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PLANNING AND DEVELOPMENT COMMITTEE

Date: Wednesday, 4 April 2018

Time: 6.30 pm,

Location: Council Chamber - Council Chamber

Contact: Lisa Jerome

Members: Councillors: D Cullen (Chair), M Downing (Vice-Chair), D Bainbridge, L Briscoe, R Broom, L Chester, J Fraser, ME Gardner, L Harrington, G Lawrence, J Lloyd, A McGuinness, M McKay and M Notley

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 6 FEBRUARY 2018

To approve as a correct record the Minutes of the previous meeting held on 6 February 2018.

Pages 3 – 6

3. 263 BROADWATER CRESCENT, STEVENAGE

To consider the change of use from B1 (Business) to D2 (Gymnasium).

Pages 7 – 16

4. 13 BEDWELL CRESCENT, STEVENAGE

To consider the change of use of public amenity land to private residential land.

Pages 17 – 22

5. 2 RUSSELL CLOSE, STEVENAGE

To consider the change of use of public highway land to private residential land.

Pages 23 – 28

6. THE FORMER DUPONT SITE, WEDGWOOD WAY, STEVENAGE

To consider a Variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the original s106 agreement dated 11 August 2016.

Pages 29 – 36

7. INFORMATION REPORT - DELEGATED DECISIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 37 – 54

8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 55 – 56

9. URGENT PART I BUSINESS

To consider any Part I Business accepted by the Chair as urgent.

10. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

11. URGENT PART II BUSINESS

To consider any Part II Business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 6 February 2018

Time: 6.00 pm

Place: Council Chamber - Council Chamber

Present: Councillors: Michael Downing (Vice Chair in the Chair), Rob Broom, Laurie Chester, James Fraser, Michelle Gardner, Liz Harrington, Graham Lawrence, John Lloyd, Andy McGuinness, Maureen McKay and Margaret Notley

Start / End Time: Start Time: 6.30pm
End Time: 6.45pm

1. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were submitted on behalf of Councillors L Briscoe and D Cullen.

The Vice-Chair asked that the best wishes of the Committee be conveyed to the Chair, Cllr Cullen following his recent fall.

There were no declarations of interest.

2. **MINUTES - 5 DECEMBER 2017**

It was **RESOLVED** that the Minutes of the meeting of the Planning & Development Committee held on 5 December 2018, are approved as a correct record and signed by the Chair.

3. **371 BROADWATER CRESCENT, STEVENAGE**

The Committee considered an application for the erection of a single storey front extension.

The application was before the Committee for determination as the applicant and landowner was Stevenage Borough Council.

The Development Manager gave an introduction to the Committee. The Committee was advised that the main issues for consideration were the impact of the development on the character and appearance of the area and upon neighbouring amenity.

In relation to character and appearance of the area, the extension was of a size and design proportionate to the size of the parent property and in keeping with the style of the row of terraces in the wider area.

Officers advised that by virtue of the siting and separation, the extension would not cause an overbearing impact or cause undue loss of outlook for the neighbouring properties.

It was **RESOLVED**:

That 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: 542H-C-010-001 Existing Floor Plans, 542H-C-010-002 Existing and Proposed Elevations, 542H-C-010-003 Proposed Floor Plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the external surfaces of the single storey front extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

4. **4 BURYMEAD, STEVENAGE**

The Committee considered an application for authorisation to serve an enforcement notice in respect of an unauthorised fence.

The Development Manager gave an introduction to the Committee.

The Committee was advised that due to the height of the fence, the impact upon the visual amenities of the area and the implications for pedestrian and highway safety, the owners had been advised to either remove the last panel located perpendicular to the highway and the one parallel with the frontage along with the supporting posts or reduce these to 1m in height.

It was **RESOLVED**:

1. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, and subject to an appointed solicitor by the Council being satisfied as to the evidence, requiring the reduction in height of the last fence panel located perpendicular to the footpath and the fence panel running parallel to it along with the associated fence posts be reduced in height to 1m. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
2. That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.

3. That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the serving of the Enforcement Notice.

5. **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report is noted.

6. **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

It was **RESOLVED** that the report is noted.

7. **URGENT PART I BUSINESS**

None.

8. **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9. **URGENT PART II BUSINESS**

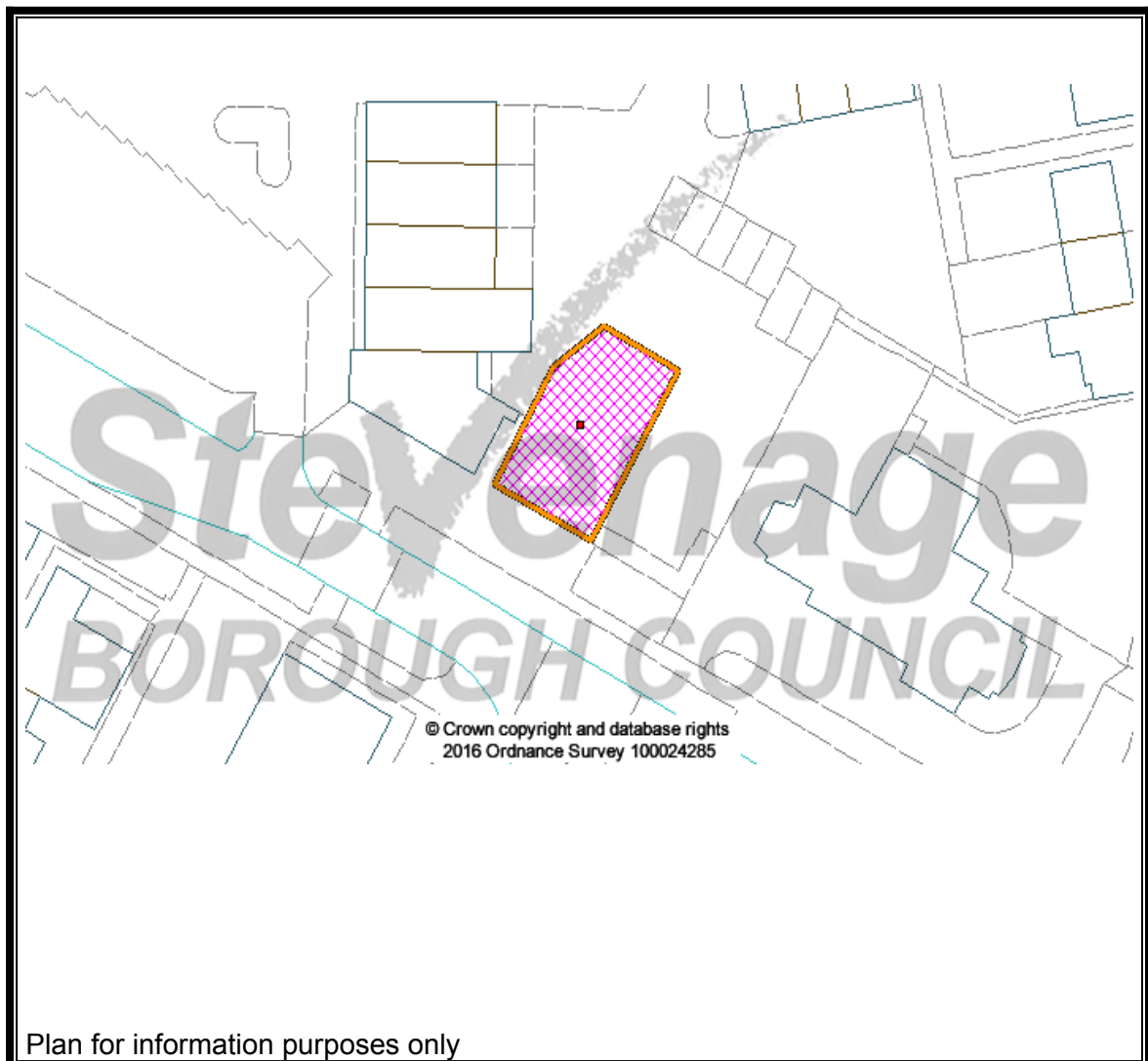
None.

