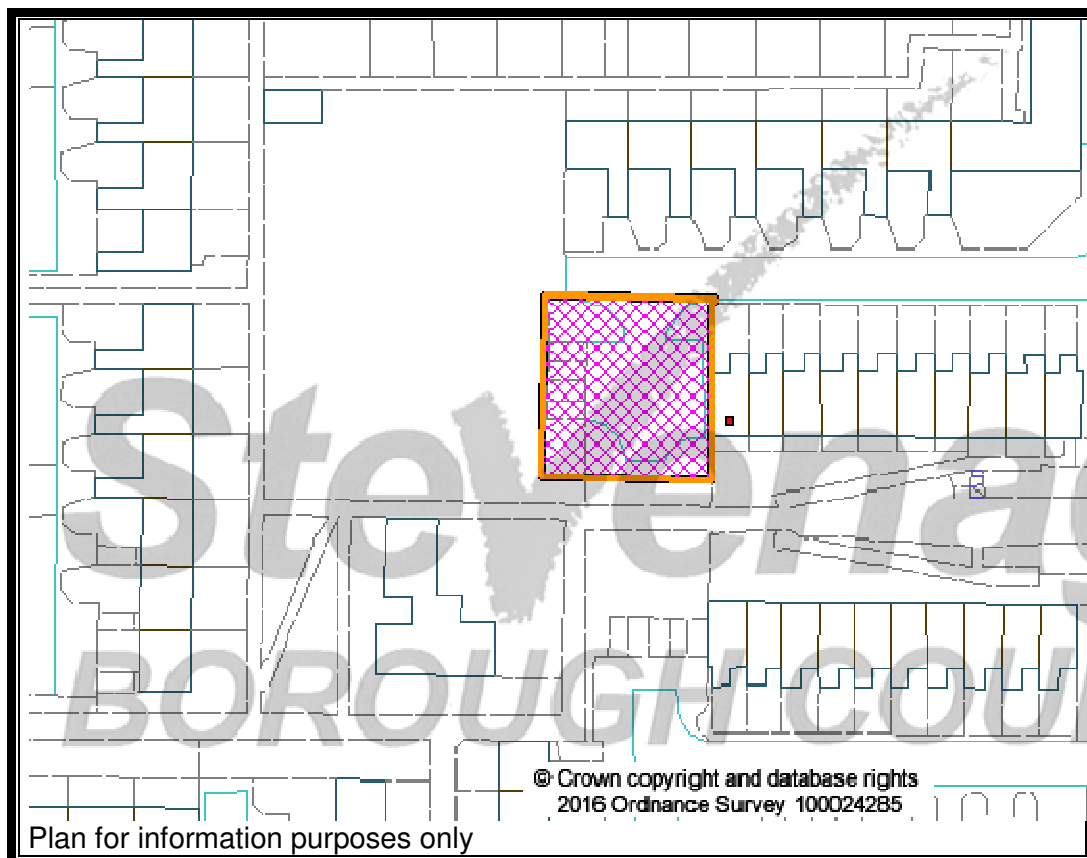


Meeting: Planning and Development Committee **Agenda Item:** 3
Date: 7 February 2017
Author: Dave Rusling 01438 242270
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No:	16/00531/REG3
Location:	Land adjacent to 39, Jessop Road, Stevenage
Proposal:	Outline application for demolition of 4 no. garages, removal of on street parking and alterations to service road to facilitate the erection of 2 no. three bedroom dwellings with associated parking and 8 replacement parking spaces.
Drawing Nos.:	542-C-028-600, 542-C-028 601B
Applicant:	Stevenage Borough Council
Date Valid:	15 August 2016
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises a parking area and a block of 4 garages located to the west of 39 Jessop Road accessed from one of the cul-de-sacs. The area also forms part of a turning head at the end of the cul-de-sac. The area is residential in character, and there is an area of open space located to the north west of the application site. Properties within the area are predominantly two and three storey terraced town houses, although there is a flatted development (Hendren Court) to the south west of the application site. The site is accessed from the main arterial Jessop Road from the east and The Oval large neighbourhood centre is within 75m to the east of the site.

2. RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history associated with the site.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks outline planning permission for the erection of a pair of three bedroom semi-detached dwellings following the demolition of the garage block and for replacement car parking. At this stage details of the access, layout and scale are for consideration with appearance and landscaping reserved for further consideration at the reserved matters stage. The proposed site layout plan includes alterations to the access road and turning head of the cul-de-sac to ensure it is of a design that is able to accommodate the manoeuvring of refuse and emergency vehicles.
- 3.2 As matters pertaining to appearance and landscaping are not included and would be dealt with under a reserved matters application should outline permission be granted, the information submitted as part of this application does not, therefore, include any reference to building heights/dimensions or likely visual appearance and these issues are not for consideration when determining this outline application.
- 3.3 The application comes before the planning committee for determination as the applicant and land owner is Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. Following receipt of an amended plan a further consultation was undertaken. At the time of drafting this report responses had been received from the occupier of 43 Jessop Road objecting to the application. The objections are for the following reasons:-
- The proposal will take away 11 parking spaces (15 including parking inside the garages) and re-providing 8. Parking is already difficult and adding two more houses would mean more people will need to park. More parking is required not less.
 - Overlooking of the house and rear garden at 43 Jessop Road

5. CONSULTATIONS

- 5.1 **Herts County Council Highways**

5.1.1 Hertfordshire County Council as Highway Authority have considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways. However, they are requesting the imposition of a condition requiring the turning area identified on the submitted plan to be provided, appropriately marked out within the curtilage of the site, including white marking of "Keep Clear".

5.2 Hertfordshire County Council as Fire and Rescue Service

5.2.1 Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Volume 1, section B5, sub-section 11.

5.2.2 Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.

5.2.3 Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 24 in section B5.

5.2.4 Water supplies/Fire Hydrants for firefighting are considered to be satisfactory.

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 Local Plan

TW1	Sustainable Development
TW8	Environmental Safeguards
TW9	Quality in Design
H7	Assessment of Windfall Residential Sites
H8	Density of Residential Development
T6	Design Standards
T15	Car Parking Strategy
T16	Loss of Parking

6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)

Policy SP1: Presumption in Favour of Sustainable Development
Policy SP2: Sustainable Development in Stevenage
Policy SP6: Sustainable Transport
Policy SP7: High Quality Homes
Policy SP8: Good Design
Policy IT5: Parking and Access
Policy GD1: High Quality Design

6.5 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 principle of development in terms of land use policy and with regard to the Council's policies for residential

developments; the impact on the appearance of the area; impact on neighbour amenity; loss of parking/garaging and the acceptability of the access and parking arrangements to serve the new dwellings.

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 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 Policy H05 of the Draft Local Plan (2016) (windfall sites) generally reflects Policy H7 of the adopted Local Plan. However, this policy does stipulate that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and, it does not overburden existing infrastructure.
- 7.2.3 Given that the application site is not allocated for residential purposes in both the adopted Local Plan (2004), and the Draft Local Plan (2016), the application site would be regarded as a windfall site. Consequently, the proposal would have to meet the criterion of both Policy H7 of the adopted Local Plan (2004) and Policy H05 of the Draft Local Plan (2016). For the purpose of clarity, the definition of previously-developed land, as stated within the NPPF, is "that which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". Given this, as the application site comprises garages and a parking area it would be classed as previously developed land.
- 7.2.4 The site is located in close proximity to The Oval large neighbourhood centre and, therefore, has easy access to a range of retail, service and food and drink premises. Furthermore, the area is well served by schools with Martins Wood Primary and The Nobel School in relatively close proximity. As such, the application site is considered to have access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a highly sustainable location. Furthermore, the site is also located adjacent to a well-connected cycle and pedestrian network. In this regard, the proposal complies with criterion (d) and (e) of Policy H7 of the adopted Local Plan and criterion (b) of Policy HO5 of the draft Local Plan (2016).
- 7.2.5 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, as set out above, the site is considered to be in a sustainable location.
- 7.2.6 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.

