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. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.

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 February 2019 and Planning Policy Guidance March 2014.