CHAIR

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Meeting: Planning and Development Committee
Date: 4 April 2018
Author: James Chettleburgh 01438 242266
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application Nos:	18/00067/FP
Location:	263 Broadwater Crescent, Stevenage, Herts.
Proposal:	Change of use from B1 (Business) to D2 (Gymnasium).
Drawing Nos.:	1A (Existing Floor Plan); 1A (Proposed Floor Plan); Site Location Plan.
Applicant:	Mr Oliver Warren
Date Valid:	01 February 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Bedwell Crescent. The site comprises a single-storey, brick built, utilitarian style industrial building with a flat roof finished in a ply-membrane. On the principal elevation is the main entrance to the premises comprising of metal framed windows and doors along with a steel roller shutter. To the rear of the property is a profiled metal roller shutter with a concrete access ramp up to the door. The application site forms part of the 'Marymead' Neighbourhood Centre which is designated as a conservation area. The centre comprises a three-storey contemporary 1950's style building with a parade of shops at ground floor with flats located above. The building is constructed from a red-brick with a gable roof which is clad in concrete inter-locking roof tiles. The shops at ground floor level are generally uniform in design encompassing low level stallrisers, proportionate fascia signs with the windows encased with aluminium frames. The flats located above the parade incorporate projecting balconies with an evenly spaced fenestration pattern.
- 1.2 The surrounding contextual area consists of bungalows within a cul-de-sac which are uniform in architectural design and ridge height. To the south-east of the application property is a brick built, 6-storey block of flats. The residential block of flats is simplistic in design incorporating clean symmetrical lines in the built form, small projecting balconies which are vertically aligned and a flat roof. To the south-east of the site is Stevenage Motor Cars (SMC) and to the east located adjacent to the neighbourhood centre car park is the Church of St Peter.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 Planning permission is sought for the proposed change of use of the premises from Use Class B1 (office and light industry) to Use Class D2 (gym).
- 3.2 The application comes before the planning committee for determination as the landowner is Stevenage Borough Council and an objection to the application has been received.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the erection of a site notice and adjoining premises have been notified about the application via letter. An objection was received from numbers 240 and 252 Broadwater Crescent. A summary of the concerns raised are as follows:-
- There is already a parking issue for local residents;
 - The proposed development will exacerbate the existing parking problems;
 - Request additional information is provided with respect to parking for gym members.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 The proposal would not generate any significant highway safety issues.

5.2 Council's Environmental Health Section

- 5.2.1 It is advised that any activities which are undertaken at the premises are not carried out in such a way so as to not cause a nuisance to neighbours. Activities include the calling and shouting that would occur during training and any music that might be played. In addition, regard should be given to the increase in sound heard outside of the means of ventilation by opening windows/roller shutter doors. This applies to any groups which use the premises.

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 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

Policy TW8: Environmental Safeguards.
Policy TW9: Quality in Design.
Policy E7: Employment Uses Outside Employment Areas & Homeworking.
Policy T15: Car Parking Strategy.
Policy EN27: Noise Pollution.
Policy NC1: Large Neighbourhood Centres ;

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

Policy SP1: Presumption for Sustainable Development .
Policy SP2: Sustainable Development in Stevenage.
Policy SP3: Strong Competitive Economy.
Policy SP8: Good Design.
Policy SP13: Historic Environment.
Policy EC7: Unallocated Employment Sites.
Policy GD1: High Quality Design.
Policy IT5: Parking and Access.
Policy HO1: Housing Allocations.
Policy HC1: District, Local, Neighbourhood Centres.
Policy FP7: Pollution.
Policy NH10: Conservation Areas.

6.5 Supplementary Planning Documents

Council's Car Parking Standards SPD (2012).
Broadwater Conservation Area Management Plan SPD (2012).

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the Character and Appearance of the conservation area, impact on residential amenity, parking provision and highway implications.

7.2 Land Use Policy Considerations

Impact on employment space

- 7.2.1 Policy E7 of the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004) (the adopted Local Plan 2004) states that development proposals which would result in the loss of existing employment uses in residential areas, especially small units, will not be permitted unless it can be demonstrated that they are no longer viable for

employment uses or where the existing activity adversely affects the local environment or residential amenity. Policy EC7 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft - January 2016 (the emerging Local Plan 2016) stipulates that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:-

- i. There is sufficient suitable and employment land available elsewhere;
- ii. The proposal provides overriding benefits against other objectives or policies in the plan; or
- iii. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant over a considerable period of time.

7.2.2 Further to the above, The National Planning Policy Framework 2012 (NPPF) requires that the planning system does everything it can to support sustainable economic growth and that there should be significant weight placed on the need to support economic growth through the system. Paragraph 22 of the NPPF does however state that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.2.3 With the above policy in mind, the Council's Estates department has provided evidence to demonstrate that the property is still being actively marketed. The Estates department has been advertising the property for B1 use from 27th November 2017 on the Council's website along with a lettings board attached to the property. The Estates department has advised that there has been limited interest in the use of the property as B1. Given the period of time the property has been actively marketed combined with the fact that there is limited interest in using the property for B1 purposes, it is considered that there is no reasonable prospect of the building being used for B1.

7.2.4 Given the aforementioned, the proposed use of the property as a gymnasium is considered to be acceptable in line with Policy E7 of the adopted Local Plan (2004), Policy EC7 of the emerging Local Plan (2016) and the NPPF (2012). However, a condition would need to be imposed to ensure that the existing building can only be used as a gym. This is because under Use Class D2, the property could be used for other purposes such as cinemas, music and concert hall, bingo and dance hall as well as a State Funded School or Registered Nursery. Therefore, this condition would allow the Local Planning Authority to maintain control of the development and to ensure no inappropriate or unneighbourly use within the neighbourhood centre is created.

Impact on the neighbourhood/local centre

7.2.5 Policy NC1 of the adopted Local Plan (2004) states that in the neighbourhood centres listed in the policy, which includes Marymead, shopping uses (Class A1) will predominate. Favourable consideration will however be given to proposals which increase the mix of uses such as financial (Class A2), food and drink (Class A3), residential, social and community, leisure or business uses where they:

- a. provide a particular local service or additional housing; and
- b. are not detrimental to the principal shopping function; and
- c. do not have a detrimental effect on the surrounding environment.

7.2.6 Policy HC1 of the emerging Local Plan (2016) also identifies Marymead as a Local Centre. Therefore, under this policy, permission for development proposals in this centre will be granted where:-

- a. The proposal is in keeping with the size and role of the centre;

- b. District and Local Centres would continue to provide a range of retail, light industrial (use class B1(b)), health, social, community, leisure, cultural and / or residential use and retain at least 50% of ground-floor units and floorspace in the main retail area as Class A1 (shops) use....;
- d. The proposal does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- e. An impact assessment has been provided, where required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

7.2.7 The proposed development would result in the creation of a gymnasium (Use Class D2) which would conform to the aforementioned policies. This is because it would deliver a leisure based use within the neighbourhood/local centre. In addition, the proposed development does not result in the loss of an existing shop (Use Class A1) within the primary shopping parade. Therefore, there would still be over 50% of the total ground-floor units in the main retail area in Class A1.

7.2.8 Turning to the retail impact assessment, as the proposed development is classed as a "Main Town Centre Use" but would be below the 300 sq.m floor area threshold set out under Policy TC13, the applicant would not be required to submit an Impact Assessment. In regards to the regeneration of the neighbourhood/local centre in the future, it is envisaged that the centre would be redeveloped in 2020/2021. Consequently, a temporary timeframe condition could be imposed were planning permission to be granted which would ensure that the change of use does not hinder the Council's ability to deliver the regeneration of the centre in the near future.

7.3 Impact on the Character and Appearance of the conservation area

7.3.1 The application site falls within the Broadwater Conservation Area as defined in the Conservation Area Management Plan SPD (2012). Given this, development proposals must preserve and/or enhance the historic character of the conservation area. However, as the proposed development does not seek to extend or alter the existing building, the proposal would not harm the character and appearance of the building and it would preserve the historic character of the Broadwater Conservation Area.

7.4 Impact on residential amenity

7.4.1 Given the siting and nature of the proposed development, there is the potential for it to have an impact on the amenities of nearby residents. However, it is important to note that the nearest residential properties are located within an established Neighbourhood Centre which comprises of hot food takeaway premises, a Co-operative store and an off-licence. In addition, there is also an area of employment based uses which operate within Marymead Industrial Estate including a tyre fitting company. Furthermore, there is The Willows Public House which is positioned to the east of the application site as well.

The hours of operation proposed by the applicant are as follows:-

Monday to Friday - 10:00 to 20:30;
 Saturday - 09:00 to 14:00; and
 Sunday and Bank Holidays - Closed.

7.4.2 Following consultation with the Council's Environmental Health Section, they advise that any activities undertaken on the site should not have an effect on nearby residents. Therefore, in order to control the hours in which they operate, a condition would be imposed to any permission issued. Through this condition, the premises would not operate beyond the hours in which nearby premises such as the Public House and Co-operative would operate to. In addition, if there is any potential noise

disturbance the Council's Environmental Health Section have powers to enforce against any potential disturbances which may occur in the future. Furthermore, the Council's Estates Department has confirmed that they would firm up an obligation in the tenancy agreement to require the applicant not to cause a nuisance which will include noise. Moreover, the site is located within a commercial environment such that it would be unreasonable to refuse the application on this basis.

- 7.4.3 Given the aforementioned, subject to a condition restricting the hours of operation, it is considered that the proposed development would not have a detrimental impact on nearby residential properties.

7.5 Car parking

- 7.5.1 Policy T15 of the Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. This policy generally reflects the policies set out in within the NPPF (2012). The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces for a gymnasium (Use Class D2 - Leisure and Assembly) based on gross floor area.

- 7.5.2 The Council's Parking Standards SPD (2012) stipulates that 1 space per 15m² of gross floor area. Given the development has a floorspace 189.20 sq.m there would be a requirement to provide 13 spaces. However, as the site is located in a non-residential accessibility zone, a degree of restraint can be applied of between 75% to 100% of the maximum number of car parking spaces which are required. Therefore, as a minimum, 9.75 (rounded up to 10) off-street parking spaces should be provided in this instance.

