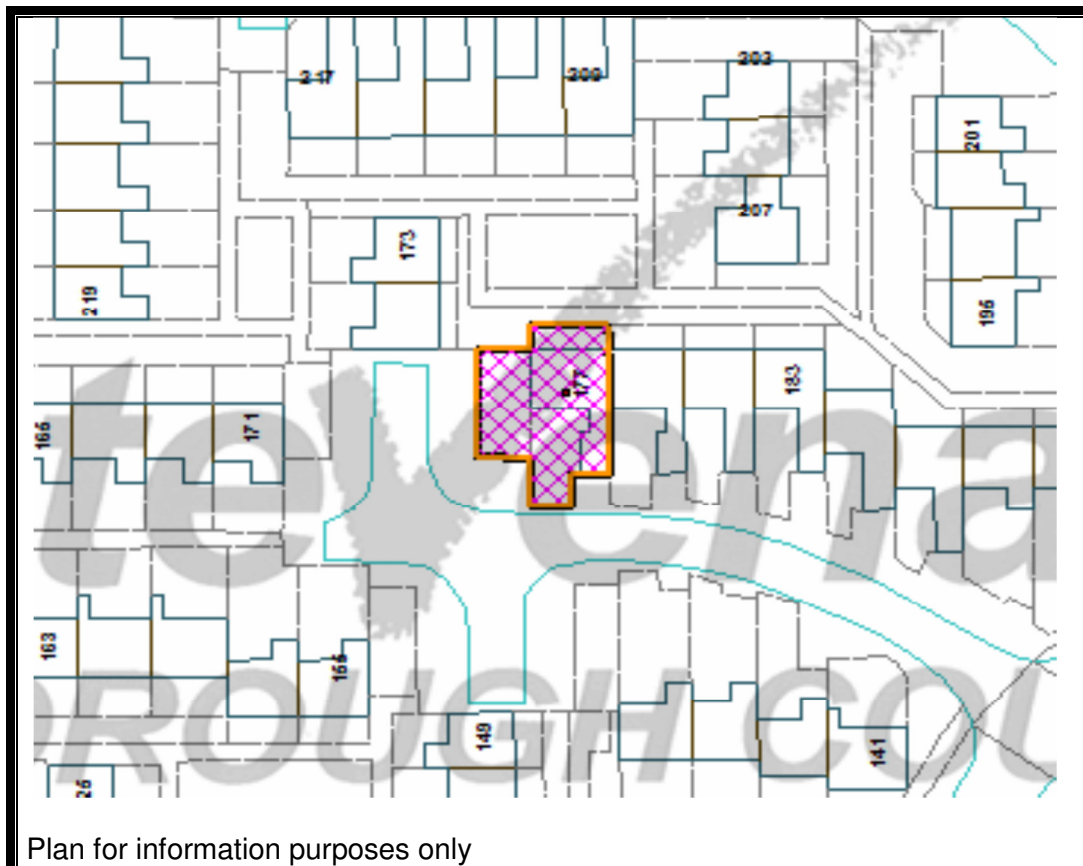


Meeting: Planning and Development Committee **Agenda Item:** 7
Date: 15 September 2015
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No:	15/00471/FP
Location:	Land adjacent 177 Ripon Road, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Ruth Nnanna
Date Valid:	10 August 2015
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is 177 Ripon Road, an end of terrace dwelling located on the northern side of this side arm of Ripon Road. The northerly facing property is of a 'Raburn' design with vehicular access to the rear and south. The dwelling frontage faces onto an area of open space to the north of the row of terraces. The parcel of land seeking the change of use is a small piece of amenity land located to the west of the property. The land abuts the western side elevation of the rear garden and side elevation of the house. To the west and south of the land is a communal parking area and turning head. The north boundary is enclosed with high fencing, separating the parking area with the green open space to the front of the houses.

2. RELEVANT PLANNING HISTORY

- 2.1 13/00347/FP – Single storey rear extension. Application permitted.

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 erection of 1.8m high fencing. The area of land lies immediately adjacent the existing side boundary of the rear garden and the side elevation of the dwelling. The area of land to be enclosed extends from the front elevation of the house to midway along the rear garden. The total area of land would be a maximum of 11.8m in length and 2.7m in width.
- 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 premises and a site notice posted on a lamp post to the south west of the site, facing the communal parking area. Two letters of representation have been received, one neither supporting or objecting to the proposal and one letter of objection. The neutral representation queried whether the extent of land would impact on the communal parking. Confirmation was given that this was not the case and the third party has acknowledged this in an email. The objection raised relates to the impact of the proposal on general amenity, loss of trees, and impact on access and parking.

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)
- The Stevenage District Plan Second Review 2004.

The former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

- 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

7 APPRAISAL

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

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 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 The amenity space does not form an area of useable land but is a large shrub bed separating the communal parking hardstanding from the boundary of No.177. The existing shrub bed measures 12.8m by 5.6m. The proposal maintains an area of shrubbery 1m deep to the south of the area of land, measured from the southern boundary. To the west of the land the retained shrub bed would measure 2.9m in width. The area of land the subject of the change of use would be enclosed with a 1.8m high fence. Given the level of shrub bed retained between the proposed fence line and parking area, the loss of the amenity space and some of the shrubbery is not considered to detrimentally impact the form and function of the structural open space.

7.3 Matters raised by objector

7.3.1 The objector raises concerns over the impact of the proposal on access and parking, stating problems which occurred during recent building works at No.177. The proposal does not impact the existing communal parking bays. Works required to undertake the proposal may require access from the parking area, however, this is likely to be minimal and for a short period only. Existing issues associated with debris on the highway is not a matter of consideration for this application.

7.3.2 The objector has raised a question as to whether the existing tree located within the shrub bed is to be removed. The tree would fall within the area of land to be enclosed as garden area. It is not known whether the tree is to be retained. However, the Council's Arboricultural Officer has advised that the Council would not seek retention of the tree, as it is a poor specimen and in very close proximity to No.177, such that it may cause problems in the future. Whilst the loss of the tree would be unfortunate, the level of hardstanding and layout of the area does not lend itself to a replacement being planted in the area. Due to the level of shrub beds retained in the area, it is considered the removal of the tree would not harm the visual amenity of the area such that it should be protected by a Tree Preservation Order.

8 CONCLUSIONS

8.1 The proposed change of use of the land and its enclosure with 1.8m high fencing is not considered to be detrimental to the form and function of the structural open space, nor the character and appearance 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 approved area of land which forms the side and rear garden of the dwellinghouse shall be enclosed by timber fencing no higher than 1.8m in height unless otherwise agreed in writing by the Local Planning Authority.

REASON: - To ensure the development has an acceptable appearance.

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. Central Government advice contained in the National Planning Policy Framework March 2012 and the National Planning Policy Guidance 2014.
4. Letters received containing representations referred to in this report.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.