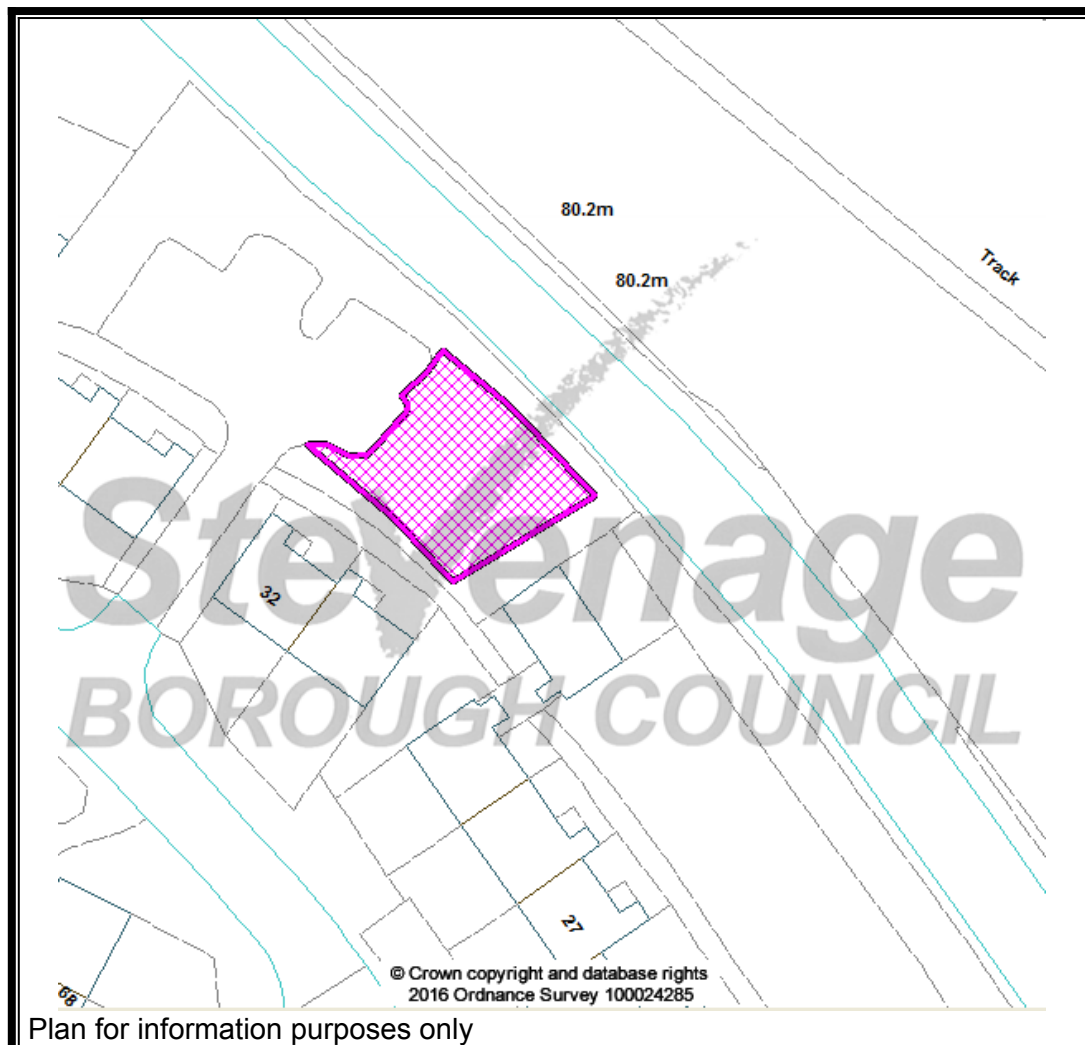


**Meeting:** Planning and Development Committee **Agenda Item:** **3**  
**Date:** 8 August 2017  
**Author:** Dave Rusling 01438 242270  
**Lead Officer:** Zayd Al-Jawad 01438 242257  
**Contact Officer:** Dave Rusling 01438 242270

Application No:	17/00355/FP
Location:	Land to the front of 31 and 32 Skipton Close, Stevenage
Proposal:	Change of use of amenity land to create a hard stand for additional parking
Drawing Nos.:	RS/SKIP/01A, RS/SKIP/05A, RS/SKIP/06
Applicant:	Russell Sparrow
Date Valid:	26 May 2017
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site comprises an area of grassed landscaped amenity land to the east of an existing parking area located to the front of 32-35 Skipton Close. To the north the parking area adjoins Hertford Road, albeit separated from it by a landscaped buffer. Access to the existing parking area is taken via a tarmac road from the main Skipton Close spur road with the access running between Nos.32 and 33. The area the subject of the planning application is currently a raised grassed area.

