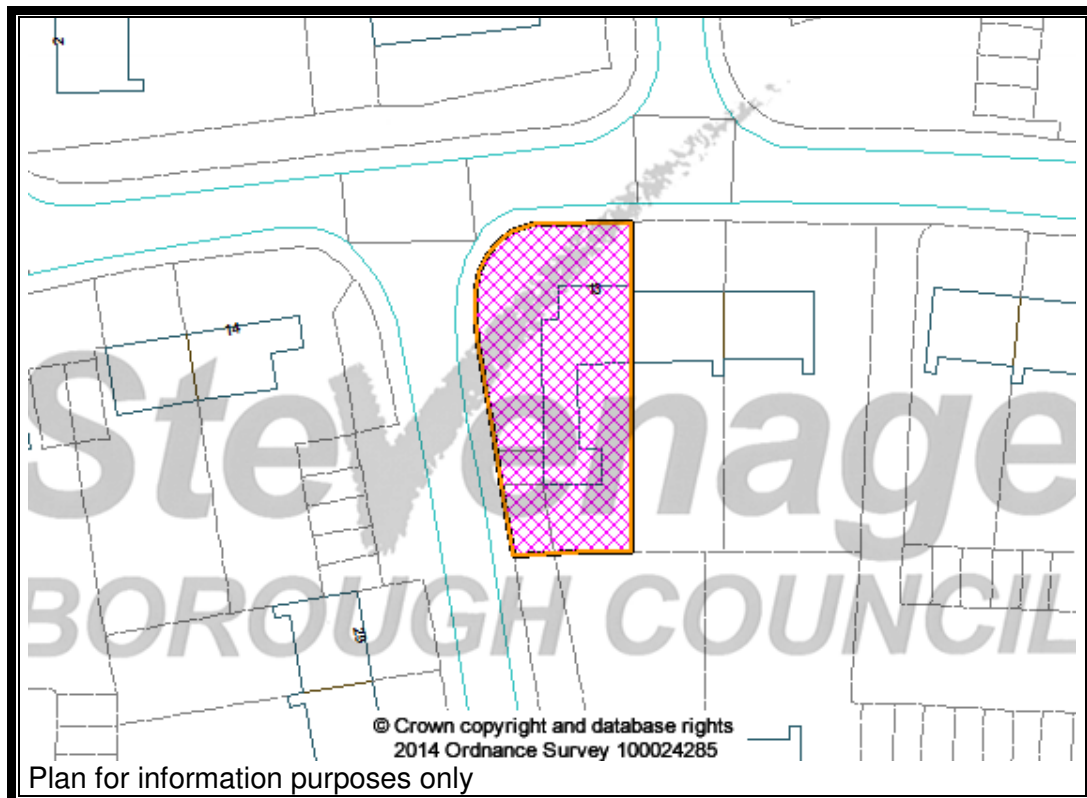


**Meeting:** Planning and Development Committee      **Agenda Item:** 4  
**Date:** 10 November 2015  
**Author:** Rebecca Elliott      01438 242836  
**Lead Officer:** Zayd Al-Jawad      01438 242257  
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|                 |   |
|-----------------|---|
| Application No: | 15/00596/FP   |
| Location:       | 13 Manor View, Stevenage  |
| Proposal:       | Change of use of public highway land to private residential land. |
| Drawing Nos.:   | Site location plan;   |
| Applicant:      | Mr Arnold Potts   |
| Date Valid:     | 5 October 2015  |
| Recommendation: | GRANT PLANNING PERMISSION   |



## 1. SITE DESCRIPTION

- 1.1 The application site is 13 Manor View, an end of terrace dwelling located on the southern side of Manor View, occupying a corner plot at the junction with Vallensgate. The property faces due

north onto Manor View, however due to extensive additions to the property the main front entrance is located on the side elevation facing Vallensgate. Vehicular access is also off Vallensgate to the south of the house. An existing dropped kerb and hardstanding are in place. The parcel of land seeking the change of use is a small piece of amenity land immediately to the south of the existing hardstanding, and to the west of the rear garden boundary.

