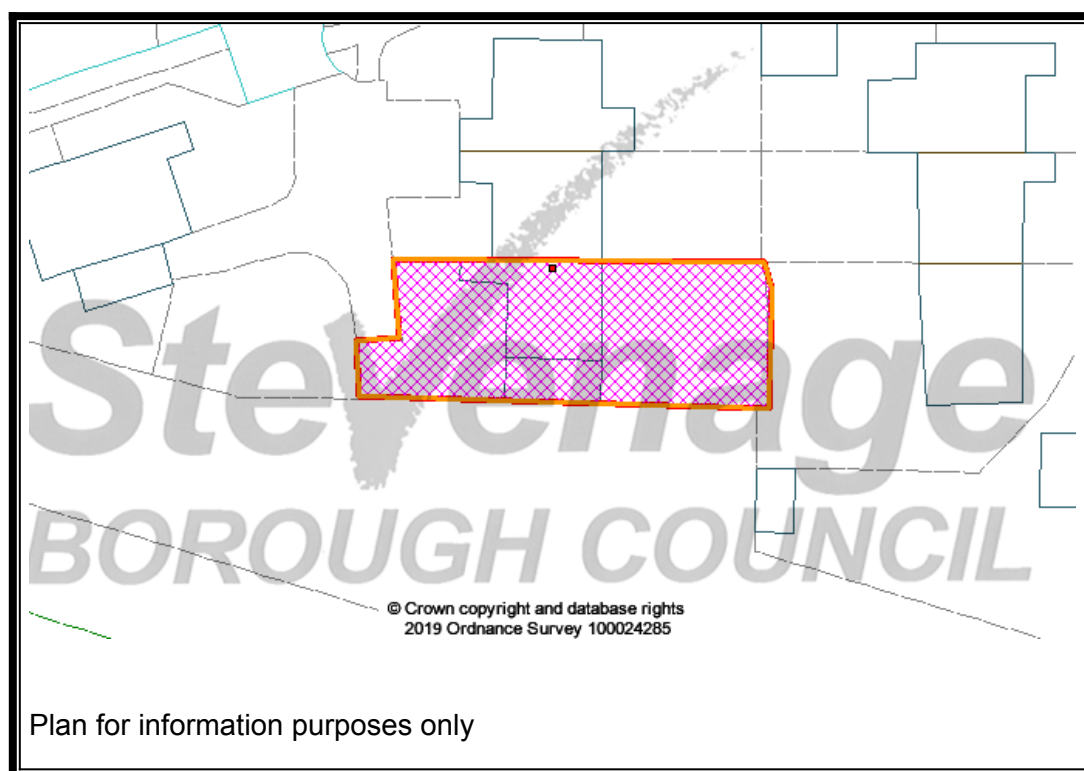


Meeting: Planning and Development Committee
Agenda Item:
Date: 16 July 2019
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No:	19/00344/FP
Location:	107 Blenheim Way, Stevenage
Proposal:	Change of use from public amenity land to residential garden.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Patricia Bosowitz
Date Valid:	4 June 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 107 Blenheim Way is an end of terrace dwelling located on the southern side of Blenheim Way with access off a small spur road serving 5 properties. The property has a modest frontage with parking for approximately three vehicles. The rear garden is east facing with residential

properties to the rear and directly opposite the frontage. To the south and side of the property the site abuts a large wooded amenity area, providing screening between the railway line and the residential properties.

2. RELEVANT PLANNING HISTORY

- 2.1 There is no planning history for this site.

3. THE CURRENT APPLICATION

- 3.1 The application seeks permission for the change of use of amenity land to the southern side of the property to residential garden and enclosure with fencing.
- 3.2 The application comes before the Planning and Development Committee as Stevenage Borough Council is the land owner and there has been an objection to the proposal.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters and the posting of a site notice. One representation has been received from 109A Blenheim Way raising concerns and suggesting that the land could be used for wider community benefits like providing housing and that if the occupiers of No.107 were to relocate CCTV equipment it could impact privacy of users of the adjacent footpath.
- 4.2 Please note that the above is not a verbatim copy of the comments which have been received. To view full copies of the objections which have been received, these are available to view on the Council's website.

5. CONSULTATIONS

5.1 SBC Estates Services

- 5.1.1 The Council's Estates Department have agreed to sell the land subject to planning permission being granted.

5.2 Council's Arboricultural Officer

- 5.2.1 I have looked into this application and can confirm that I have no objection from an arboriculture view point

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 Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits.

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. 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 213 of the NPPF applies which states that 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 Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 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

SP8 Good Design

NH6 General Protection of Open Spaces

APPRAISAL

7.1 The main issues for consideration in the determination of this application are the loss of the open space, its impact on the character and visual amenity of the area, and impact on neighbour amenity.

7.2 Loss of the Open Space

7.2.1 The area of land in question is currently in the ownership of Stevenage Borough Council and is designated as an area of informal open space and is protected by Policy NH6 of the adopted 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.

7.2.2 The area of land in question is sited immediately adjacent the southern boundary of the site, and runs from the front boundary to the rear boundary with a varying width of 2m to 8m (approximately) and a length of approximately 25.7m. The total area would be approximately 113.5 square metres. The land currently forms part of an area of woodland which stretches along the southern boundary of the Blenheim Way estate and borders the railway line to the

south. The area of land in question contains shrubbery and small self-seeded trees. Due to the layout of the nearby area, the area of land forms a triangular shape, and the proposal would see the existing diagonal boundary of No's 95 and 109A Blenheim Way continued.

- 7.2.3 The woodland area is accessed by informal footpaths which run centrally along the main woodland strip. The area has recently been tidied, but typically it is not useable by the public because of its landscaped cover. The remaining woodland areas along this part of Blenheim way are considered sufficient to provide amenity space and create a noise and visual barrier between the residential estate and railway line. In Policy terms and assessed on its own merits the change of use is considered acceptable.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 The proposed change of use is not considered to visually harm the character of the area. The neighbouring properties No's 95 and 109A (new build associated with 109) have both extended their residential gardens through the land sale process, and the proposal would see a proposed boundary line similar to these properties.
- 7.3.2 The proposal includes the enclosure of the land with 1.8m high fencing to match the existing boundary treatments. Given the existing boundary treatment includes a 1.8m high fence along the frontage, which abuts the amenity space, and the neighbour opposite has the same, it is not considered that the use of matching fencing would harm the character and visual appearance of the area.

7.4 Amenity of Neighbours

- 7.4.1 The proposal, by virtue of its location to the south of the application property and adjoining the gardens of No's 95 and 109A would not adversely affect the amenity of the occupiers of these properties.

8 CONCLUSIONS

- 8.1 It is considered that the change of use from amenity land to residential garden accords with adopted policy and would not harm the character and visual amenity of the area, or the amenity of neighbouring properties. The application is, therefore, recommended for approval.

9 RECOMMENDATION

- 9.1 That 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: 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 area of land, shown outlined in red on the approved Site Location Plan, shall be enclosed by timber fencing to match the existing rear garden fencing and shall be 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 (paragraph 38) 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 Local Plan 2011-2031.
3. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Policy Guidance 2014, as amended.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.