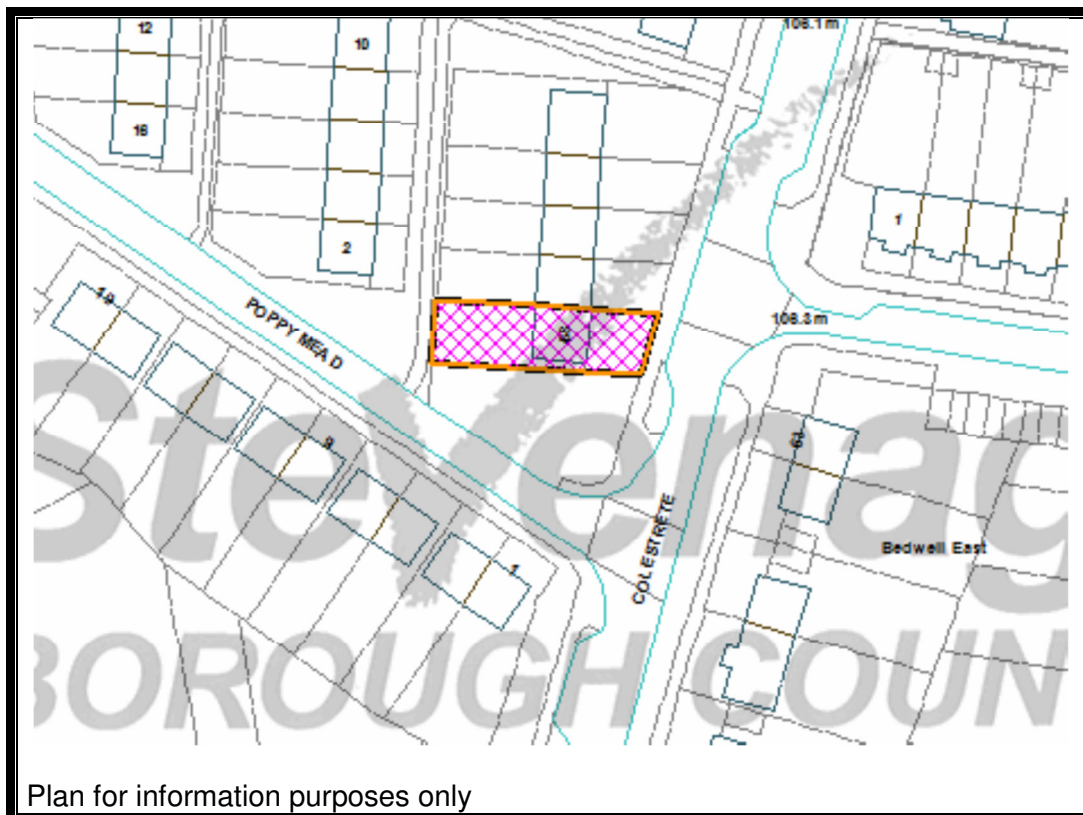


Meeting: Planning and Development Committee **Agenda Item:** 5
Date: 10 November 2015
Author: Rebecca Elliott 01438 242836
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Application No:	15/00342/FP
Location:	Land adjacent 68 Colestrete, Stevenage
Proposal:	Change of use of public amenity land to private residential land and the erection of 1no. three bedroom dwelling with associated parking.
Drawing Nos.:	2015-178A Site location plan; 2015-177A Existing and proposed layout plan; 2015-176A Existing and proposed elevations and floor plans.
Applicant:	Mr Nabil Zaki
Date Valid:	18 June 2015
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is 68 Colestrete, an end of terrace dwelling located on the western side of Colestrete at its junction with Poppy Mead. The easterly facing property has a small frontage that faces on to Colestrete. The row of terraces is set back from the highway edge by a grass verge and footpath. The area of land seeking the change of use is located to the south of No.68 and forms part of a larger area of open space, triangular in shape, at the corner of Colestrete and Poppy Mead. The land abuts the southern side boundary of the rear garden and side elevation of No.68. To the south west the land is bounded by Poppy Mead and to the east by Colestrete.

2. RELEVANT PLANNING HISTORY

- 2.1 15/00085/HPA – Single storey rear extension which will project beyond the rear wall of the original dwelling by 6.0m, for which the maximum height will be 3.0m and the height to the eaves will be 2.7m. PRIOR APPROVAL NOT REQUIRED.