## **2. RELEVANT PLANNING HISTORY**

2.1 There is no relevant planning history for the site

## **3. THE CURRENT APPLICATION**

3.1 The current application seeks planning permission for the change of use of an area of existing highway land (measuring approximately 3.5m by 6.2m) to residential curtilage and the erection of 1m high picket fencing. The land lies immediately adjacent the existing side boundary of the property and is grassed. Although designated as highway land, the grass verge also provides green amenity land. The land is proposed to be enclosed by a 1m high picket fence along each boundary to match the existing front garden treatment. The existing 1.8m high fencing and gate to the rear garden would be retained. The area of land the subject of the change of use measures the length of the existing rear garden. The remaining area of highway land to the west of 26 Vallensgate would remain open.

3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and objections have 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 of the site. At the time of drafting this report three letters had been received. The main objection raised relates to the loss of the highway land and its potential use by the applicant for future hardstanding/driveway. The letters make reference to the parking of large vans owned by the applicant as part of his business, and that the land would likely be used in the future for parking of vehicles, which would be detrimental to the area.

## **5. CONSULTATIONS**

5.1 None

## **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 Local Plan 1999
- Hertfordshire Minerals Local Plan 1998
- The Stevenage District Plan Second Review 2004.

The former Draft Core Strategy and Development Management Policies were withdrawn on 1<sup>st</sup> 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 of how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 214 states that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. However this only applies if the development plan has been adopted in accordance with the Planning and Compulsory Purchase Act 2004. Whilst the District Plan Second Review was adopted in December 2004 it is not in accordance with The Planning and Compulsory Purchase Act 2004. Accordingly the advice at 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 this framework.
- 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 due weight can only be given to relevant policies in the local plan depending on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the weight given to the relevant local plan policies. The overriding aim of the NPPF is the presumption in favour of sustainable development. In addition to the NPPF advice in the National Planning Policy Guidance (March 2014) also needs to be taken into account.

## **6.3 Adopted District Plan**

TW2 Structural Open Space  
TW8 Environmental Safeguards

# **7 APPRAISAL**

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

## **7.2 Impact upon the Character and Appearance of the Area**

- 7.2.1 The application site 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 as well as being designated highway land. 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 application site forms an area of grassed land measuring approximately 21.5sq.m in area. The land lies to the side of the existing rear garden and south of the driveway at 13 Manor View. The land forms part of a larger grass verge separating the rear gardens from the footpath edge.
- 7.2.3 The inclusion of the land the subject of this application within the curtilage of 13 Manor View would provide additional garden frontage to the property. It is proposed to enclose the land with 1m high picket fencing to match the existing front garden boundary treatment. The loss of this area of open space would not impact on the function and character of the structural open space within the area, nor the wider town centre. A larger area of grass would be retained to the south of the site and the low level picket fence would have a more open appearance, and is not considered to harm the visual appearance and character of the area.
- 7.2.4 As designated highway land, the applicant would need to seek permission to formally 'stop-up' the land from the Department for Transport.

## **7.3 Issues Raised by Objectors**

- 7.3.1 The objections raised suggest the applicant already parks two large business vehicles on Vallensgate causing problems with visibility from and in to Manor View, and that the land is likely to be used as a hardstanding in the further to the detriment of the area. It is considered reasonable to impose a condition restricting the use of the land as grassed garden to prevent the future creation of a hardstanding which would harm the appearance of the area.

## **8 CONCLUSIONS**

- 8.1 The proposed change of use of this area of land and the erection of a 1m high picket fence is not considered to be harm the form and function of the structural open space or be detrimental to 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 and 1115:01 Existing and proposed site layout 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 boundaries marked 'T' on the approved plan shall be constructed of timber picket fencing, similar in appearance to the existing fencing and shall be of a height up to 1m, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of Class F 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 hardstanding shall be constructed on the area of land hereby permitted as forming part of the residential curtilage of 13 Manor View 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. 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.