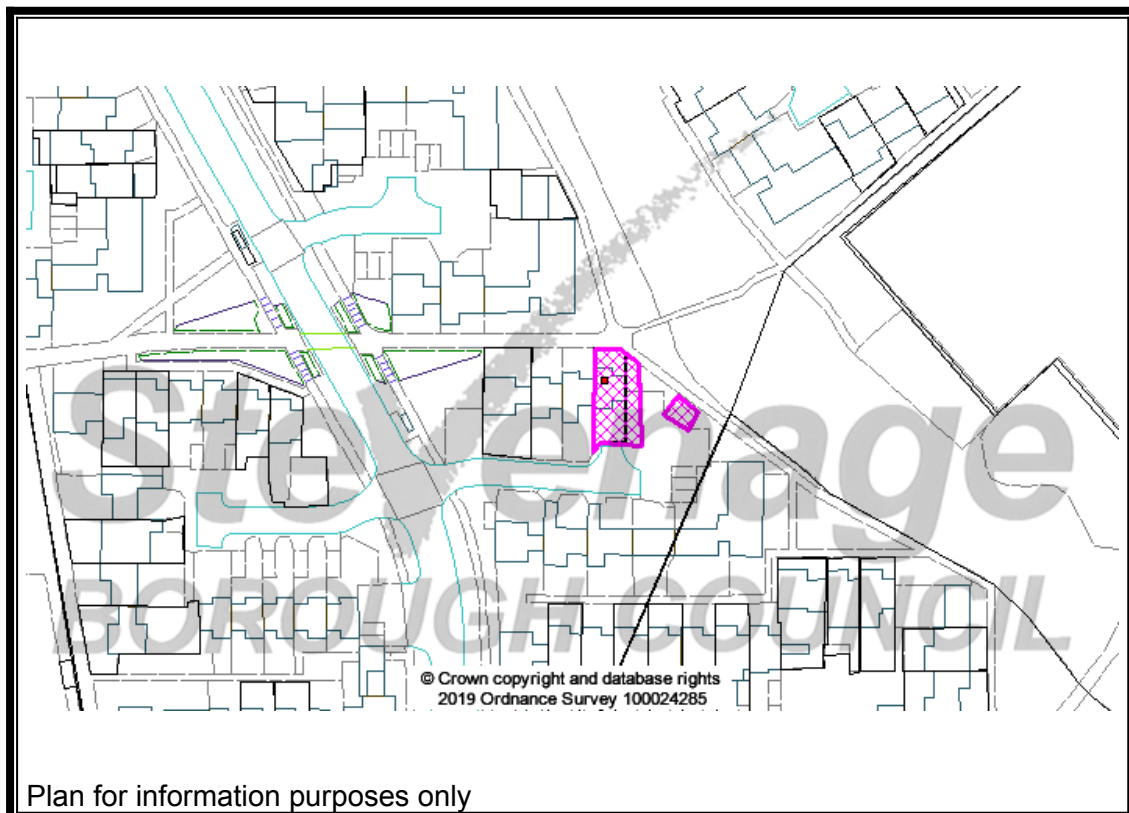


Meeting: Planning and Development Committee **Agenda Item:**
Date: 8 December 2020
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Lead Officer: Zayd Al-Jawad 01438 242257
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Application Nos:	20/00568/FP
Location:	189 Ascot Crescent, Stevenage, Herts.
Proposal:	Change of use from amenity and highway land to private residential land with hardstand for one vehicle and replacement communal parking bays
Drawing Nos.:	Parking Layout; Site Location Plan
Applicant:	Mr S Treagle
Date Valid:	07 October 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is a plot of highway land adjacent to an end of terrace dwelling located in the north-east corner of a small cul-de-sac on the eastern side of Ascot Crescent.