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 a single three bedroom dwelling. The area of land measures 158sq.m and lies immediately adjacent the existing side boundary of the rear garden and the side elevation of the dwelling. The proposed dwelling would extend off the southern side elevation of No.68, continuing the terrace. The dwelling would be of the same size, design and height as the existing property. Two car parking spaces would be provided to the rear of the site with vehicular access off Poppy Mead.
- 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, on a lamp post off Poppy Mead. One letter of objection has been received from 64 Colestrete. The main concerns raised relate to the loss of the amenity space and inadequate parking.

5. CONSULTATIONS

- 5.1 Hertfordshire County Council Highways Authority
- 5.1.1 The local highway authority do not wish to restrict the granting of planning permission subject to the imposition of conditions controlling the proposed vehicular access for the purposes of highway safety.

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

H7	Windfall Housing Sites
TW2	Structural Open Space
TW8	Environmental Safeguards
TW9	Quality of Design
T15	Parking Provision

6.4 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 acceptability of the proposal in land use policy terms, the impact of the loss of the amenity land on the character and appearance of the area, the design and appearance of the proposed dwelling and the acceptability of the proposed vehicular access and parking provision.

7.2 Land Use Policy Considerations

7.2.1 The principle of residential development within urban areas is set out in both national and local plan policy. Paragraph 50 of the National Planning Policy Framework (NPPF) requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Policy H7 of the adopted local plan, which deals with the assessment of windfall housing sites, outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that; the site is on land classified as previously developed or underused urban sites; development of the site would not lead to the loss of features as defined in Policy TW2; there is no detrimental effect on the environment and the surrounding or adjoining properties; there is access to local facilities; and they include opportunities to access alternative forms of travel to private motorised transport.

7.2.2 As the land does not fall within the classification of previously developed land or an underused urban site, the proposal can be considered as an exception against Policy H7, as long as it does not detrimentally impact the character and visual amenity of the area. In this regard, the proposed site layout plan and elevations demonstrate that the introduction of a single dwelling here could be introduced and would respect the general character of the surrounding neighbourhood.

7.2.3 Additional to the above, the need for housing is a material consideration. The NPPF states at paragraph 49 that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites." Taking these issues in turn the site is considered to be in a sustainable location, having good access to bus services, good pedestrian and cycle links and close to local facilities in the Bedwell and Shephall neighbourhood centres.

7.2.4 In relation to the five year supply of deliverable housing, paragraph 47 of the NPPF states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The most up to date housing supply figures indicate that the Council is unable to provide a 5 year supply of deliverable housing. The fact that the Council is unable to meet its requirement to provide a 5 year supply of housing is thus a strong material consideration that significantly weighs in favour of the application.

7.2.5 Whilst the proposed dwelling would not be sited on land classed as previously developed, it is considered that there is sufficient justification for an exception to policy H7, criterion a, of the Local Plan in this instance.

7.3 Loss of Amenity Land and its Impact upon the Character and Appearance of the Area

7.3.1 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.

7.3.2 The amenity space forms a triangular shaped area of grass between Colestrete and Poppy Mead. Smaller areas of land are visible between the rows of terraces lying almost perpendicular to Poppy Mead. The reduction in this larger area of green would result in the retention of amenity land of a similar size to those nearby. However, its loss would provide for the construction of a new end of terrace dwelling, which would alter the appearance of this larger area of open space.

7.3.3 Measuring a total of 15.2m in width at its widest, the open space would be reduced to 8.9m in width. On balance, it is considered that the level of open space retained provides a good level of amenity space, and maintains a green break between the properties on Colestrete and Poppy Mead. The loss of the open space would not, therefore, harm the form or function of the structural open space.

7.4 Design and Scale of the Dwelling

7.4.1 The proposed dwelling would follow the form of the existing row of terraces, extending off the side elevation of No.68. The roof ridge and eaves heights would be the same as No.68 and the dwelling is proposed to be built using materials to match No.68. The scale and design of the new dwelling is in-keeping with the surrounding properties and would not harm the visual amenity and character of the area.

7.4.2 Due to an existing single storey side extension at No.68, the proposed floor plan arrangement includes a flying freehold, with the ground floor addition remaining as part of No.68 and the proposed first floor forming part of the proposed dwelling. The flying freehold arrangement however is not a planning consideration. The proposed design is considered acceptable, and Building Regulations would ensure the dwelling is built to the current standards.

