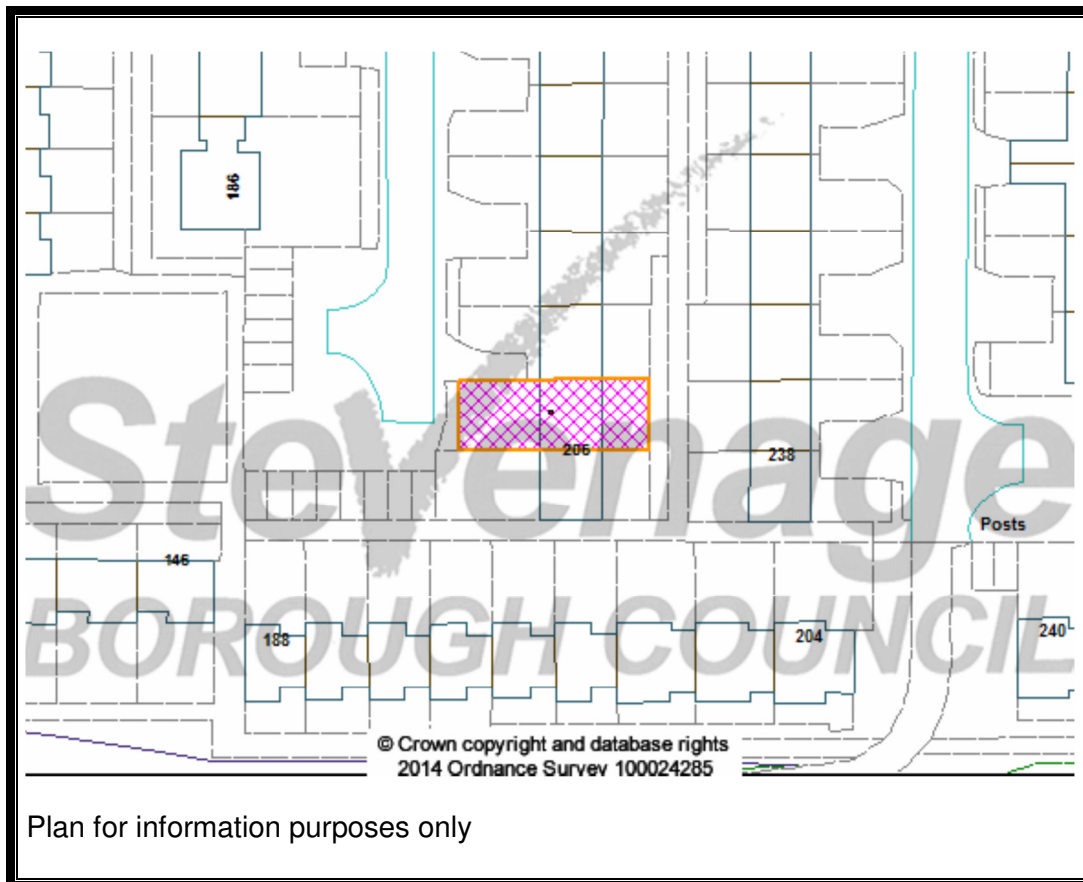


Meeting: Planning and Development Committee **Agenda Item:** 6
Date: 1 March 2016
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No:	15/00771/FP
Location:	208 York Road, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Haleema Razzaq
Date Valid:	8 January 2016
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is 208 York Road, a mid-terrace dwelling located on the eastern side of this side arm of York Road. The easterly facing property is of a 'Raburn' design with vehicular access to the rear and west. The dwelling frontage faces onto an area of open space to the east of the row of terraces. The vehicular access from the north leads to a large garage compound to the west and south west of the site, whilst also providing vehicular access to the rear gardens/hardstandings associated with each property.

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 erection of 1.8m high fencing, to form an area of hardstanding and rear garden space. The parcel of land seeking the change of use is a small piece of amenity land located immediately to the rear of the property, between the rear garden fence and highway. The area to be enclosed extends from the southern boundary towards the north, tapering after approximately 3m to allow for adequate visibility for the proposed hardstanding which would be located to the north of the site. The proposed hardstanding would be partially located in the existing rear garden. The current boundary enclosure altered to allow for the addition of the hardstanding.
- 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 north of the site. One letter of objection has been received from No.206 York Road. The objection raised relates to the impact of the proposal on accessibility of garage No.32, adjacent to the area of land and No.206, due to parking demands and manoeuvrability in and out of the garage.

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 can be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. As of December 2015 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 were withdrawn and all now cease to be used as a material consideration 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 impact on neighbour amenity.

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 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 amenity space does not form an area of useable land but is a strip of grass and concrete separating the highway from the boundary of No.208. Various other rear gardens abut the highway edge and the proposal would not therefore be considered out of character. The loss of the amenity space is not considered to detrimentally impact the form and function of the structural open space. The open space does not serve a specific function or purpose within the community, such that its loss would be unreasonable. Large useable areas of open space are located within reasonable proximity in the St Nicholas area.

7.2.4 The existing rear boundary consists of 1.8m high fencing. The use of similar fencing to enclose the additional land shown red on the submitted plan is considered acceptable and would not adversely impact the visual amenity of the area. An area of land 0.5m wide would be maintained as open between the highway edge and proposed boundary line. Furthermore, the area of hardstand created is not considered detrimental visually.

7.3 Impact on Neighbour Amenity

7.3.1 The objector has raised concerns over the impact of the development on access and egress of their garage which is located immediately adjacent the rear boundary of No.206 and the land in question. Use of the garage at this time would not require manoeuvres across the amenity land. When entering or exiting the garage in reverse gear, the driver would require use of the turning head to manoeuvre the vehicle on to or off the highway. The proposed enclosure of the land, whilst in close proximity of the garage hardstand is not considered to impact on access

to the garage. The retention of the 0.5m strip of land between the proposed fenceline and the highway, as open land, further negates the impact.

- 7.3.2 The creation of the hardstand, adjacent to the neighbouring hardstand at No.210 would also not impact access to the garage, and would provide one off-street parking space without impacting on communal parking provision, which is encouraged.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land, new hardstanding and enclosure of the additional rear garden area with 1.8m high fencing is not considered to be detrimental to the form and function of the structural open space, the character and appearance of the area, nor the amenity of neighbouring properties. 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, shown red on the approved site location plan 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. 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.