- 7.5.3 Turning to the established use of the premises being Use Class B1(c) light industry, as set out in the Parking Standards SPD, there would be a requirement to provide 1 parking space for every 35 sq.m of floorspace. In this regard, there would be a requirement to provide, being within a non-residential accessibility zone, between 5 and 6 parking spaces.

- 7.5.4 The proposed development does not seek to provide any off-street parking as there is currently no space within the service yard to the rear to provide the necessary parking. Notwithstanding this, the application site does fall within a neighbourhood centre and as such, there would be surface car parking available which currently serves the centre. There is also a surface car parking area located adjacent to the building which currently serves the employment premises located to the rear of the main neighbourhood centre. Furthermore, the centre is surrounded by residential properties so the site is located within walking distance to residential properties. Moreover, the site is located in close proximity to a bus stop which is located opposite the neighbourhood/local centre. In addition to this, the existing use does not currently have any off-street parking nor do a number of premises which currently operate within the neighbourhood centre. Therefore, the parking situation would be no different to that of the existing premises.

- 7.5.5 Focusing on the concerns raised by third parties, whilst there would be a shortfall in parking provision, there is only a deficit of 4 parking spaces between the existing and proposed uses. In addition, as mentioned in paragraph 7.5.4, there is a surface car parking area to the front of Marymead Shops which be easily be able to absorb the additional 4 parking spaces required during the operation of the gymnasium. Moreover, there are currently restrictions (i.e. double yellow) on the public highway along Bedwell Crescent which would ensure vehicles would be unable to park on the public highway. Furthermore, in line accordance with the Highways Act 1980, there is no legal right for vehicles to park on the public highway and therefore, any issues with obstructions

would be a matter for Hertfordshire County Council as Highways Authority and/or the Police to enforce against this.

- 7.5.6 Given the aforementioned assessment, it is considered that on balance, the proposed development would be acceptable as parking would be readily available within the neighbourhood centre to serve the development.

7.6 Highway implications

- 7.6.1 The proposed development does not seek to extend or alter any access arrangements to the development. In addition, the application site is located in a sustainable location falling within a neighbourhood centre, so the level of traffic generation would not be so significant as to prejudice the safety and operation of the nearby highway network. Consequently, Hertfordshire County Council as Highways Authority does not raise any concerns on the proposed development.

8 CONCLUSIONS

- 8.1 In conclusion, it is considered that subject to the issuing of a temporary permission, the principle of the development is considered to be acceptable within the neighbourhood centre. In addition, the proposed development would not affect the historic character of the conservation area and through restrictions on the hours of operation; the proposal would not harm the amenities of nearby residential properties. Furthermore, the proposal would be served by the existing surface car park located at Marymead Neighbourhood Centre and the development would not prejudice highway safety. In view of this, it is recommended that temporary planning permission is granted subject to the conditions below.

9 RECOMMENDATIONS

- 9.1 That planning application reference 18/00067/FP be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

‘1A (Existing Floor Plan); 1A (Proposed Floor Plan); Site Location Plan’.

REASON:- For the avoidance of doubt and in the interests of proper planning.

- 2 The use hereby permitted shall be discontinued and the building restored to its former condition on or before 31st May 2020 in accordance with a scheme of work submitted to and approved in writing by the local planning authority. The restoration scheme shall be implemented in accordance with the approved details.

REASON:- To ensure that the use the building as a gymnasium for a temporary period would not affect or restrict the wider regeneration of the neighbourhood centre as identified in Policies HO1/12 and HC1 of the Stevenage Borough Council Local Plan 2011-2031 Publication draft - January 2016.

- 3 The premises shall be used for a gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classed) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:- To enable the Local Planning Authority to maintain control of the development and to ensure no inappropriate use within the neighbourhood centre.

- 4 The use hereby permitted shall only take place between the hours of 10.00 to 20.30 on Mondays to Fridays and between the hours of 09.00 to 14.00 on Saturdays and no activities shall take place on Sundays and Bank Holidays.
REASON:- To ensure the development does not have a detrimental impact on the amenities on nearby residential properties within Marymead Neighbourhood Centre, Bedwell Crescent, Spring Drive, The Willows and Willows Link.

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.

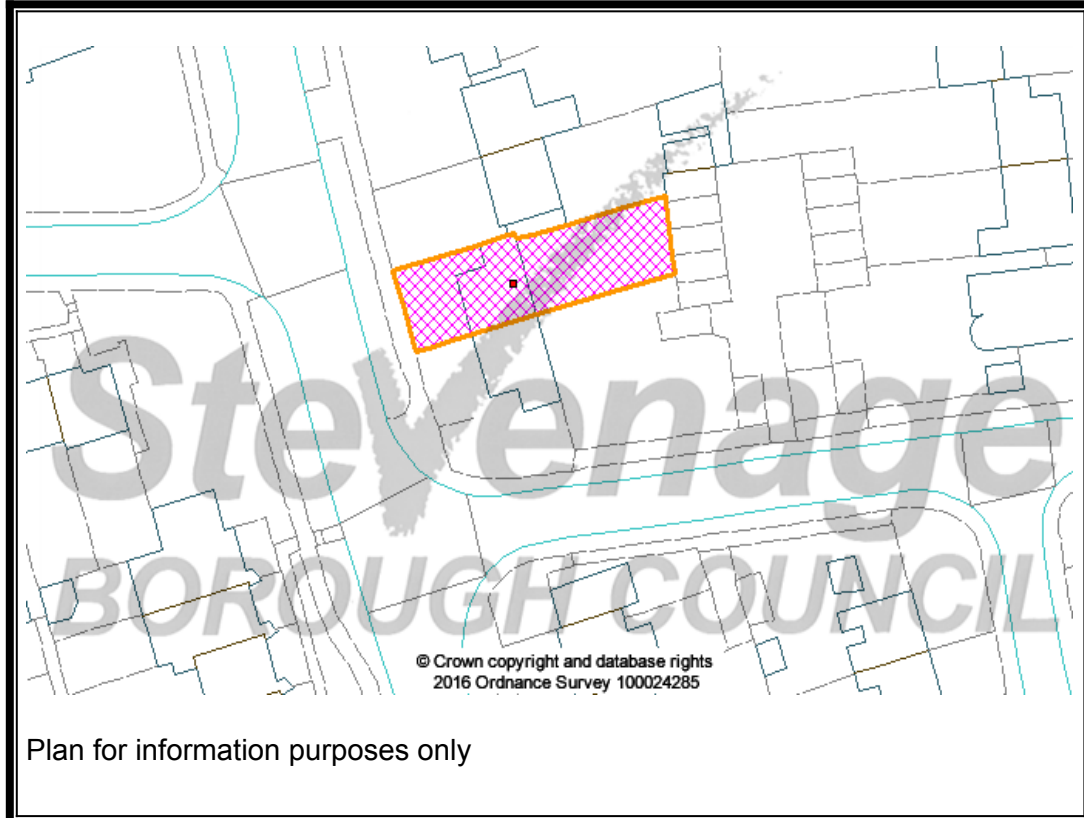
10 BACKGROUND DOCUMENTS

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. 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 Planning Policy Guidance March 2014.

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Meeting: Planning and Development Committee
Date: 4 April 2018
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No:	17/00792/FP
Location:	13 Bedwell Crescent, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Claire Penny
Date Valid:	18 January 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 13 Bedwell Crescent is a semi-detached dwelling, located on the eastern side of Bedwell Crescent, opposite the junction for Splash Drive and north of Hillcrest. The property forms part of a linear display of semi-detached properties which include minor set-backs between buildings. To the east, the rear boundary of the property backs on to a garage compound. The property frontage within the ownership of the dwelling is very small with the predominant area of grassed land to the front of the property being Council owned amenity land.

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 construction of a hardstanding for the parking of one vehicle. The parcel of land seeking the change of use is sited immediately to the front of No.13 Bedwell Crescent and appears as the front garden of the property. The land would measure approximately 8.5m in width and 3m in depth. The area is not to be enclosed.
- 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 in respect of 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 west outside No.9 Bedwell Crescent. One letter of objection has been received from 11 Bedwell Crescent. The objection raised relates to the refusal of similar proposals at No.11 because of the proximity of the property opposite a highway junction (Splash Drive) even though the occupier has a disability. The objector has suggested that because No.11 was not allowed a driveway then No.13 should not be allowed to purchase the land and do the same, especially as no one at No.13 has a disability.

5. CONSULTATIONS

- 5.1 HCC Highways – Have confirmed that subject to the grant of planning permission a dropped kerb and new vehicular access to the property are considered to be acceptable in highway safety terms.

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 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 the impact on highway safety.

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 Adopted 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 application site forms an area of grassed amenity space to the front of 13 Bedwell Crescent measuring approximately 25.5 square metres. The layout of the road is such that the amenity space appears as the front garden of the property as no definition is shown between residential curtilage and Council owned frontage. The open space would not therefore be considered accessible for use by the public. The change of use from amenity land to residential curtilage would not alter the character and appearance of the area, or harm the form and function of the town's structural open space. The proposed use is, therefore, considered acceptable.