7.2.7 Having regard to the other criteria of Policy H7, the proposal will result in the loss of some of the adjoining grassed highway verge, and a small strip of the adjoining amenity space to the west of the garages (measuring 2.7m in depth) and a small area to extend the access road (5m in depth). The loss of the areas of highway verge is not considered to harm the openness of the area and given the modest extent of the amenity space to be lost, it is not considered that this loss would harm the form or function of this adjoining area of open space.

7.3 Impact on the Character and Appearance of the Area

7.3.1 The proposal seeks the demolition of a block of 4 existing flat roof brick garages and the loss of a tarmac hard surfaced area for 5 cars. The existing garages are visible from Jessop Road and from the adjoining open space and footpath network and are of a relatively poor appearance. The replacement of the garages with a pair of new semi-detached dwellings adjacent to No.39, subject to consideration of the finished design and appearance, is considered to enhance the visual amenity and character of the area. Whilst the character of the area comprises primarily terraced properties, there are examples of flats in the locality. The semi-detached properties would be located adjacent to the western flank elevation of No.39 and would be of a similar footprint respecting the front and rear building lines of 39 and the remainder of the terrace. The properties also incorporate a partly integral garage in the rear and the front elevation would face south, again reflecting the appearance of the adjoining properties.

7.3.2 In terms of the amenities to serve the prospective occupiers, the size of rooms and appearance of the dwellings, including the height and orientation of rooms, would be controlled at the reserved matters stage. Whilst the properties, particularly plot 2, have modest rear garden sizes, this would reflect those serving the adjoining properties. Additionally, the properties are close to and would have access to the area of public open space located to the west of the application site. Taking these factors into account it is considered that the proposed dwellings would reflect the existing character and residential layout of the area.

7.3.3 With regard to the new parking area, this would be located along the western side of the application site and would be primarily on the footprint of the existing garages. However, to offset their loss and the loss of the existing hardsurfaced area currently adjacent to the western boundary of No.39, it has been necessary to increase the parking provision northwards and south of the previous garages and this would involve the loss of some existing highway verge and a strip of the amenity land to the west of the garages. Whilst the highway verge is grassed, there is evidence that this has been damaged by vehicles driving over this and consequently its contribution to the visual appearance of the area is limited. With regard to the strip of land to the rear (west) of the garages, this forms part of a larger area of grassed open space and consequently, it is considered that its loss and impact upon the character and appearance can be sustained.

7.3.4 Taking into account the aforementioned, it is not considered that the introduction of a pair of semi-detached dwellings of the layout proposed and the replacement car parking would not be unduly harmful to the character and appearance of the area.

7.4 Impact on Amenity

7.4.1 As set out previously, the site is located within a predominantly residential area characterised by three storey and two storey terraced properties, most having integral or part integral garages to the rear. The proposed semi-detached dwellings would sit to the west of No. 39 and would follow the front and rear building lines. This property has no windows in the flank elevation, and given the separation and position of the new dwellings, it is unlikely that in this position they would cause any harm to the outlook or light received by this adjoining property. However, as the precise detail of the design and appearance of the dwelling would be considered at the reserved matters stage, as would the position of windows, these aspects would be further assessed when that application is submitted for consideration.

7.4.2 With regard to those properties located to the north and south, the impact upon these would also be assessed at the reserved matters stage. From the submitted layout plan it is clear that due to the separation between the proposed and existing properties there would be unlikely to be any adverse impact in terms of loss of light and over dominance. In terms of overlooking, this would be assessed when the location of the rooms and the position of windows would be known. Finally, the land to the west is public open space.

7.4.3 From the indicative layout provided, it appears that the two dwellings could be accommodated without harming the residential amenities of those adjoining and nearby properties. However, this would be a matter for further consideration at the reserved matters stage.