7.5 Impact on Amenity

7.5.1 Due to the siting of the proposed dwelling, the only immediately affected property is No.68. Privacy levels would not be affected by the proposed dwelling for the existing occupiers of No.68 or the proposed occupiers of the new dwelling. At ground floor the proposed dwelling incorporates a single storey rear extension projecting 1.5m beyond the rear elevation of No.68. At 2m less than the Council's recommended single storey rear extension guidelines, the ground floor addition would not impact on the light enjoyed by No.68, passing the British Research Establishment (BRE) light tests.

7.5.2 The garden size of the proposed dwelling is below the Council's recommended 50 sq.m and 10m depth, because of the provision of car parking spaces to the rear. In considering the provision of off-street parking, the reduced garden size is considered acceptable in this instance. Provision to protect the size of the garden through the removal of permitted development rights for extensions and outbuildings could be imposed by a condition.

7.6 Parking and Access

- 7.6.1 The proposed site layout plan shows the provision of two off-street parking spaces to the rear of the property, accessed from a new vehicular crossover off Poppy Mead. Hertfordshire County Council as the local highways authority does not wish to restrict the granting of permission subject to conditions. The required visibility splays can be achieved and the access and parking arrangement is acceptable as Poppy Mead is not a classified road.
- 7.6.2 The two proposed parking spaces meet the Council's adopted parking standards in terms of their size and number for a three bedroom dwelling.

7.7 Other Matters

- 7.7.1 The proposed site layout plan shows the removal of two trees to the west of the site, to provide the required parking and access. The Council's Tree Manager has assessed the proposals and has no objections to the loss of the trees. The trees are small in size, and numerous other trees are visible in the locality such that the amenity of the area would not be harmed by the proposed removal.
- 7.7.2 The Council are the current land owners of the site, and no agreement has been given by the Estates Department to sell the land to the applicant for development. Notwithstanding this, planning permission cannot be restricted because of land ownership matters. This would be a legal matter between the two relevant parties.
- 7.7.3 The letter of objection received raises issues relating to inadequate parking for the area, in particular problems related to parking for disabled drivers and past consultations with the Council over the loss of amenity space to the front of the properties to provide additional parking. The Local Planning Authority can only consider proposals put forward at the time, and these are considered on their own merits. The previous consultations for parking are not planning matters and are not therefore considered as part of this application.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land and the erection of a new dwelling is not considered to be detrimental to the form and function of the structural open space, nor the character and appearance of the area. The proposed dwelling is of an appropriate scale and design and adequate off-street parking can be provided without affecting 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: 2015-178A Site location plan; 2015-177A Existing and proposed site layout plan; and 2015-176A Existing and proposed elevations and floor plans.

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 new driveway and parking area shall not be brought into use until the proposed access has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

REASON: - In the interests of highway safety and amenity.

- 4 Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in both directions shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

REASON: - To provide adequate visibility for drivers entering and leaving the site.

- 5 Before the access is first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained to each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metre into the site and 0.65 metre along the highway boundary, therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

REASON: - To provide adequate visibility for drivers entering and leaving the site.

- 6 The access shall be 5.0 metres wide.

REASON: - In the interests of highway safety and amenity.

- 7 The access shall be constructed in a hard surfacing material for the first 6.0 metres from the back edge of the carriageway.

REASON: -To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

- 8 Prior to use the access shall include a surface water cut off drain at the highway boundary.

REASON: - To prevent excess water run-off entering the highway system.

- 9 No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the proposed dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 10 No development shall take place until the details of all boundary treatments, including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON: - To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 11 Notwithstanding the provisions of Classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions to the dwellinghouse or outbuildings within the curtilage of

the dwellinghouse hereby permitted shall be erected 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 and to protect the level of outdoor amenity space within the curtilage of the dwellinghouse.

- 12 The dwelling hereby permitted shall not be occupied until the parking spaces shown on the approved plan 2015-177A have been constructed, hardsurfaced and made ready for use. The parking facilities shall be retained in that form and thereafter be used only for the parking of vehicles.

REASON: -To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.

Informatives

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or for information use the HCC website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON: - To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

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.