7.2.4 The proposed hardstanding is to be located perpendicular to the front of the property, towards the southern side of the piece of land and resultant front garden and would be constructed across both amenity land and existing residential curtilage as shown on the submitted location plan. There are other examples of hardstandings to the frontages of neighbouring properties to the south, on the same eastern side of the road. The partial loss of the existing lawn to the front of No.13 is not considered therefore to detrimentally impact the visual amenity of the area.

7.2.5 The land in question along with the frontages to properties 1-15 Bedwell Crescent is all open in character, with no boundary features including hedges visible. As such, it is considered appropriate that the land remain open in character to preserve the visual amenity of the area. It is considered reasonable, therefore, to remove permitted development rights under Class A, Part 2, Schedule 1 of the Town and Country Planning (General Permitted Development) Order 2015 for fences, gates, walls and other means of enclosure, such that a planning application would be required for any future enclosure, thus allowing the Local Planning Authority to fully consider the merits of any proposals for boundary enclosures around the land the subject of this application.

7.3 Impact on Highway Safety

- 7.3.1 The objector has raised concerns that previous applications for a driveway at No.11 were refused due to the proximity of the property to the opposite junction of Plash Drive, and therefore, suggest that the same should apply to No.13. Any proposals for a vehicle crossover (VXO) to access the proposed hardstanding are assessed by Hertfordshire County Council as highway authority. The current design standard as outlined in Roads in Hertfordshire: A Design Guide does not restrict the construction of a VXO and driveway opposite a road junction. There are restrictions where the VXO would be located within 15m of a junction located on the same side of the main highway, for example, Hillcrest is located on the same side of Bedwell Crescent as the application site. However, in the case of this application, the proposed VXO at No.13 is over 15m from this junction. A current VXO application is being considered by HCC with a recommendation to approve subject to the appropriate planning permission being approved for the use of the land and the hardstanding.
- 7.3.2 With regard to the comments of the objector, having checked the Council's files relating to this property, there is no record to suggest that a planning application for a dropped kerb has been applied for previously. However, this is not to say that the occupier may have approached the highway authority directly in this regard. Nevertheless, for planning purposes, each application has to be assessed on its own individual merits and based on the merits of this application the highway authority are raising no objection.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land and the construction of a hardstanding is not considered to be detrimental to the form and function of the structural open space, the character and appearance of the area, nor highway safety. 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 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. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting

this Order) no erection of or alteration to a gate, fence, wall or other means of enclosure shall be carried out on the land the subject of this application and to the frontage of the dwellinghouse 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

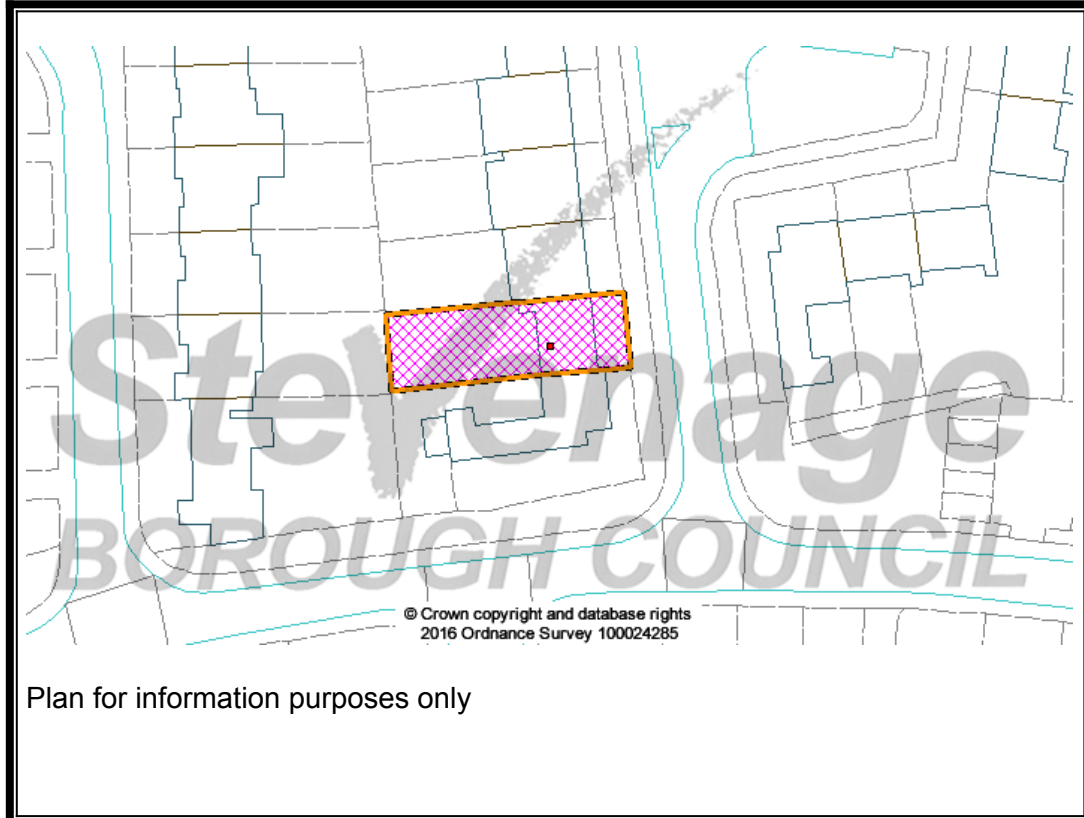
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in 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. 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.

Meeting: Planning and Development Committee
Date: 4 April 2018
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No:	18/00051/FP
Location:	2 Russell Close, Stevenage
Proposal:	Change of use of public highway land to private residential land.
Drawing Nos.:	Site location plan.
Applicant:	Mr Paul Ingle
Date Valid:	8 February 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 2 Russell Close is a mid-terrace dwelling, located on the western side of Russell Close. The property forms part of a linear display of terraced properties which form a courtyard structure around a communal parking area to the north/north east of the site. To the east the property faces Russell Close with approximately half of the land fronting the property comprising the front garden of the dwelling, with the remaining land designated as highway.

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 highway land to residential curtilage and the construction of a hardstanding for the parking of one vehicle. The parcel of land seeking the change of use is sited immediately to the front of No.2 Russell Close. The existing front garden is clearly defined by chain linked low white posts. The highway land is laid to grass and is a feature that continues along and around the frontages of Russell Close. The land would measure approximately 8.4m in width and 2.5m in depth. The area is not to be enclosed.
- 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 neighbours and a site notice posted on a lamp post to the north east outside No.20 on the eastern side of the road. Two letters of objection have been received from No's 3 and 16 Russell Close. The objections raised relate to the impact of the loss of open space on the character of the area, as no other properties in the close have purchased land to the front. Furthermore, the creation of a dropped kerb to service the proposed hardstanding would remove existing on-street parking which would be detrimental to other occupiers of the close. The proposal would create a precedent for further concreting over what little green areas are left and will take away a pleasant grass space in front of all the houses.

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 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 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 issue for consideration in the determination of this application is the impact of the loss of the highway land and creation of the hardstand on the character and visual amenity of the area.

7.2 Impact upon the Character and Visual Amenity 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 Adopted 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 application site forms an area of grassed amenity space to the front of 2 Russell Close, designated as highway land and measuring approximately 21 square metres. The layout of the road is such that the terrace houses form a courtyard around the central communal parking area, with the strip of grass laid highway land bordering the dwelling frontages and the footpath/highway, around the full perimeter of Russell Close. There are a variety of boundary treatments visible, predominantly low white chain linked posts as well as low hedging and low timber fencing. The front gardens are, therefore, clearly delineated from the highway land. The open space is accessible by the public, but because of its narrow depth and placement immediately adjacent to the front gardens of the properties in Russell Close it is not useable for recreation purposes. Furthermore, due to the siting of the communal parking area central to the majority of houses in Russell Close, realistically only No.3 could be in a position to purchase the land to the front of their property to carry out a similar proposal. However, this property has erected a front extension which removes the depth of land required to provide a parking space. Therefore, on balance, and in respect of the impact on the form and function of the town's structural open space, it is considered the proposal is not harmful, as the remaining properties in Russell Close would retain the grass strip.

7.2.4 The change of use from highway land to residential curtilage would remove the existing post and chain boundary treatment at the application site, and would see the creation of a single hardstand for the parking of one car on-site. Furthermore, the proposal is to create a hardstanding which would see the loss of existing green space. However, the frontage would remain open in its nature, other than when a car is parked on the land. Notwithstanding this, the visual character of the area has been altered by the construction of the single storey front extension at No.3, including the erection of a close boarded timber fence, as opposed to the post and chain and hedging in the area, which visually has a harsher impact. It is considered, therefore, that the character and visual amenity of the area is not sufficiently harmed by the

proposal such that a refusal is warranted. The proposed use is, therefore, considered acceptable.

