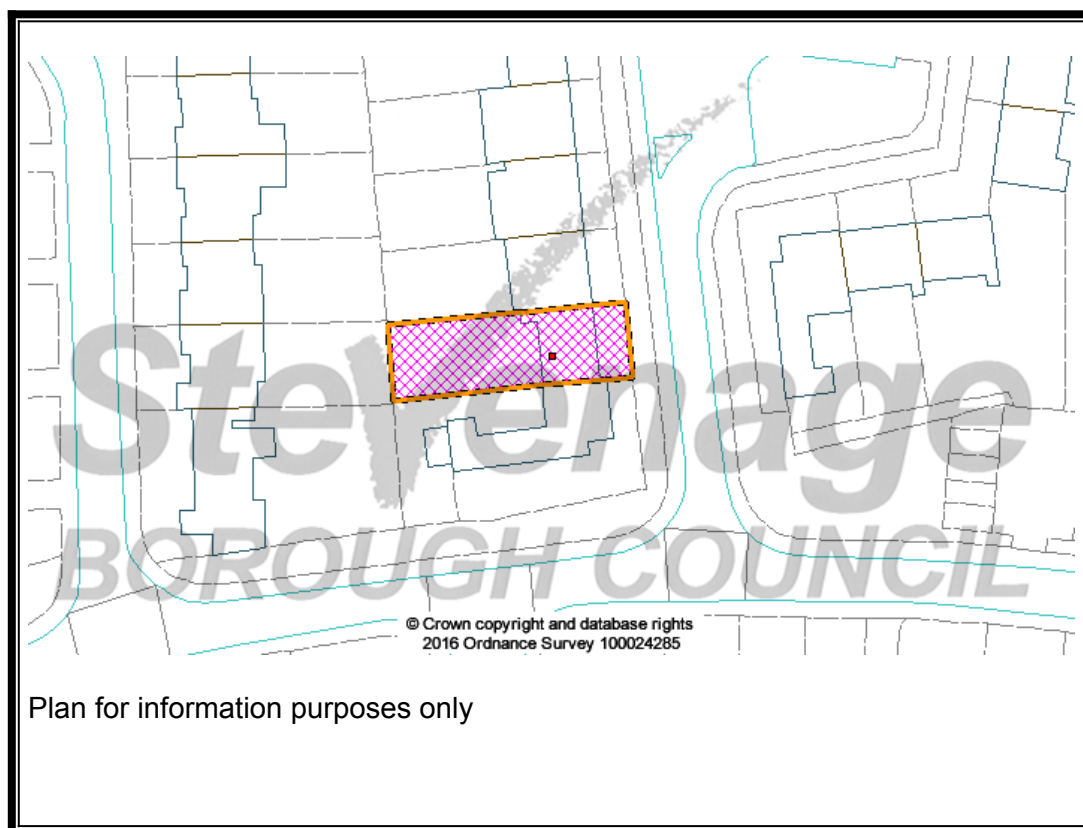


Meeting: Planning and Development Committee
Date: 4 April 2018
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

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| Application No: | 18/00051/FP |
| Location: | 2 Russell Close, Stevenage |
| Proposal: | Change of use of public highway land to private residential land. |
| Drawing Nos.: | Site location plan. |
| Applicant: | Mr Paul Ingle |
| Date Valid: | 8 February 2018 |
| Recommendation: | GRANT PLANNING PERMISSION |



1. SITE DESCRIPTION

- 1.1 2 Russell Close is a mid-terrace dwelling, located on the western side of Russell Close. The property forms part of a linear display of terraced properties which form a courtyard structure around a communal parking area to the north/north east of the site. To the east the property faces Russell Close with approximately half of the land fronting the property comprising the front garden of the dwelling, with the remaining land designated as highway.

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 highway 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.2 Russell Close. The existing front garden is clearly defined by chain linked low white posts. The highway land is laid to grass and is a feature that continues along and around the frontages of Russell Close. The land would measure approximately 8.4m in width and 2.5m 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 against the proposal.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to immediately adjoining neighbours and a site notice posted on a lamp post to the north east outside No.20 on the eastern side of the road. Two letters of objection have been received from No's 3 and 16 Russell Close. The objections raised relate to the impact of the loss of open space on the character of the area, as no other properties in the close have purchased land to the front. Furthermore, the creation of a dropped kerb to service the proposed hardstanding would remove existing on-street parking which would be detrimental to other occupiers of the close. The proposal would create a precedent for further concreting over what little green areas are left and will take away a pleasant grass space in front of all the houses.