- 1.2 The 'Radburn' style properties which make up Ascot Crescent have modest sized front gardens, sometimes overlooking an area of open green space. However, the property in question overlooks a footpath with an area of open green space located to the east and south-east of the property. The arm road grants vehicular access to the rear of the property, also accessing communal parking and garages where applicable. A small garage forecourt and communal parking area is located adjacent to the site and to the south-east of the site.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 13/00018/FP for a two storey front and rear infill extensions. This application was permitted - 20.03.2013.
- 2.2 Planning application 20/00407/FP for a change of use of land from public amenity land and public highway land to residential. This application was withdrawn - 15.09.2020.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the change of use of public and highway land to private residential land and the creation of a two-bay communal parking bay to replace the one communal space which would be lost. A cherry tree on Council land would be lost to facilitate the creation of the new parking bay. This application has been referred to the Planning and Development Committee, in line with its constitution, as the Council owns the land and over five objections have been received.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the erection of a site notice and neighbour consultation letters. Seven objections were received from 185, 193, 195, 201, 203, 205 and 207 Ascot as well as an objection from the Ward Councillor T. Callahan. A summary of the comments received follows:

- Loss of the cherry tree and associated wildlife
- Loss of 2m high fencing around parking area resulting in a rise in anti-social behaviour
- Reduction in turning space
- Proposed parking bay would not add extra spaces to the street due to loss of space from extended boundary to No. 189
- Loss of communal car parking space
- Timescale for replacement parking bays has not been provided
- Blue badge holder and families with young children need to be able to park close to their properties.

5. CONSULTATIONS

5.1 Council's Land Sales Department

- 5.1.1 The loss of the cherry tree was considered by Hertfordshire County Council (HCC) and the Council's Arboricultural and Conservation Manager. They agreed the tree can be removed but a replacement will need to be provided at a cost of £250.
- 5.1.2 Should the sale of the land proceed, the costs for the replacement tree and the replacement two-bay communal parking bays have to be paid for prior to the completion of the sale. A clause will be added to the land sale contract which stipulates that the parking bays will be constructed prior to any works commencing at the application site.

5.2 Council's Engineering Services Department

- 5.2.1 Knee rail fencing was selected as an alternative to 2m high close boarded timber fencing as it is cheap, strong and serves the purpose of preventing vehicles mounting the grass, further it is less prone to vandalism. It is considered that knee rail fencing will result in a reduction in anti-social behaviour than that which would occur behind an obscuring fence as it is more open to public view.
- 5.2.2 Due to the irregular shape that the proposed parking bay would create on the open space to the rear, a 2m high close boarded fence would create awkward, constrained triangular areas of grass which would be difficult for the Council to maintain.

5.3 Council's Arboricultural and Conservation Manager

- 5.3.1 The Cherry tree is of generally good vigour, however, it has an obvious trunk lean towards the parking bays. As it is growing under the canopy of a mature Oak tree, I do not see a long time future for it at this location. I therefore believe that the council should take this opportunity to have this tree removed and replaced at the cost of the applicant and Hertfordshire County Council (the legal owner of the tree) concurs with this view.

5.4 Hertfordshire County Council as Highways Authority

- 5.4.1 As the application site already benefits from a dropped kerb, access isn't a problem and exiting the parking bay even in reverse, bearing in mind that the end of the cul-de-sac has good vehicle to vehicle inter-visibility, this wouldn't be problematic and I consider the scheme acceptable in principle.

6. RELEVANT PLANNING POLICIES

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- The Stevenage Borough Council Local Plan 2011-2031
 - Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. The policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF with which Members are fully familiar, is a material consideration to be taken into account in determining this application.

6.3 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

Policy SP1: Presumption in Favour of Sustainable Development;
Policy SP2: Sustainable development in Stevenage;
Policy SP8: Good Design;
Policy GD1: High Quality Design;
Policy NH5: Trees and Woodland;
Policy NH6: General Protection for Open Space;
Policy IT5: Parking and Access;

7 APPRAISAL

7.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of public and highway land, the impact on the character and appearance of the area and the impact on parking provision.

7.2 Change of Use and Loss of Public and Highway Land

7.2.1 The area of land in question is currently in the ownership of Stevenage Borough Council and is partly designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan and partly communal parking area. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.

