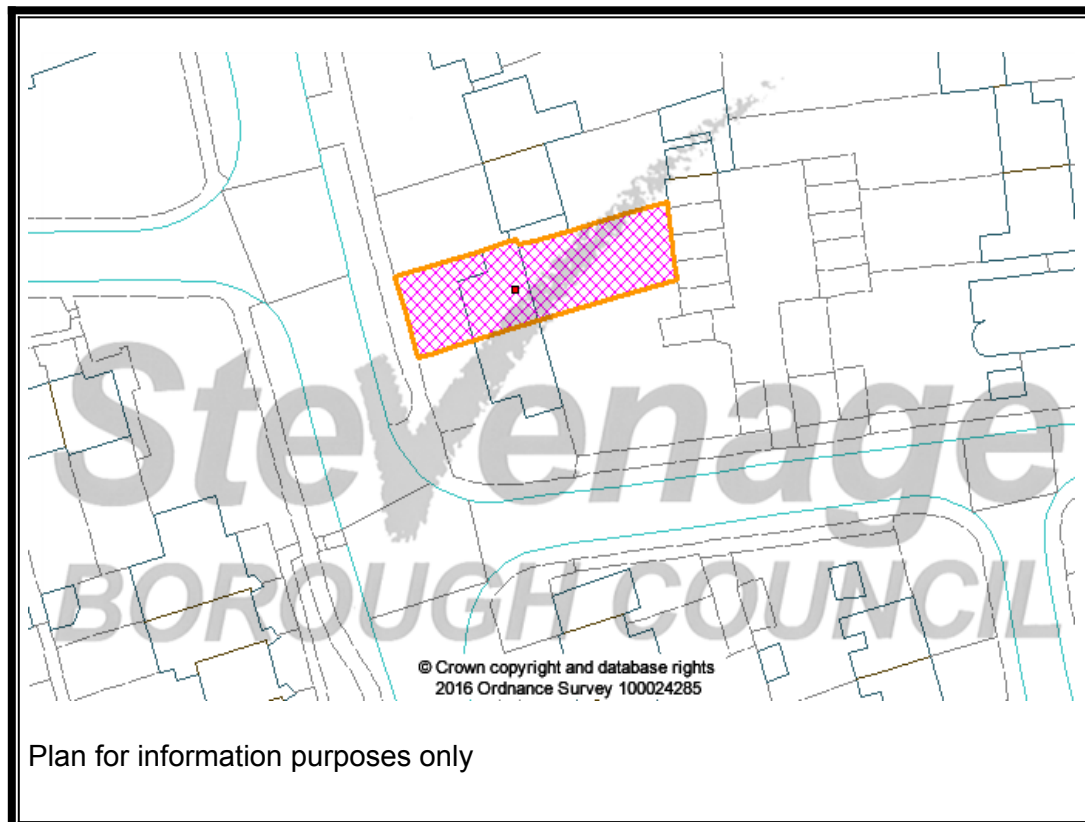


**Meeting:** Planning and Development Committee  
**Date:** 4 April 2018  
**Author:** Rebecca Elliott 01438 242836  
**Lead Officer:** Zayd Al-Jawad 01438 242257  
**Contact Officer:** Rebecca Elliott 01438 242836

|                 |   |
|-----------------|---|
| Application No: | 17/00792/FP   |
| Location:       | 13 Bedwell Crescent, Stevenage                                    |
| Proposal:       | Change of use of public amenity land to private residential land. |
| Drawing Nos.:   | Site location plan.   |
| Applicant:      | Mrs Claire Penny  |
| Date Valid:     | 18 January 2018   |
| Recommendation: | GRANT PLANNING PERMISSION   |



## **1. SITE DESCRIPTION**

- 1.1 13 Bedwell Crescent is a semi-detached dwelling, located on the eastern side of Bedwell Crescent, opposite the junction for Splash Drive and north of Hillcrest. The property forms part of a linear display of semi-detached properties which include minor set-backs between buildings. To the east, the rear boundary of the property backs on to a garage compound. The property frontage within the ownership of the dwelling is very small with the predominant area of grassed land to the front of the property being Council owned amenity land.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 None relevant.

## **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the change of use of an area of amenity land to residential curtilage and the construction of a hardstanding for the parking of one vehicle. The parcel of land seeking the change of use is sited immediately to the front of No.13 Bedwell Crescent and appears as the front garden of the property. The land would measure approximately 8.5m in width and 3m in depth. The area is not to be enclosed.
- 3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and an objection has been received in respect of the proposal.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The proposal has been publicised by way of letters to immediately adjoining premises and a site notice posted on a lamp post to the north west outside No.9 Bedwell Crescent. One letter of objection has been received from 11 Bedwell Crescent. The objection raised relates to the refusal of similar proposals at No.11 because of the proximity of the property opposite a highway junction (Splash Drive) even though the occupier has a disability. The objector has suggested that because No.11 was not allowed a driveway then No.13 should not be allowed to purchase the land and do the same, especially as no one at No.13 has a disability.