- 7.2.5 The proposed hardstanding would be located perpendicular to the front of the property towards the southern side of the piece of land and resultant front garden, and would be constructed across both highway land and existing residential curtilage as shown on the submitted location plan. No.20 lies immediately opposite the application site, on the eastern side of Russell Close and has a driveway in place across the highway land; although it is likely this was an original feature of the road, but nonetheless a consideration. On balance, and considering the previous discussion about changes in Russell Close which have altered its visual appearance, the partial loss of the existing lawn and grass area to the front of No.2 is not considered to detrimentally impact the visual amenity of the area. Nonetheless, it is considered prudent that the lawn area to the northern side of the proposed residential curtilage be retained open in perpetuity to preserve the visual amenity of the street scene.
- 7.2.6 The strip of highway land along the frontages of Russell Close is open in character, with no boundary features beyond the residential curtilages. As such, it is considered appropriate that the totality of the land remain open in character to preserve the visual amenity of the area. It is, therefore, considered reasonable to remove permitted development rights under Class A, Part 2, Schedule 1 of the Town and Country planning (General Permitted Development) Order 2015 for the erection of fences, gates, walls and other means of enclosure. This would mean that a planning application would be required for any future enclosures, thus allowing the Local Planning Authority to fully consider the merits of any proposals for boundary enclosures around the land the subject of this application which may affect its openness.
- 7.2.7 Lastly, the objections raised suggest that the creation of a vehicular crossover to serve the new hardstand would remove existing on street parking along this stretch of Russell Close. This is noted, however, Hertfordshire County Council have publicised the implementation of double yellow lines along the entrance of Russell Close up to No.5. Therefore, the area will not be available for parking and the proposal will create an additional car parking space, for use by No.2.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land and the construction of a hardstanding is not considered to be detrimental to the form and function of the structural open space or the character and visual amenity 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.

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) (England) Order 2015.

4. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no erection of or alteration to a gate, fence, wall or other means of enclosure shall be carried out on the land the subject of this application and to the frontage of the dwellinghouse 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.

5. The area of land shown red on the approved site location plan shall be retained and maintained as grass in perpetuity.

REASON:- In the interest of visual amenity and to protect the wider green open character and appearance of Russell Close.

Pro-active Statement

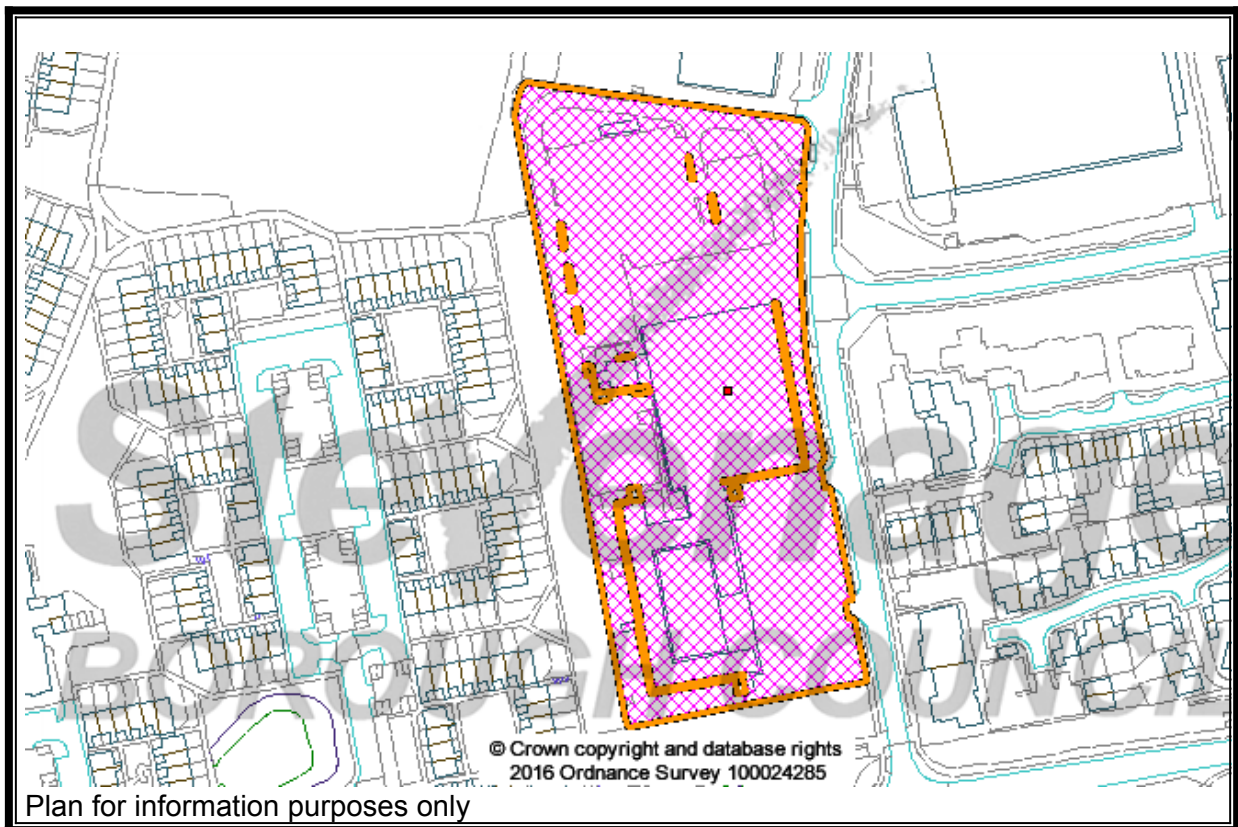
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in 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.

Meeting: Planning and Development Committee
Date: 4 April 2018
Author: Clive Inwards 01438 242837
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Clive Inwards 01438 242837

Application No:	16/00742/S106
Location:	The former DuPont site, Wedgwood Way, Stevenage.
Proposal:	Variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the original s106 agreement dated 11 August 2016.
Drawing Nos.:	Site location plan.
Applicant:	Frontier Estates (Bucks) Ltd
Date Valid:	24 October 2016
Recommendation:	AGREE VARIATION OF LEGAL AGREEMENT



1. SITE DESCRIPTION

- 1.1 The application site comprises the site of the former DuPont HQ building and its associated curtilage. The site is situated close to the junction of Wedgwood Way and Martins Way and is located approximately 2.8km to the north east of Stevenage town centre. The site previously housed the former DuPont offices, a former workshop building and the associated car park but is now being developed for residential development in accordance with the approvals set out below. The site is bounded to the north by industrial premises, to the east by Wedgwood Way and the Chrysalis Park development beyond, a grassed amenity area, cycle track and Martins Way to the south and by a tree belt and then Ely Close beyond to the west. The site is accessed by various access points off of Wedgwood Way to the east.
- 1.2 The application site comprises an area of 1.9 hectares and is broadly rectangular in shape.

2. RELEVANT PLANNING HISTORY

- 2.1 14/00553/CPA Prior approval for the change of use from Offices (Use Class B1 (a)) to 1no. 3 bed, 38no. 2 bed, 33no. 1 bed and 1no. studio residential units. Prior approval not required 25.11.2014.
- 2.2 15/00253/OPM Outline planning application for the demolition of existing buildings and provision of up to 200 new homes, up to 900 sqm of Use classes A1/A2/A3/D1, provision of residential amenity space and associated access and car parking. Outline planning permission granted 11.08.2016.
- 2.3 16/00782/RMM Reserved matters application pursuant to planning permission 15/00253/OPM for the erection of 38 no. two bedroom apartments, 42 no. one bedroom apartments, and 14 no. 3 bedroom dwellings, seeking approval of the appearance, landscaping, layout and scale. Reserved matters approval granted 21.02.2017.
- 2.4 17/00121/COND Discharge of conditions 6 (Code of Construction Practice), 8 (Travel Plan), 10 (Construction Method Statement), 11 (site layout drawing), 13 (tree protection fencing), 15 (scheme of external lighting), 16 (bird boxes), 20 (surface water drainage scheme), 21 (boundary treatment), 22 (materials) and 24 (drainage strategy) attached to outline planning permission 15/00253/OPM. Conditions discharged 21.04.2017.
- 2.5 17/00185/RMM Reserved Matters application pursuant to outline planning permission 15/00253/OPM for 37 no. one bedroom apartments, 67 no. two bedroom apartments and commercial space; seeking the approval of the appearance, landscaping, layout and scale. Reserved matters approval granted 09.06.2017.
- 2.6 17/00333/NMA Non material amendment to planning permission reference number 15/00253/OPM to alter the southern access into the site to utilise existing access. Non material amendment agreed 09.06.2017.
- 2.7 17/00376/FPM Erection of apartment building containing 70 apartments with associated access, parking and landscaping. Planning permission granted 21.12.2017.
- 2.8 17/00550/COND Discharge of condition 2 (Landscaping) attached to planning permission reference number 16/00782/RMM. Condition discharged 11.10.2017.
- 2.9 18/00057/FP Variation of condition 1 (Approved Plans) attached to planning permission reference number 17/00185/RMM. Currently pending consideration.