7.2.2 The area of land in question is sited immediately along the eastern boundary of the site, and includes a small area of grass adjacent to the front garden and the remainder forms part of the concrete communal parking area. The land in question is approximately 54.5sqm, with an additional 17.5sqm as an area of easement over only. The sold land measures 3.1m wide and 18.6m long adjacent to the dwelling and 16.5m long on the eastern edge, allowing for the angled public footpath on the northern side.

7.2.3 As part of the development involves the loss of one communal parking space immediately adjacent to the property, the land sale contract includes the creation of a new two-space communal parking bay on part of the green space to the east of the site. This parking bay would be bounded with knee high post and rail fencing against the open green space.

7.2.4 The area of land immediately adjacent to the existing front garden would be enclosed with low level timber fencing. No other part of the land in question would be enclosed.

7.2.5 The area of grass on the northern portion, adjacent to the existing front garden, which is protected by Policy NH6, is not considered to be usable because of its modest size and siting adjacent to the application property and parking area. Due to the design of the housing development, there are other green areas located at the entrance to the cul-de-sac and at the entrance and ends of the majority of the cul-de-sacs along Ascot Crescent. Further, there is extensive woodland to the east of the site and a children's play area beyond which is less than 5 minutes' walk away in Lingfield Road.

7.2.6 The area of open space to be utilised for the new parking bay forms part of a larger area of open space which is currently screened from view of the cul-de-sac by 2m high close boarded fencing. The overall area of space contains four mature trees and one tree would be removed. The overall area of land is irregular in shape due to the existing communal parking area and not particularly large so that it is not considered to

be a suitable area of land for public use. Notwithstanding this, only a small element of the overall area would be lost as part of the development and it is considered that there would be sufficient space after development to continue to contribute positively to the area.

7.2.7 Given the aforementioned factors, the change of use is considered acceptable in policy terms as it would not undermine the Council's policy to protect open spaces.

7.3 Visual Amenity

7.3.1 With regard to the impact of the character and appearance of the area, the changes to the boundary treatment around the front curtilage which will form part of 189 Ascot Crescent will be of a height and style to match the existing front garden for the property and wider area. The remaining portion of land adjacent to the application property is already concrete hardstand and will not change visually.

7.3.2 The Council's Arboricultural and Conservation Manager was consulted and concluded that the cherry tree on the public open space could be removed to facilitate the creation of a new two-space parking bay. He noted that whilst the tree is in good vigour, it has a prominent trunk lean towards the communal parking area and due to the proximity of the taller oak trees in the adjacent Martins Wood, it would be unlikely to have a long term future in its current position. It was agreed that the applicant would be required to pay for a replacement tree (as part of the contractual agreement in the land sale) to be planted elsewhere in the Borough in a location to be determined as suitable by the Parks and Amenities department.

7.3.3 The area of land is separated from an extensive tree belt that forms an off-shoot of Martins Wood by only a pedestrian footpath. As such, the existing four trees on the land are viewed against the backdrop of this more extensive woodland area. Further, these adjacent woodland trees are taller than the trees on the land in question and will eventually over dominate them.

7.3.4 Given the extensive woodland to the north, east and south-east of the site, the area is well served by healthy and mature trees. Taking account of the Council's Arboricultural Manager's comments regarding the cherry tree, outlined in point 5.3.1 above, it is considered that the removal of this tree would be acceptable as there are other trees in the immediate area which provide a more positive contribution to the visual amenities of the area and a greater wildlife contribution. The removal of this tree would open up views of the woodland area beyond. .

7.3.5 Currently the communal parking area is enclosed with close boarded timber fencing and concerns have been raised regarding anti-social behaviour occurring behind this fence and in the area. It is Officer's views that the removal of the fence around the proposed parking bay and replacement with a knee high post and rail type fencing would be beneficial for two reasons.

7.3.6 Firstly, the use of low level fencing would open the area up to public view which would likely reduce the anti-social behaviour as there would be no fencing to 'hide behind'. This would improve the security of the area.

