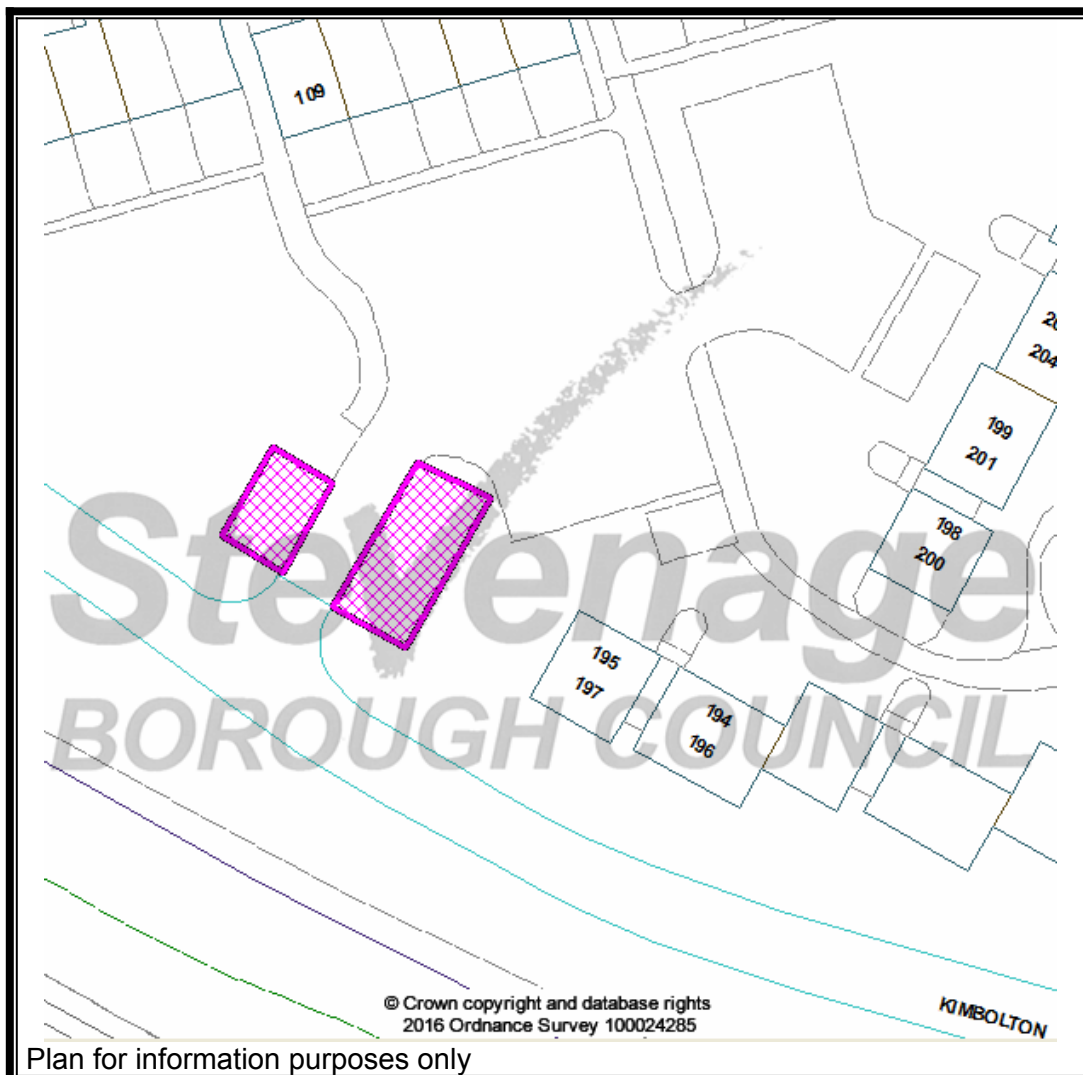


Meeting: Planning and Development Committee **Agenda Item:** 7
Date: 8 August 2017
Author: Dave Rusling 01438 242270
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No:	17/00356/FP
Location:	Land to the side of 195 Kimbolton Crescent, Stevenage
Proposal:	Change of use of grassed area to create a hard stand for additional parking
Drawing Nos.:	RS/KIM/01A, RS/SKIP/13, RS/SKIP/14A
Applicant:	Russell Sparrow
Date Valid:	26 May 2017
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises two areas of grassed amenity land located on either side of the access road serving an existing parking area to the north west of No.195 Kimbolton Crescent. The parking area presently serves a number of properties in this part of Kimbolton Crescent. The area is accessed via a narrow tarmac track taken from the main Kimbolton Crescent to the south. The areas in question contain a number of trees.

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 two small areas of grassed amenity land either side of the access road to the side (north west) of 195 Kimbolton Crescent in order to facilitate the provision of 7 additional public parking spaces. It also involves the removal of two Silver Maple Trees, an Alder and an Ash Tree. It is proposed that the new parking areas would be constructed out of tarmac. The areas of land in question measure approximately 20sqm and 32sqm.
- 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. No response has been received.

5. CONSULTATIONS

5.1 Herts County Council Highways

- 5.1.1 The proposal is not within the adopted highway land and the 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 Having originally, had concerns are now raising no objection subject to the parking areas being enclosed by knee high post and rail fencing.
- 5.2.2 On the right hand side, two Silver Maple trees of limited Arboricultural value will have to be removed and replaced. On the Left hand side, in order to fit in the parking bays, the two nearest trees (Alder and Ash) will have to be removed and replaced (due to the proximity of the excavations). The neighbouring three trees (2 Alder and 1 Ash) will have to be overall reduced and re-shaped to cope with the loss of support.

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
GD1 High Quality Design
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 As indicated previously, the areas of land are small and both form part of larger areas of landscaped amenity land. Given their location and the fact they incorporate trees, the land is not conducive to being used as recreational open space by nearby residents. As set out earlier, only a modest area of grassed space would be lost either side of the access serving the wider car parking area. In view of this, it is not considered that the loss of these small areas of open space/amenity land would harm the character or appearance of the area but would, in fact, facilitate the provision of an 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 land, nor that it needs to be re-provided. Whilst the work would involve the loss of 4 trees and works to other trees, the Council's Arboriculturist has inspected the specimens and raises no objection to the removal and tree works. However, he has requested replacement specimens be provided nearby, the precise type of tree and location to be agreed by the Arboriculturist. This can be secured by the imposition of an appropriately worded condition.

7.3 Impact on Amenity

7.3.1 As set out above, the areas in question are relatively small in size and form part of a larger area of open space. Nos.195 and 197 Kimbolton Crescent are the nearest properties to the proposed parking areas and have a blank flank wall facing toward the application site, approximately 7m away from the nearest proposed parking area. Given this separation and the limited number of parking spaces proposed, it is not considered that the creation of the parking areas would significantly worsen the noise and disturbance currently generated by the use of the parking area over and above its current use.

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. The County Council as Highway Authority have raised no objection to the proposal in terms of highway safety. 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 facility 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/KIM/01A, RS/SKIP/13, and RS/SKIP/14A
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. 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 the replacement trees and their locations in order to offset the loss of the existing trees at the application sites. The replacement

planting shall be undertaken as agreed in the first available planting season following the completion of the works.

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

5. If within a period of five years from the completion of the development the replacement trees die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

6. 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.

7. Prior to the commencement of development, details of the low level fencing to be introduced around the parking areas shall be submitted to and agreed in writing by the Local Planning authority. The approved fencing shall be installed prior to the first use of the parking areas hereby permitted and permanently retained thereafter.

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.