3. THE CURRENT APPLICATION

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (as amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference 15/00253/OPM. The proposal seeks a number of minor amendments to the wording of the original S106 agreement and also to 'future-proof' the agreement to allow for possible further variation applications without the need for S106 variations, in line with best practice. Specifically, the current application seeks to vary clauses 3.1.3.3, 3.1.4.1, 12.5, schedules 2 and 3 of clauses 5.4 and clause 8 of the nominations agreement.
- 3.2 In relation to clause 3.1.3.3 there are restrictions on the use of the social rented units as affordable housing in clause 3.1.3 and there is also a mortgagee exclusion in the proviso at clause 3.1.3.3. This exclusion provides for at least three months' notice to be given to the Council under sub-clauses (i) and (ii), with up to a further three months from expiry of the notice to "Dispose". This then leaves a period of up to six months which means that the value would be restricted to the existing use value for social housing. The applicant is seeking an amendment to clause 3.1.3.3 such that point (i) refers to one month and (ii) refers to two months giving a total period of three months and not six months as originally specified in the agreement. The applicant has stated that this will ensure that the value is not restricted to the lower social housing existing use value.
- 3.3 Additionally in clause 3.1.3.3, the word "Dispose" is in upper case but it is not a defined term in the agreement so it should simply be in lower case throughout the agreement.
- 3.4 Finally in relation to clause 3.1.3.3, this clause refers to a "RPSH" (Registered Provider of Social Housing) but the applicant states that this unnecessarily duplicates the definition of "Affordable Housing Provider" which is used elsewhere in the agreement. As such it is proposed to delete the unnecessary definition of RPSH and replace references to RPSH with "Affordable Housing Provider" throughout the agreement.
- 3.5 With regard to clause 3.1.4.1 this cross references clauses 3.1.5.2 to 3.1.5.4 but it should refer to clauses 3.1.4.2 to 3.1.4.4. This is just a typographical mistake and can be rectified using the correct references 3.1.4.2 to 3.1.4.4.
- 3.6 In relation to clause 12.5 there is an exclusion from the positive obligations in this clause for the registered provider and its mortgagee but this does not include successors in title. The applicant wishes to include the term "or their successors in title" such that the value is not restricted to the existing use value for social housing.
- 3.7 In the Nominations Agreement at the back of the S106 agreement, schedule 2 and schedule 3 clauses 5.4 and schedule 4 clause 8 do not include administrative receivers or, more importantly, administrators, including housing administrators. Section 103 of the Housing Planning Act 2016 does not cover Nominations Agreements and therefore administrators should be specifically included in the mutual execution of contract otherwise the value will be restricted. As such it is proposed to add the reference to "administrators, including housing administrators, fixed charge receiver (including administrative receiver appointed pursuant to the law of Property Act 1925) administrative receiver or any other person

appointed under any security documentation to enable such mortgagee or charge to realise its security.”

- 3.8 Finally, the applicant has requested that the existing S106 agreement is ‘future-proofed’ to allow for possible variations to the planning permission without the need to formally vary the S106 agreement further. This would then be in line with best practice and can be easily rectified by altering the definition of planning permission to include the phrase “any other planning application covering all or part of the Application Site for any of the uses comprised in the Planning Application whether granted by variation, alteration, substitution, addition or replacement.”

4. PUBLIC REPRESENTATIONS

- 4.1 A site notice has been erected at the site in accordance with Section 5 (1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulation 1992. This notice expired on the 27th December 2016 and no representations have been received.

5. CONSULTATIONS

5.1 Housing

- 5.1.1 Agreeable to the proposed amendments.

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 is 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 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 Central Government Guidance

- National Planning Policy Framework (2012) (NPPF)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992
- National Planning Practice Guidance (2014)

7. APPRAISAL

7.1 The main issue for consideration in the determination of this application is whether the proposed variations as set out in section 3 above are acceptable to the Local Planning Authority.

7.2 Land Use Policy Considerations

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek the amendments to the original S106 agreement attached to planning permission reference 15/00253/OPM as described above.

- 7.2.2 The amendments are required as the site has now been purchased by the Housing Association Metropolitan and the original provisions as set out in the S106 agreement are not acceptable to their lenders. The amendments as described in section 3 above are now considered in turn.
- 7.2.3 In relation to clause 3.1.3.3 there are restrictions on the use of the social rented units as affordable housing in clause 3.1.3 and there is also a mortgagee exclusion in the proviso at clause 3.1.3.3. This exclusion provides for at least three months' notice to be given to the Council under sub-clauses (i) and (ii), with up to a further three months from expiry of notice to "Dispose". As set out in paragraph 3.2 above, the applicant is seeking amendments to clause 3.1.3.3 of the existing S106 legal agreement such that point (i) refers to one month and (ii) refers to two months giving a total period of three months and not six months as originally specified in the legal agreement. This issue relates to the ability of the mortgagee to dispose of the site as market housing should the current owner (Metropolitan) go into administration. The proposed amendment would not affect the position of the Council as if Metropolitan were to go into administration then the requirement to provide affordable housing would be lost in any case. As such whether it is three months or six months that the site is restricted to an affordable housing value would not materially affect the position of the Council.
- 7.2.4 Additionally, in clause 3.1.3.3 the word "Dispose" is in upper case but it is not a defined term in the agreement so it should be in lower case throughout the agreement. This is simply a drafting error and its correct lower case use does not raise any issues.
- 7.2.5 Finally in relation to clause 3.1.3.3, this clause refers to a "RPSH" (Registered Provider of Social Housing) but the applicant states that this unnecessarily duplicates the definition of "Affordable Housing Provider" which is used elsewhere in the agreement. The applicant proposes to delete the unnecessary definition of RPSH and replace references to RPSH with "Affordable Housing Provider" throughout the agreement. Again, this is simply a drafting error in the original S106 agreement and this change would not fetter the position of the Council.
- 7.2.6 With regard to clause 3.1.4.1 this cross references clauses 3.1.5.2 to 3.1.5.4 but it should correctly refer to clauses 3.1.4.2 to 3.1.4.4. This is just a typographical mistake and can be rectified using the correct references 3.1.4.2 to 3.1.4.4 and this is not considered to raise any issues.
- 7.2.7 In relation to clause 12.5 there is an exclusion from the positive obligations in this clause for the registered provider and its mortgagee but this does not include successors in title. The applicant wishes to include the term "or their successors in title" such that the value is not restricted to the existing use value for social housing. This proposed amendment is not considered to weaken the position of the Council and can be accepted.
- 7.2.8 In the Nominations Agreement at the back of the S106 agreement, schedule 2 and schedule 3 clauses 5.4 and schedule 4 clause 8 do not include administrative receivers or, more importantly, administrators, including housing administrators. Section 103 of the Housing Planning Act 2016 does not cover Nominations Agreements and therefore administrators should be specifically included in the mutual execution of contract otherwise the value will be restricted. As such, the applicant proposes to add the reference "administrators, including housing administrators, fixed charge receiver (including administrative receiver appointed

pursuant to the law of Property Act 1925) administrative receiver or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security.” Again this issue relates to the issue of disposing the site should the owner go into administration and just ensures that administrators are specifically defined in the nomination agreements. The proposed change does not affect the Council’s position as, again, if the owner has gone into administration the requirement to provide affordable housing will have been lost in any case. As such this amendment can be accepted.

- 7.2.9 Finally, the applicant has requested that the existing S106 agreement is ‘future-proofed’ to allow for possible future variations to the original planning permission without the need to formally vary the S106 agreement further. This would be in line with best practice and can be easily rectified by altering the definition of planning permission to include the phrase “any other planning application covering all or part of the Application Site for any of the uses comprised in the Planning Application whether granted by variation, alteration, substitution, addition or replacement.” Omitting this phrase in the original S106 agreement was a drafting error and it is now considered to be industry best practice to include such a phrase to ensure that future variation applications continue to be bound by the original covenants of the S106 agreement.

8. CONCLUSION

- 8.1 All of the proposed changes to the S106 agreement as described above are either minor in nature that correct original drafting errors or are changes required by the Metropolitan Housing Association to satisfy their lenders and relate to the hypothetical position should the owner of the site go into administration. The changes and are not considered to weaken the Council’s position in any way. As such the proposed changes are considered to be acceptable and it is therefore recommended that this deed of variation can be agreed.