7.5 Access/loss of garages/parking provision

7.5.1 With regard to access, the proposal involves alterations to the existing access road serving this part of Jessop Road. This would require the increase in length of the existing road by 5m, utilising part of the open space at the end of the cul-de-sac and would be slightly widened utilising part of the existing highway verge. The current plan has been amended to reflect the requirements of the Highway Authority and Hertfordshire County Council have assessed the revised layout and consider this to be satisfactory to cater for refuse vehicles and emergency vehicles. However, in accepting the new arrangement they have requested that the new turning area once provided should include white marking of "Keep Clear" on the road surface to ensure that the turning area is kept free from obstruction and available for use at all times.

7.5.2 In assessing car parking, the proposed demolition of the 4 garages and the location of the dwellings would see the total loss of 9 parking spaces. Where development results in the loss of off-street parking, policy T16 of the adopted local plan requires for the re-provision of the lost parking as well as the parking required for the proposed development itself. This is also a requirement of Policy IT5 of the emerging local plan which seeks the re-provision of off street parking and on street parking bays. Having sought advice from the Council's garages section they have advised that these garages have been vacant since June 2013 and apart from two requests to use them for storage purposes since that time, there has been no demand to use them for parking purposes.

7.5.3 In this case, the application proposes the re-provision of 8 parking spaces in the position of the garages, utilising small areas of verge either side of the garage block and a strip of amenity land to the west of the garages. It is considered that this re-provision would offset the loss of the existing garages, and communal parking spaces in accordance with Policies T16 and IT5. In fact, by replacing the vacant garages with public car parking spaces it could be argued that the application is re-providing additional public parking facilities.

7.5.4 With regard to the new dwellings, the proposed layout plan shows an integral garage and a parking space to the rear of each property, which represents an adequate level of off-street parking provision for the two 3 bedroom dwellings. Additionally, as set out in section 7.2 of this report, the locality makes provision for use of other forms of transport.

8 CONCLUSIONS

8.1 The proposal is considered to be a residential windfall site on previously developed land. Whilst the proposal would result in the loss of existing garaging and a public parking area, it has been shown that this can be replaced by an area of public parking and adequate parking provision for the proposed dwellings is considered to be provided. Additionally, the proposal has demonstrated that the development of two dwellings on this site could be accommodated without detriment to the character and appearance of the area and without adversely affecting residential amenity. Sufficient amenity space would be available for future occupiers and the parking and access arrangements are considered to be acceptable.

9 RECOMMENDATIONS

- 9.1 Outline Planning permission be GRANTED subject to the following conditions:-
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 542-C-028-600, 542-C-028 601B
REASON: - For the avoidance of doubt and in the interest of proper planning.
 2. Approval of the details of the appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.
REASON: - To comply with the provisions of Regulations 3 and 4 of the Town and Country Planning (General Development Procedure) Order 1995
 3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
 4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
 5. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
 6. Prior to the commencement of the development hereby permitted the turning area as shown on drawing number 542-C-028 601 B shall be provided and appropriately marked out within the curtilage of the site. The new turning area should include a white marking of Keep Clear in accordance with the Traffic Regulation Direction 2002, Schedule 6 Road Marking, drawing No 1026 on the surface to keep the area free from obstruction and available for use at all times.
REASON:-To allow vehicles to enter and leave the end of the cul-de-sac in forward gear in the interests of highway safety.
 7. Prior to the commencement of the development hereby permitted the replacement on-street car parking as shown on drawing number 542-C-028 601 B shall be provided at the site and shall thereafter be permanently retained.
REASON:- To ensure that adequate new and replacement parking facilities are available within the site.
 8. No development shall commence until full details of the treatment of all boundaries at the site including details of any walls, fences, gates or other means of enclosure have been 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 dwellings are occupied.
REASON: - To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

Pro-active Statement

Outline planning 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. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.