## **5. CONSULTATIONS**

- 5.1 HCC Highways – Have confirmed that subject to the grant of planning permission a dropped kerb and new vehicular access to the property are considered to be acceptable in highway safety terms.

## **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 District Plan**

TW2 Structural Open Space  
 TW8 Environmental Safeguards  
 TW9 Quality of Design

## **6.4 Emerging Local Plan**

GD1 High Quality Design

NH6 General Protection of Open Space

## **7 APPRAISAL**

7.1 The main issues for consideration in the determination of this application are the impact of the loss of the amenity land on the character and appearance of the area and the impact on highway safety.

### **7.2 Loss of Amenity Land and Impact upon the Character and Appearance of the Area**

7.2.1 The land the subject of the change of use is currently in the ownership of the Borough Council and constitutes a small informal piece of open space as defined by policy TW2 of the Adopted 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 The application site forms an area of grassed amenity space to the front of 13 Bedwell Crescent measuring approximately 25.5 square metres. The layout of the road is such that the amenity space appears as the front garden of the property as no definition is shown between residential curtilage and Council owned frontage. The open space would not therefore be considered accessible for use by the public. The change of use from amenity land to residential curtilage would not alter the character and appearance of the area, or harm the form and function of the town's structural open space. The proposed use is, therefore, considered acceptable.

7.2.4 The proposed hardstanding is to be located perpendicular to the front of the property, towards the southern side of the piece of land and resultant front garden and would be constructed across both amenity land and existing residential curtilage as shown on the submitted location plan. There are other examples of hardstandings to the frontages of neighbouring properties to the south, on the same eastern side of the road. The partial loss of the existing lawn to the front of No.13 is not considered therefore to detrimentally impact the visual amenity of the area.

7.2.5 The land in question along with the frontages to properties 1-15 Bedwell Crescent is all open in character, with no boundary features including hedges visible. As such, it is considered appropriate that the land remain open in character to preserve the visual amenity of the area. It is considered reasonable, therefore, to remove permitted development rights under Class A, Part 2, Schedule 1 of the Town and Country Planning (General Permitted Development) Order 2015 for fences, gates, walls and other means of enclosure, such that a planning application would be required for any future enclosure, thus allowing the Local Planning Authority to fully consider the merits of any proposals for boundary enclosures around the land the subject of this application.

### 7.3 Impact on Highway Safety

- 7.3.1 The objector has raised concerns that previous applications for a driveway at No.11 were refused due to the proximity of the property to the opposite junction of Plash Drive, and therefore, suggest that the same should apply to No.13. Any proposals for a vehicle crossover (VXO) to access the proposed hardstanding are assessed by Hertfordshire County Council as highway authority. The current design standard as outlined in Roads in Hertfordshire: A Design Guide does not restrict the construction of a VXO and driveway opposite a road junction. There are restrictions where the VXO would be located within 15m of a junction located on the same side of the main highway, for example, Hillcrest is located on the same side of Bedwell Crescent as the application site. However, in the case of this application, the proposed VXO at No.13 is over 15m from this junction. A current VXO application is being considered by HCC with a recommendation to approve subject to the appropriate planning permission being approved for the use of the land and the hardstanding.
- 7.3.2 With regard to the comments of the objector, having checked the Council's files relating to this property, there is no record to suggest that a planning application for a dropped kerb has been applied for previously. However, this is not to say that the occupier may have approached the highway authority directly in this regard. Nevertheless, for planning purposes, each application has to be assessed on its own individual merits and based on the merits of this application the highway authority are raising no objection.

## 8 CONCLUSIONS

- 8.1 The proposed change of use of the land and the construction of a hardstanding is not considered to be detrimental to the form and function of the structural open space, the character and appearance of the area, nor highway safety. It is, therefore, recommended that planning permission be granted.

## 9 RECOMMENDATION

- 9.1 Planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in general accordance with the following approved plans: Site location plan.

**REASON:** - For the avoidance of doubt and in the interests 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 proposed hardstanding shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the dwellinghouse.

**REASON:** - In the interest of visual amenity and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

4. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting

this Order) no erection of or alteration to a gate, fence, wall or other means of enclosure shall be carried out on the land the subject of this application and to the frontage of the dwellinghouse unless permission is granted on an application made to the Local Planning Authority.

**REASON:-** To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the locality.

### **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 (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. Emerging Stevenage Local Plan 2011-2031.
4. Central Government advice contained in the National Planning Policy Framework March 2012 and the National Planning Policy Guidance 2014.
5. Letters received containing representations referred to in this report.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.