9. RECOMMENDATIONS

- 9.1 That the Committee agree the variation of clauses 3.1.3.3, 3.1.4.1, 12.5, 5.4 of schedules 2 and 4 and clause 8 of schedule 4 of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

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 Local Plan 2011-2031 Publication Draft.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Wednesday 4th April 2018

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Linda Sparrow 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

The Head of Planning and Regeneration has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 17/00698/FP
Date Received : 05.10.17
Location : 40 Barclay Crescent Stevenage Herts SG1 3NB
Proposal : Two storey rear and single storey front extensions to facilitate conversion of existing two bed dwelling into 2No. two bed dwellings
Date of Decision : 06.03.18
Decision : **Planning Permission is GRANTED**

2. Application No : 17/00748/NMA
Date Received : 27.10.17
Location : Twin Foxes 54 Rockingham Way Stevenage Herts
Proposal : Non material amendment to planning permission reference number 13/00241/FPM for alterations to appearance, including the addition of an access ladder to the roof, amendments to the elevation panels, the relocation of the cycle and pram store and alterations to the approved hard surfacing.
Date of Decision : 27.02.18
Decision : **Non Material Amendment AGREED**

3. Application No : 17/00783/OP
Date Received : 07.11.17
Location : 68 Wildwood Lane Stevenage Herts SG1 1TB
Proposal : Outline planning permission for erection of 1no two bedroom dwelling
Date of Decision : 26.02.18
Decision : **Outline Planning Permission is REFUSED**

For the following reason(s);

1. Based on the constraints of the site it is likely that the proposed two storey, two bedroom dwelling in this location would fail to reflect the existing established form and pattern of development in this part of Wildwood Lane. It would therefore represent an incongruous form of development that would look out of place in this location and would be detrimental both to the Wildwood Lane street scene and character and appearance of the area. The proposal is, therefore, contrary to advice in the Stevenage Design Guide, policies TW9 and H7 of the Stevenage District Plan Second Review 1991-2011, emerging policy GD1 of the Stevenage Borough Local Plan 2011-2031 Publication Draft as well as the National Planning Policy Framework (2012).
2. The proposal would fail to provide the necessary off street parking facilities to serve a two bedroom dwelling in this location. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic. The proposal is therefore contrary to policies T15 of the Stevenage District Plan Second Review 1991-2011 and IT5 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 as well as paragraph 39 of the National Planning Policy Framework March 2012.

4. Application No : 17/00808/FPH
Date Received : 17.11.17
Location : 51 Kessingland Avenue Stevenage Herts SG1 2JR
Proposal : Single storey rear extension
Date of Decision : 02.03.18
Decision : **Planning Permission is GRANTED**

5. Application No : 17/00814/FP
Date Received : 20.11.17
Location : 322 York Road Stevenage Herts SG1 4HW
Proposal : Erection of two-storey rear extension, demolition of existing garage and conversion of existing four bed dwelling into 2no. two bed flats.
Date of Decision : 28.02.18
Decision : **Planning Permission is GRANTED**

6. Application No : 17/00856/FPH
Date Received : 05.12.17
Location : 10 Ripon Road Stevenage Herts SG1 4LY
Proposal : Part two storey, part single storey rear extension
Date of Decision : 28.02.18
Decision : **Planning Permission is REFUSED**

For the following reason(s);

1. The part two storey, part single storey rear extension proposed would result in a reduced separation distance between the application property and the property immediately to the rear, No. 4 Ripon Road. Accordingly it would result in an unacceptable loss of privacy to the occupiers of this property. The proposal is thus contrary to the Stevenage Design Guide Supplementary Planning Document adopted 2009 and policies TW8 of the Stevenage District Plan Second Review 1991-2011 and GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016.
2. The part two storey, part single storey rear extension proposed would by reason of its siting, design and prominent position where there are no other developments along this part of Ripon Road of this nature, appear out of keeping and unduly prominent in the street scene to the detriment of the visual amenities of the area. Consequently, the proposal is contrary to policies H7, TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011, Policies HO5 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, the Council's Design Guide SPD (2009), National Planning Policy Framework (2012) and the Planning Practice Guidance (2014).

7. Application No : 17/00873/FPH
Date Received : 13.12.17
Location : 86 Ayr Close Stevenage Herts SG1 5RZ
Proposal : Single storey side and rear extension and garage conversion
Date of Decision : 02.03.18
Decision : **Planning Permission is GRANTED**
8. Application No : 17/00880/FPH
Date Received : 19.12.17
Location : 256 Jessop Road Stevenage Herts SG1 5NA
Proposal : Two storey side extension and single storey front extension to form annexe
Date of Decision : 26.02.18
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
1. The proposed development, by reason of its size, siting and projection forward of the clearly defined building line of houses to the north on Jessop Road (nos. 252 to 254) would appear out of keeping and unduly prominent in the street scene to the detriment of the visual amenities of the area. The development is therefore, contrary to Policies TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011, Policy GD1 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, the Council's Design Guide SPD (2009), National Planning Policy Framework (2012) and the Planning Practice Guidance (2014)

9. Application No : 17/00882/FP
Date Received : 19.12.17
Location : Stevenage Football Club Training Facility Aston Lane Aston Stevenage
Proposal : Construction of two storey storage building including staff office, welfare and residential accommodation and ancillary works.
Date of Decision : 28.02.18
Decision : **Planning Permission is GRANTED**
10. Application No : 17/00889/FPH
Date Received : 21.12.17
Location : 101 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Change of hip roof to gable and loft conversion to existing garage.
Date of Decision : 13.03.18
Decision : **Planning Permission is GRANTED**
11. Application No : 18/00003/FP
Date Received : 02.01.18
Location : 32 Meadow Way Stevenage Herts SG1 1QD
Proposal : Erection of 1no one bedroom dwelling and conversion of existing four bedroom house into 2no one bedroom maisonettes (Scheme 2)
Date of Decision : 28.02.18
Decision : **Planning Permission is REFUSED**
For the following reason(s);
1. The proposed development does not make adequate parking provision for parking to serve the new dwelling in accordance with the Council's adopted standards. This is likely to result in on-street parking to the detriment of highway and pedestrian safety and is contrary to Policy T15 of Stevenage District Plan Second Review 1991 - 2011, Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, the Council's Car Parking Standards SPD (2012), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

2. The Oak Tree (Quercus Robur) which is located to the south of the application site is a prominent and valuable amenity feature in the local landscape. The proposed development would be detrimental to the visual amenity of the tree as it would require a substantial reduction in the crown in order to facilitate the construction of the proposed development. In addition, the development would be located within the root protection area of the tree which if planning permission were granted and the development implemented, the foundations associated with the development works would be likely to cause substantial damage to the roots of the tree which would be likely to result in the tree dying or require the tree to be removed in order to allow the development to be constructed. Therefore, the proposed development would be contrary to Policy EN13 of the Stevenage District Plan Second Review 1991-2011 (adopted 2004), Policy NH5 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

12. Application No : 18/00002/FP
Date Received : 03.01.18
Location : 32 Meadow Way Stevenage Herts SG1 1QD
Proposal : Erection of 1no one bedroom dwelling and conversion of existing four bedroom house into 2no one bedroom houses (Scheme 1)
Date of Decision : 28.02.18
Decision : **Planning Permission is REFUSED**

For the following reason(s);

1. The proposed conversion and extension works in order to create 3 no. one bedroom dwelling houses, combined with the proposed creation of additional hard surfaced areas and subdivision of the plot to create three small contrived separate private garden areas, would result in an over development of the site which would erode the open and spacious character of the site as well as create a poor living environment for future occupiers of the development. Consequently, the development is therefore contrary to policies H7, H8, TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011, Policy GD1of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, the Council's Design Guide SPD (2009), National Planning Policy Framework (2012) and the National Planning Practice Guidance (2014).

2. The proposed development does not make adequate parking provision for parking to serve the new dwelling in accordance with the Council's adopted standards. This is likely to result in on-street parking to the detriment of highway and pedestrian safety and is contrary to Policy T15 of Stevenage District Plan Second Review 1991 - 2011, Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, the Council's Car Parking Standards SPD (2012), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).
3. The Oak Tree (Quercus Robur) which is located to the south of the application site is a prominent and valuable amenity feature in the local landscape. The proposed development would be detrimental to the visual amenity of the tree as it would require a substantial reduction in the crown in order to facilitate the construction of the proposed development. In addition, the development would be located within the root protection area of the tree which if planning permission were granted and the development implemented, the foundations associated with the development works would be likely to cause substantial damage to the roots of the tree which would be likely to result in the tree dying or require the tree to be removed in order to allow the development to be constructed. Therefore, the proposed development would be contrary to Policy EN13 of the Stevenage District Plan Second Review 1991-2011 (adopted 2004), Policy NH5 of the Stevenage Borough Local Plan 2011 - 2031 publication draft 2016, National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

13. Application No : 18/00004/CLPD
Date Received : 03.01.18
Location : 71 Letchmore Road Stevenage Herts SG1 3PS
Proposal : Certificate of lawfulness for a loft conversion with a rear dormer
Date of Decision : 02.03.18
Decision : **Certificate of Lawfulness is APPROVED**

14. Application No : 18/00007/LB
Date Received : 03.01.18
Location : 2 Morley Cottages Chells Lane Stevenage Herts
Proposal : Listed building consent for single storey side and rear extension to contain two additional bedrooms and shower room.
Date of Decision : 02.03.18
Decision : **Listed Building Consent is GRANTED**
15. Application No : 18/00006/FPH
Date Received : 04.01.18
Location : 2 Morley Cottages Chells Lane Stevenage Herts
Proposal : Single storey side and rear extension to contain two additional bedrooms and shower room.
Date of Decision : 28.02.18
Decision : **Planning Permission is GRANTED**
16. Application No : 18/00009/FPH
Date Received : 04.01.18
Location : 2 Nursery Close Stevenage Herts SG2 8SD
Proposal : Single storey rear extension
Date of Decision : 05.03.18
Decision : **Planning Permission is GRANTED**
17. Application No : 18/00011/FPH
Date Received : 04.01.18
Location : 9 The Grove Shephall Green Stevenage Herts
Proposal : Single storey side and rear extension
Date of Decision : 01.03.18
Decision : **Planning Permission is GRANTED**