## **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 grassed area to the front of 31 and 32 Skipton Close in order to create an additional hardsurfaced area to facilitate the enlargement of the existing parking area to create an additional 7 parking spaces. It is proposed that the new parking area would be constructed out of tarmac and that the remaining parking area will be upgraded also in tarmac as part of the works. The area of land in question measure respectively 150sqm and would involve the loss of a Lime Tree, some shrubbery and the mounded grassed area. It is also proposed to undertake crown reduction works to a Lime Tree within the existing parking area which is flanked by parking bays.
- 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. Responses have been received from the occupiers of 32 and 35 Skipton Close. No 32 objects to the proposal for the following reasons:-

Cutting down a tree for space no.7 is not necessary as someone already parks under the tree.

I am against the ripping up of the flower bed and picnic area for 4 parking spaces.

Making parking spaces in the area of the 6 garages that are in Skipton Close will get more than the proposed 15 or 12 spaces which are proposed at far less cost.

The occupier of no 32 Skipton Close is in support of the application as the extra parking will mean she does not have to park further up the road,

## **5. CONSULTATIONS**

### **5.1 Herts County Council Highways**

- 5.1.1 The proposal is not within the adopted highway land and the seven additional parking spaces are for the benefit of the local residents to park their cars. The proposal is unlikely to have any material impact on the local road network.

## **5.2 SBC Parks and Amenities Section**

- 5.2.1 The proposals to increase the parking spaces will result in the loss of two trees, mounding, amenity grassland and shrubbery. However, following discussion with the Arboriculturist it is recommended that the Lime Tree with the parking space either side is be retained and instead reduced.
- 5.2.2 Recommend that to offset the loss of the amenity land and the tree, compensatory measures are undertaken to enhance the area of open space to the front of 21-29 Skipton Close with additional planting and the introduction of a bird box on an existing Hornbeam Tree.

## **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 commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and will be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.
- 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 where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

### **6.2 Central Government Advice**

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. 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 215 of the NPPF applies which states that only 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 the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 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  
GD1 High Quality Design

### **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 As the proposal involves the loss of an area of open landscaped space to the front of 31 and 32, the impact of the loss of the space has to be assessed in the light of the aforementioned policies. At present the land is raised and contains some landscaping and a tree. Whilst the area is attractive in appearance it is limited in size and its use is hindered by the existing landscaping. However, there is a larger area of open space nearby to the front of Nos.21-29 which is available for use by residents were the land to be used for additional parking. The land the subject of the planning application has been assessed by the Council's Parks and Amenities Section who are raising no objection to the loss of the land, but have requested that to offset the loss the nearby land to the front of 21-29 be enhanced. This request is considered to be reasonable and with the imposition of a suitably worded condition this adjoining area could be improved by way of additional landscaping and a replacement tree. It is also requested that a bird box be introduced as part of the enhancement works.
- 7.2.4 Having regard to the above, whilst it is clear that the creation of additional car parking in lieu of the open space would alter the character and appearance of the area, the works would be seen simply as an extension of the existing parking area. With the availability of additional amenity space nearby and proposed enhancements to this area, it is considered that the proposal is acceptable. Furthermore, in accordance with policy IT8 of the Emerging Local Plan, the proposal will create additional public off street parking provision in an area where there are currently parking problems. Consequently, on balance, it is considered that the change of use of the land to create much needed addition parking provision is acceptable and coupled with the availability of existing open space nearby outweighs the loss of this existing amenity land. Whilst the loss of the Lime tree is noted, no objection has been raised to its loss by the Council's Arboriculturist subject to a replacement specimen being provided.

### **7.3 Impact on Amenity**

- 7.3.1 As set out above, there is already a car parking area to the front of Nos.32-35 Skipton Close and the proposal would extend this by 7 spaces. Whilst this will bring the parking area closer to the front of Nos.31 and 32, it is not considered that the level of noise and disturbance caused by users of the additional parking would rise to an unacceptable level. Additionally, it is noted that no objections have been received by adjoining residents with regard to possible noise and disturbance. Given this, it is not considered that there are sufficient grounds with regard to noise and disturbance to sustain a refusal of planning permission.

### **7.4 Highway Safety implications**

- 7.4.1 With regard to access and highway safety, the proposal involves works to Council owned land which is not designated as public highway. The County Council as Highway Authority have raised no objection to the proposal in terms of highway safety caused by the increased use of the area for car parking. In terms of usability, the new spaces have been designed by the Council's Engineering Services Section to ensure they would be of sufficient size to accommodate a standard car. 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, given the availability of alternative nearby open space. Furthermore, the works would not cause any significant harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety.

The proposal would provide for much needed additional off street car parking to serve the area. In view of this, it 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/SKIP/01A, RS/SKIP/05A, RS/SKIP/06.

**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.

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**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 0800 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. Prior to the first use of the parking spaces hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of a landscape enhancement scheme, including the provision of a bird box, to be introduced on land to the front of 21-29 Skipton Close. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. The additional planting and works shall be undertaken as agreed in the first available planting season following the completion of the works unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure a satisfactory appearance for the development.

6. If within a period of five years from the completion of the development the replacement tree dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with one of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure a satisfactory appearance for the development.

### 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.
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 March 2012 and Planning Policy Guidance March 2014.