7.3.7 Secondly, the opening up of the area would allow for greater views of the woodland beyond which would have a positive impact on the character and appearance of the area to the benefit of all users of this cul-de-sac location. It would also allow for more natural surveillance of this area by removing a physical obstruction to views across to the woodland.

7.3.8 For these reasons, the proposed development is not considered to harm the visual amenities of the area and is acceptable in this regard.

7.4 Parking Provision

7.4.1 With regard to the impact on parking provision, one space on the northern side of the communal parking area would be lost to the community as generalised parking. However, as part of the condition of the sale of the land, the applicant is required to pay for the creation of two parking bays elsewhere in the cul-de-sac. As such, the loss of the one communal space is considered acceptable due to its replacement with two spaces.

7.4.2 The proposals would increase the number of public parking spaces in the street by one and increase the number of spaces associated with No.189 by one. There is no restriction in Policy IT5 with regard to the addition of off-street parking provision. Therefore, the proposals satisfy the impact on parking provision.

7.4.3 Comments received relating to blue badge holders and families are noted, however there are no marked out disabled bays in this cul-de-sac and therefore the application will not affect designated disabled parking. Whilst it is desirable for persons to park close to their homes, there is no allocated parking in this area and no rights in planning legislation to protect unallocated parking on this basis.

7.4.4 The proposed parking bay would contain two spaces, each measuring 4.8m deep and 2.4m wide which accords with the Council's adopted Car Parking Provision SPD (2020) in terms of minimum sizes of parking spaces and is acceptable for two car parking spaces. The parking bay would be sited 7.2m from the back edge of the highway which allows for vehicle manoeuvrability within the turning head without compromising vehicle and pedestrian safety.

7.4.5 An area marked blue on the site location plan to the south of the application site is allocated as an easement for the applicant to enter the land he is purchasing. This area will remain in the ownership of the Council and is not being purchased for private ownership. It is considered appropriate to impose a condition that this area of land must not be used for parking of vehicles and must be kept clear to allow the free and safe movement of vehicles using the communal spaces.

7.4.6 In order to ensure that no detrimental impact occurs to the communal parking provision, it is considered appropriate to impose a condition on any decision issued that the proposed parking bay is provided prior to the completion of the land sale and occupation of the land in question.

8 CONCLUSIONS

8.1 In conclusion, it is considered that the change of use of the land and creation of two communal parking spaces will not harm the character and appearance of the area and will not have an adverse impact on existing car parking provision in the area. The loss of the cherry tree is considered acceptable due to the very close proximity of Martins Wood and the use of low level fencing is likely to reduce anti-social behaviour in the area due to the more open and overlooked aspect of the land.

9 RECOMMENDATIONS

9.1 That PLANNING PERMISISON 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; Parking Layout
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 proposed hardstanding shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the dwellinghouse.
REASON:- In the interest of visual amenity and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
4. The area of land, shown red on the approved site location plan, located to the north-east of the dwelling of No. 189 Ascot Crescent shall be enclosed with timber fencing no higher than 1m high; the areas of land shown red and blue, to the east and south-east of the dwelling and rear garden shall at no time be enclosed unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of highway safety and to protect the visual amenity of the area.
5. The area of land, shown blue on the approved site location plan, located to the south-east of the application site shall not be used for the parking of vehicles and shall be kept clear at all times to facilitate access to the approved communal parking area.
REASON: In the interests of highway safety.
6. No garage or other type of structure (including outbuildings) shall be erected on the land the subject of this application unless an application for planning permission is submitted to and approved in writing by the Local Planning Authority.
REASON:- In the interests of highway safety and to protect the visual amenity of the area.
7. The parking bay hereby approved shall be provided, marked out and hard surfaced in accordance with Condition 3 and made available for general public use prior to the first occupation of the land adjacent to No. 189 Ascot Crescent.
REASON:- To ensure that adequate parking facilities are available to the public and that there is no detriment to the safety of adjoining highways.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
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 February 2019 and Planning Policy Guidance March 2014.