5. CONSULTATIONS

- 5.1 None required

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

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| TW8 | Environmental Safeguards |
| TW9 | Quality of Design |

6.4 Emerging Local Plan

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| GD1 | High Quality Design |
| NH6 | General Protection of Open Space |

7 APPRAISAL

7.1 The main issue for consideration in the determination of this application is the impact of the loss of the highway land and creation of the hardstand on the character and visual amenity of the area.

7.2 Impact upon the Character and Visual Amenity 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 2 Russell Close, designated as highway land and measuring approximately 21 square metres. The layout of the road is such that the terrace houses form a courtyard around the central communal parking area, with the strip of grass laid highway land bordering the dwelling frontages and the footpath/highway, around the full perimeter of Russell Close. There are a variety of boundary treatments visible, predominantly low white chain linked posts as well as low hedging and low timber fencing. The front gardens are, therefore, clearly delineated from the highway land. The open space is accessible by the public, but because of its narrow depth and placement immediately adjacent to the front gardens of the properties in Russell Close it is not useable for recreation purposes. Furthermore, due to the siting of the communal parking area central to the majority of houses in Russell Close, realistically only No.3 could be in a position to purchase the land to the front of their property to carry out a similar proposal. However, this property has erected a front extension which removes the depth of land required to provide a parking space. Therefore, on balance, and in respect of the impact on the form and function of the town's structural open space, it is considered the proposal is not harmful, as the remaining properties in Russell Close would retain the grass strip.

7.2.4 The change of use from highway land to residential curtilage would remove the existing post and chain boundary treatment at the application site, and would see the creation of a single hardstand for the parking of one car on-site. Furthermore, the proposal is to create a hardstanding which would see the loss of existing green space. However, the frontage would remain open in its nature, other than when a car is parked on the land. Notwithstanding this, the visual character of the area has been altered by the construction of the single storey front extension at No.3, including the erection of a close boarded timber fence, as opposed to the post and chain and hedging in the area, which visually has a harsher impact. It is considered, therefore, that the character and visual amenity of the area is not sufficiently harmed by the

proposal such that a refusal is warranted. The proposed use is, therefore, considered acceptable.

- 7.2.5 The proposed hardstanding would 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 highway land and existing residential curtilage as shown on the submitted location plan. No.20 lies immediately opposite the application site, on the eastern side of Russell Close and has a driveway in place across the highway land; although it is likely this was an original feature of the road, but nonetheless a consideration. On balance, and considering the previous discussion about changes in Russell Close which have altered its visual appearance, the partial loss of the existing lawn and grass area to the front of No.2 is not considered to detrimentally impact the visual amenity of the area. Nonetheless, it is considered prudent that the lawn area to the northern side of the proposed residential curtilage be retained open in perpetuity to preserve the visual amenity of the street scene.
- 7.2.6 The strip of highway land along the frontages of Russell Close is open in character, with no boundary features beyond the residential curtilages. As such, it is considered appropriate that the totality of the land remain open in character to preserve the visual amenity of the area. It is, therefore, considered reasonable to remove permitted development rights under Class A, Part 2, Schedule 1 of the Town and Country planning (General Permitted Development) Order 2015 for the erection of fences, gates, walls and other means of enclosure. This would mean that a planning application would be required for any future enclosures, 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 which may affect its openness.
- 7.2.7 Lastly, the objections raised suggest that the creation of a vehicular crossover to serve the new hardstand would remove existing on street parking along this stretch of Russell Close. This is noted, however, Hertfordshire County Council have publicised the implementation of double yellow lines along the entrance of Russell Close up to No.5. Therefore, the area will not be available for parking and the proposal will create an additional car parking space, for use by No.2.

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 or the character and visual amenity of the area. 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) (England) Order 2015.

4. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 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.

5. The area of land shown red on the approved site location plan shall be retained and maintained as grass in perpetuity.

REASON:- In the interest of visual amenity and to protect the wider green open character and appearance of Russell Close.

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.