18. Application No : 18/00013/FPH
Date Received : 05.01.18
Location : 163 Fairview Road Stevenage Herts SG1 2NE
Proposal : Garage conversion with a side infill extension and front porch canopy.
Date of Decision : 06.03.18
Decision : **Planning Permission is GRANTED**
19. Application No : 18/00014/FPH
Date Received : 08.01.18
Location : 5 Goddard End Stevenage Herts SG2 7ER
Proposal : Retention of single storey rear extension incorporating external stairs and decking in rear garden.
Date of Decision : 15.03.18
Decision : **Planning Permission is GRANTED**
20. Application No : 18/00015/FPH
Date Received : 09.01.18
Location : 160 York Road Stevenage Herts SG1 4HQ
Proposal : Single storey rear extension
Date of Decision : 27.02.18
Decision : **Planning Permission is GRANTED**
21. Application No : 18/00016/CLPD
Date Received : 09.01.18
Location : 120 Letchmore Road Stevenage Herts SG1 3PT
Proposal : Certificate of lawfulness for loft conversion with rear dormer
Date of Decision : 08.03.18
Decision : **Certificate of Lawfulness is APPROVED**

22. Application No : 18/00018/FPH
Date Received : 11.01.18
Location : 21 East Reach Stevenage Herts SG2 9AU
Proposal : Retrospective permission for removal of existing boundary wall and erection of 1.2m boundary wall.
Date of Decision : 22.02.18
Decision : **Planning Permission is GRANTED**
23. Application No : 18/00019/FPH
Date Received : 11.01.18
Location : 5 Sparrow Drive Stevenage Herts SG2 9FB
Proposal : Garage conversion
Date of Decision : 08.03.18
Decision : **Planning Permission is GRANTED**
24. Application No : 18/00022/LB
Date Received : 12.01.18
Location : The Chequers Public House Bragbury End Stevenage Herts
Proposal : Minor internal alterations to partitions, doors and bar.
Date of Decision : 15.03.18
Decision : **Listed Building Consent is GRANTED**

25. Application No : 18/00027/TPPTPO
Date Received : 15.01.18
Location : 3 Daltry Road Stevenage Herts SG1 4AW
Proposal : Works to trees protected by TPO 71 - T14 Hornbeam - thin and reduce crown by 25% and reduce lateral growth by 25%; T15 Hornbeam - thin and reduce crown by 25% and reduce lateral growth over boundary by 30%; T16 and T17 Hornbeams - thin and reduce crown by 25%; T18 Oak - thin lateral growth; T19 Oak - thin crown, remove epicormic growth and reduce over boundary by 25%; T20 to T22 Oaks - thin crowns and remove epicormic growth; T23 Oak - thin crown, remove epicormic growth and reduce over boundary by 25%;
Date of Decision : 12.03.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
26. Application No : 18/00030/FPH
Date Received : 16.01.18
Location : 7 Lyndale Stevenage Herts SG1 1UB
Proposal : Single storey front extension
Date of Decision : 14.03.18
Decision : **Planning Permission is GRANTED**
27. Application No : 18/00031/CLED
Date Received : 16.01.18
Location : 16 Elder Way Stevenage Herts SG1 1SD
Proposal : Certificate of lawfulness for the retention of existing 1no one bedroom flat and 1no two bedroom flat.
Date of Decision : 14.03.18
Decision : **Certificate of Lawfulness is APPROVED**

28. Application No : 18/00032/FPH
Date Received : 17.01.18
Location : 144 Valley Way Stevenage Herts SG2 9DD
Proposal : Change of small roof above front door from flat to pitched tiled roof.
Date of Decision : 06.03.18
Decision : **Planning Permission is GRANTED**
29. Application No : 18/00034/AD
Date Received : 17.01.18
Location : The Chequers Public House Bragbury End Stevenage Herts
Proposal : Installation of 3no signwriter designs to the building and refurbishment of existing post sign and directional sign
Date of Decision : 09.03.18
Decision : **Advertisement Consent is GRANTED**
30. Application No : 18/00035/LB
Date Received : 17.01.18
Location : The Chequers Public House Bragbury End Stevenage Herts
Proposal : Listed building consent for installation of 3no signwriter designs to the building and refurbishment of existing post sign and directional sign
Date of Decision : 09.03.18
Decision : **Listed Building Consent is GRANTED**

31. Application No : 18/00037/TPCA
Date Received : 18.01.18
Location : 2 Burydale Stevenage Herts SG2 8AT
Proposal : Removal of 1no Eucalyptus, 2no Cherry Laurel, 1no Crab Apple and Cypress hedgerow.
Date of Decision : 02.03.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
32. Application No : 18/00041/FPH
Date Received : 22.01.18
Location : 17 Woodland Way Stevenage Herts SG2 8BU
Proposal : First floor extension and garage conversion
Date of Decision : 14.03.18
Decision : **Planning Permission is GRANTED**
33. Application No : 18/00047/FPH
Date Received : 23.01.18
Location : 42 Tates Way Stevenage Herts SG1 4WP
Proposal : Garage conversion
Date of Decision : 06.03.18
Decision : **Planning Permission is GRANTED**
34. Application No : 18/00050/FP
Date Received : 25.01.18
Location : Oak Furnitureland, Unit 2A Roaring Meg Retail Park London Road Stevenage
Proposal : Installation of windows on the front elevation
Date of Decision : 14.03.18
Decision : **Planning Permission is GRANTED**

35. Application No : 18/00052/CLPD
Date Received : 26.01.18
Location : 29 Kingfisher Rise Stevenage Herts SG2 9PF
Proposal : Certificate of lawfulness for loft conversion with a rear dormer
Date of Decision : 16.03.18
Decision : **Certificate of Lawfulness is APPROVED**
36. Application No : 18/00058/NMA
Date Received : 29.01.18
Location : Land To West Of Gresley Way And South Of Ferrier Road
Stevenage Herts
Proposal : Non material amendment to planning permission reference
number 17/00389/FPM to make minor alterations to external
elevations, minor changes to levels and internal alterations.
Date of Decision : 28.02.18
Decision : **Non Material Amendment AGREED**
37. Application No : 18/00057/FP
Date Received : 30.01.18
Location : DuPont (UK) Ltd Wedgwood Way Stevenage Herts
Proposal : Variation of condition 1 (approved plans) attached to reserved
matters approval reference number 17/00185/RMM
Date of Decision : 14.03.18
Decision : **Planning Permission is GRANTED**

38. Application No : 18/00063/TPTPO
Date Received : 31.01.18
Location : 25 Huntingdon Road Stevenage Herts SG1 2PA
Proposal : Reduction by 25% to 1no Oak (T1) protected by Tree Preservation Order 86.
Date of Decision : 12.03.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
39. Application No : 18/00075/CLED
Date Received : 06.02.18
Location : Land Adjoining Roaring Meg Retail Park South Monkswood Way Stevenage Herts
Proposal : Certificate of lawful existing development for excavation and laying of part of the foundations as approved under planning permission reference number 14/00675/FP
Date of Decision : 14.03.18
Decision : **Certificate of Lawfulness is APPROVED**
40. Application No : 18/00079/CLPD
Date Received : 08.02.18
Location : 19 Lygrave Stevenage Herts SG2 8LB
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 12.03.18
Decision : **Certificate of Lawfulness is APPROVED**

41. Application No : 18/00084/TPCA
Date Received : 09.02.18
Location : 3 Nursery Cottage Symonds Green Lane Stevenage Herts
Proposal : Reduction by 30% on 1no Conifer (T1)
Date of Decision : 20.03.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
42. Application No : 18/00105/COND
Date Received : 21.02.18
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Discharge of condition 13 (Landscaping) attached to planning permission reference number 16/00032/FPM
Date of Decision : 14.03.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
43. Application No : 18/00111/CLPD
Date Received : 26.02.18
Location : 12 Jupiter Gate Stevenage Herts
Proposal : Certificate of Lawfulness for a single storey rear extension, rear dormer window and 4 no. rooflights to facilitate a loft conversion.
Date of Decision : 14.03.18
Decision : **Certificate of Lawfulness is APPROVED**

BACKGROUND PAPERS

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 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.
7. Letters received containing representations.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Wednesday 4th April 2018

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

1. APPEALS RECEIVED

1.1 None

2. DECISIONS AWAITED

2.1 17/00604/FP. Unit 4 Caxton Point, Bessemer Drive, appeals against refusal of planning permission for the change of use of the ground floor of the premises from B1 (Offices) to Sui Generis (Canine Day Creche)

3. CALLED IN APPLICATIONS

3.1. None

4. DECISIONS RECEIVED

4.1. None.

5. BACKGROUND PAPERS

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 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.

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